

KATK920232352022



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IN THE COURT OF THE PRINCIPAL CIVIL JUDGE & JMFC, AT

TIPTUR

-: Present:-

**SRI. BHARATH CHANDRA K. S. B.A.LL.B,
PRL. CIVIL JUDGE & JMFC,
TIPTUR.**

Dated, the 8th day of June, 2026

Criminal Case. No.22195/2022

Complainant: State by Tiptur Rural Police Station.

**(By : Learned Asst. Public
Prosecutor)**

- V/s -

Accused: 1. Suresha K.S

S/o Shivaramaiah,

a/a: 25 years,

R/at: Kodihalli (Basavanahalli) village,

Kasaba Hobli,

Tiptur taluk, Tumakuru.

2. Annapoornamma S/o Shivaramaiah,

a/a: 55 years,

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R/at: Kodihalli (Basavanahalli) village,
Kasaba Hobli,
Tiptur taluk, Tumakuru.
(By Sri. HL Advocate)

Date of commission of offence: 05.10.2022

Date of report of offence: 05.10.2022

Date of recording evidence: 12.06.2024

Date of closing evidence: 17.02.2026

Offence complained of : U/sec. 324, 504,
506 R/w 34 of IPC

Opinion of the Judge : 08.06.2026 As per the
final order

Sd/-

(BHARATH CHANDRA K.S.)
PRL. CIVIL JUDGE & JMFC,
TIPTUR.

J U D G M E N T

The Circle Inspector of Kibbanhalli police station has submitted the final report under section 173 (2) of the Cr.P.C



against accused, alleging the commission of offences punishable under section 324, 504 and 506 R/w Section 34 of the Indian Penal Code.

2. The case of the prosecution in nutshell is as under:-

It is the case of the prosecution that accused Nos. 1 and 2 and CWs.1 and 2 were having a dispute regarding land and house property, and due to the said enmity, on 05.10.2022 at about 3.00 p.m., at Kodihalli (Basavanahalli) Village, Kasaba Hobli, Tiptur Taluk, while CWs.1 and 2 were standing in front of their residential house in a public place, accused Nos.1 and 2 abused them in filthy language, questioning, “What records do you have for the house and land in which you are residing?” and further abused them in obscene words stating ನಿಮ್ಮ ತಾಯಿನಾಕೇಯ, ಕುಲಗೆಟ್ಟ ಮುಂಡೆ, ಸೂಳೆಮುಂಡೆ. It is further alleged that accused No.1 picked up a stone of fist size and threw the same at the right foot of CW.1, thereby causing simple injury. It is also alleged that accused Nos.1 and 2 threatened CWs.1 and 2 with dire consequences, including threat to life. Hence accused Nos.1 and 2 have committed the offences punishable under Sections 324, 504 and 506 read with Section 34 of IPC.



3. Upon the complaint received from Cw-1, the Tiptur Rural Police have registered the case under Crime No.65/2022 and registered the FIR for the offences punishable U/sec. 324, 504 and 506 R/w Section 34 of IPC. It is stated that, the police took up the investigation and after completion of the investigation; the police have submitted the charge sheet against the accused for the offences punishable U/sec. 324, 504 and 506 R/w Section 34 of IPC.

4. As there were sufficient materials available in the Final report to proceed against the accused, this Court took cognizance for the offences punishable U/sec. 324, 504 and 506 R/w Section 34 of IPC, against the accused. Accordingly this criminal case was registered and summons was issued to the Accused.

5. In pursuance of the summons issued, the accused appeared before the court through his counsel and was enlarged on bail. Copy of the Police Report and other related documents were furnished to the accused in compliance of Sec.207 of Code of Criminal procedure, 1973.

6. The accusations U/sec. 324, 504 and 506 R/w Section 34 of IPC, were read over and explained to the accused in the language best



known to him. The accused pleaded not guilty and claimed to be tried. Thereby the case was set down for prosecution evidence.

7. To establish the guilt of the accused the prosecution got examined PW.1 to 8 witnesses. The prosecution in support of its case got marked Ex.P.1 to 5 documents with sub markings.

8. As there were material incriminating circumstances available against the accused in the evidence lead by the prosecution. The accused was called upon and examined under section 313 of Cr.P.C. The accused denied all the incriminating circumstances available against him. The accused did not choose to lead any evidence on his behalf. Hence case was posted for arguments after compliance of Section 437-A of Cr.P.C, i.e. after taking surety.

9. Heard the arguments of Learned APP as well as the learned counsel appearing on behalf of the accused and perused the materials available on record.

