

KAUK910011652023



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

Dated this 01st day of September, 2026

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

C. C. No. 794/2023

Complainant:

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

V/s

Accused/s:

Sri. Shridhar S/o Ganapati Hegde,
Aged about 53 years,
Occ: Agriculturist, R/at. Gaddemane,
Chapparamane Village,
Chapparamane Post, Siddapur Taluk,
Uttara Kannada District.
(By Sri. R.S.H., Advocate)

Date of report of Offence	19.08.2023
Offences Alleged	Under Section 324, 504 and 506 of IPC.
Date of Recording of Evidence	03.05.2024
Date of Judgment	01.09.2026
Opinion of the Judge	As per Final Order

**01.09.2026
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 Sections 324, 504 and 506 of I.P.C.
2. The brief facts of the case as per complaint is that, the accused, owing to enmity arising out of a civil dispute between the complainant and the accused's sister-in-law in respect of land bearing Sy.No.34/4 of Chapparamane Village, that on 19-08-2023 at about 10:15 AM, the accused picked up a quarrel with CW-4 (the complainant's father-in-law) and the accused herein abused the CW-4 in filthy language, and assaulted him with an umbrella and caused injuries. The accused also threatened the complainant with dare consequences. Hence the complainant herein lodged complaint before Siddapur Police Station. Based on the said complainant. The complainant police have registered the FIR bearing crime No.120/2023 for the offences punishable under section 324, 504 and 506 of IPC.
3. The Investigating officer after completing the investigation has filed charge sheet against the accused for the commission of offences punishable under Section 324, 504 and 506 of IPC. After filing the charge sheet this Court has taken cognizance under section 190 of Cr.P.C. for the alleged offences.



4. After taking cognizance, this court issued summons to the accused and he has appeared before this court and he was enlarged on bail.
5. Acting under section 207 of Cr. P.C. all the copies of prosecution papers were supplied to the accused. This Court perused records, this Court found that, there are grounds for presuming that the accused has committed the offences triable by this court, hence, this Court proceeded to frame the charge. The charges are framed, read over to the accused and he 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 10 witnesses and examined as seven witnesses witnesses as PW-1 to PW-7 and marked documents as per Ex. P-1 to P-14 and also marked material objects as M.O.1 to 3.
7. After closure of evidence of prosecution statement under Section 313 of Criminal Procedure Code of accused was recorded and the accused herein denied all the incriminating circumstances appearing against him in the evidence led by the prosecution and he has not chosen to lead his evidence.



8. The learned APP has addressed his arguments on merits, per contra the learned counsel for accused has addressed his arguments on merits and this Court 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 19-08-2023 at about 10:15 a.m., in the land belongs to the accused situated at Chaparamane Village, the accused picked up a quarrel with CW-4 (the complainant's father-in-law) and he has abused the CW-4 in the filthy language, in order to provoke him with an intention to cause public peace by him, thereby accused herein committed an offence punishable under Section 504 of Indian Penal Code?**
 2. **Whether prosecution proves beyond reasonable doubt that, on the said date, time and place, the accused has picked up quarrel with CW-4 and assaulted him with an umbrella, causing bleeding to the back of his head and left forehead, due to this, the CW-4 has sustained injuries, thereby the accused has committed an offence punishable under section 324 of Indian Penal Code?**



3. Whether the prosecution further proves beyond reasonable doubts that, on the said date, time and place, the accused has quarreled with the CW-4 and gave life threat to the life of CW-4 with dare consequences, thereby the accused has committed an offence punishable under Section 506 of Indian Penal Code?

