

KABGC10006922017



IN THE COURT OF THE CIVIL JUDGE & J.M.F.C. RAMDURG
AT: RAMDURG.

PRESENT:
BHAGYASHREE MADAR
B.A.L.L.B.
Civil Judge & JMFC,
Ramdurg.

C.C.NO.372/2017

DATED: 11TH DAY OF AUGUST-2026

1. The State of Karnataka

.....Complainant

(By A.P.P.,)

Vs.

1. Chennappa Irappa Mellikeri

Age : 30 years, Occ : Labourer,

R/o : K.Chandaragi, Tq : Ramdurg.

.....Accused.

(Accused by Shri.N.S.K. Advocate)

Date of report of offence	25.08.2017
Accused person is on	Bail
Date of commencement of recording of evidence.	07.10.2021
Date of closing of evidence	07.07.2026
Offence complained of	U/sec.323, 324,504 and 506 of IPC.

Opinion of Judge	Acquittal
Date of Judgment	11.08.2026.

Sd/-
(Bhagyashree Madar)
Civil Judge & JMFC,
Ramdurg.

:J U D G M E N T

The CPI of Katkol Police Station has filed charge-sheet against the accused for the offence punishable U/sec. 324, 323, 504, 506 of IPC.

**2. THE BRIEF FACT OF THE PROSECUTION CASE ARE
AS FOLLOWS**

On 25.08.2017 at about 12.00 p.m within the jurisdiction of Katakol Police Station near the house of the complainant situated on damber road at Sunnal village. It is alleged that, accused came to the house of the complainant while the complainant and CW-4 were present. Accused asked CW.4 to call his children by name Vidya and Vinod. CW.4 replied that, children had already go to school and were not present in the house. She further told that, accused to leave the house stating that, he had not come to

see his children for a long time. Accused got angered and abused CW.4 in filthy language and assaulted her with his hand. When the complainant intervened to specify the quarrel the accused assaulted the complainant with a club on her head and also threatened both complainant and CW.4 with dire consequences.

3. In the present case Cw-1 has lodged the complaint upon receiving the complaint the Katkol Police have registered a criminal case its Crime No.170/2017 against the accused for the offence punishable U/sec.324, 323, 504 and 506 of IPC and conducted the investigation and submitted charge-sheet against the accused for the aforesaid offence.

4. After submitting the charge-sheet cognizance of the alleged offences was taken by this court and Criminal Case was registered against the accused and process was issued against him. In pursuance of the process accused has appeared through his counsel and was enlarged on bail as per Sec.207 of Cr.P.C charge-sheet copy was supplied to the accused.

5. Plea of the accused was recorded and read over to the accused and after understanding the same accused pleaded not guilty and claimed for trial.

6. In order to bring home the guilt of the accused. The prosecution got examined 8 witnesses as PW.1 to 8 and got marked documents as Ex.P.1 to 8. M.O.1 and 1(a) are got marked.

7. After compliance of the prosecution evidence, statement of the accused U/sec.313 was recorded and read over to the accused. He has denied the incriminating evidence found in the evidence of prosecution. Accused has not adduced defence evidence.

8. Heard arguments by the learned counsel for accused. In-charge APP has not addressed his arguments.

9. On the basis of facts and circumstances the points that arises for my consideration are as under;

POINTS

Point No.1 : Whether the prosecution proves beyond reasonable doubt that on 25.08.2017 at about 12.00

p.m. within the jurisdiction of Katkol Police Station at Sunnal village the accused intentionally insulted CW.4 by abusing her in a filthy language and thereby committed offence punishable U/sec.504 of IPC ?

Point No.2 : Whether the prosecution further proves beyond reasonable doubt that, on the said date, time and place the accused voluntarily caused simple injury to CW.4 by assaulting her with his hands thereby committed an offence punishable U/sec.323 of IPC ?

Point No.3 : Whether the prosecution further proves beyond reasonable doubt that, on the said date, time and place the accused voluntarily caused hurt to the complainant by assaulting her with a club thereby committed offence punishable U/sec.324 of IPC ?

