



**IN THE COURT OF THE I ADDL. CIVIL JUDGE AND
J.M.F.C., AT KUNDAPURA.**

~: Present :~

SRI. SHRINIVASA. K.R, B.A.L., LL.M.,
IAddl. Civil Judge & J.M.F.C.,
Kundapura.

DATED THIS THE 25th DAY OF JUNE 2026

CRIMINAL CASE No. 34/2021

COMPLAINANT: The State through Kundapura.P.S.

(By Asst. Public Prosecutor)

//Versus//

**ACCUSED
PERSONS**

:-

1. Ananda
S/o Late Govind Mogaveera,
Aged about 54 years,
R/at House No.1-64,
Thenkitlu, Uppinakudru,
Uppinakudru Village,
Kundapura Taluk.

2. Gopala,
S/o Late Govind Mogaveera,
Aged about 50 years,
R/at House No.1-64,
Thenkitlu, Uppinakudru,
Uppinakudru Village,
Kundapura Taluk.

3. Sharan,
S/o Ananda,



2

CC No. 34/2021(J)

Aged about 19 years,
R/at House No.1-64,
Thenkitlu, Uppinakudru,
Uppinakudru Village,
Kundapura Taluk.

4. Vijaya Mogaveera,
S/o Koraga Mogaveera,
Aged about 35 years,
R/at Nagashree Krupa,
Angadibettu,
Uppinakudru Village,
Kundapura Taluk.

5. Pradeep,
S/o Shekara Mogaveera,
Aged about 21 years,
R/at House No.1/173,
Shri Govindakrupa,
Haklu Mane, Melgu,
Noojady Village,
Kundapura Taluk.

(By Sri.K.P.S., Advocate)

1. Date of commencement of offence : 11.08.2020
2. Date of report of offence : 12.08.2020
3. Name of the complainant : Smt. Sujatha
4. Date of commencement of recording evidence : 03.06.2025
5. Date of closing evidence : 14.01.2026
6. Offences complained of : U/s. 447, 323, 354, 504, 506 r/w 34 of IPC.



7. Date of Judgment : 25.06.2026
8. Opinion of the Judge : Accused not found guilty.

**I Addl. Civil Judge & J.M.F.C.,
Kundapura.**

J U D G M E N T

The present case registered against the accused No.1 to 5 by Kundapura P.S., vide Cr.No.94/2020 for the offences alleged to have been committed U/Sec. 447, 323, 354, 504, 506 r/w 34 of I.P.C, and after completing the investigation, the I.O. submitted the charge sheet for the offence punishable under section U/Sec. 447, 323, 354, 504, 506 r/w 34 of I.P.C, before this court accordingly.

2. **Brief facts of the prosecution case are that;**

CW-1 lodged information stating that, on 11.08.2020 at 6.45 p.m. within the jurisdiction of Kundapura Police Station at Uppinakudru Village, accused No.1 to 5 illegally trespassed in to the house yard of CW-1 and abused in filthy language to



CW-3 with respect to property dispute and accused No.2 torn the T-shirt of CW-3 and assaulted on his cheek, when CW-1 and 2 came to pacify the quarrel then accused No.1 assaulted to them by hands and caused simple injuries and gave life threat. Hence, present complaint is filed.

3. The accused persons secured and enlarged on bail. Prosecution paper have furnished to the accused persons in compliance of Section 207 of Cr.P.C., heard before charge, no grounds to discharge them at that stage. The charge framed against the accused persons for the offences punishable U/Sec. 447, 323, 354, 504, 506 r/w 34 of IPC, and read over to the accused persons, accused persons not pleaded guilty and claims to be tried.

4. The prosecution has examined 10 witnesses as PW-1 to PW-10 out of 11 witnesses and got marked 10 documents as Ex.P-1 to Ex.P-10 and got marked one material object as M.O.1. CW-10 is given up.



5. After closure of prosecution evidence, accused persons have been examined under Sec.313 of Cr.P.C., and denied the incriminating circumstances appearing against them in the prosecution evidence and not chosen to enter defence evidence.