10. Upon going through the facts and circumstances of the prosecution's case, the following points arise for the consideration of this court: -



1) Whether the prosecution proves beyond all reasonable doubt that on 05.10.2022 at about 3.00 p.m., at Kodihalli (Basavanahalli) Village, Kasaba Hobli, Tiptur Taluk, accused Nos.1 and 2, in furtherance of their common intention, intentionally insulted CWs.1 and 2 by abusing them in filthy and obscene language, thereby giving provocation to them intending or knowing it to be likely that such provocation would cause them to break the public peace or commit any other offence, and thereby committed an offence punishable under Section 504 read with Section 34 of IPC?

2) Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place, accused No.1, in furtherance of the common intention of accused Nos.1 and 2, voluntarily caused hurt to CW.1 by throwing a fist-sized stone at his right foot, thereby causing simple injury, and thus committed an offence punishable under Section 324 read with Section 34 of IPC?

3) Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place, accused Nos.1 and 2, in furtherance of their common intention, criminally



intimidated CWs.1 and 2 by threatening them with dire consequences including threat to life, with intent to cause alarm to them, and thereby committed an offence punishable under Section 506 read with Section 34 of IPC?

4) What Order?

11. On hearing the arguments and on perusal of the materials placed on record, this court answers the above points as hereunder :-

Point No.1 to 3 :- In the Negative

Point No.4 :- As per final order
for the following :-

REASONS

12. Point No.1 to 3 :- As these points are interlinked with each other and also similar evidence is led on all these points, this court has taken all these points together for common discussion, in order to avoid repetition of facts and discussion.

13. In order to prove its case, the prosecution has examined 8 witnesses as P.W-1 to P.W-8. P.W-1 is the victim/complainant.



P.w-2 to 4 are eyewitnesses. P.W-5 and P.w-7 are both witnesses to spot Mahazar. P.W-6 is Medical officer who treated Cw-1, Pw-8 is the Investigation officer.

14. Further the prosecution got marked 5 documents through its witnesses as per Ex. P-1 to Ex. P-5. Wherein, Ex. P-1 is the complaint, Ex. P-2 is the spot Mahazar, Ex.P-4 is the notice issued to the mahazar witness, Ex. P-4 is the wound certificate of CW-1, Ex.P-5 is the FIR.

15. The principle of "innocent until proven guilty" is a foundational tenet of our criminal jurisprudence, placing the burden of proving guilt solely on the prosecution while safeguarding the rights of the accused. Enshrined in the Indian Constitution and international human rights declarations, this principle ensures that individuals are not unjustly convicted based on mere suspicion. The Hon'ble Apex Court, in **P.N. Krishna Lal v Government of Kerala** reported in **1995 Supp (2) SCC 187**, affirmed this principle, emphasizing that the burden of proof always rests on the prosecution and that any attempt to shift it to the accused would violate their fundamental rights. Thus, "innocent until proven guilty" stands as



a critical safeguard against wrongful convictions, ensuring fairness and justice in the legal process.

16. Ex.P1 is the complaint lodged by CW.1, who is the injured complainant in the present case. The said complaint was recorded on 05.10.2022 between 5.15 p.m. and 5.45 p.m. while CW.1 was undergoing treatment at Government Hospital, Tiptur. In the complaint, CW.1 has stated that there was previous enmity between himself and accused Nos.1 and 2 in respect of land and house property. It is alleged that due to the said dispute, on 05.10.2022 at about 3.00 p.m., accused Nos.1 and 2 came near his house and started questioning him and his wife i.e., CW.2 as to what documents they possessed to show their right over the house in which they were residing. It is further alleged that accused Nos.1 and 2 abused them in filthy language.

17. Further that CW.1 and CW.2 were inside the house and came outside after hearing the accused persons shouting. It is alleged that after they came out, accused No.1 picked up a fist-sized stone and threw the same towards CW.1, which hit on the upper portion of his right foot and caused injuries. It is further alleged that accused Nos.1 and 2 threatened CW.1 and CW.2 with dire



consequences. CW.1 has further stated that CW.2 to CW.4 came to the spot and pacified the quarrel.

18. Ex.P1 discloses that CW.2 to CW.4 were projected as eyewitnesses to the alleged incident. Hence, their oral evidence requires consideration along with CW.1.

19. CW.1, who was examined as PW.1, has deposed that on 05.10.2022 at about 3.00 p.m., accused Nos.1 and 2 came near his house and questioned him regarding the documents of the house and started abusing him and CW.2. He further stated that while they were coming out of the house, accused persons told them that they would throw them out of the house. He further deposed that accused No.1 assaulted him on his right leg with a stone, and thereafter CW.2 to CW.4 came and intervened. He further stated that CW.4 took him to the hospital.

20. CW.2, examined as PW.2, has supported the version of CW.1 and stated that accused Nos.1 and 2 questioned them regarding the documents of the house, abused them in filthy language, and accused No.1 threw a stone at the right leg of CW.1 causing bleeding injury. She further stated that accused persons threatened them with life.



