

KASM310028542024



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

:Present:

Smt. Nasira Banu, B.A., (Law), LL.B.,
I Additional Civil Judge and J.M.F.C.,
Bhadravathi.

CRIMINAL CASE NO.2116/2024

Dated on this the 1st day of September, 2026

COMPLAINANT: State by Holehonnur Police

(By learned APP, Bhadravathi)

// Versus //

ACCUSED:

1. Sainatha S/o Manjappa,
Aged about 28 years
2. Yogaraja S/o Manjappa,
Aged about 32 years
3. Smt. Lakshmamma W/o Manjappa,
Aged about 50 years

All are R/o Siddara Colony,
Bhadravathi Taluk.

(By Sri. H.S.P., Advocate)

Date of commission of offence :	22.01.2023
Date of report of offence:	22.01.2023
Date of recording evidence:	11.08.2026
Date of closing evidence:	01.09.2026
Offences complained of :	Section 504, 354(c), 323, 506 R/w Sec.34 of I.P.C.
Opinion of the Judge :	Accused found not guilty.

PRESIDING OFFICER

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J U D G M E N T

Holehonnur Police have charge-sheeted accused No.1 to 3 for the offences punishable under Section 504, 354(c), 323, 506 R/w Sec.34 of I.P.C.

2. Prosecution case in brief: On 22.01.2023 at about 8-30 a.m., within the jurisdiction of Holehonnur Police Station, at Siddara colony village, when CW.4 was taking bath the accused No.1 watched CW.4. When CW.1 questioned the same, the accused No.1 abused CW.1 in filthy language and assaulted her with hands. The accused No.1 also abused CW.2 and pushed her. Accused No.2 and 3 abused CW.1 and 2 and

assaulted with their hands and gave life threat to CW.1 and 2. Thus, it is alleged that the accused No.1 to 3 shared common intention and committed offences punishable under Section 504, 354(c), 323, 506 R/w Sec.34 of I.P.C.

3. Upon the first information statement lodged by C.W-1, Holehonnur Police registered F.I.R; investigated the case; and filed the present charge-sheet.

4. This Court taken cognizance of the offences and ordered for registering the case.

5. During crime stage the accused persons appeared before the court and they are enlarged on bail. Charge sheet is filed against accused No.1 to 3. The accused persons are represented by advocate of their choice.

6. After complying Section 207 of Cr.P.C and after hearing the prosecution and the defense, this Court framed the charges for the offences punishable under Section 504, 354(c), 323, 506 R/w Sec.34 of I.P.C. The charges are read-over and explained to accused No.1 to 3. They pleaded not guilty and claimed to be tried.

7. In order to bring home the guilt of the accused, the prosecution examined only three witnesses, Viz., P.W-1 to PW-3 and got marked 05 documents as per Ex.P-1 to 5.

8. P.W-1 is the victim/first informant and PW.2 and 3 are also victims. They have completely turned hostile. In the light of their hostile version, this Court by opining that no purpose would be served by summoning and examining remaining witnesses cited in the charge-sheet, dropped them after rejecting the prayer of the learned A.P.P. Since, no incriminating evidence is finding place on record, statement of the accused under Section 313 of Cr.P.C. was dispensed with.

9. This Court heard the arguments of the learned A.P.P. and the learned advocate for the accused.

10. Points for consideration:

1. *Whether the prosecution beyond all reasonable doubt proves that, on 22.01.2023 at about 8-30 a.m., within the jurisdiction of Holehonnur Police Station, at Siddara colony village, when CW.4 was taking bath, the accused No.1 watched the same and thereby*

committed an offence punishable under Section 354(c) R/w Sec.34 of IPC?

2. *Whether the prosecution proves beyond all reasonable doubt that, on the above said date and place accused No.1 in furtherance of common intention of all the accused abused CW.1 and 2 in filthy language and thereby gave provocation to him to break the public peace and thereby committed an offence punishable under Section 504 R/w Sec.34 of IPC?*
3. *Whether the prosecution proves beyond all reasonable doubt that, on the above said date and place accused No.1 to 3 in furtherance of common intention assaulted CW.1 and 2 with hands and caused simple hurt and thereby committed an offence punishable under Section 323 R/w Sec.34 of IPC?*
4. *Whether the prosecution beyond all reasonable doubt proves that on the above said date, time and place, all the accused No.1 to 3 in furtherance of common intention committed criminal intimidation by threatening C.W-1 and 2 with dire consequences and thereby committed an offence punishable under Section 506 r/w Sec.34 of I.P.C?*
5. *What order?*

11. My answer is as under:

Point No.1 to 4 : In the Negative

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

REASONS

12. **Point No.1 to 4 :-** All these points are taken up together for common discussion, in order to avoid repetition of reasoning.

13. CW-1 is examined as PW1. She is the victim/first informant. She has completely turned hostile. PW1 deposed that, there is no quarrel between herself and accused persons. Accused persons are not assaulted her, abused her and gave life threat to her. The PW1 identified her signature on Ex.P1 First Information. During her cross-examination by learned APP entire case of prosecution was put in to her mouth by way of suggestions and she denied suggestions made to her and deposed that she compromised dispute between the accused.

14. PW2 and PW3 are also victims of the offences and they deposed that the accused have not assaulted them or abused them or threatened them with dire consequences. During their cross examination by learned

APP entire case of prosecution was put into their mouth by way of suggestions and they denied the same. They denied their statements and hence same are marked as Ex.P4 and 5. Thus, the PW2 and PW3 who are the victims of the above case have completely turned hostile to the case of prosecution.

15. The P.W-1 to PW3 being the complainant and victims of the offences not whispered anything about the acts attributed to the accused persons. Thus, there is absolutely no incriminating evidence to hold the accused guilty. Considering all these aspects, it is a case, where accused deserves acquittal. In the result, Point No.1 to 4 are answered in the Negative.

16. **Point No.5:** In view of the above, I proceed to pass the following:

:O R D E R:

*Acting under Section 248(1) of Cr.P.C.,
accused No.1 to 3 are acquitted of the offences
punishable under Section 504, 354(c), 323, 506
R/w Sec.34 of I.P.C.*

*Bail bonds of accused and surety bonds
shall stand cancelled.*

(Dictated to the stenographer, directly typed by her on computer, taken print out, corrected, signed by me and then pronounced in open court on this the 1st day of September, 2026)

(Nasira Banu)

I Addl. Civil Judge and JMFC,
Bhadravathi.

ANNEXURE

Witnesses examined for the prosecution:-

PW1 : Smt. Devamma
PW2 : Smt. Nandini
PW3 : Smt. Shwetha

Documents exhibited by the prosecution:-

Ex.P1 : First Information
Ex.P2 : Photo
Ex.P3 to 5 : Statement of PW.1 to 3

Witnesses examined for the accused:-

-Nil-

Documents exhibited by the accused:-

-Nil-

List of material objects marked for the prosecution:

-Nil-

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