



**IN THE COURT OF THE PRL.SENIOR CIVIL JUDGE
AND JMFC., AT GUBBI.**

Dated this the 09th Day of June 2026

**Present: Smt.ANUPAMA D.
B.COM.,LL.B.,
Prl.Senior Civil Judge & JMFC.,**

C.C.1622/2024

Complainant: State by Gubbi Police authorities
(By Assistant Public Prosecutor)

V/s

Accused: Siddesh K B Aliyas Jagadeesh
S/o Basavaraju,
Aged about 27 years,
R/o Konanakere,
Gubbi Taluk,
Tumakuru.

(Reptd. By Sri. R.S.R.Advocate)

: J U D G M E N T :

This case is registered on the basis of the charge sheet
filed by the PSI, Gubbi Police Station, Gubbi, Tumakuru
District against the accused person for the offences



punishable under Secs.323, 324, 504, 506 R/W.Sec.34 of IPC.

2. Substance of the prosecution case is as under:-

It is the case of prosecution in brief that; on 25.03.2024 at about 10-45 p.m. at Madanaghatta Village, Nittur Hobli, the accused came to the house of CW-1. He knocked the door. Then CW1 to 4 were come out of the house, then the accused grabbed CW2 by holding his collar and dragged him by holding his vest and hit him with a beer bottle on his left arm and caused simple injuries. He also pushed him on ground and kicked him with legs. He has also abused CW-1 in filthy language and also given life threat to kill him.

On 26.03.2024 CW.1 lodged complaint, then this case is registered. After complete investigation, the I.O of Gubbi Ps has filed the charge sheet against the accused by alleging the offences P/U/Secs. 323, 324, 504, 506 R/W.Sec.34 of IPC.



3. After taking cognizance of the offenses punishable under Secs. 323, 324, 504, 506 R/W.Sec.34 of IPC, summons was issued to accused and on appearance of accused person, they were enlarged on bail and prosecution papers were furnished to them.

4. After hearing on charge, as per the sufficient materials on record, charge has been framed against the accused for the offenses punishable under Secs. 323, 324, 504, 506 R/W.Sec.34 of IPC and read over to them and the accused pleaded not guilty and claimed trial.

5. During the course of trial, the prosecution examined 3 witnesses and got marked 3 documents and M.O.1 and closed their side.

6. As there was no incriminating evidence against accused persons, the recording of statement of accused persons under Section 313 of Cr.P.C. has been dispensed with.



7. I have heard the arguments on both side and perused record.

8. The points that arise for my determination are:

1. Whether the prosecution has proved beyond all reasonable ground that, on 25.03.2024 at about 10-45 p.m. at Madanaghatta Village, Nittur Hobli, the accused came to the house of CW-1. He knocked the door. Then CW1 to 4 were come out of the house, then the accused grabbed CW2 by holding his collar and dragged him by holding his vest and pushed him on ground and kicked him with legs and thereby committed an offence punishable under Sec.323 of IPC?
2. Whether the prosecution has further proved beyond all reasonable doubt that, on the above said date, time and place, the accused assaulted CW2 with a beer bottle on his left arm and caused simple injuriesand thereby committed an offence punishable under Sec.324 of IPC?
3. Whether the prosecution has further proved beyond all reasonable doubt that, on the above said date, time and place, the accused has also abused CW-2 in filthy language and thereby committed an offence punishable under Sec.504 of IPC?



4. Whether the prosecution has further proved beyond reasonable doubt that on the above said date, time and place, the accused has also given life threat to kill CW2 and thereby committed an offence punishable under Sec.506 of IPC?

5. What Order?

9. My answers to the above points are as under:

POINTS No.1 to 4 : In the Negative

POINT No.5 : As per final Order,
for the following:

REASONS

10. POINTS No.1 to 4: Since these points are interlinked with each other they have taken up together for common discussion to avoid repetition of facts and evidence.

10(a) The case of prosecution has already been briefly mentioned above.

10(b) The prosecution, in order to prove its case has examined 3 witnesses.

10(c) CW-2 Harshith M.C and his wife CW1 Shilpa have been examined as PW1 and 2 respectively.



10(d) PW-1 deposed that, he does not know the contents of Ex.P.1 and P.2. He does not know anything about this case.

12(c) PW-1 and PW-2 deposed that there was no galata between them and accused. Due to small misunderstanding they went to police station and compromised the matter. They have not given any statement before the police.

10(e) These witnesses were turned hostile to the prosecution and cross examined in full by the prosecution. In spite of lengthy cross examination, nothing has been elicited from the mouth of CW.1 to 4 to believe the case of the prosecution. These witnesses were not cross examined by learned counsel for accused.

10(f) Since PW-1 and 2 being the complainant, victim and eye witnesses have turned hostile to the prosecution case and they submit that they settled the dispute between them and accused, no purpose of prosecution could have been survive if other witnesses have been examined, hence other witnesses have been dropped.



10(g) At this stage this court relied upon the judgment delivered by the ***Hon'ble Supreme Court in 1996(3) Cr.84 (Sathish Mehra V/s Delhi Administration and others)*** where at Para No.13 the Honb'le Supreme court held that ***"When the judge fairly certain that there is no prospect of the case ending in conviction the valuable time of the court should not be wasted for holding a trial only for the purpose of formally completing the procedure to pronounce the conclusion on the future date."***

10(h) The principle of law laid down by the Hon'ble Supreme Court in the above case is aptly applicable to this case also. Considering the facts and circumstance of this case, this Court is of the opinion that the prosecution has utterly failed to prove the guilt of the accused beyond reasonable doubt. Hence Points No.1 to 4 are answered in the **Negative**.



11. POINT No.5: For the aforesaid reasons and findings on Points No.1 to 4, I proceed to pass the following:

ORDER

Exercising Power under Sec.248(1) of Cr.P.C., the accused No.1 to 6 are acquitted of the offenses punishable under Secs. 323, 324 504, 506 R/W.Sec.149 of IPC.

Bail bonds of accused persons and surety bond stand canceled.

M.O.1 mentioned in P.F.No.67/2024 is ordered to be destroyed after the appeal period is over.

(Dictated to the Stenographer directly on computer, computerized and print out taken by her, then corrected and pronounced by me in the open court on this **09th Day of June 2026.**)

Sd/-
(Smt.ANUPAMA D.)
Prl.Senior Civil Judge & JMFC.,
Gubbi.

ANNEXURE

Witnesses examined on behalf of the prosecution:

PW.1

Harshith M.C



PW.2

Shilpa

Documents marked on behalf of the prosecution:

Ex.P.1	Spot Mahazar
Ex.P.1(a)	Signature of PW-1
Ex.P.2	Complaint
Ex.P.2(a)	Signature of PW-2
Ex.P.3	further statement of CW-1

Witnesses examined on behalf of the accused:

- N I L -

Documents marked on behalf of the accused:

- N I L -

Material Object marked:

M.O.1 - Beer Bottle pieces

Sd/-

**Prl.Senior Civil Judge & JMFC.,
Gubbi.**