4. 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: As per final order
for the following:-**

:: REASONS ::

11. **Point No.1 to 3:-** 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. It is the case of the prosecution that, on 19-08-2023 at about 10:15 AM, the accused picked up a quarrel with CW-4 (the complainant's father-in-law) and he has abused the CW-4 in filthy language and assaulted him with an umbrella, caused injuries and also threatened the



complainant with dare consequences, thereby the accused has committed the offences punishable under Section 324, 504 and 506 of IPC,

13. In order to prove the case of the prosecution, the prosecution got examined the CW-1 as PW-1 who is the daughter-in-law of CW-4 as well as eye witness to the alleged incident and she deposed that, on 19-08-2023 at about 10:15 AM, while she was at home, CW-4 had gone to the agricultural land for routine work. She further deposed that, the accused who frequently quarreled with CW-4, on the said day the accused herein picked up quarrel with the CW-4 and she heard the sound, accordingly she came outside, at that time the accused herein assaulted the CW-4 with an umbrella, thereafter the accused herein thrown the said umbrella and he has abused the CW-4 in the filthy language. She further deposed that, the cloths of CW-4 were blooded, thereafter she taken the CW-4 to the house, thereafter he was shifted to the Government hospital Siddapura for treatment in an ambulance. She further deposed that, the quarreled was occurred on the coconut issue. The CW-4 has taken three coconuts, hence, the accused herein assaulted the CW-4. Thereafter, she has lodged complaint before the police. The learned counsel for the accused herein cross examined PW-1 fully.



14. The prosecution has further examined CW-3 as PW-2 who is the mahazer witness and he deposed that, on 20-08-2023, at the request of CW-1, he went to the place of occurrence at Gaddemane, at that time the police and CW-2 were present. The CW-1 showed the scene of offence, following which the police conducted the spot mahazar, took photographs, and seized an umbrella, a blue shirt and a white vest found at the spot. The accused for the accused herein cross examined PW-2 fully.
15. The prosecution has further examined CW-2 as PW-3 who is the another mahazer witness and he deposed that, the police have taken his signature in his house regarding the quarrel between the accused and the CW-1. He further deposed that, the police have not conducted panchanama in his presence and they have not seized any properties and they have not taken photographs. Hence he is treated as partly hostile witness to the case of prosecution. The learned APP has cross examined PW-3 fully with the leave of the Court.
16. The prosecution further examined CW-7 as PW-4, who is the police staff and he deposed that, on 20-08-2023, as directed by the Investigating Officer, he has photographed the scene of offence at Gaddemane, Chapparamane Village, using a Sony Handycam during the spot mahazar. He further deposed that, thereafter he transferred the photographs to a computer, took printouts, copied them into a DVD, and



handed over the DVD along with a certificate under Section 65B of the Indian Evidence Act to the Investigating Officer and the counsel for the accused has cross examined PW-4 fully.

17. The prosecution further examined CW-9 as PW-5, who is the Primary investigating Officer and he deposed that, on 19-08-2023, while serving as the SHO of the police station, he has received a written complaint from CW-1 at about 3:30 p.m. Based on the said complaint, he has registered a Crime No. 120/2023 and prepared the FIR and submitted the same to the Court and the Higher superior officer. He further deposed that, he has handed over the case file to CW-10 for further investigation. The learned counsel for the accused has cross examined PW-5 fully. .
18. The prosecution further examined CW-10 as PW-6, who is the Investigating Officer and he deposed that he has received the case file from the CW-9 on 20.08.2023 for further investigation. He further deposed that, on the same day he has visited the spot and secured CW-2 and CW-3 as pancha witnesses and he has conducted the spot mahazar in the presence of CW-1 to 3. He further deposed that, at the time of mahazar, the complainant has produced one umbrella, one shirt and a white vest, accordingly he has seized the said properties. He further deposed that, he has prepared the rough sketch of the spot and he has taken the



photographs. He further deposed that, he came back to the police station and he has prepared property list form and the same has been submitted to the court. He further deposed that, on the same day he has recorded the statement of CW-4 and 5 and also received the certificate and under section 65(B) of Indian Evidence Act from CW-7. He further deposed that, on the same day the accused herein appeared before him and he has followed the arrest procedure and he has arrested the accused and released on station bail. He further deposed that, on 14.10.2023 he has received wound certificate of CW-4 from the Government hospital, Siddapura. Thereafter he has completed his investigation and he has submitted final report before the Court. The learned counsel for the accused herein cross examined PW-6 fully.

