

**KASM300006932023**



**IN THE COURT OF I ADDITIONAL SENIOR CIVIL JUDGE  
AND JMFC AT BHADRAVATHI.**

**PRESENT**

**SRI. HANUMANTHA G.H.**

B.A.L., LL.M.

I ADDITIONAL SENIOR CIVIL JUDGE AND JMFC,  
BHADRAVATHI.

**C.C. NO.298/2023**

**DATED THIS 13<sup>th</sup> DAY OF JULY, 2026**

**COMPLAINANT** : The State of Karnataka  
through the Rural P.S.,  
Bhadravathi.

(By A.P.P.)

**Vs.**

**ACCUSED** : 1. Yakush Miya @ Yakub Miya  
S/o Syed Isak,  
Aged about 40 years.  
**(Died)**

2. Dada Miya @ Syed Isak @  
Dade Miya  
S/o Sashamiya,  
Aged about 70 years.

3. Jilani @ Syed Abdul Khadar  
S/o Syed Asraf,  
Aged about 38 years.

4. Syed Mohamed @  
Mahamood

S/o Syed Ali,  
Aged about 32 years.

5. Syed Ali  
S/o Sashamiya,  
Aged about 65 years,

All are R/o: Tadasa Village,  
Bhadravathi Taluk,  
Shivamogga.

(A-1 Abated)  
(A-2 to 5 By Sri. Asif Baig,  
Advocate)

1. Date of offence : 01.11.2022
2. Date of report of offence : 01.11.2022
3. Date of arrest of accused : -----
4. Date of release of them : -----
5. Name of the first informant : Syed Yakub Miya
6. Date of commencement of evidence : 10.07.2026
7. Date of closure of evidence : 10.07.2026
8. Offences alleged : Sections 323, 324, 504, 506 r/w 34 of IPC.
9. Opinion of the P.O. : Accused No.2 to 5 are not found guilty.
10. Complainant Rep. By : A.P.P.
11. Accused Rep. By : Sri. Asif Baig, Advocate.

**(HANUMANTHA G.H)**

I Addl. Sr. Civil Judge and JMFC,  
Bhadravathi.

## **J U D G M E N T**

The H.C. 1109 of Rural P.S., Bhadravathi has filed the charge sheet against the accused for the offences punishable under Sections 323, 324, 504 and 506 r/w 34 of IPC.

### **2. The case of the prosecution is that:-**

On 01.11.2022 at about 09.30 A.M. on the open space situate near Western bank of Bhadra river of Tadasa Village, Bhadravathi Taluk with the common intention, the accused engaged into quarrel with C.Ws.1 to 3, the accused No.1 and 2 insulted C.W.1 by the words of filthy language, the accused No.3 assaulted upon the head of C.W.1 with hoe, the accused No.4 assaulted upon the left hand and right shoulder of him with same hoe, the accused assaulted upon his body and the body of C.W.2 with hands, the accused No.3 assaulted upon the head and left hand of C.W.2 and upon the head of C.W.3 with hoe, the accused also assaulted upon the body of C.Ws.1 to 3 with hands and kicked them with legs and also put the life of them into threat. Thus, the accused have committed the above offences.

**3.** On receipt of the charge sheet, the cognizance of the offences is taken and summons is issued to the accused. On appearance of them, they are enlarged on bail and the copy

of charge sheet is furnished to them as per Section 207 of Cr.P.C.

**4.** The charges for the above offences are framed, read over and explained to the accused. They have not pleaded guilty, but claimed to be tried.

**5.** During the pendency of the case, the accused No.1 died. Hence, the case is abated against him.

**6.** The prosecution has got three witnesses examined as P.Ws.1 to 3 and six documents marked as Exs.P.1 to 6 to prove its case.

**7.** The examination of the accused under Section 313 of Cr.P.C. is dispensed with since there are no incriminating circumstances in the evidence of the prosecution witnesses.

