



**IN THE COURT OF THE ADDL. SENIOR CIVIL JUDGE
AND J.M.F.C., KUNIGAL.**

PRESENT:

Smt.Gangavva Ayatti., B.A., LL.B.(Hon's)
Addl. Senior Civil Judge & J.M.F.C.,
Kunigal

DATE: 8TH DAY OF JULY 2026

C.C.No.3266/2023

Complainant : State of Karnataka
Through PS Hulyurudurga,
Kunigal Taluk, Tumakuru District.

(By Asst Public Prosecutor)

V/s

Accused : 1. Nagaraja.H.V.,
S/o Late Venkataiah,
Aged about 39 years.

2. Chikkamma,
D/o Late Venkataiah,
Aged about 65 years.

3. Girisha,
S/o Thimmaiah,
Aged about 33 years.

All are R/at: B.Hosahalli Village,
Hulyurudurga Hobli,
Kunigal Taluk, Tumkuru District.

(Accused by Sri.P.N.K., Adv.)

1.Date of commission of offences :	20.06.2023.
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2. Date of report of offences:	22.06.2023.
3.Name of the complainant :	Chikkamma.
4.Date of recording of evidence:	23.09.2024.
5.Date of closure of evidence:	01.06.2026.
6. Offences alleged :	U/s 323, 324, 504 R/w 34 of IPC.
7. Opinion of Judge :	The accused not found guilty.

JUDGMENT

The PSI of Huliurudurga Police Station has filed charge sheet against the accused for the offences punishable U/s 323, 324, 504 R/w 34 of IPC.

2. The case of the prosecution is as follows:-

That on 20.06.2023, at about 7.30 am in the morning, within the limits of Huliurudurga police station, in B. Hosahalli Village, while CW1 was working in her land at that time the accused with common intention have entered the land and abused her in filthy language and accused No.1 assaulted with club on the head and accused No.2 dragged the CW1 and assaulted with hands on her body



and accused No.3 assaulted with hands on right cheek there by committed offences punishable U/s 323, 324, 504 R/w 34 of IPC.

3. On the basis of the complaint lodged by complainant case is registered against the accused for the offences P/U/S 323, 324, 504 R/w 34 of IPC. The Investigation Officer visited the spot and recorded the statements of the witnesses. After completion of the investigation, the PSI submitted the final report against the accused for the alleged offences. Cognizance of the said offences was taken against accused person on receipt of the police report.

4. After hearing both sides, this court framed the charge against the accused for the alleged offences and then read over and explained the same to them in Kannada language, for which the accused pleaded not guilty and claimed to be tried.

5. To substantiate the allegations made in the charge sheet and to prove the guilt of the accused, the prosecution has examined 6 witnesses as PW1 to PW6 and got marked 7



documents as Ex.P1 to Ex.P7 and MO.1.

6. The statement of accused as required under Sec 313 of Cr.P.C is recorded wherein the accused has denied all the incriminating statements appearing against them in the evidence of prosecution witnesses. The accused has not chosen to lead any defence evidence.

7. Heard the arguments of the Learned Asst. Public Prosecutor and Learned Counsel for the accused.

8. The points that arise for my consideration are as hereunder:-

1. Has the prosecution proved beyond all reasonable doubt that, on 20.06.2023, at about 7.30 am in the morning, within the limits of Huliurudurga police station, in B. Hosahalli Village, while CW1 was working in her land at that time the accused with common intention have entered the land and abused her in filthy language and accused No.1 assaulted with club on the head and accused No.2 dragged the CW1 and assaulted with



hands on her body and accused No.3 assaulted with hands on right cheek there by committed offences punishable U/s 323, 324, 504 R/w 34 of IPC ?

2. What order or sentence?

9. My findings on the above points are:-

- Point No.1 - In the Negative.
- Point No.2 - As per the final order for the following:-

REASONS

10. **POINT No.1:-** In order to substantiate the charges leveled against the accused and to prove the guilt of accused the prosecution has examined 6 witnesses and got marked 7 documents and got marked material object MO1.

11. PW1 Chikkamma has deposed in her examination in chief that, on 24.03.2024, at about 7.30, while she had been to land at that time accused came there and assaulted her. Accused No.3 assaulted with club on her back and head and accused No.1 assaulted with hand and accused No.2 caught hold her head and assaulted. CW2 and 3 have



pacified the quarrel. She taken treatment at Bengaluru Hospital and there after she lodged complaint as per Ex.P1.

12. PW2 Radha has deposed in her examination in chief that on 20.06.2020, at about 7.00 am, while CW1 was working in her land at that time the accused No.1 to 3 have assaulted CW1 with club. Accused No.2 caught hold the CW1 and accused No.3 assaulted with hands. Herself and CW3 pacified the quarrel. On 23.06.2020 police came to the spot and seized MO1 by conducting pancanama as per Ex.P2.

13. PW3 Chikkamma has deposed in her examination in chief that, on 20.06.2023 at about 7.00 am the accused No.1 and 3 have assaulted CW1 with club. Accused No.2 caught hold the hairs of CW1 and accused No.3 assaulted on her back.

14. PW4 Geetha has deposed in her examination in chief that, on 23.06.2023, at about 9.30 am, the police have



conducted mahazar and seized the club.

