



**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: 1ST DAY OF AUGUST 2026

C.C.No.8992/2022

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

(By Asst Public Prosecutor)

V/s

Accused : 1. Lokesh S/o Late Govindaiah,
Aged about 40 years.
2. Rajanna @ Bugguri Rajanna,
S/o Late Javaraiah,
Aged about 62 years.
3. Mudlagiraiah @ Mudlappa,
S/o Late Kadaiah,
Aged about 66 years.
4. Ravi.B.M S/o Mudlagiraiah,
Aged about 31 years,
R/at: No.19, 15th Cross,
Kamakshipalya, Bengaluru.
5. Channakeshava.K.R,
S/o Late Ramanna,
Aged about 44 years,



R/at: No.9, Suvarna Nagar,
Doddabidarikallu, Bengaluru.

6. Lakshmamma,
W/o Mudlagiriyappa @ Mudlaiah,
Aged about 58 years.
 7. Putti @ Puttamma W/o Prakasha,
Aged about 45 years,
R/at: Hosakere Village, Amruthur Hobli,
Kunigal Taluk, Tumkuru District.
 8. Chandramma W/o Late Gururaju,
Aged about 52 years.
R/at: Kichavadi Village,
Huliyurudurga, Kunigal Taluk,
Tumkuru District.
- A1 to 3 & 6 are R/at: Beechanahalli Village,
Huliyurudurga, Kunigal Taluk,
Tumkuru District.

(Accused by Smt.G.R.K., Adv.)

1.Date of commission of offences :	23.06.2022.
2. Date of report of offences:	25.06.2022.
3.Name of the complainant :	Gangamma.
4.Date of recording of evidence:	05.10.2024.
5.Date of closure of evidence:	03.06.2026.
6. Offences alleged :	U/s 143, 448, 323, 324, 504, 506 R/w Sec. 149 of IPC.



7. Opinion of Judge :	The accused not found guilty.
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JUDGMENT

The PSI of Huliurudurga Police Station has filed charge sheet against the accused for the offences punishable U/s 143, 323, 324, 448, 504, 506 R/w Sec. 149 of IPC.

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

That on 23.06.2022, at about 6.00 pm in the evening, within the limits of Huliurudurga police station, in Beechanhalli Village, while CW1 to 3 were in their house at that time the accused by forming unlawful assembly trespassed into the house of CW1 with the issue of enticing away of Spoorthi and accused No.1 and 2 abused CW1 in filthy language and caught hold the CW1 and dragged her out of the house and all the accused abused her in filthy language and accused No.2 assaulted on the cheek of CW1 and accused No.1 assaulted with club on her right shoulder, arm, head and right leg and caused injuries, accused No.3 to 8 also kicked her with legs when CW2 and



3 tried to pacify the quarrel the accused No.2, 4 and 5 assaulted them with hands and gave life threat, thereby committed offences punishable U/s 143, 323, 324, 448, 504, 506 R/w Sec. 149 of IPC.

3. On the basis of the complaint lodged by complainant case is registered against the accused for the offences P/U/S 143, 323, 324, 448, 504, 506 R/w Sec. 149 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 9 witnesses as PW1 to PW9 and got marked 11 documents as Ex.P1 to Ex.P11 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 23.06.2022, at about 6.00 pm in the evening, within the limits of Huliurudurga police station, in Beechanhalli Village, while CW1 to 3 were in their house at that time the accused by forming unlawful assembly



trespassed into the house of CW1 with the issue of enticing away of Spoorthi and accused No.1 and 2 abused CW1 in filthy language and caught hold the CW1 and dragged her out of the house and all the accused abused her in filthy language and accused No.2 assaulted on the cheek of CW1 and accused No.1 assaulted with club on her right shoulder, arm, head and right leg and caused injuries, accused No.3 to 8 also kicked her with legs when CW2 and 3 tried to pacify the quarrel the accused No.2, 4 and 5 assaulted them with hands and gave life threat, thereby committed offences punishable U/s 143, 323, 324, 448, 504, 506 R/w Sec. 149 of IPC?

2. What order or sentence?

9. My findings on the above points are:-

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| 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 9 witnesses and got marked 11 documents.

11. PW1 Gangamma has deposed in her examination in chief that, about 1 ½ years back at about 6.00 pm in the evening while herself CW2 and 3 were in the house accused No.2 came and abused her in filthy language and assaulted on her cheek with hands and also assaulted with club on her right shoulder and caught hold her hair dragged her to road. Accused No.6 to 8 pulled her down and dragged her saree and kicked with legs. When CW2 and 3 tried to pacify the quarrel the accused No.1, 2, 4 and 5 assaulted them also and she taken treatment at Huliurdurga hospital and then lodged complaint as per Ex.P1. Thereafter the police came to the spot and conducted mahazar as per Ex.P2 and seized MO.1.

12. PW2 Sannamariyappa has deposed in his examination



in chief that, about 3 years back, at about 6.00 pm, accused No.1 and 2 came near their house and picked up quarrel. They caught hold CW1 and dragged her and abused her in filthy language. The accused No.1 and 2 assaulted with hands on her cheek when she fell down accused No.1 assaulted with club on her right shoulder. Accused No.5 dragged her out and kicked with legs. Accused No.6 and 8 snatched her mangalya and none of them came to their rescue. They went to Huliurdurga hospital and then to Kunigal Govt hospital.

