



**IN THE COURT OF THE SENIOR CIVIL JUDGE &  
JMFC., HARAPANAHALLI**

**/ P R E S E N T /**

Smt. **Usha Rani.R.** B.A.L. LL.M.,  
Senior Civil Judge & JMFC.,  
Harapanahalli.

Dated on this the 1<sup>st</sup> day of August 2026.

**CRIMINAL CASE No.72/2026**  
**OLD CASE NO. 364/2015**

Complainant: The State Harapanahalli  
(By the PSI., of Harapanahalli Police  
Station, Reptd.By: APP.Harapanahalli.)

// Vs. //

- Accused:
1. Sri.Manigara Durgappa  
s/o Late.Ningappa  
aged about 72 years,  
R/o.Uddagatti,village  
Harapanahalli taluk.
  2. Sri.Hanumavva W/oMagigara Durgappa  
aged about 45 years,  
R/o Uddagatti village  
Harapanahalli taluk.
  3. Kum. Indira D/o Manigara Durugappa,  
aged about 16 years,  
R/o Uddagatti village  
Harapanahalli taluk.

4.SriRamanna W/o Manigara Durugappa,  
 aged about 14 years,  
 R/o Uddagatti village  
 Harapanahalli taluk.  
 (Accused No.2 by Sri. K.P Advocate  
 Accused No. 1 abated)  
 Accused No. 3 and 4 Juvenile)

Date of Commission of offence : 21.06.2014  
 Date of Report of offence : 21.06.2014  
 Date of Arrest of the Accused : Accused persons are on bail  
 Name of the Complainant : Lakshmamma  
 Date of Recording of Evidence : 04.06.2026  
 Date of Closing of Evidence : 11.06.2026  
 Offences Complained of : U/s 341,323,504 & 506 R/w  
 Section 34 of IPC.,  
 Opinion of the Judge/Result : Accused found not guilty/  
 acquitted

### **J U D G M E N T**

The instant prosecution has been launched by Harapanahalli Police against the accused No.1 to 4 alleging the offenses punishable U/s 341,323,504 & 506 R/w Section 34 of IPC.

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

On 21-06-2014 at 08-00 am in the land at Udgatti village of when the accused no 1 to 4 were there, the complainant and CW 4 to 06 went to demand the maintenance due to her from accused no1. The accused

criminally restrained them outside the land. When CW 1 was going towards the accused they abused them in filthy language so as to cause provoke breach of peace. Scared the complainant went towards the other witnesses the accused no 1 to 4 restrained her and manhandled her. When CW 4 to 6 went to rescue her the accused no 1 to 4 manhandled CW 5 and pushed him to the ground and voluntarily caused simple injuries to his right knee. Accused no 2 abused in filthy language and gave life threat. Thus accused are alleged to have committed offences punishable Under Sections 341, 323, 504 and 506 R/w Section 34 of IPC.,

3. After investigation, the Harapanahalli police have filed the charge sheet against the accused No.1 and 2 Cognizance was taken as per section 190 of the Code of Criminal Procedure and summons was issued to the accused. Later accused persons were enlarged on bail. Copies of the prosecution papers has been furnished to the accused persons as per section 207 of Code of Criminal Procedure Code. The accused persons were heard before framing of the charge and this court opined that there were sufficient grounds to proceed in this case. Later the case was posted for recording evidence of prosecution. Accused No.3 and 4 are juveniles and IO has filed separate final report before JJ Board. Accused

no 1 died during trial and case against him has been abated.

4. The prosecution in order to prove its case against the accused has cited the 11 witnesses and among them examined PW1 to PW.7 and got marked document as Ex.P.1 to 4. The complainant CW 6 and 7 were reported to be dead. CW8 has been given up. After completion of prosecution evidence, the incriminating evidence appearing against the accused persons was read over and explained to the accused no 2 as required Under Sec. 313 of Cr.P.C. Accused denied the entire incriminating evidence as appears against her and chose not to lead defense evidence.

5. Heard the arguments canvassed on both sides and perused documents on record.

6. The points that arises for determination is:

*1. Whether the prosecution proves beyond all reasonable doubts that on 21-06-2014 at 08-00 am in the land at Udgatti village when the complainant and CW 4 to 06 went to demand the maintenance due to her from accused criminally restrained them outside the land and later when the complainant went towards the other*

*witnesses the accused no 1 to 4 restrained her, used criminal force and restrained the complainant wrongfully and thereby committed offense under section 341 of IPC?*

*2. Whether the prosecution proves beyond all reasonable doubts that at the above stated date time and place accused with a common intention abused the complainant in filthy language so as to provoke breach of peace and thereby committed offense under section 504 of IPC?*

*3. Whether the prosecution proves beyond all reasonable doubts that at the above stated date time and place the accused no 1 to 4 manhandled CW 5 and pushed him to the ground and caused bleeding injuries to his right knee voluntarily caused simple injuries and thereby committed offence under Section 323 of IPC?*