**8.** The bail bonds of the accused and their surety are taken as per Section 437-A of Cr.P.C.

**9.** I have heard the arguments of both sides and perused the materials on record.

**10.** The points for consideration are as under:-

1. Whether the prosecution has proved beyond all reasonable doubts that on 01.11.2022 at about

09.30 A.M. on the open space situate near Western bank of Bhadra river of Tadasa Village, Bhadravathi Taluk with the common intention, the accused engaged into quarrel with P.Ws.1 to 3, the accused No.1 and 2 insulted P.W.1 by the words of filthy language, the accused No.3 assaulted upon the head of P.W.1 with hoe, the accused No.4 assaulted upon the left hand and right shoulder of him with same hoe, the accused assaulted upon his body and the body of P.W.2 with hands, the accused No.3 assaulted upon the head and left hand of P.W.2 and upon the head of P.W.3 with hoe, the accused also assaulted upon the body of P.Ws.1 to 3 with hands and kicked them with legs and also put the life of them into threat and thereby the accused have committed the offences punishable under Sections

323, 324, 504 and 506 r/w 34 of  
IPC ?

2. What Order?

**11.** The answers to the above points are:-

Point No.1 : Negative.

Point No.2 : As per final order.

### **REASONS**

**12. POINT NO.1**:- P.W.1 is the first informant. P.Ws.2 and 3 are the victims. They have completely denied the case of the prosecution. Though the F.I.S., spot mahazar and rough sketch are marked as Exs.P.1 to 3 respectively through P.W.1, he has denied the contents of Exs.P.1 to 3. He and P.Ws.2 and 3 have also denied the case of the prosecution even in the cross-examination of them made by learned A.P.P. Hence, the further statement of P.W.1 and statement of P.Ws.2 and 3 given before the police are marked as Exs.P.4 to 6.

**13.** P.Ws.1 to 3 being the material witnesses have not supported the case of the prosecution. Therefore, the prayer of learned A.P.P. seeking issuance of summons to other witnesses is rejected. There is complete absence of evidence on record to hold that the prosecution has proved

its case. Therefore, the accused need acquittal. Accordingly, the **point No.1** is answered in the **negative**.

**14. POINT NO.2:-** In view of the finding on the point No.1, I proceed to pass the following.

### **ORDER**

The accused No.2 to 5 are not found guilty for the offences punishable under Sections 323, 324, 504 and 506 r/w 34 of IPC. Hence, acting under Section 248(1) of Cr.P.C., they are acquitted of the above offences.

The bail bonds of the accused and their surety taken at trial stage stand canceled.

The bail bonds of the accused No.2 to 5 and their surety taken as per Section 437-A Cr.P.C. will exist for a period of 6 months from this date.

The property of hoe which is the item No.1 seized in P.F. No.244/2022 and P.R. No.37/2023 is ordered to be confiscated to the State after completion of appeal period.

The remaining properties of shirt and baniyan which are the items No.2 and 3 seized in the said P.F. and P.R. being worthless are ordered to be destroyed after completion of appeal period.

(Dictated to the Stenographer directly on Computer, typed by her, corrected and then pronounced by me in the open court on this 13<sup>th</sup> day of July, 2026)

**(HANUMANTHA G.H)**

I Addl. Sr. Civil Judge and JMFC,  
Bhadravathi.

## **A N N E X U R E**

### **1. WITNESSES EXAMINED FOR THE PROSECUTION:-**

P.W.1 : Syed Yakub Miya.

P.W.2 : Syed Manjile Miya.

P.W.3 : Syed Mubarak.

**2. DOCUMENTS MARKED FOR THE PROSECUTION:-**

- Ex.P.1 : F.I.S.  
Ex.P.1(a) : Signature of P.W.1.  
Ex.P.2 : Spot mahazar.  
Ex.P.2(a) : Signature of P.W.1.  
Ex.P.3 : Rough sketch.  
Ex.P.3(a) : Signature of P.W.1.  
Ex.P.4 : Further statement of P.W.1.  
Ex.P.5 : Statement of P.W.2.  
Ex.P.6 : Statement of P.W.3.

**3. WITNESS EXAMINED FOR THE DEFENCE:-**

- N I L -

**4. DOCUMENT MARKED FOR THE DEFENCE:-**

- N I L -

**(HANUMANTHA G.H)**

I Addl. Sr. Civil Judge and JMFC,  
Bhadravathi.