



**IN THE COURT OF ADDL. SENIOR CIVIL JUDGE &  
J.M.F.C, AT SIRA**

PRESENT: **Sri.VINOD KUMAR.M** BAL,.LLB,LLM.,  
ADDL. SENIOR CIVIL JUDGE & JMFC  
AT SIRA

**C.C. No.07/2026**

**Dated this the 25<sup>th</sup> day of June - 2026**

**Between :-**

State by ***Tavarekere Police***

**(Rep. by APP for Prosecution)**

**V/s**

**1. Narayanappa Dead and Abated.**

**2. Bhutesha,**  
S/o Ramachandraiah,  
Aged about 55 years,

**3. Divakara,**  
S/o Narayanappa,  
Aged about 32 years,

**4. Kariyanna,**  
S/o Narayanappa,  
Aged about 26 years,

**5. Ambareesh,**  
S/o Narayanappa,  
Aged about 24 years,

**6. Bhuthegowda,**  
S/o Karegowda,  
Aged about 65 years,

**7. Chayapathi,**

S/o Boothegowda,

Aged about 30 years,

All are R/at K.Ranganahalli,

Sira Taluk,

Tumakuru District.

**.... Accused No.1 to 7  
(By Sri.R.S. Adv.)**

- |                                      |   |                                                                                                          |
|--------------------------------------|---|----------------------------------------------------------------------------------------------------------|
| 1. Date of commencement of Offences  | : | 07-11-2015                                                                                               |
| 2. Date of report of the offences    | : | 08-11-2015                                                                                               |
| 3. Name of the Complainant           | : | R.K.Sadanandagowda                                                                                       |
| 4. Offences complained of            | : | U/Sec. 323, 341, 504, 506 R/w 149 of IPC.                                                                |
| 5. Date of recording of the evidence | : | 02-08-2023                                                                                               |
| 6. Date of closing of the evidence   | : | 11-03-2026                                                                                               |
| 7. Opinion of the Judge              | : | Accused No.1 to 7 are acquitted of the offences punishable U/Sec.323, 341, 504, 506 R/w Sec. 149 of IPC. |

**Sd/-****(VINOD KUMAR.M)**Addl. Senior Civil Judge  
& JMFC Sira**J U D G E M E N T**

The PSI of Tavarekere Police has filed charge sheet against accused No.1 to 7 for the offences punishable U/Sec. 323, 341, 504, 506 R/w Sec.149 of IPC.





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

That on 07.11.2015 at about 8.00 p.m, the accused No.1 & 2 have restrained the CW.2 for move forward and also assaulted with hands on body of CW.2 in the connection of temple administrative issue. Subsequently, accused No.1 abused the CW.2 in filthy language and accused No.3 to 7 were holding stone and wooden stick and threat to life of CW.1, if he may comes to temple issue. Thereby, accused No.1 to 7 have committed offences for the punishable U/Sec.323, 341, 504, 506 R/w Sec.149 of IPC.

**3.** After completion of investigation, the complainant police have submitted the charge sheet against accused No.1 to 7. On perusal of charge sheet, this court was taken cognizance for the offences punishable U/Sec. 323, 341, 504, 506 R/w Sec.149 of IPC as contemplated U/Sec.190(1) (b) of Cr.P.C. Accused No.1 to 7 were enlarged on bail through their Counsel. Immediately, the charge sheet is supplied to accused No.1 to 7 as per Sec.207 of Cr.P.C. Thereafter, heard the arguments by both counsel on hear before charge. Perused the prosecution papers and materials available on records. This court found sufficient materials to frame charge. Hence, charge was framed. The contents of the charge for the above said offences are read over and explained to the accused No.1 to 7 in Kannada language, which is known to them, the accused No.1 to 7 pleaded not guilty, but they claims to be tried. Thereafter, the case was posted for trail of prosecution side.



4. In order to prove it's case, the prosecution has examined the 7 witnesses as PW1 to PW7 respectively and got marked Ex.P1 to P4 documents and MO.1/Stone. During the trial, the accused No.1 died on 17.06.2025 and abated from the case as per order of this court on dated 20.06.2025. After closure of evidence by the prosecution side through PW1 to PW7, this court found incriminating evidence against accused No.2 to 7. Hence, the statement of accused U/Sec.313 of Cr.P.C has been recorded and explained to accused No.2 to 7, they understood and denied the statement as false and no defense evidence on their behalf.

5. Heard the arguments of learned APP for prosecution and learned counsel for the accused No.2 to 7 and perused the prosecution witnesses with documents placed on record.