6. Heard the arguments by learned APP and counsel for accused persons.

7. After hearing both side the following points arise for determination :

P O I N T S

1. Whether the prosecution proves beyond all reasonable doubt that, on 11.08.2020 at 6.45 p.m. within the jurisdiction of Kundapura Police Station at Uppinakudru Village, accused illegally trespassed in to the house yard of CW-1 situated at Kodi Rama Mandir Road, Kasaba Village, Kundapura Taluk, and thereby committed an offence punishable **U/sec. 447 r/w 34 of IPC ?**
2. Whether the prosecution proves beyond all reasonable doubt that, on



above said date, time and place, accused persons abused in filthy language to CW-1 to 3 and thereby committed an offence punishable **U/sec. 504 r/w 34 of IPC ?**

3. Whether the prosecution proves beyond all reasonable doubt that, on above said date, time and place, accused No.1 with an intention to outrage the modesty of CW-1 and 2 and thereby committed an offence punishable **U/sec. 354 r/w 34 of IPC ?**
4. Whether the prosecution proves beyond all reasonable doubt that, on above said date, time and place, accused No.1 assaulted to CW-1 to 3 by hands and caused simple injuries and thereby committed an offence punishable **U/sec. 323 r/w 34 of IPC ?**
5. Whether the prosecution proves beyond all reasonable doubt that, on above said date, time and place, accused persons gave life threat to CW-1 to 3 and thereby committed an offence punishable **U/sec. 506 of IPC ?**
6. What order or sentence ?



8. My answers to the points are as under:

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: In the '**Negative**'

Point No.6: As per final order
for the following:

REASONS

9. **Point No.1 to 5** :- These points are interlinked to each other therefore, taken together for common discussion to avoid the repetition of facts and evidence.

The case of the prosecution is that, CW-1 lodged information stating that, on 11.08.2020 at 6.45 p.m. within the jurisdiction of Kundapura Police Station at Uppinakudru Village, accused illegally trespassed in to the house yard of CW-1 and abused in filthy language to CW-2 with respect to property dispute and accused No.2 torn the T-shirt of CW-3 and assaulted on his cheek, when CW-1 and 2 came to pacify



the quarrel then accused No.1 assaulted to them by hands and caused simple injuries and gave life threat. Hence, present complaint is filed.

10. The prosecution examined the 10 witnesses as PW-1 to PW-10, PW-1 is the complainant and victim, PW-2 and 3 are the victims, PW-4 to PW-6 are eye witnesses, PW-7 and 9 are the mahazar witnesses, PW-8 is the Medical Officer and PW-10 is the investigating officer.

11. The prosecution moved on to adduce the evidence of CW-1 as PW-1 who is the complainant, the PW-1 deposed in her chief examination that, partition effected between the family members of complainant and accused, but documents not executed. Hence, all were agreed to sign to documents. The accused No.1 disputing the same since five years.

Further contended that, On 11.08.2020 at 6.45 p.m. accused No.1 came and asked to CW-3 with respect to



partition and abused in filthy language and also gave life threat, stating if you asked partition we will murder you.

Further contended that, accused No.1 by holding Shirt of CW-3 dragged him and assaulted to on his cheek by hands and when CW-1 and 2 went to pacify the quarrel then accused No.1 assaulted to CW-1 on her cheek and by holding hair of CW-2 dragged her and also assaulted to her back. When CW-1 and 3 went to help CW-2, accused No.4 and 5 wrongfully restrained them and also accused No.2 and 3 abused them in filthy language. Thereafter, they took to CW-2 for treatment at Adarsh Hospital and they have admitted as in-patient and gave complaint on the next date of incident. On 13.08.2020 police brought CW-7 and 8 and conducted panchanama between 10.00 a.m. to 11.00 a.m. and also seized T-Shirt.

12. Then prosecution moved on to adduce the evidence of CW-2 as PW-2 who is victim, CW-2 in her chief-examination deposed that on 11.08.2020 at 6.45 p.m. accused abused in filthy language and accused No.1 assaulted to her cheek and



dragged her and also gave life threat to them. Further contended that they went to hospital for treatment at Adarsh Hospital.

13. Then prosecution moved on to adduce the evidence of CW-3 as PW-3 who is eyewitness, PW-3 in his chief examination deposed that on 11.08.2020 at 6.45 p.m, accused came to his house and abused to CW-2 in filthy language and by holding his T-Shirt, dragged him and assaulted to his cheek, chest and back. When CW-1 and 2 came to pacify the quarrel then accused assaulted to CW-1 on his left cheek. Hence, her nose ring was broken and she got bleeding injury and also assaulted to CW-2 by holding her hair. Accused gave life threat to them by saying if again asked the property they will kill them.

14. Then prosecution moved on to adduce the evidence of CW-4 as PW-4, who is eye witness, CW-4 in his chief examination deposed that on 11.08.2020 at 6.45 p.m. accused abused CW-2 in filthy language and assaulted to CW-3. When



CW-1 and 2 went to pacify the quarrel then accused assaulted to CW-1 and broken the nose ring of CW-1 hence, CW-1 got bleeding injury. Accused gave life threat to them.