15. PW5 Dr.Akshay has deposed in his examination in chief that, on 20.06.2023 at about 11.00 am CW1 came to the hospital and he examined her and found the tenderness over the head and right cheek.

16. PW6 Abdul Khadar Jilani has deposed in his examination in chief that, on 22.06.2023, at about 12.30 pm, while he was on SHO duty CW1 came and lodged the complaint based on which he registered case in crime No.121/2023. On 23.06.2023 he visited the spot and conducted the Mahazar as per Ex.P2 and seized MO1. He recorded the statements of CW2 and 3 and he received wound certificate. On completion of investigation he filed charge sheet against the accused.

17. Perusal of the overall evidence on record it appears that, the counsel for accused did not cross examined PW4 who is the pancha witness who supported the case with regard to conducting of panchanama in her presence and



based on her evidence alone the court cannot convict the accused though there are contradictions and material omissions in the evidence complainant and eye witnesses. Though the PW4 supported the case she did not spoke of assault by the accused she being present over the spot as such her evidence alone will not come to the aid to convict the accused. If we peruse the evidence of PW1 she partly supported the case of the prosecution and Learned APP treated her as hostile and cross examined her and in her cross examination learned APP suggested while she was proceeding to land with cattle the incident taken but, the complainant in her complainant and eye witnesses in their statements and evidence have not deposed the said fact. As per the averments of complaint while she was working in land the incident taken place as such the question of believing the version of PW1 does not arise.

18. PW1 during the course of cross examination by the counsel for accused deposed that, she do not the contents of Ex.P1 complaint and it was got typed by her son. Further



she deposed that after she putting milk to diary at about 8.00 am she will go to land at 9.00 am. She came to the court with one Manu and accused have lodged complaint against the said Manu, Ramkrishna and Sujata and at the instigation of said Manu she lodged the present complaint. The above admissions elicited in the course of cross examination goes to show she lodged complaint on the instigation of Manu.

19. PW2 has partly supported the case and she admitted the suggestions put forth by learned APP in her cross examination. During her cross examination by the counsel for accused she deposed that, Manu is her brother, CW1 is her relative and CW5 is her husband. Brother of CW1 namely Ramchnadraiah is her father. She also deposed that she do not know with respect which survey number the incident taken place. Even she deposed that, she go to land at about 9 to 10 am daily after sending her children to the school. The above admissions elicited in the course of cross examination creates doubt as to presence of PW2 on the



spot at about 7.30 am.

20. PW3 who is another eye witness has partly supported the case and she admitted the suggestions put forth by learned APP in her cross examination. During her cross examination by the counsel for accused she deposed that, she brought to the court by Manu and she deposing before the court on the say of Manu and he only stated about the case. Further she deposed that she do not know anything about the case and on the say of Manu she is deposing before the court. The above admissions elicited in the course of cross examination clearly goes to show that she do not know anything about the case at the instigation of Manu she is deposing before the court. Therefore, from the evidence of PW1 to 3 it is clear that Manu has instigated CW1 to lodge complaint and CW2 being his sister is deposing falsely before the court. When there are contradictions in the evidence of PW1 to 3 based on the evidence pancha witness alone conviction cannot be imposed as such the prosecution failed to prove the case



beyond all reasonable doubt.

21. At this stage, this Court feels to observe that the evidence of witnesses is a formal one. Further on perusal of entire evidence produced by the prosecution, when there is drastic stand taken by the accused that the alleged offences are false one, it is the bounden duty of the prosecution to prove the case beyond all reasonable doubts and in this case the prosecution has failed to prove the same. Unless and until prosecution produces, corroborative, cogent independent oral and documentary evidence of eye witnesses, circumstantial witnesses and local persons evidence, it is not safe to accept the alleged offences against accused. The oral and documentary evidence placed on record by the prosecution is insufficient to prove the alleged offences against accused beyond all reasonable doubt. **Consequently, I hold Point No.1 in the "Negative".**

22. **POINT NO.2:-** In view of the above discussion, I hold the accused is not guilty of the alleged offences and pass



the following.

ORDER

Exercising power under section 248(1) of Cr.P.C the accused is acquitted of the offences P/U/s 323, 324, 504 R/w 34 of IPC.

MO 1 is worthless property hence, ordered to be destroyed after appeal period is over.

The bail bonds and surety bonds under sec 437A of the accused shall stand canceled.

(Judgment is dictated to stenographer on system corrected by me and then pronounced by me in the open court on this **8th day of July 2026**).

sd/-

(Gangavva Ayatti)
Addl. Sr. Civil Judge and J.M.F.C.
Kunigal.

ANNEXURE

1. List of witnesses examined for the Prosecution:

PW1: Chikkamma.

PW2: Radha.

PW3: Chikkamma.

PW4: Geetha.



PW5: Dr.Akshay.

PW6: Abdul Khadar Jilani.

2. List of witnesses examined for the accused:

- Nil -

3. List of documents marked for the Prosecution

ExP1 : Complaint .
ExP2 : Panchanama.
ExP3 : Statement.
ExP4 : Wound Certificate.
ExP5 : FIR.
ExP6 : Accused Bond.
ExP7 : Sketch.

4. List of documents marked for the accused:

- Nil -

5. Material Objects marked by the Prosecution:

MO1 : Club

sd/-

(Gangavva Ayatti)
Addl Senior Civil Judge & J.M.F.C.
Kunigal.