

IN THE COURT OF PRL. CIVIL JUDGE AND JMFC, ANEKAL.

**PRESENT : Kavya B.H., L.L.M.,
Prl. Civil Judge and JMFC,
Anekal.**

Dated: This the 20th day of April 2023

CC.No.13635/2022

**Complainant : Anekal PS
[Represented By Learned A.P.P)]**

V/s.

**Accused : Doddaroddappa
S/o Jallappa ,
Age: 62 years,
R/at: Choodahalli village,
Kasaba Hobli, Anekal Taluk.
(Represented by Sri.H.S Advocate)**

Date of commission of offence : 28-01-2022

Date of report of offence : 28-01-2022

Offence complained of : U/s.324, 504, 506 of IPC

Name of the complainant : Munithimma

Date of commencement of
evidence : 11-04-2023

Date of closing of evidence : 11-04-2023

Judgment : 20-04-2023

**Prl. Civil Judge & JMFC.
Anekal.**

J U D G M E N T

The present final report has been filed against the Accused for the offences punishable under Sections 324, 504 and 506 of the Indian Penal Code.

2. Brief facts of the prosecution case are as under:-

It is the case of the prosecution that, on 28-01-2022 at about 11 AM, in the land of CW1 situated at Choodhalli village, Anekal Taluk, within the jurisdiction of Anekal police station, the accused picked up quarrel with CW.1 with connection to grazing of cattle. The accused intentionally insulted CW1 with intent to provoke breach of the peace and abused the CW1 in filthy language. The accused assaulted C.W.1 with a club on his body and caused life threat to both CW.1. After investigation was completed, charge sheet was filed for the offences punishable under sections- 324, 504, 506 of the Indian Penal Code.

3. After filing of the charge sheet and framing of the charge. The trial has conducted against the Accused.

4. In support of the prosecution case, though the prosecution cited 6 witnesses as CW.1 to C.W6, prosecution has examined only 1 witnesses as PW.1 and got marked two documents as per Ex.P.1 & Ex.P2. Statement of the Accused under section 313 of the Cr.P.C. is recorded. Accused has not lead any defence evidence.

5. Heard arguments and perused the records.

6. Points that arise for my consideration are as under:-

1) Whether prosecution proves beyond reasonable doubt that on 28-01-2022 at about 11 AM, in the land of CW1 situated at Choodenahalli village, Anekal Taluk, within the jurisdiction of Anekal police station, the accused picked up quarrel with CW.1 with connection to grazing of cattle. The accused intentionally insulted CW1 with intent to provoke breach of the peace and abused the CW1 in filthy language. The accused assaulted C.W.1 with a club on his body and caused life threat to both CW.1 and thereby committed the offences punishable under sections-324, 504, 506 of the Indian Penal Code?

2) What order?

7. My answer to the above points are as under:-

Point No.1: In the **negative**

Point No.2 : As per final order
for the following:

R E A S O N S

8. Point No.1:- At the outset it is to be noted that, the case of the prosecution hinges upon the testimony of the victims of the alleged incident. However it is noted that the victims themselves have turned hostile to the case of the prosecution. The first informant was examined as P.W.1 and in the chief examination PW1 has denied that the accused had assaulted him; he has denied that the accused insulted him with an intent to provoke breach of peace and he has denied that the accused threatened to take away his lives. P.W.1 would testify that he does not know the contents of the Seizure Memo. The said witness was treated as hostile by the learned APP who has cross examined him with reference to the statement said to had been given by him before the investigating agency and despite the same P.W.1 would reiterate what he has stated in the chief examination.

9. Given the fact that the material witnesses himself has turned hostile to the case of the prosecution it cannot be said that the prosecution has been able to establish the guilt of the accused and as such criminal liability cannot be fastened the accused, more so, since the contents of the first information have remained unproved. Therefore for the aforesaid reasons I pass the following:

10. Point No.2: In view of findings given on point No.1 the following:

:: ORDER ::

The accused is hereby acquitted for the offences punishable under sections 324, 504, 506 of Indian Penal Code.

The bail bonds and surety bonds of the accused stands cancelled. The property seized in PF No.14B/2022 being worthless shall be destroyed after the expiry of the appeal period over.

{Dictated to the Stenographer and typed by him the same is corrected and then pronounced by me in the open court on this 20th day of April 2023.}

[KAVYA B.H]
Prl. Civil Judge & JMFC.
Anekal.

:ANNEXURES:**I. WITNESS EXAMINED FOR PROSECUTION SIDE:**

P.W.1 - Munithimma

II. WITNESS EXAMINED FOR ACCUSED PERSONS: -NIL-**III. DOCUMENTS GOT MARKED FOR PROSECUTION:**

Ex.P.1 - Complaint

Ex.P.2 - Mahazure

IV. DOCUMENTS GOT MARKED FOR ACCUSED PERSONS:

NIL-

[KAVYA B.H]
Prl. Civil Judge & JMFC. Anekal.