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IN THE COURT OF THE I ADDL. CIVIL JUDGE & JMFC.,
AT: SHIKARIPURA.

PRESENT: Sri. Dhananjay Hegde, (B.COM. LL.B.),

I Addl. Civil Judge & JMFC, Shikaripura.

Dated this the 01st day of August , 2026

CRIMINAL CASE No.2145/2023

COMPLAINANT:

The State through
Shiralakoppa police station
Shikaripura Taluk,
Shikaripura.

(By Asst. Public Prosecutor,)

//Versus//

ACCUSED:

1. Omkar Naik
S/o Etya Naik,
Aged about 49 years,
R/o Chikkamagaditanda Village,
Shikaripura Tq, Shivamogga.

2. Smt Suneetha Bai
 @ Suneetha,
 W/o Omkar Naik,
 Aged about 35 years,
 R/o Chikkamagaditanda Village,
 Shikaripura Tq, Shivamogga.

(By Sri.MRK., Advocate)

1.	Date of commencement of offence.	30-03-2023
2.	Date of report of offence.	31-03-2023
3.	Arrest of the Accused.	-----
4.	Name of the Informant	Suresha Naik
5.	Date of commencement of recording evidence.	12.06.2026
6.	Date of closing of evidence.	02.07.2026
7.	Offences complained of	Under Secs.323, 324, 354, 504, 506 R/w 34 of IPC.
8.	Opinion of the Judge.	Accused persons found not guilty.

J U D G M E N T

The PSI of Shiralakoppa Police Station has filed a final report against the accused persons for offences punishable under Section 504, 323, 324, 354, and 506 read with Section 34 of the IPC.

2. The brief facts of the Prosecution case are as follows:

It is the case of the prosecution that, on 30.03.2023 at about 09.00 p.m. at Chikkamagadi Village, Shikaripura, Accused No. 1 and 2, in furtherance of their common intention, came near the house of CW1 and abused CW1 and CW2 in filthy language. Further, the accused persons, in furtherance of their common intention, caused Accused No. 1 to pull CW1 and push her onto the floor, and thereby CW1 sustained injuries. The prosecution has further alleged that Accused No. 1 assaulted CW1 with a stone and caused injuries on his forehead, and Accused No. 1 pulled CW2 with an intention to outrage her modesty, and the accused threatened CW1 and CW2 with dire consequences. Thereby the accused have committed an offence punishable under Sec.504,323, 324, 354, 506 R/w Sec.34 of IPC.

3. On the basis of FIS dated 31-03-2023, given by CW-1, the Shiralakoppa Police, have registered a case against the accused persons in Crime No.0074/2023 and registered the FIR for the offence punishable U/Secs.323,

324, 354, 504, 506 R/w 34 of IPC. The PSI Shiralakoppa Police, took up the investigation and after completion of investigation, submitted the Charge Sheet against the Accused for the offence punishable U/Secs.323, 324, 354, 504, 506 R/w 34 of IPC.

4. After receipt of charge sheet, since there were sufficient materials in the Charge Sheet to proceed against the accused persons, cognizance was taken for the offences punishable U/Secs.323, 324, 354, 504, 506 R/w 34 of IPC against the accused persons and the summons was issued to the Accused persons.

5. In pursuance of summons, the Accused persons appeared before the Court through their advocate and the accused persons are on bail during crime stage. Copy of Charge Sheet papers were furnished to the Accused persons as contemplated U/Sec. 207 of Cr.P.C. As there were materials to frame charge against accused persons, charges were framed for the offences punishable U/Secs.323, 324, 354, 504, 506 R/w 34 of IPC. The same was read over and explained to the Accused persons in the

language known to them. Accused persons pleaded not guilty and claimed to be tried.

6. In order to prove the guilt against the Accused persons, the prosecution examined PW-1 to PW-3 and got marked documents as Ex.P1 to Ex.P7. After the examination of the above said witnesses, the A.P.P. prayed before the Court to issue process to other witnesses, since the material witness examined by the prosecution did not support the prosecution case, no purpose of the prosecution would be served by examining other witnesses,. Therefore, the prayer of the A.P.P. was rejected, the said evidence of witnesses were dropped and the prosecution evidence was taken as closed.

7. After closure of the prosecution evidence, as there were no incriminating evidence against the accused persons. Hence, statements as required under Section 313 of Cr.P.C. is dispensed with.

8. Heard the arguments of learned APP and also the learned advocate for the accused persons. Perused the material available on record.

9. On going through the facts and circumstances of the prosecution case, the following Points would arise for consideration by this court.

P O I N T S

1. Whether the prosecution proves beyond all reasonable doubt that, on 30.03.2023 at about 09.00 p.m., at Chikkamagadi Village, Accused No. 1 and 2, in furtherance of their common intention, came near the house of CW1 and CW2 and abused CW1 and CW2 in filthy language, knowing that such insult would provoke them to breach public peace, and thereby they have committed an offence punishable under Section 504 R/w Section 34 of the IPC?
2. Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date, time, and place, the accused persons, in furtherance of their common intention, caused Accused No. 1 to pull CW1 and push her onto the floor, and thereby she sustained injuries, and thereby

committed an offence punishable under Section 323 R/w Section 34 of the IPC?

3. Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date, time, and place, the accused persons, in furtherance of their common intention, caused Accused No. 1 to assault CW1 with a stone by hitting him on his forehead and causing simple injuries, and thereby he committed an offence punishable under Section 324 read with Section 34 of the IPC?
4. Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date, time, and place, Accused No. 1 pulled CW1 with an intention to outrage her modesty, and thereby he has committed an offence punishable under Section 354 R/w Section 34 of the IPC?
5. Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date, time, and place, the accused persons, in furtherance of

their common intention, threatened CW1 and CW2 with dire consequences, and thereby they have committed an offence punishable under Section 506 R/w Section 34 of the IPC?

6. What order?

10. The findings to the above Points of this court 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

11. POINT NO.1 TO 5:- All these points are interlinked with each other as such, same are taken together for common discussion in order to avoid repetition of facts and discussion.

12. CW1 has been examined before this court as PW1. PW1 in his chief examination deposed that the accused persons are his brother and sister-in-law. Further, PW1 has deposed that the accused persons have

not abused them in filthy language, they have not assaulted either him or CW2 with any object, and they have not caused injuries to either CW1 or CW2. PW1 has also deposed that the accused persons have not outraged the modesty of CW2. The perusal of the testimony of PW1 in his chief examination unequivocally suggests an inference that PW1 has turned completely hostile to the case of the prosecution. Though PW1 has turned completely hostile to the case of the prosecution, he has identified his signature on the first information statement dated 01.03.2023, i.e., Ex. P1. The learned APP has examined PW1 by treating him as a hostile witness. Even in the cross-examination, PW1 has denied each and every suggestion put forth by the learned APP regarding the date, time, and place of the alleged incident, as well as the involvement of the accused persons in the alleged incident.

13. The CW2 has been examined before this court as PW2. PW2 in her chief examination deposed that the accused persons are her sister and brother-in-law.

Further, CW2 deposed that the accused persons have not assaulted either her or CW1 with any object, and they have not caused any injuries to them. It is also stated by PW2 that the accused persons have never abused her in filthy language. PW2 has also stated that the accused persons have never outraged her modesty. The perusal of the testimony of PW2 in her chief examination abundantly makes it clear that she has turned completely hostile to the case of the prosecution. Therefore, the learned APP has cross-examined her by treating her as a hostile witness. Even in the course of cross-examination, nothing has been elicited in support of the case of the prosecution. It is categorically admitted by PW1 and PW2 that they entered into a compromise with the accused persons. However, they both deposed and denied the suggestion that they are deposing partially because of such compromise.

14. The CW3, who is one of the mahazar witnesses, has been examined before this court as PW3. PW3 in her chief examination deposed that the accused persons have

never abused CW1 or CW2 in filthy language, and they have not assaulted them or caused any sort of injuries to CW1 and CW2. Further, PW3 has deposed that the accused persons never threatened CW1 and CW2, and the accused persons have never outraged the modesty of CW2.

15. Further the PW3 in her chief examination identified her signature on the panchanama dated 01.04.2023, i.e., Ex. P4. Further, PW3 has identified her presence in Ex. P5 and P6 photographs. However, she categorically deposed that she does not know where, when, and pertaining to which incident Ex. P4 panchanama has been drawn. It is also stated by PW3 that she does not know where and when Ex. P5 and P6 photographs have been taken. It is deposed by PW3 that in her presence, no one affixed their signature to the Ex. P4 panchanama.

16. The learned APP has cross-examined the said witness by treating her as a hostile witness. Even in her cross-examination, PW3 denied each and every suggestion put forth by the learned APP regarding the date, time, and

place of the panchanama, as well as the presence of PW3 during the panchanama. Apart from that, PW3 denied the suggestions put forth by the APP regarding the alleged incident and the involvement of the accused persons in the alleged incident.

17. The perusal of the testimony of PW1 to PW3 makes it amply clear that all the material witnesses have turned hostile to the case of the prosecution. That being the case, this court is of the view that it is needless to delve into the ingredients of the offences. Accordingly, ***Point No.1 to 5 are answered in Negative.***

18. POINT NO.6:- For foregoing reasons and findings on point no.1 to 5, this court proceeds to pass the following :

ORDER

Acting under sec.,248(1) of Cr.PC., the accused persons are hereby acquitted of the offences punishable U/Sec.323, 324, 354, 504, 506 R/w 34 of IPC.

Bail bond of the accused persons and surety bond shall stands cancelled.

However, in view of Sec.437(A) Cr.P.C.,
and surety shall be in force for 6 months
from today.

Accused persons are set at liberty.

(Dictated to the Stenographer directly, typed by her,
Judgment corrected and signed by me, then pronounced by me in
the Open Court on this the 01st August , 2026)

(Dhananjay Hegde)
I Addl. Civil Judge & JMFC.,
Shikaripura

ANNEXURES

List of the Witnesses examined by the Prosecution:

PW.1 : Suresh Naik
PW.2 : Seethabai
PW.3 : Meenakshi bai

List of the Documents exhibited for the Prosecution:

Ex.P1 : Complaint
Ex.P1(a) : Signature of PW.1
Ex.P2 : Further Statement of PW.1
Ex.P3 : Statement of PW.2
Ex.P4 : Spot panchanama
Ex.P5 & 6 : Photo
Ex.P7 : Statement of PW.3

List of the MOs marked on behalf of the Prosecution:

--Nil--

List of the Witnesses examined for defence:

--Nil--

List of the Documents exhibited for defence:

--Nil--

List of the MOs marked on behalf of Defence:

--Nil--

(Dhananjay Hegde)
I Addl. Civil Judge & JMFC.,
Shikaripura.