



**IN THE COURT OF THE ADDL. SENIOR CIVIL JUDGE
AND JMFC KUNIGAL**

PRESENT

Smt. Gangavva Ayatti

B.A.,L.L.B.,(Hon's)
Addl.Sr. Civil Judge and JMFC,
Kunigal

Date: 8th day of June 2026

C.C.No.63/2020

Complainant :

State of Karnataka
Through Huliurudurga PS
Kunigal

(By Asst Public Prosecutor)

V/s

Accused :

1. Athmananda @ Kittu,
S/o Somashekara.K.L.,
Age: 40 years.
2. Somashekara.K.L.,
S/o Late Lingegowda,
Age: 70 years. **(DEAD)**
3. Thejavathi,
W/o Somashekara.K.L.,
Age: 65 years.

All are R/at: Chowdeshwari Beedi,
Nidasale Village, Huliurudurga Hobli,
Kunigal Taluk, Tumkuru District.

(By Sri.V.R., Adv.)



1.Date of commission of offences:	09.04.2020.
2. Date of report of offences:	13.04.2020.
3. Name of the complainant :	Sannamma.
4. Date of recording of evidence:	25.03.2024.
5. Date of closure of evidence:	03.06.2026.
6. Offences alleged :	U/s. 323, 324, 354, 504, 506 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 P/U/Sec 323, 324, 354, 504, 506 R/w 34 of IPC.

2. The case of the prosecution is as follows:

That on 09.04.2020, at about 7.30 am, within the limits of Huliurudurga police station in Nidasale village, in front of newly constructed house of CW1 on public road, the accused with common intention with the issue of putting garbage in the galli picked up quarrel with CW2 and accused No.3 abused CW2 in filthy language which was questioned by her then



the accused No.1 abused her in filthy language and he assaulted on the cheek of CW2 with hands and dragged the saree and accused No.1 by removing his clothes in the public place has outraged her modesty and accused No.2 assaulted with stone on the back of CW2 and gave life threat. When CW3 questioned the act of accused at that time the accused No.1 tried to assault her and she went inside the house and locked it when CW1 questioned the same the accused abused her in filthy language and assaulted with club on the left hand and caused injuries, thereby committed offences P/U/Sec 323, 324, 354, 504, 506 R/w 34 of IPC.

3. On the basis of the complaint lodged by the complainant case is registered against the accused for the offences P/U/Sec 323, 324, 354, 504, 506 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 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 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 3 witnesses as PW1 to PW3 and got marked 5 documents as Ex.P1 to Ex.P5 and MO.1 to 3.

6. The statement of accused as required under Sec 313 of Cr.P.C is recorded wherein the accused have denied all the incriminating statements appearing against them in the evidence of prosecution witnesses. The accused have not choose 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 under:-

1. Has the prosecution proves beyond all reasonable doubts that, on 09.04.2020, at about 7.30 am, within the limits of



Huliyurdurga police station in Nidasale village, in front of newly constructed house of CW1 on public road, the accused with common intention with the issue of putting garbage in the galli picked up quarrel with CW2 and abused CW2 in filthy language and dragged the saree and accused No.1 by removing his clothes in the public place has outraged her modesty and accused No.2 assaulted with stone on the back of CW2 and gave life threat, thereby committed offences P/U/Sec 323, 324, 354, 504, 506 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 bring home the guilt of accused the prosecution has



examined 3 witnesses as PW1 to 3 and got marked 5 documents as Ex.P1 to 5. PW1 is the complainant, PW2 and 3 are the injured and eye witness.

11. The case of the prosecution is that, on 09.04.2020, at about 7.30 am, within the limits of Huliurdurga police station in Nidasale village, in front of newly constructed house of CW1 on public road, the accused with common intention with the issue of putting garbage in the galli picked up quarrel with CW2 and accused No.3 abused CW2 in filthy language which was questioned by her then the accused No.1 abused her in filthy language and he assaulted on the cheek of CW2 and dragged the saree and accused No.1 by removing his clothes in the public place has outraged her modesty and accused No.2 assaulted with stone the back of CW2 and gave life threat. When CW3 questioned the act of accused at that time the accused No.1 tried to assault her and she went inside the house and locked it when CW1 questioned the same the accused abused her in filthy language and assaulted with club on the left hand and caused injuries.

12. The CW1 who set the law into motion is



examined as PW1 and she partly supported the case of the prosecution and in her cross examination by learned APP she admitted the suggestions as to incident. In her cross examination by the counsel for accused she admitted that, she has compromised the case with accused and also admitted that no incident has taken place and accused have not abused her and assaulted her and CW2. She also admitted that, the accused No.1 did not outraged the modesty of CW2 by dragging her saree and police have not come to spot and conducted mahazar. The above admissions elicited in the course of cross examination goes to show the CW1 has compromised the matter with accused and turned completely hostile to the case of prosecution.

13. PW2 and 3 being the injured and eye witness also turned hostile to the case and in their cross examination by learned they denied the suggestions put forth by APP. 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. **Hence, I answer Point No.1 in the Negative.**

14. **POINT No.2:-** In view of the above discussion, I hold that the accused not found guilty of the alleged offenses and pass the following.

ORDER

Acting under section 248 (1) of Cr.P.C the accused No.1 and 3 are acquitted of the offenses punishable U/sec 323, 324, 354, 504, 506 R/w 34 of IPC.



The material objects are worthless properties hence, ordered to be destroyed after appeal period is over.

The bail bonds and surety bonds under sec 437-A of the accused shall remain in force for 6 months or till appeal is preferred.

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

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

ANNEXURE

1. List of witnesses examined for the Prosecution:

PW1: Sannamma.

PW2: Indiramma.

PW3: Roopa.

2. List of witnesses examined for the accused:

Nil

3. List of documents marked for the Prosecution:



Ex.P1 Complaint

Ex.P2 Spot Mahazar

Ex.P3 164 Statement

Ex.P4-5 Statements

4. List of documents marked for the accused:

Nil

5. Material Objects marked by the Prosecution:

MO1 : Saree

MO2 : Stone

MO3 : Club

sd/-

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