

KASM630018812021



Presented on : 16-09-2021

Registered on : 16-09-2021

Decided on : 09-06-2026

Duration : 4 years, 8 months, 23 days

IN THE COURT OF THE ADDL.CIVIL JUDGE & JMFC,

SAGARA.

PRESENT

**Smt.Chandini G.U.,,
B.A, LL.B,
Addl.Civil Judge & JMFC,
Sagara.**

Criminal Case No.1572/2021

Dated : this 09th day of JUNE 2026

Complainant:

The State through Rural
Police Station, Sagara.

-Versus-

Accused :

1. Eshwara S/o Dyavappa,
Aged about 39 years,
2. Manjappa S/o Mallappa,
Aged about 43 years,

3. Kannappa S/o Rachappa,
Aged about 62 Years,
4. Subash S/o Kannappa,
Aged about 33 years,
5. Annappa S/o Kannappa,
Aged about 35 years,
6. Manjappa S/o Kannappa,
Aged about 34 years,
7. Ganesh S/o Beerappa,
Aged about 36 years,

All are R/o Kagodu
Village, Sagara Taluk,
Shivamogga District.

Date of offence.	27.01.2020
Date of report	27.01.2020
Offences alleged	504, 323, 324, 506 R/ w Section 149 of IPC
Date of arrest	- -
Date of release on bail	--
Name of the complainant	Sri. Beerappa.
Date of commencement of evidence	08.06.2026
Date of closing evidence	08.06.2026
Opinion of Judge	Found not guilty
Counsel for complainant	Asst.Public Prosecutor

Counsel for defence	Sri. TGS., Advocate
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J U D G M E N T

The ASI of Rural Police Station, Sagara, has filed charge sheet, against the accused No. 1 to 7 for the offences punishable under Section 504, 323, 324 and 506 R/w Section 149 of IPC.

2. The prosecution case in brief is that;

It is stated in the complaint that, on 27.01.2020 at about 08.30 PM., within the limits of Sagara Taluk Police Station, at Panchayath Building, Kagodu Village Next to Rameshwara Temple in the villagers meeting accused No.1 to 7 in furtherance of their common object, accused No.1 due to previous enmity abused CW-1 and 2 in filthy language intending that such provocation would cause to break the public peace of them and with support of accused No.1 to 7 assaulted CW-1 and 2 with hands and caused simple injuries. When CW-2 came to rescue CW-1, accused No.2 assaulted to CW-1 with club and caused

simple injuries to CW-1 and committed criminal intimidation by giving life threat to CW-1 with an intend to cause alarm to him. Hence, he lodged the complaint.

3. On the basis of first information statement of CW.1, Rural Police registered a Crime against the accused No. 1 to 7 in Crime No.20/2021 for the offences punishable U/Sec. 504, 323, 324 and 506 R/w Section 149 of IPC. After completion of the investigation, charge sheet filed against the accused No. 1 to 7 for the above said offences.

4. After taking the cognizance, this court issued summons to the accused No. 1 to 7. Accused No. 1 to 7 appeared before the court and enlarged on bail by furnishing surety for the satisfaction of the court. Copy of charge sheet has been furnished to accused No. 1 to 7 as required U/Sec. 207 of Cr.P.C. charge was framed against the accused No. 1 to 7 and it was read over and

explained to the accused No. 1 to 7 in the language known to them. Accused No. 1 to 7 pleaded not guilty and claims to be tried.

5. In order to bring home the guilt of the accused No. 1 to 7, prosecution has examined complainant/injured person i.e., CW.1 as PW.1, Victim/injured person CW.2 examined as PW.2 and got marked three documents as Ex.P.1 to 3. As the CW.1 and 2 being the complainant/injured and victim/injured person have turned hostile to the prosecution case. As PW.1 and 2 being the material witnesses turned hostile to the prosecution, if remaining witnesses are examined also no purpose would be served. Hence, examination of other charge sheeted witnesses have been dropped by rejecting prayer of Learned APP. As there was no incriminating evidence against the accused No. 1 to 7, examination of the accused under Section 313 of Cr.P.C was dispensed with.

6. Heard learned APP and counsel for the accused No. 1 to 7. Perused the documents in evidence on record.

7. **Now the points that arise for consideration of this court are**

POINTS

- 1) Whether the prosecution proves beyond all reasonable doubt that, on 27.01.2020 at about 08.30 PM., within the limits of Sagara Taluk Police Station, at Panchayath Building, Kagodu Village Next to Rameshwara Temple in the villagers meeting accused No.1 to 7 in furtherance of their common object, accused No.1 due to previous enmity abused CW-1 and 2 in filthy language intending that such provocation would cause to break the public peace of them and thereby committed an offence punishable under Sec.504 R/w Section 149 of I.P.C.?