Point No.4 : Whether the prosecution further proves beyond reasonable doubt and on the said date, time and place the accused criminally intimidated the complainant and CW.4 by threatening them in dire

consequences thereby committed an offence punishable U/sec.506 of IPC?

Point No.5 : What order or sentence?

10. My findings on the above points are as under;

Point No.1 to 4 : In the negative.

Point No.5 : As per final order for the following;

REASONS

11. Point No.1 to 4 : All these points form different parts of the same transaction and the prosecution has placed its reliance on the same set of points in order to substantiate the same. Therefore, all these points are taken together for common discussion.

12. In order to establish their case, prosecution examined CW.1 to 5, 7, 8 and 9 as PW.1 to 8. the following documents were marked

Ex.P.1 is the complaint

Ex.P.2 is the Spot Mahazar

Ex.P.3 is the Wound certificate

Ex.P.4 is the FIR

Ex.P.5 and 7 are the reports relating to the efforts made to secure and arrest the accused.

Ex.P.6 is the report regarding the absconding of accused during the course of investigation.

Ex.P.8 is the report submitted by the subordinate officer regarding his inability to secure the presence of accused.

13. Out of 8 witnesses CW.1 is the complainant, CW.2 and 3 are the Panchanama witnesses to the spot Mahazer. CW.4 and 5 are the eye witnesses, CW.6 is the hearsay witness. CW.7 is the medical officer. CW.8 is the police official who searched for the accused and CW.9 is the investigating officer.

14. The prosecution further examined CW1 as PW1. In her examination-in-chief, she deposed that she is the wife of the accused and that, owing to the harassment meted out by him, she was residing at her parental house situated at K. Chandragi Village. She stated that on 25.08.2017, at about 12.00 pm, the accused came to her parental house and picked up a quarrel with CW4 on the issue of meeting his children. During the said quarrel, the accused assaulted

CW4 with his hands, abused her in filthy language, and thereafter assaulted PW1 with a club on her head. She further deposed that she lodged the complaint and that the police conducted the spot mahazar and seized the club used in the commission of the offence.

15. However, during her cross-examination, PW1 admitted that the accused used to visit her parental house whenever family functions were held there. While she had stated in her chief examination that the accused assaulted her with a club, in her cross-examination she deposed that during the quarrel between the accused and CW4, the accused pushed her, due to which she fell on a stone and sustained a head injury. This version is materially inconsistent with her earlier testimony.

16. PW1 further deposed that the spot mahazar was drawn in the presence of CW2 and CW3. She initially stated that the police had not seized any material object. however, she subsequently stated that the police had seized a club. She also admitted that there were several clubs lying in front of her house. She further admitted that she had earlier lodged

complaints against the accused and that she had also filed a civil suit against him, which was subsequently disposed of in terms of a compromise. Though it was suggested to her that she had lodged the present false complaint because the accused had refused to divide the property in favour of their children, she denied the said suggestion.

17. The evidence of PW1 suffers from material contradictions. In the complaint as well as in her examination-in-chief, she specifically alleged that the accused assaulted her with a club. However, in her cross-examination, she categorically stated that the accused merely pushed her, causing her to fall on a stone and sustain the head injury. This contradiction goes to the root of the prosecution case and creates a serious doubt regarding the manner in which the alleged injuries were sustained.

18. Prosecution further examined CW.2 as per P.W.4 in his examination in chief he deposed that, about 4 to 5 years earlier he had signed on Ex.P.2 he further stated that, he had signed on Ex.P.2 at the request of police. At that time

CW.1 and CW.3 were also present. He further deposed that, the police seized one club under the Mahazar and identified M.O.1 before the court. CW.2 further deposed in his cross examination conducted by learned APP wherein, he admits that, police prepared the Mahazar on 27.08.2017 at about 09.00 a.m. in front of complainant house and seized one club. He further admitted that, the Mahazar was prepared in connection with the quarrel between the complainant and accused.

19. However, in his cross examination conducted by the learned Counsel for the accused wherein, CW.2 stated that, he did not know the exact time of Mahazar, who informed the police or the contents of Ex.P.2. He further stated that, he did not know how many police personnel were present at the time of drawing Mahazar.