19. The prosecution further examined CW-8 as PW-7, who is the medical officer and he deposed that on 19-08-2023 at about 1:30 p.m., the CW-4 was brought to the hospital with a history of assault. On examination, he found a 1cm × 1cm × 0.5 cm lacerated injury on the forehead and he has given first aid to the CW-4, later he has issued the wound certificate on 14-10-2023. He further deposed that, the injuries are simple in nature in his opinion. The learned counsel for the accused herein cross examined the PW-7 fully.



20. The prosecution has not examined the CW-5 and 6. The CW-4 had died during pendency of the proceedings. The prosecution got marked Ex.P.1 to 14 in support of its case. The Ex.P.1 is the complaint, Ex.P.2 is the mahazar, Ex.P.3 is the rough sketch of the spot, Ex.P.4 to 7 are the photographs, Ex.P.8 is the compact disk, Ex.P.9 is the certificate under section 65(B) of Indian Evidence Act, Ex.P.10 is the FIR, Ex.P.11 is the notice issued to the mahazar witnesses, Ex.P.12 and P.13 are the statements of CW-5 and 6, Ex.P.14 is the wound certificate of CW-4.
21. In the present case the criminal law is set in motion when the complainant herein lodged complaint before complainant police on 19.08.2023. On perusal of the complaint/statement, the complaint lodged at 03.30 PM on 19.08.2023 i.e., on the day of the incident and the FIR has been registered against the accused on the same day and it was sent to the court. As per the complaint, the incident occurred on 19.08.2023 at 10.15 AM and the CW-4 has been shifted to Government Hospital at Siddapura for treatment, Hence, there is no delay in lodging the complaint.
22. At this stage, it is to be noted that, the complainant herein stated in the complaint that, on 19-08-2023 at about 10:15 AM, the accused picked up a quarrel with CW-4 (the complainant's father-in-law) and the accused herein abused



the CW-4 in filthy language, and assaulted him with an umbrella and caused injuries. The accused also threatened the complainant with dire consequences. But during pendency of the proceedings the CW-4 had died.

23. The complaint is the daughter in law of CW-4(Injured) and she has lodged complaint before Siddapur Police Station and she is examined as PW-1 and she deposed in her chief examination that, "ನಾನು ನನ್ನ ಮನೆಯಲ್ಲಿ ಇದ್ದಾಗ ನನ್ನ ಮಾವನಾದ ಚಾಸಾ-4 ರವರು ಆ ದಿನ ಗದ್ದೆಗೆ ಕೃಷಿ ಕೆಲಸಕ್ಕಾಗಿ ಹೋಗಿರುತ್ತಾರೆ. ಚಾಸಾ-4 ರವರು ಪ್ರತಿ ದಿನ ಗದ್ದೆಗೆ ಕೆಲಸಕ್ಕೆ ಹೋಗುತ್ತಿದ್ದರು ಆಗ ಆರೋಪಿಯು ಪದೇ ಪದೇ ಬಂದು ಜಗಳ ಮಾಡುತ್ತಿದ್ದರು ಆದೇ ರೀತಿ ಮೇಲೆ ಹೇಳಿದ ದಿನಾಂಕ ದಂದು ಆರೋಪಿಯು ಬಂದು ಆದೇ ರೀತಿ ಜಗಳ ಮಾಡಿದರು. ಜಗಳದ ಶಬ್ದವನ್ನು ಕೇಳಿ ನಾನು ಹೊರಗೆ ಬಂದು ನೋಡಿದಾಗ ಆರೋಪಿ ಯು ಚಾಸಾ-4 ರವರಿಗೆ ಕೊಡೆಯಿಂದ ತಲೆಯ ಮೇಲೆ ಹೊಡೆಯುತ್ತಿದ್ದರು ನಂತರ ಸದರಿ ಭತ್ತಿಯನ್ನು ಅಲ್ಲಿ ಬಿಸಾಕಿ ಚಾಸಾ-4 ರವರಿಗೆ ಬೋಳಿ ಮಗನೆ ಎಂದು ಅವಾಚ್ಯ ಶಬ್ದಗಳಿಂದ ಹೋಗಿರುತ್ತಾನೆ. ಚಾಸಾ-4 ರವರ ಬಟ್ಟೆ ರಕ್ತ ವಾಗಿತ್ತು. ಚಾಸಾ-4 ರವರನ್ನು ನಾವು ಮನೆಗೆ ಕರೆದುಕೊಂಡು ಹೋಗಿ ನಂತರ 108 ಅಂಬುಲೆನ್ಸ್ ಗೆ ಕರೆ ಮಾಡಿ ಅದರಲ್ಲಿ ಸಿದ್ಧಾಪುರ ತಾಲೂಕು ಆಸ್ಪತ್ರೆಗೆ ಕರೆದುಕೊಂಡು ಹೋಗಿರುತ್ತೇವೆ." On careful reading of the above deposition the PW-1 herein deposed as per her complaint.

