

KAUK910004702023



**IN THE COURT OF THE CIVIL JUDGE AND JMFC AT
SIDDAPUR.**

Dated this 02nd day of June, 2026.

**Present : Sri HARISHKUMAR. M, B.Com. LL.B.
Civil Judge and JMFC, Siddapur**

C.C.NO. 208/2023

COMPLAINANT:-

State of Karnataka Rep. By
Siddapur Police Station.
(By Sri. A.P.P., Siddapur)

V/s.

ACCUSED/S:-

Umesh S/o Narayan Naik,
Aged about 65 years,
Occ: Agriculturist,
R/at. Kadakeri, Thyarsi Village,
Siddapur Taluk,
Uttara Kannada District.
(By Sri. B.L.N., Advocate)

Date of report of Offence	16.02.2023
Offences Alleged	U/s. 324, 341, 504 & 506 of IPC.
Date of Recording of Evidence	29.04.2026
Date of Judgment	02.06.2026
Opinion of the Judge	As per Final Order

02.06.2026
**Civil Judge and JMFC.,
Siddapur.**



J U D G M E N T

1. The PSI of Siddapur Police Station has filed charge sheet against the accused for the commission of offences punishable under Section 324, 341, 504 & 506 of IPC.
2. The complaint averments is herewith reproduced as hereunder:

“ನಾನು ಈ ಪ್ರಕರಣದ ಪರ್ಯಾಯದಾರರಾಗಿದ್ದು, ನನ್ನ ಮನೆಯಲ್ಲಿ ನಾನು ನನ್ನ ಪತ್ನಿ ಲಲಿತಾ ಮತ್ತು ಸಾಕು ಮಗಳಾದ ಮೇಘನಾ ಹೀಗೆ ಮೂರು ಜನರು ಇರುತ್ತೇವೆ. ನನಗೆ ಮಗೇಗಾರ ಗ್ರಾಮದ ಸರ್ವೆ ನಂಬರ 159/12 ರಲ್ಲಿ 0-03-00 ಹಾಗೂ ಸರ್ವೆ ನಂಬರ 159/6 ರಲ್ಲಿ 0-04-0 ಅಡಿಕೆ ಭಾಗಾಯತ ಜಮೀನು ಇರುತ್ತದೆ. ನನ್ನ ಈ ಮೇಲಿನ ಅಡಿಕೆ ತೋಟಕ್ಕೆ ಲಗತ್ತಾಗಿ ಉಮೇಶ ನಾರಾಯಣ ನಾಯ್ಕ, ಕಡಕೇರಿ ಈತನ ಅಡಿಕೆ ತೋಟ ಇದ್ದು, ನನ್ನ ಮತ್ತು ಅವನ ಅಡಿಕೆ ತೋಟದ ಗಡಿಯ ಕಾಲುವೆಗೆ ಹಾಕಿದ ಮಣ್ಣನ್ನು ತೆಗೆಸಿಕೊಡುವಂತೆ ಉಮೇಶನು ನನಗೆ ಪದೇ ಪದೇ ಪೀಡಿಸುತ್ತಿದ್ದನು. ಹೀಗಿರುವಲ್ಲಿ ನಿನ್ನ ದಿನಾಂಕ 15.02.2023 ರಂದು ಬೆಳಿಗ್ಗೆ 09.00 ಗಂಟೆ ಸುಮಾರಿಗೆ ನಾನು ತೋಟಕ್ಕೆ ಹೋಗುತ್ತಾ ನಮ್ಮೂರಿನ ಈಶ್ವರ ದೇವಸ್ಥಾನದ ಹತ್ತಿರ ತಲುಪಿದಾಗ ಉಮೇಶ ನಾರಾಯಣ ನಾಯ್ಕ ಈತನು ನನ್ನನ್ನು ಅಡ್ಡಗಟ್ಟಿ ತಡೆದು "ಸೂಳೇ ಮಗನೇ, ಬೋಳಿ ಮಗನೇ ನೀನು ಕಾಲುವೆಗೆ ಹಾಕಿದ ಮಣ್ಣನ್ನು ತೆಗೆಸಿಕೊಡುತ್ತಿಯೋ ಇಲ್ಲವೋ ಎಂದು ಇಂದೇ ಹೇಳು ಇಲ್ಲದಿದ್ದಲ್ಲಿ ನಿನ್ನ ಕೈ ಕಾಲು ಮುರಿದು ಹಾಕುತ್ತೇನೆ" ಎಂದು ಅವಾಚ್ಯವಾಗಿ ಬೈಯುತ್ತಾ ನನಗೆ ಜೀವ ಬೇದರಿಕೆ ಹಾಕಿ ನನ್ನ ಕೈಯಲ್ಲಿದ್ದ ಕತ್ತಿಯನ್ನು ಕಸಿದು ಕೊಂಡು ನನ್ನ ಎಡಕೈಗೆ ಕತ್ತಿಯಿಂದ ಕುಕ್ಕಿ ಗಾಯ ಪಡಿಸಿದನು ಇದನ್ನು ನೋಡಿದ ದಾರಿಯ ಅಕ್ಕಪಕ್ಕದಲ್ಲಿರುವವರು ಬಂದು ಜಗಳವನ್ನು ಬಿಡಿಸಿರುತ್ತಾರೆ. ಆದ್ದರಿಂದ ಮೇಲ್ಕಂಡ ಉಮೇಶ ನಾರಾಯಣ ನಾಯ್ಕ ರವರು ಮೇಲೆ ಸೂಕ್ತ ಕ್ರಮ ಜರುಗಿಸಬೇಕಾಗಿ ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.”