15. Then prosecution moved on to adduce the evidence of CW-5 as PW-5, who is eye witness, CW-5 in his chief examination deposed that on 11.08.2020 at 6.45 p.m. accused abused CW-2 in filthy language and assaulted to CW-3. When CW-1 and 2 went to pacify the quarrel then accused assaulted to CW-1 and broken the nose ring of CW-1 hence, CW-1 got bleeding injury. Accused gave life threat to them.

16. Then prosecution moved on to adduce the evidence of CW-6 as PW-6, who is eye witness, CW-6 in his chief examination deposed that on 11.08.2020 at 6.45 p.m. accused abused CW-2 in filthy language and assaulted to CW-3. When CW-1 and 2 went to pacify the quarrel then accused assaulted to CW-1 and broken the nose ring of CW-1 hence, CW-1 got bleeding injury. Accused gave life threat to them.



17. Then prosecution moved on to adduce the evidence of CW-7 as PW-7 who is Mahazar witness, PW-7 deposed in his chief-examination about conducting of panchnama in his presence and also in the presence of CW-8 and further stated that the said mahazar drawn between 10.00 a.m. to 11.00 a.m. and seized one T-shirt and also taken two photos.

18. Then prosecution moved on to adduce the evidence of CW-9 as PW-8 who is the Medical Officer, PW-8 deposed in his chief examination about medical examination of CW-1 and CW-2 and issuance of wound certificate.

19. Then prosecution moved on to adduce the evidence of CW-8 as PW-9 who is another Mahazar witness, PW-9 deposed in his chief-examination about conducting of panchnama in his presence and also in the presence of CW-7 and further stated that the said mahazar drawn between 10.00 a.m. to 11.00 a.m. and seized one T-shirt and also taken photos.



20. Then prosecution moved on to adduce the evidence of CW-11 as PW-10 who is investigating officer, PW-10 deposed about registering FIR, conducting of panchnama in the presence of CW-1, 7 and 8 and seizer of material objects and receiving of wound certificate of CW-1 and 2 and filing of charge-sheet.

21. Learned APP while addressing argument stated that all the witnesses deposed as per complaint and as per their statement and also stated about involvement of accused and assault by the accused. There is wound certificate with respect to injury of CW-1 and 2. Hence, prays to convict the accused.

22. On the other hand accused counsel while addressing argument stated that, the accused and CW-1 and 2 are relatives and the witnesses mentioned in the charge-sheet are relatives of CW-1 and 2. CW-3 not obtained any treatment. The injuries mentioned in the wound certificate is different and the injuries stated by the CW-1 is different and there is mentioned



about bleeding injury. PW-6 in his cross examination admits that, “ಚಾಸಾ-1 ರಿಂದ 5 ರವರು ಜಾಗದಲ್ಲಿ ಪಾಲು ಬೇಕು ಎಂಬ ಉದ್ದೇಶದಿಂದ ಈ ಪ್ರಕರಣ ದಾಖಲಿಸಿದ್ದಾರೆ ಎಂದರೆ ಸರಿ.” The accused not assaulted to CW-1 to 3 and also they have not given life threat to CW-1 to 3. With an intention to harass the accused, CW-1 to 3 filed false complaint. Hence, prays to acquit the accused.

23. I have carefully gone through the Ex.P.1 which is complaint, in the complaint it is clearly stated that, since 5 years there is property dispute between complainant family and accused family with respect to ancestral property. Further, on perusal of complaint it noticed that, CW-1 in her complaint stated, accused came near their house and abused to her brother by name Anil Kumar (CW-3). But CW-3 to 6 in their chief examination stated that, "ದಿ.11.08.2020 ರಂದು ನಾವು ಮನೆಯಲ್ಲಿ ಇದ್ದಾಗ ಆರೋಪಿತರೆಲ್ಲರೂ ನಮ್ಮ ಮನೆಗೆ ಬಂದು ಸಂಜೆ 6.45 ಕ್ಕೆ ಆಸ್ತಿ ಕೇಳುತ್ತೀಯಾ ಎಂದು ಚಾಸಾ 2 ರವರನ್ನು ಅವಾಚ್ಯವಾಗಿ ನಿಂದಿಸಿರುತ್ತಾರೆ". Therefore, on perusal of complaint and chief-examination of CW-3 to 6, there is contradiction with respect to abuse in filthy language. Because



as per complaint and as per chief-examination of CW-1 and 2 accused No.1 firstly abused to CW-3 by asking about property but CW-3 himself stated accused No.1 first abused to CW-2.