24. But during her cross examination, she deposed that, "ಚಾಸಾ-4 ರವರು ನಮ್ಮ ಮನೆಯಿಂದ 9 ಗಂಟೆಗೆ ಹೊರ ಹೋಗಿರುತ್ತಾರೆ . ಚಾಸಾ-4 ರವರು ಜೋರಾಗಿ ಕೂಗುವ ಪೂರ್ವದಲ್ಲಿ ನಾನು ಅವರನ್ನು ನೋಡಿರುವುದಿಲ್ಲ ಅವರು ಜೋರಾಗಿ ಕೂಗಿದ ನಂತರ ಹೊರಗೆ ಹೋಗಿ ನೋಡಿರುತ್ತೇನೆ . ನಾನು ಹೊರಗೆ ಹೋಗಿ ನೋಡಿದಾಗ ಚಾಸಾ-4 ರವರ ಕೈಯಲ್ಲಿ ಏನು ಇರಲಿಲ್ಲ . ನನ್ನ



ಪ್ರಕಾರ ಚಾಸಾ-4 ರವರು ಗದ್ದೆಯಿಂದ ತೆಂಗಿನ ಕಾಯಿಯನ್ನು ಕೈಯಲ್ಲಿ ಎತ್ತುಕೊಂಡು ಬಂದಿರುವುದಿಲ್ಲ . ಚಾಸಾ-4 ರವರು ನನಗೆ ಗಲಾಟೆಯಾದ ನಂತರ ಅವರು ತೆಂಗಿನ ಕಾಯಿಯನ್ನು ಹೆಕ್ಕಿದ್ದನ್ನು ನನಗೆ ತಿಳಿಸಿದ ನಂತರ ನನಗೆ ತಿಳಿದಿರುತ್ತದೆ.” As per the complaint and chief examination of PW-1, she deposed that, the accused herein assaulted the CW-4 in an umbrella. But, during her cross examination she deposed that, no umbrella was in the hand of the accused when she has seen.