6. The points that arise for my determination are as follows:

- 1) ***Whether the prosecution proves beyond reasonable doubt that, on 07.11.2015 at about 8.00 p.m, the accused No.1 & 2 have restrained the CW.2 for move forward in the connection of temple administrative issue, thereby accused No.2 to 7 committed an offence punishable U/Sec.341 R/w Sec.149 of IPC?***
- 2) ***Whether the prosecution proves beyond reasonable doubt, date, place, time as supra accused No.1 & 2 assaulted the CW.2, thereby the accused No.2 to 6 have committed an offence punishable U/Sec.323 R/w Sec.149 of IPC?***



**3) Whether the prosecution proves beyond reasonable doubt, date, place, time as supra the accused No.1 abused the CW.1 & 2 in filthy language, thereby the accused No.2 to 7 have committed an offence punishable U/Sec.504 R/w Sec.149 of IPC?**

**4) Whether the prosecution proves beyond reasonable doubt, date, place, time as supra the accused No.2 to 7 threat to life of CW.1, if he comes to temple issue, thereby the accused No.2 to 7 have committed an offence punishable U/Sec.506 R/w Sec.149 of IPC?**

**5) What order ?**

**7.** My findings on the above points are as follows:

|            |   |                                                |
|------------|---|------------------------------------------------|
| Point No.1 | : | <b>In the Negative</b>                         |
| Point No.2 | : | <b>In the Negative</b>                         |
| Point No.3 | : | <b>In the Negative</b>                         |
| Point No.4 | : | <b>In the Negative</b>                         |
| Point No.5 | : | As per the final order<br>for the following :- |

### **REASONS**

**8. Point No.1 to 4 :-** These points are connected to each other in order to prove the guilt of accused No.2 to 7, which taken together for common discussion in order to avoid repetition. It is well settled law that, in a criminal case the initial burden of proof always lies on the prosecution to prove the guilt of the accused No.2 to 7 beyond all reasonable doubt as per Sec.101 of Indian Evidence Act.



**9.** The prosecution has examined the complainant as PW1/Sadanandagowda deposed that, on dated 07.11.2015 at about 8.00 p.m. the accused No.2 wrong full restrained his two wheeler to move forward on picked up quarrel in the connection of temple issue and accused No.1 assaulted with hands and stone on shoulder and forehead. In this regard, he lodged a Ex.P.1/Complaint and Police have conducted Ex.P.2/Mahazar in his presence includes seized MO-1/Stone. But in the cross-examination of PW.1 admits that, accused No.1 & 2 are his brothers and there is a dispute in the family about temple priest. PW.1 further admits that, there was a darkness at the time of incident.

**10.** In order to prove the incident, PW.2/Thipperangaiah and PW.3/Junjanna and PW.4/Lalithamma similarly deposed that, there was a quarrel between accused No.1 & CW.1 in the connection of temple issue and given statement to police about incident. But PW.2 to 4 have turned partly hostile witnesses and admits the assaulted by accused No.2 to CW.1. But in the cross-examination of counsel for accused, PW.2 to 4 admits that, they doesn't know about contents of statement and never seen the incident due to darkness.

**11.** In order to prove the case, PW5/Girijamma and PW.6/Kenchappa similarly deposed that, neither themselves nor accused persons have any kind of quarrel except signature on Ex.P.2. PW5 & PW6 further deposed that, they do not know about contents of Ex.P.2/Mahazar. But, PW5 & PW6 have



turned hostile to the prosecution case and inspite of cross examination by APP for prosecution, PW5 & PW6 denied their statement given before the police as per Ex.P2 & P3.

**12.** In order to prove the investigation, PW.7/Hanumantharaju-IO(ASI) deposed that, he registered the Ex.P3/FIR agaisnt accused persons on the basis of Ex.P.1/Complaint and conducted mahazar in the presence of CW.6 & 7 includes seized two wheeler bearing No.KA.64.E.0719 used for commission of offence and MO-1/Stone. PW.7 further deposed that, he recorded the statement of CW.2 to 5 and filed charge sheet against accused persons. PW.7 identified his signature on Ex.P.1 to 4 and MO-1 includes accused before the court. But in the cross-examination of PW.7 denied that, he never investigate the offence by way of received complaint & conducting mahazar in the presence of witnesses. PW.7 also denied that, the injuries to PW.1 caused from fallen in two wheeler.