- 2) Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place, accused No.1 to 7 in prosecution of their common object, accused No.1 to 7 assaulted CW-1 and 2 with hands and caused simple injuries and thereby committed an offence punishable under Sec.323 R/w Section 149 of I.P.C?
- 3) Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place, accused No.1 to 7 in prosecution of their common object, accused No.1 assaulted to CW-1 with club and caused simple injuries and thereby committed an offence punishable under Sec.324 R/w Section 149 of I.P.C?
- 4) Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place, accused No.1 to 7 in prosecution of their common object committed

criminal intimidation by giving life threat to CW-1 and 2 with an intend to cause alarm to them and thereby committed an offence punishable under Sec.506 R/w Section 149 of I.P.C?

5) What order?

8. **My answer to the above points are as under.**

Point No. 1. In the Negative.

Point No. 2. In the Negative.

Point No. 3. In the Negative.

Point No. 4. In the Negative.

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

REASONS

9. **Point No.1 to 4:-** These points are inter linked with each other, they are taken-up together for common discussion.

The prosecution examined the complainant as PW.1 complainant/injured person to the incident. PW.1 has not supported the prosecution case and turned hostile.

he has stated that, accused No. 1 to 7 are know to him and there was no quarrel taken place between themselves, accused persons did not abused, did not assaulted and also not threatened him with dire consequence. Further, the PW.1 complainant/injured person stated that, he identified his signature on complaint and mahazar, the same have been marked as Ex.P.1 and 2 and his signature is at Ex.P.1(a) and Ex.P.2(a).

10. PW.2 is the victim/injured person to the incident, has deposed that, accused No.1 to 7 are know to him and there was no quarrel taken place between themselves, accused persons did not abused in filthy language, did not assaulted and also not threatened them with dire consequences. Further, the PW.2 stated that, he given statement before the police, the same has been marked as Ex.P.3. Further, PW.1 and 2 have completely turned hostile to the case of the prosecution. Even though, he has been subjected to cross-

examination, nothing was elicited in support of prosecution case. After examination of PW.1 and 2 learned APP prayed for issuance of summons to other witnesses. But, prayer of learned APP rejected, because complainant/injured and victim/injured person turned hostile to the case of prosecution as stated above.

11. Further, if the remaining witnesses are examined also, no purpose would be served. Without the support of evidence of PW.1 and 2, prosecution cannot prove the charges leveled against the accused No. 1 to 7. There is no iota in the prosecution case to prove the guilt of the accused No. 1 to 7. The complainant himself turned hostile to his case which has been fatal to the case of prosecution. Therefore, in view of lack of material evidence, I am of the view that prosecution has failed to establish the guilt of the accused No. 1 to 7 beyond all reasonable doubt. It appears from the evidence of PW.1 and 2 that they have compromised the case. Therefore, the accused No. 1 to 7 are entitled for the benefit of

doubt and they are entitled for acquittal. Accordingly, I answer the point No.1 to 4 in the Negative.

12. **Point No.5**- On forgoing reasons, I proceed to pass the following:

O R D E R

Acting under Section 248(1) of Cr.P.C the accused No. 1 to 7 are hereby acquitted of the offences punishable U/Sec. 504, 323, 324 and 506 R/w Section 149 of IPC.

Bail bonds as well as surety bonds executed by accused No. 1 to 7 shall be in force for the period of 6 months as per Sec. 437(A) of Cr.P.C.

Club seized under this case is worthless ordered to be destroyed after expiry of the appeal period.

(Directly dictated to the Stenographer on computer, typed by her, corrected, signed and then order pronounced by me in the open court, on this 09.06.2026)

**(Chandini G.U.)
Addl. Civil Judge & JMFC.,
Sagara.**

ANNEXURE**List of witnesses examined on behalf of prosecution:**

PW.1 : Beerappa.

PW.2 : Suresha.

List of Exhibits marked on behalf of prosecution:

Ex.P.1 : Complaint.

Ex.P.1(a) : Signature.

Ex.P.2 : Spot mahazar.

Ex.P.2(a) : Signature.

Ex.P.3 : Statement.

List of witness and Exhibits marked on behalf of accused:

- NIL -

List of MOs marked;

- NIL -

**Addl. Civil Judge& JMFC,
Sagara.**