25. Furthermore, the PW-1 deposed in her chief examination that, the quarrel was occurred about three coconuts. The CW-4 has taken three coconuts, hence the accused herein assaulted the CW-4. During her cross examination she deposed that, “ನಾನು ಹೇಳುವ ಘಟನೆಯು ಆರೋಪಿತನ ಮನೆಯ ಮುಂದುಗಡೆ ಆಗಿರುತ್ತದೆ . ಆರೋಪಿತನ ಮನೆಯ ಸುತ್ತ ಮುತ್ತ ಬೇಲಿಯ ಕಾಂಪೌಂಡ್ ಇರುತ್ತದೆ . ಚಾಸಾ-4 ರವರು ಸರ್ವೆ ನಂಬರ್ 34/4 ಕ್ಕೆ ಹೋಗಿರುತ್ತಾರೆ . ಘಟನೆಯ ನಡೆಯುವ ಸಮಯದಲ್ಲಿ ಸರ್ವೆ ನಂಬರ್ 34/4 ರ ಪಕ್ಕನೆಯು ಆರೋಪಿತನ ತಮ್ಮನ ಹೆಂಡತಿಯ ಹೆಸರಿನಲ್ಲಿತ್ತು . ಸರ್ವೆ ನಂಬರ್ 34/4 ಇದು ಆರೋಪಿತನ ಮನೆಯ ಮುಂದೆ ಇದೆ . ಸರ್ವೆ ನಂಬರ್ 34/4 ರ ಮಾಲೀಕರು ಸುಮಾರು 15-20 ಕಿ ಮೀ ಅಂತರದ ಅಳವಳ್ಳಿ ಗ್ರಾಮದಲ್ಲಿ ವಾಸವಿರುತ್ತಾರೆ . ಸರ್ವೆ ನಂಬರ್ 34/4 ಆರೋಪಿತನ ಕಾಂಪೌಂಡ್ ದಾಟಿ ಒಂದು ಮಾಲ್ಕೀ ಜಮೀನನ್ನು ದಾಟಿದ ನಂತರ ಇರುತ್ತದೆ .” On careful reading of above cross examination, it is clear that, the CW-4 herein went to the land bearing Sy. No. 34/4 which belongs to wife of Accused's brother. Further the CW-4 has taken three coconuts in the said land, hence the accused



herein assaulted the CW-4. But the said three coconuts has not been seized in the present case.

26. Furthermore, as per the complaint and evidence of PW-1, the incident occurred in front of the house of the accused. Now the question arises that, why the CW-4 went to others land and taken three coconuts which is not belongs to him ?. In this regard, the prosecution witnesses are silent.
27. At this stage it is relevant to note here that, the PW-1 deposed in her cross examination that, “ಸರ್ವೆನಂಬರ್ 34/4 ಜಮಿನಿಗೆ ಹೋಗಲು ಮಾತ್ರ ಆರೋಪಿತನ ಕಾಂಪೌಂಡ್ ಒಳಗೆ ಹೋಗಬೇಕಾಗುತ್ತದೆ ಎಂದರೆ ಸರಿ . ನಮ್ಮ ಬೇರೆ ಎಲ್ಲಾ ಮಾಲ್ಕೀ ಜಮೀನುಗಳಿಗೆ ಹೋಗಲು ಪ್ರತ್ಯೇಕವಾದ ದಾರಿ ಇದೆ .” On perusal of the said deposition, it is clear that, she has other ways to access her land, then why the CW-4 went to others land and entered the compound belongs to the accused?. As per the prosecution case, the incident occurred in front of the house of the accused. The Ex. P-4 to 7 which are photos of mahazer reveals that, the investigating officer herein conducted panchanama inside the compound belongs to the accused. The said fact has been admitted by the PW-1.
28. Furthermore the PW-1 herein deposed in her cross examination that, “ಘಟನಾ ಸ್ಥಳದ ಚೆಕ್ ಬಂದಿಯನ್ನು ನನಗೆ ಹೇಳಲು ಬರುವುದಿಲ್ಲ . ಘಟನಾ ಸ್ಥಳದ ರಸ್ತೆಯಿಂದ ಯಾವ ದಿಕ್ಕಿನಲ್ಲಿ ನಮ್ಮ ಮನೆ ಬರುತ್ತದೆ ಎಂದು ನನಗೆ ಹೇಳಲು ಬರುವುದಿಲ್ಲ .” On careful reading of