**13.** From perusal of evidence led by prosecution through PW1 to PW7, who are complainant/victims, eye witnesses, mahazar witnesses and IO to the incident. In the chief examination of PW.1 clearly deposed that, accused No.2 only assaulted with hands and stone on shoulder and forehead. But PW.1 never stated about other accused persons what did. Even though, PW.1 & accused persons are brothers and there is a dispute in the family in respect of temple administrative issues for who will be the priest. In the presence of earlier issue



between parties, there was a quarrel held between both of them in the village. Moreover that, PW.1 never treated under Doctor to show the accused No.2 & others have assaulted with hands and stones. Even IO also never produced any wound certificate to prove the contention of PW.1. On perusal of Ex.P.1/Complaint against accused persons, but PW.1 never deposed in chief examination about who were all accused present at the time of incident and what type of offence committed by them at the spot. As such, the evidence of PW.1 has not been corroborated with Ex.P.1/Complaint. The contents of Ex.P.1 is not supported with any documents before the court.

**14.** In order to prove the incident, PW.2 to 4 deposed that, there was a quarrel held between PW.1 & accused persons. But PW.2 to 4 never deposed about who are all accused persons as assaulted the PW.1. But in the cross-examination of PW.2 to 4 clearly admits that, they do not know the contents of statement and never seen the incident due to dark light. On other hand APP for prosecution have treated the PW.2 to 4 as hostile witnesses. In spite of cross-examination, PW.2 to 4 never deposed against accused No.2 to 7. Moreover PW.5 & 6 also turned hostile and denied the contents of Ex.P.2 & 3/Mahazar & Statement. Despite of cross examination of PW5 & PW6 by APP for prosecution, they denied all the questions posed including denied the Statements as per Ex.P2 & P3 except signature on Ex.P2/Mahazar. On other hand the



IO/PW.7 deposed that he investigated offence against accused No.1 to 7. But PW.7 never produce any documents to show the accused No.1 to 7 have assaulted the PW.1 in the connection of temple administrative issues. Moreover, PW7 never collected any documents to show the dispute of temple administrative. The evidence of PW.7 has not fully corroborated with PW.1 to PW.6.

**15.** It is pertinent to note that, PW1 to PW4 are complainant as well as victim to the incident, who have not fully supported to the case of prosecution. On other hand, PW5 & 6 turned hostile to the prosecution case. The IO/PW.7 has not investigate the offence in proper manner and filed charge sheet without any proper evidence. In this regard, prosecution has failed to proved the alleged assault to Complainant/Victims/PW1 to PW4 with circumstantial, corroborated, cogent and reliable evidence beyond reasonable doubt. In the prosecution case the reasonable doubt would arise, that benefit goes to accused No.2 to 7. I hold that prosecution has not proved the guilt of accused No.2 to 7 beyond all reasonable doubt. Accordingly, I nothing found guilt of accused No.2 to 7 for the offences punishable U/Sec.323, 341, 504, 506 R/w Sec.149 of IPC.. Accordingly, I answered to **Point No.1 to 4** in the **Negative**.

**16. Point No.5 :-** For the reasons stated while discussing Point No.1 to 4, I proceed to pass the following:-



## **ORDER**

Acting U/Sec.248(1) of Cr.P.C., the accused No.2 to 7 are hereby acquitted of the offences punishable U/Sec. 323, 341, 504, 506 R/w Sec.149 of IPC.

The bail bond and surety bond of accused No.2 to 7 shall stand cancelled after prescribed period is over U/Sec.437(a) of Cr.P.C.

The MO-1/stone seized in PF.No.78/2015 shall be worth-less and destroy the same by the office after appeal period is over.

(Dictated to the stenographer and typed by him in the computer, corrected and then pronounced by me in the open court on this the **25<sup>th</sup> day of June 2026**)

**Sd/-**  
**(VINOD KUMAR.M)**  
Addl. Senior Civil Judge  
& JMFC Sira

## **ANNEXURES**

### **I. List of Witnesses Examined behalf of the Prosecution:-**

|     |   |                |
|-----|---|----------------|
| PW1 | : | Sadanandagowda |
| PW2 | : | Thipperangaiah |
| PW3 | : | Junjanna       |
| PW4 | : | Lalithamma     |
| PW5 | : | Girijamma      |
| PW6 | : | Kenchappa      |
| PW7 | : | Hanumantharaya |

**II. List of Documents marked behalf of the Prosecution:-**

Ex.P1 : Complaint  
Ex.P2 : Spot Mahazar  
Ex.P3 : FIR  
Ex.P.4 : Statement of witness

**III. List of material object marked behalf of prosecution:-**

MO-1 : Stone

**IV. List of Witnesses Examined by the Accused No.1 to 7: -**

- NIL -

**V. List of Documents of Accused No.1 to 7:-**

- NIL -

**Sd/-**  
**(VINOD KUMAR.M)**  
Addl. Senior Civil Judge  
& JMFC Sira