*4. Whether the prosecution proves beyond all reasonable doubts that at the above stated date time and place in furtherance of their common intention the accused threatened the complainant and witnesses with dire consequences of death and committed the offence of criminal intimidation punishable under section 506 of IPC?*

*5. What order or sentence?*

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

Point no 1 to 4 : In the negative

Point no 5 : As per the final order for the following:

### **REASONS**

8. **Point no 1 to 4** : These points are taken together for common consideration to avoid repetition of facts and evidence as these points are inter related. The independent pancha witnesses CW2 Neelappa is examined as PW1. He deposed that he knows CW3 and 4. He has signed on the panchanama marked as Ex P1. He had signed at Udghatti at the spot where accused abused CW4. This witness is treated as partly hostile and in the cross examination wherein he admitted that panchanama was drawn on 22-06-2014 in between 9.30 to 10.30 a.m. and after it was read over he signed on the same.

9. In the cross-examination by the accused PW1 stated that he alone went to the spot and he signed only on the say of the police.

10. Another pancha witness CW3 Gonibasappa is examined as PW2. Even he supported the case of the prosecution. In the cross-examination, he admitted that

he does not know anything about the case and he only signed on the say of the police.

11. CW5 Manigarh Krishnappa is one of the victim examined as PW3 who deposed that deceased complainant Lakshmama is his mother. CW4 is his elder brother. CW6 is younger brother. He knows CW7 and 8. Accused is his father and stepmother. Accused no.3 and 4 are children of accused no 2. In the year 2015 his mother had gone to the land at Udgatti village. Accused were in the land. At that time accused abused his mother in filthy language. They demanded that they are having share. His mother had gone to the said land seeking that even she has a share. He CW4 and 6 had also gone to the land. At that time accused Ramanna and Lakshmana pushed him and kicked him. Thereafter he went to Harappanalli government hospital along with his mother. A complaint was lodged.

12. This witness is treated as partly hostile and subjected to cross-examination wherein he admitted that regarding sharing of the property there is a civil dispute. He admitted that on 21<sup>st</sup> June 2014 his father Manigar Durgappa and his second wife Hanumakka and their children Indira and Rajanna were working and at that time he and his brothers and mother went to the land. He

admitted that his mother demanded land for her maintenance and accused abused his mother in filthy language and restrained them. He admitted all the suggestions.

13. In the cross-examination by the accused PW3 denied all suggestions.

14. PW4 Manjappa S/O Durgappa only deposed that 8 years ago at about 12.30. Durgappa and Hanumamma came and assaulted him. Ramanna and Lakshmana also assaulted over his back and leg. This witness is treated as partly hostile and subjected to cross-examination wherein he admitted that accused abused his mother in filthy language, accused restrained his mother and when he went to rescue all manhandled him. He admitted that they pierced the stone to his knee and gave life threat. He admitted all the suggestions.

15. In the cross-examination PW4 admitted that Lakshmauva is his mother. There are many civil disputes before between them and the accused persons.

16. CW7 is Dr. Venugopal doctor who treated injured deposed that on 21<sup>st</sup> June 2014 Krishnappa S/O Durgappa had come to the hospital in the background of

assault and he examined him and found that there was tenderness over the right knee and right chest. He issued wound certificate as per Ex P4.

17. In the cross-examination he denied that false wound certificate is given as per Ex P4. He admitted that if a person falls over the knee such injuries are possible to be sustained.

18. The investigating officer CW10 Maliksab Kalari is examined as PW5. He deposed that on 21<sup>st</sup> June 2014 He received a complaint from the complainant and registered a case in crime no.153/2014. He submitted FIR to the court as per Ex P3. Complaint is marked as Ex P 2. Subsequently he recorded statement of witnesses. On 22-06-2014 in the presence of CW2 and CW3 he conducted panchanama at the spot as per Ex P1. He recorded statements of CW4 and CW5. He arrested the accused and released him on bail. Panchanama is marked as Ex P 1. He subsequently handed over case file to CW11.

19. In the cross-examination he denied that he voluntarily recorded the complaint though no complaint was lodged. He denied that signature on the panchnama was obtained at the police station.

20. CW11 Sri Vasanth Vittal Asode is examined as PW6. He deposed that on 27-06-2014. He recorded statements of CW2, 6, 7 and 8 and received wound certificate of CW5 and incorporated it into file. He completed investigation and filed charge sheet.

21. In the cross-examination PW 6 denied that without proper investigation he filed false charge sheet.

22. With the aforestated evidence on record it is apparent that PW1 and 2 Panchas have supported the case of the prosecution in the examination in chief, but in the cross-examination they stated that they have signed only on the say of police. Therefore evidence of PW1 and 2 is not sufficient to prove about the conducting of spot panchanama.