the above deposition, it is clear that, the PW-1 herein pleaded ignorance about the boundaries of the occurrence spot. Moreover the incident spot located near the house of the complainant. She further deposed that, “ಘಟನೆ ಆದ ತಕ್ಷಣ ಈ ಪ್ರಕರಣದ ಸಾಕ್ಷಿದಾರರನ್ನು ಹೊರುತುಪಡಿಸಿ ಪರಮೇಶ್ವರ ಮಹಾಬಲೇಶ್ವರ ಹೆಗಡೆ , ಗೋವಿಂದ ಮತ್ತು ಸುಮಿತ್ರ ಅವರು ಬಂದಿದ್ದರು. ಪರಮೇಶ್ವರ ಮಹಾಬಲೇಶ್ವರ ಹೆಗಡೆ ಅವರು ಆಂಬ್ಯುಲೆನ್ಸ್ ಗೆ ಕರೆ ಮಾಡಿರುತ್ತಾರೆ.” As per her say, the above mentioned persons were came at the spot, but they are not arrayed as prosecution witnesses. The PW-1 deposed in her chief examination that, after the incident she has taken the CW-4 to house, later called to 108 ambulance. But she deposed in her cross examination that, the Paramashewar Mahabaleshwar Hegde came to the spot and called an ambulance.

29. On careful reading of the entire evidence of PW-1, she is not consistent with regard to commission of offence as alleged in the compliant. Moreover the PW-1 has not deposed anything about threatening of CW-4 by the accused. If the PW-1 herein really saw the incident, what prevented her to depose intact. But there are several contradictory statements made by the PW-1 during her cross examination, importantly the accused was not holding the umbrella when she came out of the house and seen. Then the assault alleged in the complaint is doubtful. Undersuch circumstances, the evidence of PW-1 does not inspire any confidence.



30. The PW-2 who is the mahazer witness deposed in his chief examination that, the police herein conducted mahazer and taken photographs and they have seized the properties. During his cross examination he deposed that, “ನಿ.ಪಿ-2 ಪಂಚನಾಮೆಯನ್ನು ನಾನು ಹೇಳಿ ಬರೆಸಿರುವುದಿಲ್ಲ. ಪೊಲೀಸರ ಹೇಳಿಕೆ ಪ್ರಕಾರ ನಾನು ನಿ.ಪಿ-2 ಕ್ಕೆ ಸಹಿ ಮಾಡಿರುತ್ತೇನೆ.” He further deposed that, “ಮು.ಮಾ-1 ಕೊಡೆಯು ಆರೋಪಿತನ ಮನೆಯ ಮುಂದೆ ಇರುವ ಗದ್ದೆಯಲ್ಲಿ ಬಿದ್ದಿತ್ತು. ನಿ.ಪಿ-4 ರಿಂದ 7 ಭಾವಚಿತ್ರಗಳನ್ನು ತೆಗೆಯುವ ಕಾಲಕ್ಕೆ ಕೊಡೆ ಇಲ್ಲಿ ಇತ್ತು ಎಂದು ನನಗೆ ಗೊತ್ತಿಲ್ಲ.” He further deposed that, “ಆರೋಪಿಯ ಮನೆಯ ಗೇಟ್ ಬಳಿ ಮು.ಮಾ-2 ಮತ್ತು 3 ಬಿದ್ದಿತ್ತು. ಚಾಸಾ-1ರವರ ಸೊಸೆ ಕೈಯಲ್ಲಿ ಮು.ಮಾ-2 ಮತ್ತು 3 ಇತ್ತು. ನಿ.ಪಿ-3 ನ್ನು ನಾನು ಹೇಳಿ ಬರೆಸಿರುವುದಿಲ್ಲ. ಘಟನಾ ಸ್ಥಳದಲ್ಲಿ ತೆಂಗಿನ ಕಾಯಿ ಬಿದ್ದಿರುವುದು ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ. ಯಾವ ಕಾರಣಕ್ಕೆ ಜಗಳ ಆಗಿರುತ್ತದೆ ಎಂದು ನನಗೆ ಪಂಚನಾಮೆ ಕಾಲಕ್ಕೆ ಹೇಳಿರುವುದಿಲ್ಲ. ನಾನು ಪಂಚನಾಮೆ ಹೋದಾಗ ಅಲ್ಲಿ ಚಾಸಾ-1, ಆಕೆಯ ಸೊಸೆ ಹಾಗೂ ಚಾಸಾ-3ರವರು ಇದ್ದರು. ಚಾಸಾ-4ರವರು ವಯೋವೃದ್ಧರಾದ ಕಾರಣ ಅವರು ಆಗಾಗ ಬಿದ್ದು ಪೆಟ್ಟು ಮಾಡಿಕೊಳ್ಳುತ್ತಾರೆ ಎಂದರೆ ಗೊತ್ತಿಲ್ಲ. ಘಟನಾ ಸ್ಥಳದ ಚೆಕ್ಕಬಂದಿ ನನಗೆ ಗೊತ್ತಿಲ್ಲ.” On careful reading of the above deposition, the PW-2, who is the mahazer witness is deposed ignorance about conducting panchanama as per his instructions, furthermore the umbrella was not at the spot and it was there in the land belongs to the accused. The PW-2 herein turned hostile during the course of his cross examination. Moreover, the PW-3 who is the another mahazer witness is turned hostile to the case of prosecution. Hence the evidence of PW-2 does not inspire any confidence to prove the conducting of mahazer.