Further, I have carefully gone through the chief-examination of CW-1 to 6, CW-1 to 6 stated that the nose ring of CW-1 broken and she got bleeding injury. But the said statement is not in the complaint as well as in the statement given by the CW-1 to 6 before investigating officer and moreover in the wound certificate also not stated about bleeding injury on nose of CW-1. Therefore, on perusal of statement, chief-examination of CW-1 to 6 and document which clearly shows that, CW-1 to 6 first time stated about nose ring and bleeding injury in their chief examination and moreover CW-1 to 6 are family members and except CW-1 to 6 there are no other independent witnesses with respect to incident occurred between complainant and accused.

24. I have carefully gone through the cross examination of CW-1 to 6, CW-1 to 6 clearly admits that the said house



belongs to accused No.1, 2 and CW-2 and their brothers. When the said house belongs to accused No.1 and 2 also then question of illegally trespassing into the house does not arise as the accused No.1 and 2 also having right over the said house. As already stated above there is Civil dispute between complainant and accused. Under such circumstances, the prosecution has filed to prove its case beyond all reasonable doubts. Hence the offences alleged against the accused attracting U/Sec. 447, 323, 354, 504, 506 r/w 34 of IPC, are not proved beyond all reasonable doubts and the result accused No.1 to 5 entitled to acquit. Hence, I answered the Point No.1 to 5 in the “**Negative**”.

25. **Point No.6:** In view of the findings given on point No.1 to 3 this Court pass the following;

ORDER

Acting under Section 248(1) of Cr.P.C.

accused No.1 to 5 are acquitted for an



offence punishable U/Sec. 447, 323, 354,
504, 506 r/w 34 of I.P.C.

Bail bond and surety bond of the
accused stands hereby canceled except
compliance surety under section 437(A) of
Cr.P.C.

M.O-1 i.e., T-Shirt is worthless and
same will be destroy after appeal period is
over.

(Dictated to stenographer, typed by her, corrected by me and then
pronounced in open court on this the **25th day of June, 2026**)

(SRI.SHRINIVASA.K.R.)
I ADDL. CIVIL JUDGE & J.M.F.C.,
KUNDAPURA.

ANNEXURE

List of the Witnesses examined by the Prosecution:

P.W-1	:	Smt. Sujatha, W/o. Sathish,
P.W-2	:	Smt. Lalitha, W/o. Shivarama,
P.W-3	:	Sri. Anil, S/o. Shivarama,
P.W-4	:	Sri. Shivarama, S/o. Govinda Mogaveera,
P.W-5	:	Sri. Naveen, S/o. Shivarama,



P.W-6 : Sri. Anuksha. S/o. Mahalinga,
P.W-7 : Sri. Prasanna. S/o. Laxmana,
P.W-8 : Sri. Adarsh Hebbar, S/o. Venkatesh Hebbar,
P.W-9 : Sri. Sandeep, S/o. Shesha Mogaveera,
P.W-10 : Sri. Chandrashekar Shetty, S/o. Ganapayya
Shetty.

List of the Documents exhibited for the Prosecution:

Ex.P-1 : Complaint,
Ex.P-1(a) : Signature of PW-1,
Ex.P-1(b) : Signature of PW-10,
Ex.P-2 : Spot & Seizure Mahazar,
Ex.P-2(a) : Signature of PW-1,
Ex.P-2(b) : Signature of PW-7,
Ex.P-2(c) : Signature of PW-9,
Ex.P-2(d) : Signature of PW-10,
Ex.P-3 : Section 164 statement,
Ex.P-3(a) : Signature of PW-1,
Ex.P.4 & 5 : Photos,
Ex.P-6 : Section 164 statement,
Ex.P-6(a) : Signature of PW-2,
Ex.P-7 : Wound Certificate,
Ex.P-7(a) : Signature of PW-8,
Ex.P-7(b) : Signature of PW-10,
Ex.P-8 : Wound Certificate,



Ex.P-8(a) : Signature of PW-8,
Ex.P-8(b) : Signature of PW-10,
Ex.P.9 : FIR
Ex.P.9(a) : Signature of PW-10,
Ex.P.10 : RTC,
Ex.P.10(a) : Signature of PW-10.

List of the Witnesses examined for defence:

- - N I L - -

List of the Documents exhibited for defence:

- - N I L - -

List of the Material objects marked:

M.O.1 : Black T-Shirt.

**I ADDL.CIVIL JUDGE & J.M.F.C.,
KUNDAPURA.**