

KARC510000322024



**IN THE COURT OF THE PRL., CIVIL JUDGE &
JMFC- AT SINDHANUR**

PRESENT : **Smt. RUPA C.VAGGA.** B.B.A. LL.B.,
Prl., Civil Judge and JMFC
Court-Sindhanur.

DATED THIS THE 01st DAY OF AUGUST-2026
C.C.NO.5/2024

COMPLAINANT:

The State
through Sindhanur Town Police Station.

(By A.P.P.)

//Vs//

ACCUSED:

Vali Patel S/o. Raja Patel,
Age: 27 Yrs., Occ: Tailor
R/o. Near Janda Katte, Badibes
Now near Dyavamma Gudi, Sindhanur

(By Sri. S.V.H., Adv)

J U D G M E N T

The SHO of Town P.S Sindhanur took up the
investigation and has filed the charge sheet against the



accused for the offence punishable under Section-448, 324, 504 and 506 of IPC.

2. The brief facts of the Prosecution case is as follows:

It is the allegations of prosecution that, within the limits of Sindhanur Town PS, C.W-1 taken a shop behind the Aadishesh temple, Sindhanur city and has been doing fan and mixer repair work for 2 years. On 10.06.2021 accused came to the shop of C.W-1 and got his fan repaired. Further, C.W-1 repaired the fan and gave the fan to the accused and asked for the money for the repair. The accused said that he would give it later. Then, since C.W-1 kept asking the accused to give him money, the accused again came to said shop on 16.06.2021 at about 09:00 am and abused C.W-1 in filthily "Why are you asking for money for repairing my fan? How dare you?" and took the pipe wrench and assaulted head of C.W-1 and gave life threat to



him. Hence, the accused has committed the above said offences.

3. Based on private complaint referred to SHO of Town Police Station. The SHO of Town Police station had registered the case in Crime.No.62/2021 against Accused. On filing of charge sheet, this court has taken the cognizance for the offences punishable U/Secs., 448, 324, 504 and 506 of Indian Penal Code and registered the case against accused. On taking cognizance, this court has issued summons to the accused. On service of summons accused appeared before the court through his counsel and enlarged on bail.

4. The copy of charge sheet were supplied to accused as contemplated U/Sec.207 of Cr.P.C. Charges were framed for the offences punishable U/Secs. 448, 324, 504, 506 of Indian Penal Code. The accused denied the



same and claimed to be tried. Then, case posted for prosecution evidence.

5. Accordingly, on commencement of trial the prosecution has examined 7 witnesses from P.W-1 to 7 and got marked 11 documents as per Ex.P-1 to Ex.P-11 and closed prosecution side evidence.

6. After completion of prosecution side evidence the accused was examined Under Section-313 of Cr.P.C and all the incriminating circumstances against the said accused person appearing in the evidence of the prosecution was put forth to the accused and his explanation was sought. The accused after understanding the same denied all the incriminating circumstances and submitted that he does not desire to file any written statement on his behalf or wish to lead any evidence on his behalf. Hence, the matter was posted for arguments.



7. Heard the arguments from Ld. APP and Ld. counsel for accused. And perused the material available on record.

8. The following Points that would arise for my consideration :

P O I N T S

1. Whether the prosecution proves beyond all reasonable that, within the limits of Sindhanur Town PS, C.W-1 taken a shop behind the Aadishesh temple, Sindhanur city and has been doing fan and mixer repair work for 2 years. On 10.06.2021 accused came to the shop of C.W-1 and got his fan repaired. Further, C.W-1 repaired the fan and gave the fan to the accused and asked for the money for the repair. The accused said that he would give it later. Then, since C.W-1 kept asking the accused to give him money, the accused again came to said shop on date: 16.06.2021 at about 09:00 criminally trespassed into the shop of C.W-1 and thereby accused committed on offence punishable under **Section 448 of Indian Penal Code .?**
2. Whether the prosecution proves beyond all reasonable doubt that, the accused picked up quarrel with C.W.1 and abused him filthily so provoke him and thereby accused committed an offence punishable Under **Section 504 of Indian Penal Code .?**



3. Whether the prosecution proves beyond all reasonable doubt that, the accused picked up quarrel with C.W-1 and assaulted with wrench spanner and caused voluntarily hurt to him and thereby accused committed the offence punishable under **Section 324 of Indian Penal Code .?**

4. Whether the prosecution proves beyond all reasonable doubt that, the accused gave life threat to C.W-1 with dire consequences and thereby committed an offence punishable Under **Section-506 of Indian Penal Code .?**

5. What order

9. This court answers to above points are as follows :

Point Nos. 1 to 4 : In the Negative.