31. The PW-3 who is the another mahazer witness deposed that, the police have taken his signature in his house regarding the quarrel between the accused and the CW-1. He further deposed that, the police have not conducted panchanama in his presence and they have not seized any properties and they have not taken photographs. Hence he is treated as partly hostile witness to the case of prosecution. The learned APP has cross examined PW-3 fully with the leave of the Court.
32. The PW-4 and 6 who are the primary investigating officers deposed as per their investigation, but the Victim had died during pendency of the proceeding, hence he has not been examined and the PW-3 herein turned hostile to the case of prosecution. The PW-1 and 2 herein partly supported the case of prosecution, but they are not consistent with regard to commission of alleged offences and conducting mahazer. Furthermore, there in no any other eye witness to the alleged incident except PW-1, but she came out when the CW-1 was shouting.
33. The treated doctor has been examined as PW-7, he has deposed that he has given first aid to CW-4 and issued wound certificate. But the prosecution must prove the fact that, the accused herein assaulted the CW-4 as alleged in the compliant. To suffice the same, no cogent evidence is placed on record.



34. On careful reading of entire evidence of prosecution and documents marked, this Court is of the opinion that the prosecution has failed to prove the guilt of the accused in a manner alleged in the complaint beyond reasonable doubt.
35. Thus it is clear from the evidence on record that the above eye witness and Mahazar witnesses i.e. PW- 1 to 3 have not supported the prosecution case. On careful reading of above depositions of witnesses, it is clear that the prosecution has failed to prove the complaint. If the incident is really happened what prevented the PW-1 to 3 to depose before the Court intact. Hence it raises serious doubt regarding very occurrence of the incident as alleged in the complaint. Therefore, there is no sufficient materials before the Court to bring home the guilt of the Accused and hence, it is to be held that the prosecution has failed established its case.
36. Further more, in the legal definitions, "hurt" pertains to causing bodily injury to an individual. Section 319 of the Indian Penal Code, 1860 defines the term 'hurt' as any action that causes physical pain, disease or infirmity to a person. Various facets of hurt are delineated from Section 319 to Section 338 of the IPC, each addressing distinct aspects of bodily harm. One such facet is encapsulated within Section 324 of the IPC, which pertains to the voluntary causing of hurt by dangerous weapons or means.