21. CW.3, examined as PW.3, has also supported the prosecution case by stating that accused Nos.1 and 2 questioned CW.1 and CW.2 regarding the documents of the house, abused them, and accused No.1 threw a stone at CW.1 causing bleeding injuries. CW.4, examined as PW.4, has deposed in a similar manner.

22. It is necessary to note that though PW.1 to PW.4 have consistently stated that accused No.1 caused injury to CW.1 with a stone, there are material variations regarding the manner of assault and the exact place of impact. CW.1, in his evidence, has stated that accused No.1 hit him with a stone on his right leg. However, CW.2 to CW.4 have stated that accused No.1 threw the stone at him. None of the witnesses have specifically stated the exact portion of the leg where the stone struck CW.1. They vaguely state that CW-1 suffered bleeding injuries, without mentioning the exact portion where the CW.1 suffered the alleged injuries.

23. The medical evidence requires consideration in this regard. Ex.P4 is the wound certificate issued by PW.6, the doctor who examined CW.1. As per Ex.P4, CW.1 was brought to the hospital on



05.10.2022 at about 4.15 p.m. with an alleged history of assault by accused Nos.1 and 2. The doctor has noted the following injuries:

1. Lacerated wound over dorsal aspect of right foot measuring 6 x 5 x 2 cm with fresh bleeding;
2. Swelling of right ankle joint with painful movement;
3. Swelling of right great toe;
4. Tenderness over mid-back region and right upper arm.

All the above injuries were opined to be simple in nature.

24. On careful comparison of the oral evidence with the medical evidence, certain discrepancies arise. The specific allegation of the prosecution is that accused No.1 threw a stone which hit the right upper foot of CW.1. If the stone had only struck the right upper foot, the injuries expected would ordinarily be confined to the place of impact. However, Ex.P4 also records swelling of the ankle joint with painful movement, swelling of the great toe, and tenderness over the right upper arm and mid-back region.

25. The prosecution witnesses have not explained how tenderness over the right upper arm and mid-back region was caused in the



alleged incident. Further, there is no explanation as to how a single impact of a stone on the upper part of the right foot resulted in swelling of the ankle joint and painful movement of the ankle. The possibility that such injuries could have occurred due to some other manner of fall or impact cannot be ruled out from the evidence available on record.

26. Further, PW.1 to PW.4 have only generally stated that there were bleeding injuries, but none of them have described the nature and location of the injuries sustained by CW.1. The specific injury noted by the doctor, namely the lacerated wound on the dorsal aspect of the right foot, is not spoken to by any of the eyewitnesses.

27. There is also a material contradiction regarding the place where the incident occurred. In Ex.P1 and in the evidence of PW.1, it is stated that CW.1 and CW.2 were inside the house and came out after hearing the accused persons shouting. However, PW.2 to PW.4 have stated that CW.1 and CW.2 were already standing outside the house when accused Nos.1 and 2 came there. This contradiction assumes significance because the prosecution case regarding the manner of assault itself depends upon whether CW.1 came outside



and was assaulted thereafter or whether the quarrel took place while he was already outside.

28. Considering that there was admitted previous enmity between the parties regarding the house and land property, such contradictions become relevant while appreciating the possibility of exaggeration or false implication.

29. The cross examination of PW.3 also creates doubt regarding her presence at the spot. During cross-examination, PW.3 admitted that she is married and residing at Huliyaar Village and does not reside at the place of incident. She further admitted that the house occupied by CW.1 and CW.2 belongs to the family of accused No.2 and that there has been a dispute between the parties for about 25 years. Though she claims to have witnessed the incident, the prosecution has not placed any material to show the distance between the house where she claims to have been standing at the time of the alleged incidence and the spot or any reason for her presence there at the relevant time. Further, she admitted that she is not in talking terms with accused persons. Therefore, her evidence requires careful scrutiny as she is a related and interested witness.



30. Similarly, the cross examination of PW.4 also creates doubt regarding his presence. During cross-examination, PW.4 stated that he goes to Tumkur every day for his vegetable business and normally returns only at about 5.00 p.m. However, the alleged incident occurred at 3.00 p.m. No explanation has been offered by PW.4 as to why he was present at the spot at the time of the incident. Considering his close relationship with CW.1 and CW.2 and the admitted dispute between the parties, his presence also becomes doubtful.