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

REASONS

10. **POINT NO.1 to 4** :- These points are interlinked with each other hence, I have taken these points together for common discussion in order to avoid repetition of facts.



11. The prosecution in order to bring home the guilt of the accused for the offences alleged examined 7 witnesses as P.W-1 to 7.

Specimen Chart for Witnesses Examined.

Prosecution Witness No.	Name of Witness	Description
1	Syed Basheer Pasha	Complainant
2	Parushuram	Pancha witness
3	Husenbasha	Eyewitness
4	Dr.Vijaykumar	Medical officer
5	Asif	Pancha witness
6	Mahalingappa	Eyewitness
7	Basavaraj	Investigated officer

12. The prosecution got marked documents as per Ex.P-1 to 11.

Specimen Chart for Exhibited Documents.

Exhibit No.	Description of the Exhibit	Proved by/Attested by
1	Compliant	Not proved
2	Panchanma	Not proved



3 and 4	Photographs	Not proved
5	Statement	Not proved
6	Wound certificate	Not proved
7	FIR	Not proved
8	CD	Not proved
9	Certificate	Not proved
10	Letter	Not proved
11	Katha extract	Not proved

Specimen Chart for Exhibited Material objects.

Exhibit No.	Description of the Exhibit	Proved by/Attested by
1	Wrench spanner	Not proved

13. The prosecution has examined the complainant as P.W-1. He deposed that, he know the C.W-2 to 5 and accused and he has an electrician and repair fans and motors and he has also a shop on Sindhanur-Raichur road. Further, he deposed that, on 10-06-2021, at about 11 am, the accused had brought his ceiling fan for repair and had



repaired it and had gone away. Then when himself asked accused to give him the money, accused said he would give it later. Then himself asked accused 2-3 times, often, to give him the money and accused pretended to give it then. Further deposed that, on 14-06-2021, at about 9 am, when he was working in his shop, when the accused came there, himself asked him to give money for the repair that he was owed. Then the accused abused him in filthily. And accused took a pipe wrench from the shop and hit him on the right side of his head. Then C.W-4 and 5 pacified the quarrel and thereafter, accused gave life threat to him. On 19.06.2021 he lodged the complaint as per Ex.P.1 and on next day, police came to spot and drawn the panchanama as per Ex.P.2 in the presence of C.W-2 and 3.

14. The prosecution in order to prove the spot Panchanama, examined pancha witnesses as P.W-2 and 5, they are independent attesting witnesses to the Ex.P-2 But,



these witnesses did not supported the case of the prosecution. Though, these witnesses identified their signatures appearing on Ex.P-2 but they turned hostile and denied the each and every suggestion addressed by the Ld. APP during the course of cross-examination after treating them as hostile.

15. The prosecution examined the Medical officer as P.W-4. He deposed that, on 16.06.2021 at about 10.00 am., when he was on duty at hospital, C.W-1 came to hospital for treatment in the history of assault. He treated him and issued wound certificate as per Ex.P.6.

16. The prosecution examined the investigated officer as P.W-7. He deposed in his evidence that, on 19.06.2021 at about 06.00 pm., C.W-1 lodged the complaint and on the said complaint he registered the case in Cr.No.62/2021 and after registration of FIR as per Ex.P-7 same has been transmitted to the court. Further deposed that, on next day,



he visited the spot and recorded the statements of witnesses visited the spot and drawn the panchanama as per Ex.P-2, After due procedure, released the accused. Further deposed that, on 08.07.2021, he received the wound certificate as per Ex.P.6 and after completion of investigation, he filed charge sheet against the accused persons.