20. Prosecution has examined CW.3 as PW.3 who is Panchanama witness in his examination in chief he deposed that, on 27.08.2017 while returning from his agricultural land he found the police standing in front of the house of CW.1. The police called him and obtained his signature on

Ex.P.2 however, he has stated that, he did not know the contents of Ex.P.2 or the exact time when he has signed it.

21. Since, PW.3 did not support the prosecution he was treated as hostile witness and he was cross examined by the learned APP. During such cross examination he admitted that, police drew the spot Panchanama in the presence of himself and CW.2 between 09.00 a.m and 10.00 a.m. on the basis of information furnished by CW.1 he further deposed that, police seized one club under Mahazer however he stated that, he did not know whether accused had assaulted the complainant with the said club and also stated that, he did not know for what purpose the Mahazar was drawn.

22. In the cross examination conducted by the counsel for accused wherein CW.3 admitted that, he did not know the contents of Ex.P.2. He further stated that, CW.1 was not present at the spot when the Mahazar was prepared and was standing near the enteres of her house. He was also unable to stay whether the club was seized from the spot on the date of incident.

23. Further prosecution examined CW.4 as PW.2, who is an eye-witness to the alleged incident. In her examination-in-chief, she deposed that the complainant, who is the daughter of CW1, was residing at Sunnal Village. According to her, the accused came to the complainant's house and asked CW4 to call his children. When she refused and asked him to leave the place, the accused started abusing her in filthy language, assaulted her with his hands, and thereafter assaulted the complainant with a club. Since PW2 did not fully support the prosecution during her chief examination, the learned Assistant Public Prosecutor sought and obtained permission to treat her as partly hostile. In the cross-examination conducted by the learned Assistant Public Prosecutor, PW2 supported the prosecution case. Thereafter, she was cross-examined by the learned counsel for the accused.

24. In her cross-examination, PW2 admitted that the complainant and the accused are husband and wife. She further deposed that they had initially led a happy marital life, but subsequently disputes arose between them and

their relationship had become strained even prior to the alleged incident. The PW2 has not deposed against the prosecution case.

25. The prosecution further examined Cw.5 as PW.5 who is the eye witness. In this chief examination CW.5 deposed that, he had seen a quarrel between the complainant and accused and he had pacified the said quarrel. Except this he stated that, he knew nothing about the incident and had not given any statement before the police. APP has cross examined the CW.5 after treating him as hostile witness, in his cross examination he supported the prosecution to some extent. However, the cross examination made by the defence counsel wherein, PW.5 stated that, he reached the place of occurrence at about 2.00 p.m. by which time no one was presented at the house. He further deposed that, he had not given any statement before the police and he could not say whether any incident had taken place before his arrival.

26. Though the prosecution claims that PW.5 had given a statement to the police on 27.08.2017 he denied the same before the court. His evidence clearly indicates that, he

reached the spot after occurrence of the alleged incident. Therefore, his testimony cannot be treated as an eye witness of the incident.

27. The prosecution further examined CW.7 as PW.6 who is the medical officer, in his examination in chief, he deposed that, on 26.08.2017 he examined the complainant and found a cut injury measuring 1X1 c.m. on her. According to him the injury was simple in nature and could have been caused within 24 hrs by a hard and a blunt object. He issued the wound certificate marked as Ex.P.3.

28. In his cross examination PW.6 admitted that, he did not know who had accompanied the complainant to the hospital, he further admitted that, such an injury could also be caused if a person falls on stones or falls upon a wooden club. Therefore, the medical evidence does not conclusively establish that the injury sustained by the complainant was necessarily caused by the accused.

28. Prosecution further examined CW.8 who deposed that, on the directions of the investigating officer he searched for the accused at various place but could not secure, his

presence accordingly he submitted a report to the investigating officer regarding the same.