31. Further, PW.3 and PW.4 have given inconsistent versions regarding the hospitalization of CW.1. PW.3 stated that CW.1 was admitted as an inpatient for seven days, whereas PW.4 stated that he was discharged on the next day and again stated that he was admitted for three days. However, Ex.P4 does not disclose that CW.1 was admitted as an inpatient and only records simple injuries. These exaggerated versions regarding hospitalization create doubt regarding the reliability of these witnesses. Given that they are not in good terms with the accused, these exaggerations suggest



their enmity and doubt with regard to the veracity of their deposition.

32. An eyewitness is expected to depose regarding the facts actually perceived by him. When the evidence contains exaggerations and improvements, particularly from interested witnesses, the same affects the credibility of such testimony.

33. PW.1, during cross-examination, admitted that the house occupied by him and CW.2 stands in the name of the mother-in-law of accused No.2 and that there has been a dispute between them for about 20 years regarding land. He further admitted that revenue documents have been mutated in his name. These admissions, when considered along with the existing dispute, create a possibility that the criminal case may have arisen out of the existing property dispute.

34. Further, CW.4 is stated to have shown the spot from where the stone was seized during the course of mahazar. However, CW.4 has not explained where the stone was lying or from where it was picked up and handed over to the police. This also creates doubt regarding the seizure of MO.1.



35. With regard to the offence under Section 504 of IPC, though PW.1 to PW.4 have spoken about the alleged abusive words, the essential ingredients of the offence are not established. The prosecution case itself is that CW.1 and CW.2 were inside their house when accused Nos.1 and 2 allegedly abused them and thereafter CW.1 came outside, where the alleged assault took place. Therefore, the alleged words were not uttered in a public place in a manner causing provocation likely to result in breach of public peace. Hence, the essential ingredients of Section 504 of IPC are not satisfactorily established.

36. With regard to the offence under Section 506 of IPC, though the witnesses have stated that accused Nos.1 and 2 threatened them, considering the contradictions regarding the manner of incident, presence of witnesses, and the doubtful medical correlation, the alleged threat also does not inspire confidence so as to prove the offence beyond reasonable doubt.

37. Therefore, on an overall appreciation of the oral and documentary evidence, this Court finds that the prosecution has



failed to establish the allegations against accused Nos.1 and 2 beyond reasonable doubt. The contradictions regarding the place of occurrence, manner of assault, medical evidence, and doubtful presence of material witnesses create reasonable doubt regarding the prosecution case. Hence, accused Nos.1 and 2 are entitled for benefit of doubt. Accordingly, they are entitled to be acquitted. Hence this court answers **Point No.1 to 3** in the **Negative**.

38. Point No.4 : For the reasons stated and findings given to Point No.1 to 3, this court proceeds to pass the following :-

::O R D E R::

In exercise of powers conferred U/Sec. 248(1) of code of criminal procedure, 1973, the accused is acquitted for the offences Punishable Under Sections 324, 504 and 506 read with Section 34 of IPC.

The Bail bond and surety bond executed in compliance of Sec.437(A) of Cr. P C shall be continued till the appeal period is over or for six months. The Bail bond and surety bond executed earlier stands cancelled.

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The stone seized under PF.No.65/2022 i.e. the item mentioned in the Column No.11 of the chargesheet, being worthless, is hereby directed to be destroyed after appeal period is over.

(Directly dictated to the stenographer on computer, typed by her, and revised and corrected by me and then pronounced by me in the open Court on this the 8th day of June 2026)

Sd/-
(BHARATH CHANDRA K.S.)
PRL. CIVIL JUDGE & JMFC,
TIPTUR.

ANNEXURE

1. List of witnesses examined for the prosecution:

PW 1 : Lokesh
PW 2 : Ansuya
PW 3 : Padma
PW 4 : Thimmaiah
PW 5 : Lokesh
PW 6 : Dr: Pallavi
PW 7 : Doddaiah
PW 8 : Ravikumar



2. List of witnesses examined for the defense:

- NIL -

3. List of documents exhibited for the prosecution:

- Ex.P 1** : Complaint
- Ex.P 1(a)** : Signature of PW1
- Ex.P 1(b)** : Signature of PW8
- Ex.P 2** : Spot mahazar
- Ex.P 2(a)** : Signature of PW1
- Ex.P 2(b)** : Signature of PW5
- Ex.P 2(c)** : Signature of PW7
- Ex.P 2(d)** : Signature of PW8
- Ex.P 3** : Notice
- Ex.P 3(a)** : Signature of PW5
- Ex.P 3(b)** : Signature of PW8
- Ex.P 4** : Wound certificate
- Ex.P 4(a)** : Signature of PW6
- Ex.P 4(b)** : Signature of PW8
- Ex.P 5** : FIR
- Ex.P 5(a)** : Signature of PW8

4. List of documents exhibited for the defense:

-NIL-

Sd/-
(BHARATH CHANDRA K.S.)
PRL.CIVIL JUDGE & JMFC,
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