17. The prosecution examined the eye-witnesses as P.W-3 and P.W-6 deposed that, they do not know anything about the case and they has not given any statement before the police. The learned APP cross-examined by putting entire prosecution case by treating hostile but nothing worth has been elicited from mouth of these witlessness.

18. The Ld.APP argued that the prosecution has examined the complainant as P.W-1, who has supported the case of the prosecution. It was further argued that the prosecution has also examined the doctor as P.W-4, an eyewitness as P.W-6, and the Investigating Officer as P.W-7,



all of whom have supported the prosecution case. As argued by the Ld.APP, the testimony of the complainant and the eyewitness, duly corroborated by the medical evidence and the evidence of the Investigating Officer, is sufficient to establish the guilt of the accused beyond all reasonable doubt. Hence, he prayed for conviction of the accused.

19. Per contra, the Ld. counsel for the accused vehemently contended that the seizure pancha witnesses have not supported the case of the prosecution. It was further argued that P.W-6 has only partly supported the prosecution case and that the prosecution has failed to establish the guilt of the accused beyond all reasonable doubt. On these grounds, he prayed for acquittal of the accused.

20. This Court has carefully appreciated the oral and documentary evidence on record. It is pertinent to note that, according to the prosecution, the alleged incident took place



on 16.06.2021. However, the complainant lodged the complaint only on 18.06.2021, resulting in a delay of two days. The prosecution has not offered any explanation for the said delay in lodging the complaint. A careful perusal of Ex.P.1 reveals that no reason has been assigned for the delay. Likewise, Ex.P.7, the First Information Report, is also conspicuously silent on this aspect.

21. Further, on a careful scrutiny of Ex.P.1, it appears that there is an overwriting with regard to the month of the alleged incident. The prosecution has neither explained the said overwriting nor adduced any evidence to dispel the doubt arising therefrom.

22. On a careful appreciation of the oral evidence of P.W-1, it is evident that P.W-1 has deposed in his examination-in-chief that the alleged incident took place on 14.06.2021. However, a perusal of Ex.P.1, the complaint, discloses that the date of the alleged incident is mentioned



as 16.06.2021. Thus, there is a material inconsistency between the oral testimony of P.W-1 and the contents of Ex.P.1 regarding the very date of the alleged occurrence. The prosecution has not offered any explanation for this discrepancy.

23. It is the specific case of the prosecution that the accused approached the complainant for repair of a fan. However, the prosecution has utterly failed to produce any receipt or other documentary evidence to establish that the accused had entrusted the fan to the complainant for repair. Further, the prosecution has not produced any documentary evidence, such as a trade licence, registration certificate, GST records, or any other relevant document, to demonstrate that the complainant was running a fan repair shop. In the absence of such evidence, the very foundation of the prosecution case remains unsubstantiated.



24. It is pertinent to note that, during his cross-examination, P.W-1 has admitted that there exists an agreement relating to his running or working in the said shop. However, neither the prosecution nor P.W-1 has produced the said agreement before the Court. The non-production of this material document, without any satisfactory explanation, gives rise to an adverse inference under the facts and circumstances of the case and weakens the prosecution's version regarding the complainant's connection with the alleged shop.

25. During his cross-examination, P.W-1 has deposed that he was admitted to the hospital for two days following the alleged incident and that CWs.4 and 5 were with him during that period. However, the prosecution has not produced any medical records, such as the admission register, inpatient records, discharge summary, or any other relevant documents, to substantiate the said assertion. In



the absence of such documentary evidence, the oral testimony of P.W-1 on this aspect remains uncorroborated.

26. It is pertinent to note that the pancha witnesses to Ex.P.2, namely P.W-2 and P.W-5, have not supported the case of the prosecution. They have not corroborated the prosecution version regarding the seizure said to have been effected under Ex.P.2. Consequently, the prosecution has failed to satisfactorily prove the seizure of M.O.1 from the spot in the manner alleged. This circumstance casts a serious doubt on the prosecution case insofar as the alleged recovery is concerned.