3. Based on the said complaint, the complainant police registered a FIR in Crime No 23/2023 for the offences punishable under Section 324, 341, 504 & 506 of IPC against the accused. The Investigating officer after completing the investigation has filed charge sheet against the accused for the commission of offences punishable under Section 324, 341, 504 & 506 of IPC.
4. After filing the charge sheet this Court has taken cognizance for the alleged offences. This Court issued summons to the accused and he has appeared before this court and he has enlarged on bail.
5. Acting under section 207 of Cr.P.C, all the copies of prosecution papers were supplied to the accused. Since there are grounds for presuming that, the accused has committed the offences triable by this court, this Court proceeded to frame the charge. The charges are read over and explained to the accused and have pleaded not guilty and claimed to be tried by this court. Therefore, the matter was posted for recording the evidence of prosecution.
6. In order to bring home the guilt of the accused, the prosecution has cited total 13 witnesses and examined one witness as PW-1 and marked documents as per Ex.P-1 to Ex.P-3.
7. After closure of evidence of prosecution, the witness was turned hostile to the case of prosecution, hence there were



no corroborating evidence and there is no incriminating circumstances appearing against the accused, hence the statement under Section 313 of Criminal procedure Code was dispensed. The accused has not lead any defence evidence in support of his defence.

8. Heard arguments of both sides and perused records.
9. Upon consideration of the materials placed on record, the following points arise for this Court's consideration;

- 1. Whether the prosecution proves beyond reasonable doubt that, on 15.02.2023 at about 9.00 A.M, in Kadakeri Village, in front of the Ishwar Temple road, while CW-1 reached there, at that time the accused came there and quarreled with CW-1 and wrongfully restrained the complainant from moving further, thereby accused has committed an offence punishable under section 341 of Indian Penal Code?**
- 2. Whether the prosecution further proves beyond all reasonable doubt that, on the said date, time and place, the accused came there and he has quarreled with the CW-1 and assaulted with sickle on his hand, due to this CW-1 has sustained injuries, thereby accused has committed an offence punishable under section 324 of Indian Penal Code?**



3. **Whether the prosecution further proves beyond all reasonable doubt that, on the said date, time and place, the accused came there and he has quarreled with the CW-1 and he has abused the complainant in the filthy language in order to provoke CW-1 with an intention to cause public peace by him, thereby accused have committed an offence punishable under section 504 of Indian Penal Code?**
4. **Whether the prosecution further proves beyond all reasonable doubts that, on the said date, time and place, the accused came there and picked up quarrel with CW-1 gave life threat to the life of complainant with dare consequences to finish his life and thereby the accused has committed an offence punishable U/Sec.506 of Indian Penal Code?**
5. **What order**

10. Findings of this Court on the above points are as hereunder:

- | | | |
|-------------------|----------|--|
| POINT NO.1 | : | In the Negative. |
| POINT NO.2 | : | In the Negative. |
| POINT NO.3 | : | In the Negative. |
| POINT NO.4 | : | In the Negative. |
| POINT NO.5 | : | As per the final order
for the following; |



:: REASONS ::

11. **POINTS NO.1 to 4:-** As all these points arise out of single incident and hence they are taken up together for common discussion to avoid repetition of facts and circumstances of the case.
12. The complaint averment has already been stated above. In order bring home the guilt of the Accused, the prosecution has examined CW-1 as PW-1, admittedly CW-1 is the complainant. PW-1 deposed that, there were verbal clash between himself and the accused. In this regard complainant has intimated to the police station. The PW-1 identified his signature on Ex.P.1 which is marked as Ex.P.1(a) and further deposed that he did not know the contents of the complaint. Hence he was considered as hostile witness to case of prosecution and with the leave of the court he was cross examined by the learned APP, but no supporting admissions came from his mouth to prove the alleged complaint.
13. In view of the hostility of PW-1 this Court of the opinion that he is material witnesses and therefore the remaining witnesses were dropped by rejecting the prayer of Learned APP. The prosecution has marked Ex.P-1 to Ex.P-3 in support of its case to prove the guilt of the accused. Ex.P-1 is the complaint. ExP-2 is the panchanama, ExP-3 is the Photograph. On perusal of these documents and entire



evidence on record, no proof with regard to the alleged offences committed by the accused and hence prosecution has failed to prove its case beyond the reasonable doubt.

