



**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.184/2026

Dated this the 17th day of June - 2026

Between :-

State by ***Tavarekere Police***

(Rep. by APP for Prosecution)

V/s

- 1. Venkatesh,**
S/o late Siddappa,
Aged about 52 years,
- 2. Prasad @ Venkatesh Prasada,**
S/o Venkatesh,
Aged about 24 years,
- 3. Ramanjaneya,**
S/o Siddappa,
Aged about 32 years,
- 4. Meena @ Meenakshamma,**
W/o Ramanjaneya,
Aged about 30 years,
- 5. Lakshmamma,**
W/o Siddappa,
Aged about 60 years,
- 6. Gayathramma,**
W/o Venkatesh,
Aged about 40 years,



Accused No.1 to 6 are
R/at: Maddakanahalli Village,
Gowdagere Hobli, Sira Taluk,
Tumakuru District.

**.... Accused No.1 to 6
(By Sri. R.S. Adv.,)**

- | | | |
|--------------------------------------|---|---|
| 1. Date of commencement of Offences | : | 13-03-2025 |
| 2. Date of report of the offences | : | 19-03-2025 |
| 3. Name of the Complainant | : | Gayathri |
| 4. Offences complained of | : | U/Sec.115(2), 118(1),
352 R/w
Sec.190 of BNS-2023. |
| 5. Date of recording of the evidence | : | 28-04-2026 |
| 6. Date of closing of the evidence | : | 28-04-2026 |
| 7. Opinion of the Judge | : | Accused No.1 to 6 are
acquitted of the offences
punishable U/Sec.115(2),
118(1), 352 R/w Sec.190
of BNS-2023. |

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

J U D G E M E N T

The HC of Tavarekere Police has filed charge sheet against accused No.1 to 6 for the offences punishable U/Sec.115(2), 118(1), 352 R/w Sec.190 of BNS-2023.

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

That on 12-03-2025 at about 6.30 p.m, the accused No.1 to 6 have picked up quarrel with CW.1 to 3 in the connection of cleaning the premises of the beside house. At the time, the accused No.1 to 6 abused the CW.1 to 3 in filthy language and assaulted the CW.2 with hands and legs on body. Accused No.1, 4 & 6 assaulted the CW.1 to 3 with Stone, Sickle and Wooden stick on head, right leg and back bone by caused injuries. Thereby, accused No.1 to 6 have committed offences for the punishable U/Sec. 115(2), 118(1), 352 R/w Sec.190 of BNS-2023.

3. After completion of investigation, the complainant police have submitted the charge sheet against accused No.1 to 6. On perusal of charge sheet, this court was taken cognizance for the offences punishable U/Sec. 115(2), 118(1), 352 R/w Sec.190 of BNS-2023 as contemplated U/Sec.210(1)(b) of BNSS-2023. Accused No.1 to 6 were enlarged on bail through their Counsel. Immediately, the charge sheet is supplied to accused No.1 to 6 as per Sec.230 of BNSS-2023. 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 6 in Kannada language, which is known to them, the accused No.1 to 6 pleaded not guilty, but they claims to be



tried. Thereafter, the case was posted for trial of prosecution side.

4. In order to prove it's case, the prosecution has examined as many as three witnesses as PW1 to PW3 and got marked Ex.P1 to P5. After closure of evidence by the prosecution side through PW1 to PW3, who are complainant as well as victims to the incident, but PW1 to PW3 have not supported to the case of prosecution and they turned hostile. The learned counsel for APP of prosecution prays to issue witness summons to CW4 to CW9, but PW1 to PW3 have turned hostile and need not necessary to issuance of summons to CW4 to CW9 and prayer made by APP has been rejected by dropped the CW4 to CW9 from give evidence before this court. Subsequently, this court nothing found any incriminating evidence against accused No.1 to 6. Hence, the statement of accused No.1 to 6 U/Sec.351 of BNSS-2023 has been dispensed with.

5. Heard the arguments of learned APP for prosecution and learned counsel for the accused No.1 to 6 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, 12-03-2025 at about 6.30 p.m, the accused No.1 to 6 have picked up quarrel with CW.1 to 3 and abused in filthy language in the connection of cleaning the premises of the beside house, thereby accused No.1 to 6 committed an offence punishable U/Sec.352 R/w Sec.190 of BNS-2023?**
- (2) Whether the prosecution proves beyond reasonable doubt, date, place, time as supra the accused No.1 to 6 have assaulted the CW.2 with hands and legs on body, thereby accused No.1 to 6 committed an offence punishable U/Sec.115(2) R/w Sec.190 of BNS-2023?**
- (3) Whether the prosecution proves beyond reasonable doubt, date, place, time as supra the accused No.1, 4 & 6 assaulted the CW.1 to 3 with Stone, Sickle and Wooden stick on head, right leg and back bone by caused injuries, thereby accused No.1 to 6 committed an offence punishable U/Sec.118(1) R/w Sec.190 of BNS-2023?**

(4) What order ?