27. This Court has carefully appreciated the evidence of P.W-6. It is evident that P.W-6 has only partly supported the case of the prosecution. During his cross-examination, P.W-6 deposed that he had accompanied C.W-1 to the police station. However, the endorsement found on Ex.P.1 is silent regarding the presence of P.W-6 at the police station



or his accompanying the complainant at the time of lodging the complaint.

28. Further, P.W-6 has deposed that the police visited the hospital in connection with the alleged incident. However, no endorsement, station diary entry, hospital record, or any other contemporaneous document has been produced by the prosecution to substantiate the presence of the police at the hospital.

29. This Court has carefully appreciated the evidence of P.W-4, the Medical Officer. P.W-4 has deposed regarding the examination of the injured and the issuance of Ex.P.6, the wound certificate. His evidence establishes only the nature of the injuries found on the injured at the time of examination. He is not an eyewitness to the alleged incident and, therefore, his testimony does not establish the manner in which the incident occurred or the identity of the person who caused the injuries. Medical evidence is essentially



corroborative in nature and cannot, by itself, prove the guilt of the accused in the absence of reliable evidence. Hence, the evidence of P.W-4 does not materially advance the case of the prosecution.

30. This Court has carefully gone through the evidence of P.W-7, the Investigating Officer. During his evidence, P.W-7 has admitted that a mistake had occurred in Ex.P.10. A careful perusal of Ex.P.10 also reveals that the recitals contained therein do not correspond with the facts of the present case. The names of the parties and other material particulars mentioned in Ex.P.10 are wholly unconnected with the present proceedings. The Investigating Officer has not offered any satisfactory explanation for these discrepancies. Such material errors in an official document prepared during the course of investigation cast serious doubt on the fairness and reliability of the investigation and adversely affect the



credibility of the prosecution case. On an appreciation of the evidence on record, this court is of the opinion that the prosecution has failed to prove the case against accused for the offences punishable under Sections-448, 324, 504 and 506 of Indian Penal Code. Hence, this court answered **point No.1 to 4 are in the 'Negative'**.

31. **POINT NO.5** :- For foregoing reasons, this court proceeds to pass the following :

ORDER

In exercise of the power conferred under Section-248(1) of Cr.P.C., 1973, the accused acquitted for the offences punishable Under Secs., 448, 324, 504 and 506 of Indian Penal Code.

Bail bond and surety bond of accused shall stands cancelled.



**MO-1 shall be ordered to be
confiscated to the state after lapse
of appeal period.**

(Directly dictated to the stenographer, typed by him corrected by me,
then pronounced by me in the open court this the 01st day of August-2026)

**(Smt.RUPA.C.VAGGA)
Prl., CJ and JMFC-Sindhaur.**

:: ANNEXURE ::

**LIST OF WITNESSES EXAMINED ON BEHALF OF
THE PROSECUTION:**

P.W-1	-	Syed Vaheed Pasha
P.W-2	-	Parushuram
P.W-3	-	Husenbasha
P.W-4	-	Dr.Vijaykumar
P.W-5	-	Asif
P.W--6	-	Mahalingappa
P.W-7	-	Basavaraj

**LIST OF DOCUMENTS MARKED ON BEHALF OF THE
PROSECUTION:**

Ex.P-1	-	Complaint
Ex.P-2	-	Panchanama
Ex.P.3&4	-	Photographs
Ex.P.5	-	Statement
Ex.P.6	-	Wound certificate
Ex.P.7	-	FIR



Ex.P.8	-	CD
Ex.P.9	-	Certificate
Ex.P.10	-	Letter
Ex.P.11	-	Katha Extract

**LIST OF MATERIAL OBJECTS EXHIBITED ON
BEHALF OF THE PROSECUTION:**

MO.1	-	Wrench spanner
------	---	----------------

**LIST OF WITNESSES EXAMINED ON BEHALF OF
THE DEFENCE:**

- Nil -

**LIST OF DOCUMENTS MARKED ON BEHALF OF THE
DEFENCE:**

-Nil -

(Smt.RUPA.C.VAGGA)
Prl., CJ and JMFC-Sindhanur.