14. Thus it is clear from the evidence on record that, the complainant(PW-1) has not supported the case of the prosecution and other witnesses were dropped due to hostility of the PW-1. In view of hostility of witnesses as stated above, the prosecution is not able to prove the complaint. Therefore, there is no material before the Court to bring home the guilt of the Accused and hence, it is to be held that the prosecution has not established its case. More over the learned APP had an opportunity to prove prosecution case by way of cross examining the hostile witnesses but during their cross examination no profitable points have been elicited. Thus none of the Prosecution witnesses have supported its case. On the other hand all of them turned hostile to the case of the Prosecution. It is to be noted that, when the aggrieved persons have not deposed in support of the case of the prosecution, it raises serious doubt regarding very occurrence of the incident as alleged by the prosecution. No corroborative evidence has been placed on record. Hence, in the absence of such evidence, this Court has to see whether any circumstantial evidences are placed by the prosecution to prove the guilt of the accused.
15. By looking at the entire evidence of prosecution, the evidence of prosecution is not consistent with regard to the



commission of offence committed by the accused. In the instant case there is no direct evidence that relies to an inference to connect it to a conclusion of fact to prove the guilt of the accused. On the other hand the circumstantial evidence also be looked into. The Hon'ble Apex Court held that in the case of **Bodh Raj Vs State of Jammu and Kashmir** that the circumstantial evidence can be a sole basis for conviction provided the condition as stated below fully satisfied, the conditions are as follows;

- a. The circumstances from which fulfill is established must be fully proved.
- b. That all the facts must be consistent with the hypothesis of the guilt of the accused.
- c. That the circumstances must be of a conclusive nature and tendency”

In the instance case the prosecution utterly failed to fulfil any of the conditions cited above.

16. Appreciation of evidence involves weighing the credibility and reliability of the evidence presented in the case. According to Bentham “Evidence” is any matter of facts, the effect, tendency or design of which is to produce in the mind, a persuasion, affirmative or dis-affirmative, the existence of some other matter of fact. Under section 3 of the Indian evidence act. 1872 “Evidence” means and includes all statements, which the court permits or requires to be made before it by witnesses, in relation to matter of fact under enquiry and all documents including electronic records



produced for the inspection of the court. Importantly in criminal cases, the burden of proving the guilt of an accused is upon the prosecution. It must stand itself. Essentially, the accused need not establish his case beyond all reasonable doubt.

17. This Court carefully gone through the materials available on record, based on the said materials this court is of the opinion that the prosecution failed to prove the guilt of the accused beyond the reasonable doubt and hence the accused is hereby given the benefit of doubt and liable for acquittal for said offences as stated above. Hence this court answers point No.1 to 4 in the Negative.
18. **POINT NO.5:-** Based on the observations made in the point No.1 to 4, this Court proceed to pass the following;

ORDER

The Accused is hereby found not guilty for the offences punishable under Section 324, 341, 504 and 506 of Indian Penal Code.

Acting under section 248(1) of Criminal procedure Code, the accused is hereby acquitted of the offences punishable under Section 324, 341, 504 and 506 of Indian Penal Code.



Bail bond and surety bond executed under section 437(A) of Criminal Procedure Code is hereby extended for the period of six months.

The properties seized under PF No. 19/2023 dated 16.02.2023 is being worthless, hence it is ordered to be destroyed after expiry of appeal period.

(Dictated to Stenographer directly on Computer, transcript is corrected and signed by me and then pronounced by me in the open court on this 2nd day of June, 2026).

02.06.2026

**Civil Judge and JMFC.,
Siddapur.**

**:: ANNEXURE ::****List of witnesses examined on behalf of the prosecution:**

PW-1 : Sri. Ishwar Chouda Naik

List of documents marked on behalf of the prosecution:

1.	Ex.P1	Complaint
2.	Ex.P1(a)	Signature of CW-1
3.	Ex.P2	Panchanama
4.	Ex.P3	Photograph

List of witnesses examined on behalf of the Accused:

-Nil-

List of documents marked on behalf of the accused:

-Nil-

List of Material objects marked:

-Nil-

02.06.2026

**Civil Judge and JMFC.,
Siddapur.**



(Judgment pronounced in open court vide separate order)

ORDER

The Accused is hereby found not guilty for the offences punishable under Section 324, 341, 504 and 506 of Indian Penal Code.

Acting under section 248(1) of Criminal procedure Code, the accused is hereby acquitted of the offences punishable under Section 324, 341, 504 and 506 of Indian Penal Code.

Bail bond and surety bond executed under section 437(A) of Criminal Procedure Code is hereby extended for the period of six months.

The properties seized under PF No. 19/2023 dated 16.02.2023 is being worthless, hence it is ordered to be destroyed after expiry of appeal period.

02.06.2026

**Civil Judge and JMFC.,
Siddapur.**