37. The commission of an offence under Section 324 IPC necessitates the fulfilment of specific prerequisites, including voluntary causing of hurt, Employment of dangerous weapons or means and infliction of bodily pain, disease, or infirmity.
38. A crucial element of Section 324 of IPC is that the hurt must be caused voluntarily. Accidental injuries are not subject to punishment under this section. This requirement ensures that only deliberate acts of harm come under the purview of Section 324 of IPC. But in the present case on hand, the witnesses are failed to depose the voluntary causing of hurt by the accused.
39. By looking at the entire evidence of prosecution, the evidence of prosecution is inconsistent 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. The eye witnesses as well as other witnesses did not support the case of the prosecution fully.
40. 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.

41. By applying the above principles and based on the facts and circumstances of the present case on hand, the prosecution is failed to prove the incident as alleged in the complaint. Under the above mentioned circumstances, this court is of the opinion that, the prosecution is not able to prove the guilt of the accused beyond the reasonable doubt. Hence this Court answers point No. 1 to 3 in the Negative.
42. **Point No. 4:** Based on the observations made in the point No. 1 to 3, the benefit of doubt shall be extended in favour of accused, accordingly the accused is liable to be acquitted for the alleged offences. Accordingly this Court proceed to pass the following:

ORDER

**The accused is hereby found not
guilty for the offences punishable under**



Sections 324, 504 and 506 of Indian Penal Code.

Accordingly acting under section 248(1) of Criminal procedure Code, the accused is hereby acquitted of the offences punishable under Sections 324, 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 a period of six months.

The properties seized under PF No. 105/2023 dated 20.08.2023 i.e., MO No. 1 to 3 are being shown as 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 01st day of September, 2026).

**01.09.2026
Civil Judge and JMFC.,
Siddapur.**



:: ANNEXURE ::

List of witnesses examined on behalf of the prosecution:

PW-1	:	Smt. Netravati Veerabadra Hegde.
PW-2	:	Sri. Ganapati Parameshwar Hegde.
PW-3	:	Sri. Bhaskar Mableshwar Hegde.
PW-4	:	Sri. Sunil Ningappa Jangali.
PW-5	:	Sri. Someshwar M Metri.
PW-6	:	Sri. Anil B.M.
PW-7	:	Dr. Shreyas Pandit.

List of documents marked on behalf of the prosecution:

1.	Ex.P1	Complaint
2.	Ex.P1(a)	Signature of PW-1
3.	Ex.P1(b)	Signature of PW-5
4.	Ex.P2	Panchanama
5.	Ex.P2(a)	Signature of PW-1
6.	Ex.P2(b)	Signature of PW-2
7.	Ex.P2(c)	Signature of PW-3
8.	Ex.P2(d)	Signature of PW-6
9.	Ex.P3	Spot Sketch
10.	Ex.P3(a)	Signature of PW-1
11.	Ex.P3(b)	Signature of PW-2
12.	Ex.P3(c)	Signature of PW-3
13.	Ex.P3(d)	Signature of PW-6
14.	Ex.P4 to 7	Photographs
15.	Ex.P8	a CD
16.	Ex.P9	Section 65(B) IEA Certificate.
17.	Ex.P9(a)	Signature of PW-4
18.	Ex.P9(b)	Signature of PW-6
19.	Ex.P10	FIR



20.	Ex.P11	Notice to the panchas/wintess
21.	Ex.P11(a)	Signature of PW-6
22.	Ex.P12	Statement of CW-4
23.	Ex.P12(a)	Signature of PW-6
24.	Ex.P13	Statement of CW-5
25.	Ex.P13(a)	Signature of PW-6
26.	Ex.P14	Wound certificate.
27.	Ex.P14(a)	Signature of PW-6
28.	Ex.P14(b)	Signature of PW-7

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:

M.O. 1 : One Umbrella.

M.O. 2 : One Blue shirt.

M.O. 3 : One white colour banian.

01.09.2026
Civil Judge and JMFC.,
Siddapur.