23. In this case the complainant is dead and evidence of the complainant is not available. CW6 and CW7 eyewitnesses were also dead and their evidence is not available. CW8 has been given up by the prosecution.

24. In this case CW9 doctor is examined as PW7 and he deposed about the injuries ie tenderness over the right knee and right elbow joint sustained by CW5 and

his evidence is opinion evidence. Investigating officers PW5 and 6 have deposed about investigating aspects.

25. Therefore the evidence that remains to be marshaled is that of PW3 and 4. PW3 and 4 though supported the case of the prosecution have half heartedly deposed about the case. PW3 has not narrated the case in its entirety, but he was subjected to cross-examination by the prosecution and he only admitted the suggestions made in the cross-examination.

26. Evidence of PW4 is also half-hearted and he did not narrate what overt act was done by the accused. Even he is treated as hostile partly and only admitted the suggestions made by the learned APP. PW3 and 4 being the victims ought to have deposed about the incident as it occurred, but they have half heartedly narrated incident vaguely in the examination in chief and only admitted the suggestions made in the cross-examination. Mere suggestions in the cross-examination is not sufficient to prove guilt of the accused persons. PW 3 and 4 are victims and they are unlikely to forget the incident if it had really occurred. Their vague evidence is not sufficient to prove ingredients of the alleged offences.

27. PW4 Manjappa S/O Durgappa victim also deposed that accused assaulted over his back and leg. In the cross-examination by learned APP he admitted that accused pierced the stone to his knee and gave life threat. But his wound certificate Ex P 4 shows tenderness over the right knee and right chest. If at all any stone was pierced as suggested by the prosecution there would have been definitely any injury caused to the knee but there is no such injury as per the wound certificate.

28. Admittedly accused is his father and stepmother of the victims. Accused no.3 and 4 are children of step mother and there is dispute regarding property. There is also ill will with regard to status of the accused as stepmother and step brother and sister.

29. Regarding the allegations made under sections U/s 341, 323, 504 & 506 R/w Section 34 of IPC the prosecution has not proved the essential ingredients of each offences. It is a settled law that whenever the allegation under section 504 r/w 149 of IPC is made, the prosecution has to prove the ingredients of the said offences and that the criminal act was done in furtherance of the common object or there was provocation.

30. To attract the provisions of section 504 of IPC there must be intentional insult and it must be made with an intent to provoke breach of peace. The prosecution must also prove that such a provocation is made to the complainant, which made him to break the public peace or to commit any other offence. Admittedly there was another counter case and ill will.

31. There is nothing to conclude about the occurrence of the incident and criminal restraint, causing of voluntary hurt, abusing in filthy language and criminal intimidation. Thus, in this case the prosecution has been unsuccessful in discharging its burden and hence the case tilts in favour of the accused. The accused is entitled to avail the benefit under the concept of benefit of doubt. Hence I answer the point no 1 to 4 in the Negative.

32. **Point No.5 :-** In the result and for the foregoing reasons, I proceed to pass the following :

**ORDER**

Exercising the powers conferred under Section 248 (1) of Cr.P.C., the accused no 2 is acquitted from the offences punishable under sections U/s 341,323,504 & 506 R/w Section 34 of IPC.

Bail bond of accused no 2 and surety bond taken at the time of granting bail is hereby extended for the purposes of section 437A of Cr.P.C for a period of six months.

(Directly computerized by me, revised, corrected, signed and then pronounced by me in the open court on this the 1<sup>st</sup> day of August 2026)

(Smt.Usha Rani R.)  
Senior Civil Judge & JMFC.,  
Harapanahalli.

### **ANNEXURE**

#### **1.Witnesses examined on behalf of the Prosecution:**

|      |   |                           |
|------|---|---------------------------|
| PW 1 | : | Sri. Neelappa             |
| PW 2 | : | Sri. Gonibasappa          |
| PW 3 | : | Sri. Manigara Krishanappa |
| PW 4 | : | Sri.Manjappa              |
| PW 5 | : | Sri.Malik sab kalam       |
| PW 6 | : | Sri.Vasanth Asode         |
| PW 7 | : | Dr.Venugopal              |

#### **2.Documents exhibited on behalf of the Prosecution:**

|           |   |                    |
|-----------|---|--------------------|
| Ex.P 1    | : | Panchamana         |
| Ex.P 1(a) | : | Signature          |
| Ex.P 2    | : | Complaint          |
| Ex.P 2a   | : | Signatures         |
| Ex.P 3    | : | FIR                |
| Ex.P.3 a  | : | Signature          |
| Ex.P.4    | : | Wound certificates |
| Ex.P 4a   | : | Signature          |
| Ex.P 4 b  | : | Signature          |

3. **Material objects on behalf of the Prosecution:**

.....NIL.....

4. **Witnesses examined and documents marked on behalf of the Accused:**

.....NIL.....

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Harapanahalli.