29. Prosecution further examined CW.9 as PW.7 who is the investigating officer. In his examination in chief he deposed that, he registered the FIR, recorded the statement of the witnesses, conducted the investigation prepared the Mahazar collected the wound certificate after completion of investigation he filed charge sheet. In his cross examination he deposed that, he did not know the exact time at which the complainant came to the police station to lodged the complaint, he further admitted that, they were know blood stains on the cloths of the complainant. Except making formal denials to the suggestion took by the defence nothing material was elicited from his evidence.

30. Thus both PW.3 and 4 who are the Pancha witnesses have given inconsistent and contrary evidence. Both of them admitted that, they were unaware of the contents of the Ex.P.2, therefore, prosecution failed to satisfactorily prove the spot Panchanama marked as Ex.P.2.

31. Further, the panch witnesses have not fully supported the prosecution case and have turned partly hostile. The prosecution has thus failed to establish the alleged assault through reliable and consistent evidence. The testimony of the material witnesses is neither consistent nor trustworthy. The prosecution has failed to prove the guilt of the accused beyond all reasonable doubt. Consequently, the accused is entitled to the benefit of doubt. **Accordingly, Point Nos. 1 and 2 are answered in the Negative.**

32. Point No.5: For the above said reasons I answered Point No.5 as follows;

ORDER

By exercising the power conferred U/sec. 248(1) of Cr.P.C. the accused is hereby acquitted for the offences punishable U/sec.323, 324 504 and 506 of IPC.

The seized article is worthless one and office is directed to destroy M.O.1 after appeal period is over.

Accused bail bond and surety bond shall
stands canceled after the expiry of the appeal
period.

(Dictated to the Stenographer directly on computer under my dictation,
computerized by steno corrected and then pronounced by me in the Open Court
today the 11th August 2026)

Sd/-
(Bhagyashree Madar)
Civil Judge & JMFC,
Ramdurg.

ANNEXURES

I. LIST OF WITNESSES EXAMINED FOR PROSECUTION

SIDE ;

- PW.1 : Laxmi Chennappa Mellikeri.
- PW.2 : Basavva Basappa Gaddi.
- PW.3 : Yallavva Shivappa Mali.
- PW.4 : Basappa Siddappa Kotagi.
- PW.5 : Hasanabas Saidusab Muddapur.
- PW.6 : Dr. Rahusaheb Sattyappa Banti.
- PW.7 : Subhas Mallappa Hattiholi.
- PW.8 : S.V.Karaveerannavar.

II. LIST OF DOCUMENTS MARKED FOR PROSECUTION SIDE:

- Ex.P.1** : Complaint
- Ex.P.1(a)** : Signature of PW.1
- Ex.P.1(b)** : Signature of PW.7
- Ex.P.2** : Spot Panchanama
- Ex.P.2(a)** : Signature of PW.1
- Ex.P.2(b)** : Signature of PW.3

- Ex.P.2(c)** : Signature of PW.4
Ex.P.2(d) : Signature of PW.7
Ex.P.3 : Wound Certificate
Ex.P.3(a) : Signature of PW.6
Ex.P.3(b) : Signature of PW.7
Ex.P.4 : FIR
Ex.P.4(a) : Signature of PW.7
Ex.P.5 : Memorandum letter.
Ex.P.5(a) : Signature of PW.7
Ex.P.5(b) : Signature of PW.8
Ex.P.6 : Letter.
Ex.P.6(a) : Signature of PW.7
Ex.P.6(b) : Signature of PW.8
Ex.P.7 : Memorandum letter.
Ex.P.7(a) : Signature of PW.7
Ex.P.7(b) : Signature of PW.8
Ex.P.8 : Letter.
Ex.P.8(a) : Signature of PW.7
Ex.P.8(b) : Signature of PW.8

III. LIST OF MATERIAL OBJECT MARKED OF PROSECUTION;

- M.O.1** : Woden Stick
M.O.1(a) : Signature of PW.7

IV. LIST OF WITNESSES EXAMINED MARKED ON BEHALF OF DEFENSE :

- Nil -

V. LIST OF DOCUMENTS MARKED ON BEHALF OF DEFENSE;

- Nil -

Sd/-
(Bhagyashree Madar)
Civil Judge & JMFC,
Ramdurg.