13. PW3 Shankar and PW4 Nagaraj have deposed in their examination in chief that, they do not know anything about the case and not given statement before the police.

14. PW5 N.A.Krishnappa has deposed in his examination in chief that, on 12.07.2022 he received letter from Huliurdurga police station for issue of Khata extract of property bearing No.117/162 and he issued same.

15. PW6 Nagaraju and PW7 Raju have deposed in their



examination in chief that, about 3 years back they signed on mahazar they do not know what is written in it and police have not seized anything in their presence.

PW8 Dr.Satish Babu has deposed in his examination in chief that, on 23.06.2022, at about 10.10 pm in the night CW1 came to the hospital with the history of assault he examined and issued wound certificate.

16. PW9 K.B Shadakshari has deposed in his examination in chief that, on 25.06.2022 at about 8.00 pm in the night, CW1 appeared before him and gave complaint i.e., Ex.P1 alleging the assault by the accused. Accordingly, he registered the FIR which is marked as Ex.P8. On same day he visited the spot and conducted mahazar in the presence of CW6 and 7 and seized the club as per MO1. He recorded the statements of CW2 and 3 and he received the wound certificate from government hospital and received khata extract and on completion of investigation he filed charge sheet against the accused.



17. Perusal of the materials available on record it appears that, PW1 is the author of the complainant and she deposes against to the averments made in the complaint as per Ex.P1. PW2 is the husband of the PW1. During their cross examination itself there are contradictions with regard to alleged assault and nature of injuries sustained by PW1. As per the case of the prosecution when CW1 to 3 were in the house at that time the accused trespassed into the house and abused CW1 and assaulted her. But in her chief examination PW1 deposed that, the accused No.6 to 8 pulled her down and dragged her saree and assaulted her. The said version of the complainant is elicited only in the course of chief examination and there are no averments in the plaint with regard to the said contention is concerned. Further she deposed that she lost her conscious in the incident but as per the wound certificate there is no averments as to CW1 was unconscious at the time of incident.

18. During her cross examination by the counsel for



accused she deposed that, she can not read and write and she do not know written the complaint and also the averments written on the complaint. Further she deposed that, she has not lodged complaint with the police and as per the cross examination she gained conscious on next day at about 8.30 pm, in the night. Therefore she lodging complaint does not arise. Even she deposed that, her saree was torn but the IO has not made efforts to seize the said saree which itself goes to show that no incident has taken place. If at all the incident has taken place the police have visited the hospital and recorded the statement of the CW1. Further she deposed that, she do not know what is written in the mahazar.

19. PW2 in his chief examination itself deposed that, none of the people came to their rescue but as per the version of the prosecution CW4 and 5 are the eye witnesses and they have pacified the quarrel. Further in his chief examination he has deposed with regard to accused NO.6 snatching the mangalya chain which is not at all stated by the CW1 in her



evidence as well as in her complaint. During his cross examination the counsel for accused elicited that, the CW2 has not given statement with regard to loss of Mangalya Chain and also with regard to treatment taken by the CW1 in Kunigal Hospital for one week. Further in his cross examination he also deposed that the saree worn by CW1 got torn in the incident but the IO has not made efforts to seize the said saree.

20. In his cross examination he deposed that the CW1 has taken club to the police station and give to the police. Further he denied the suggestion that the accused No.5 has lodged the complaint against his brother in law with regard to kidnapping. The CW3 who is the son of PW1 and 2 is not examined by the prosecution who is also one of the injured and inspite of granting sufficient opportunity the prosecution has not tendered him for examination.

21. The CW4 and 5 being the eye witnesses have turned hostile to the case and in their cross examination nothing



worth is elicited to prove the case. PW6 and 7 being the panchas have turned hostile to the case and they have not deposed anything as to conducting of mahazar in their presence. Except the evidence of PW1 and 2 who are the husband and wife and interested witnesses none of the independent witnesses have supported the case and the CW3 who is the injured is not examined by the prosecution as such the prosecution has failed to prove the case beyond all reasonable doubt.

22. Perusal of the over all evidence on record it is forthcoming that, there are material contradictions in the evidence of the prosecution 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".**

23. **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 No.1 to 8 are acquitted of the offences P/U/s 143, 323, 324, 448, 504, 506 R/w Sec. 149 of IPC.

MO 1 is worthless properties hence ordered to destroy after appeal period.



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 **1st day of August 2026**).

sd/-

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

ANNEXURE

1. List of witnesses examined for the Prosecution:

PW1: Gangamma.
PW2: Sannamariyappa.
PW3: Shankar.
PW4: Nagaraj.
PW5: N.A.Krishnappa.
PW6: Nagaraju.
PW7: Raju.
PW8: Dr.Sathishbabu.
PW9: K.B.Shadakshari.

2. List of witnesses examined for the accused:

- Nil -

3. List of documents marked for the Prosecution

Exp1 : Complaint.
Exp2 : Panchanama.



Exp3 & 4 : Statement.
Exp5 : Report of Haleuru Gram Panchayath.
Exp6 : Katha Extract.
Exp7 : Wound Certificate.
Exp8 : FIR.
Exp9 to 11 : Accused Bond.

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.