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

- | | | |
|------------|---|--|
| Point No.1 | : | In the Negative |
| Point No.2 | : | In the Negative |
| Point No.3 | : | In the Negative |
| Point No.4 | : | As per the final order
for the following :- |



REASONS

8. Point No.1 to 3:- These points are connected to each other in order to prove the guilt of accused No.1 to 6, 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.1 to 6 beyond all reasonable doubt as per Sec.101 of Indian Evidence Act.

9. The prosecution has examined the complainant as PW1/Chandu deposed that, CW2 to CW5 and accused No.1 to 6 are her relatives. PW1 further deposed that, neither herself nor accused No.1 to 6 have any kind of quarrel. PW1 further deposed that, accused No.1 to 6 have not abused in filthy language and assaulted with any materials. PW1 further deposed that, she did not give any complaint to police and police never conducted any mahazar in his presence. PW1 identified her signature found in Ex.P1/Complainant Statement & Ex.P2/Mahazar as per Ex.P1(a) & P2(a), but she doesn't know the contents in said document. PW1 further deposed that, she did not know any contents of this case and she totally turned hostile to the prosecution case. Even after cross examination of PW1 denied the contents of Ex.P1/Complaint & Ex.P2/Mahazar includes statement given before Police as per Ex.P.3.



10. In order to prove the case, PW2/Lokesh and PW3/Cauvery similarly deposed that, neither themselves nor accused persons have any kind of quarrel and assaulted with hands and legs on their body includes any other objects. PW2 and PW.3 further deposed that, they never given any statement to police and police also never taken their statement. But, PW2 and PW.3 have turned hostile to the prosecution case and in spite of cross examination by APP for prosecution, PW2 and PW3 denied their statements given before the police as per Ex.P4 and Ex.P.5. But PW2 and PW3 admits that, they have compromised the matter with accused persons and denied the deposing false evidence in view of compromise with accused persons.

11. From perusal of evidence led by prosecution through PW1 to PW3, who are complainant/victims to the incident, but PW1 to PW3 have not supported to the case of prosecution and he turned hostile to the case of prosecution. Despite of cross examination of PW1 to PW3 by APP for prosecution, they denied all the questions posed including denied the Complaint as per Ex.P1 to P5 except signature on said document. In the absence of specific complaint lodged by complainant/PW1 to PW3 as per Ex.P1 to P5, the other witness of prosecution will not necessary to give evidence before this court and issuance of summons to CW4 to CW9 does not arise. The evidence of CW4 to CW9 have been dropped from the case by rejecting the prayer made by APP for prosecution to issue summons on said



witnesses. On perusal of cross examination of PW1 to PW3 by APP for prosecution clearly reveals that, PW1 to PW3 and accused No.1 to 6 have compromised the incident between them.

12. It is pertinent to note that, PW1 to PW3 are complainant as well as victims to the incident, who have not supported to the case of prosecution. In this regard, prosecution has failed to proved the alleged assault to complainant 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.1 to 6. I hold that prosecution has not proved the guilt of accused No.1 to 6 beyond all reasonable doubt. Accordingly, I nothing found guilt of accused No.1 to 6 for the offences punishable U/Sec.115(2), 118(1), 352 R/w Sec.190 of BNS-2023. **Accordingly, I answered to Point No.1 to 3 in the Negative.**

13. Point No.4 :- For the reasons stated while discussing Point No.1 to 3, I proceed to pass the following:-

ORDER

The accused No.1 to 6 are hereby acquittal of the offences punishable U/Sec.115(2), 118(1), 352 R/w Sec.190 of BNS-2023.

The bail bond and surety bond of accused No.1 to 6 shall stands cancelled after prescribed period is over.



The Item No.1 to 3/Sickle, Wooden stick and Stone seized in P.F.No.34/2025 shall be worth-less and destroy the same by 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 17th 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 : Chandu
PW2 : Lokesh
PW3 : Cauvery

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

Ex.P1 : Complaint
Ex.P2 : Spot Mahazar
Ex.P3 to P5 : Statement of Witnesses

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

- NIL -

IV. List of Witnesses Examined by the Accused:-

- NIL -

V. List of Documents of Accused:-

- NIL -

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