



**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: 9TH DAY OF JUNE 2026

C.C.No.9063/2022

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

(By Asst Public Prosecutor)

V/s

Accused : 1. Ramesha.D.T,
S/o Thimmaiah,
Aged about 43 years.
2. Govindaiah,
S/o Thimmaiah,
Aged about 60 years.**(DEAD)**
3. Thimmaiah S/o Late Kariyappa,
Aged about 87 years.

All are R/at: Doddakallahalli Village,
Amruthuru Hobli, Kunigal Taluk,
Tumkuru District.

(Accused by Sri.R.K,R., Adv.)

1.Date of commission of offences :	14.10.2022.
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2. Date of report of offences:	15.10.2022
3.Name of the complainant :	Venkateshaiah.
4.Date of recording of evidence:	26.05.2025.
5.Date of closure of evidence:	27.05.2026.
6. Offences alleged :	U/s 324, 506 R/W section 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 324, 506 R/W section 34 of IPC.

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

That on 14.10.2022, at about 5.30 pm in the evening, within the limits of Huliurudurga police station, in front of the house of Boregowda of Doddakallahalli Village, on public road while CW1 and 2 were coming back from their land with cattle at that time the accused with common intention picked up quarrel with them and accused No.1 assaulted with club on the left head, left shoulder and



accused No.2 assaulted with stone on left arm and caused injuries and all the accused gave life threat, thereby committed offences punishable U/s 324, 506 R/W section 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 324, 506 R/W section 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 3 witnesses as PW1 to PW3 and got marked 3 documents as Ex.P1 to Ex.P3 and got marked material objects MO.1 and 2.

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 14.10.2022, at about 5.30 pm in the evening, within the limits of Huliurudurga police station, in front of the house of Boregowda of Doddakalllahalli Village, on public road while CW1 and 2 were coming back from



their land with cattle at that time the accused with common intention picked up quarrel with them and accused No.1 assaulted with club on the left head, left shoulder and accused No.2 assaulted with stone on left arm and caused injuries and all the accused gave life threat, thereby committed offences punishable U/s 324, 506 R/W section 34 of IPC ?

2. What order or sentence?

9. My findings on the above points are:-

- Point No.1 - In the Affirmative.
- 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 3 witnesses and got marked 3 documents and MO1 and 2.

11. PW1 Venkateshaiah in his examination in chief deposed that, about 2 years back on October 14 at about 5.30 pm,



while he was coming back to home with cattle near Boregowda house the accused picked up quarrel and assaulted with club on his right hand and accused No.2 assaulted with stone and taken treatment at Kunigal hospital and then lodged complaint.

12. In his cross examination by counsel for accused he admitted that, no quarrel took place between himself and accused and he do not what is written in the compliant and mahazar. He also deposed that he signed on mahazar at Huliurdurga and he has not given statement. The above admissions elicited in the course of cross examination clearly goes to show that, the CW1 lodged false complaint and no quarrel took place.

13. The Prosecution examined CW3 as PW2 who is eye witness he completely turned hostile to the case and in his cross examination nothing worth is elicited to prove the case. PW3 is the wife of CW1 and she deposed that, about 4 years back while herself and her husband had been to grazing cattle and while returning to home at 5.00 pm the



accused picked up quarrel and accused No.1 assaulted with club on the head and hand of CW1. Then they came to house and CW1 went to govt hospital Kunigal.

14. In her cross examination by the counsel for accused she also admitted that, accused are the her brother-in-law and his son and they have not picked up quarrel with them and she has not seen any incident. The above admissions elicited in the course of cross examination goes to show that, the accused have not picked up quarrel with them and they do not know anything about the case.

15. Perusal of over all evidence available on record it appears that, though the PW1 and 3 have supported the case of prosecution in their cross examination by the counsel for accused they clearly admitted that they do not know anything about the case and no quarrel took place. Hence, the prosecution failed to bring home the guilt of the accused and benefit should be given to accused.



16. 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.**

17. **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 and 3 are acquitted of the offences P/U/s 324, 506 R/W section 34 of IPC.

MO1 and 2 are worthless properties 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 9th 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: Venkateshaiah.

PW2: Chikka Kempaiah.

PW3: Chowdamma.



2. List of witnesses examined for the accused:

- Nil -

3. List of documents marked for the Prosecution

ExP1 : Complaint .
ExP2 : Panchanama.
ExP3 : Statement.

4. List of documents marked for the accused:

- Nil -

5. Material Objects marked by the Prosecution:

MO1 : Club
MO2 : Stone

sd/-

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