

KABC0C0096622021



Presented on : 18-06-2021
Registered on : 18-06-2021
Decided on : 01-07-2026
Duration : 5 years, 0 months, 13 days

IN THE COURT OF THE XXIX ADDL.C.J.M
MAYOHALL UNIT, BENGALURU

-: Present :-

Sri. Girish Chatni,
B.A., LL.B(Spl)

XXIX Addl. Chief Judicial Magistrate, Bengaluru.

Dated: This the 01st Day of July, 2026

CRIMINAL CASE No.52905/2021

The State by P.S.I
Kothanur Police Station.

... **Complainant**

(By Learned Assistant Public Prosecutor)

// Versus //

- 1. Vijay S/o. Shankar,**
Aged about 28 years,
- 2. Shankar S/o. Late. Arunachalam,**
Aged- 50 years,
- 3. Devi W/o Chandpasha,**
Aged- 47 years,

4. Murali S/o Shankar,
Aged- 47 years,
5. Parijatha W/o Aramugam,
Aged- 48 years
All R/at. No.174, 5th Cross,
Byrathi Bande, Kannur Post,
Bengaluru City ... **Accused**

(By Sri. Shivalingappa, Advocate)

Date of commission of offence	:	01.05.2021
Date of report of offence	:	01.05.2021
Name of the complainant	:	Sri. Prasannakumar
Date of recording evidence	:	25.06.2026
Date of closing evidence	:	25.06.2026
Offences complained of	:	Secs.323, 324, 504 R/w. Section 34 of IPC.
Opinion of the Judge	:	Accused nos. 1 to 5 found not guilty.

(GIRISH CHATNI)
XXIX ACJM, BENGALURU

J U D G M E N T

The P.S.I of Kothanur Police Station, Bengaluru, has filed the present charge sheet against the accused Nos.1 to 5 alleging the commission of offence punishable under Sections 323, 324, 504 R/w. Section 34 of Indian Penal Code.

2. BRIEF FACTS OF THE PROSECUTION CASE ARE AS UNDER :

It is the case of the complainant that, on 01.05.2021 at 10.00 AM, when C.W.1 was at site no.28, situated at ByrathiBande, 05th cross, Kothanur, accused nos. 1 to 5 in furtherance of common intention, came over there and picked up quarrel with C.W.1 abused him foul language stating that the site belongs to them, when C.W.1 enquired with regard to the same, the accused no.2 abused C.W.1 in foul language assaulted him with hands, when C.W.4 came to pacify the quarrel, accused no.1 all of a sudden assaulted him by stone on right head and caused simple injuries. Based on the typed complaint lodged by C.W.1, C.W.11 registered the case against accused nos. 1 to 5 in P.S. Crime No.92/2021 for the offence punishable under Sections 323, 324, 504 R/w. Section

34 of Indian Penal Code. Investigating Officer/CW.11 investigated the matter, after completion of the investigation, has submitted final report against the accused Nos.1 to 5 for the offence punishable under Sections 323, 324, 504 R/w. Section 34 of Indian Penal Code.

3. Upon receipt of charge sheet, cognizance was taken for the above said offence alleged against the accused No.1 to 5 and registered the criminal case against them.

4. After registering the case, the presence of accused No.1 to 5 were secured and were enlarged on bail. Copies of the charge sheet and its' enclosures were furnished to them in compliance of Section 207 of Cr.P.C. Sufficient grounds were made out to frame charges. Hence, charges framed and read over to the accused Nos.1 to 5. They pleaded not guilty and claimed to be tried.

5. In order to prove the guilt of the accused Nos.1 to 5, the prosecution has examined 02 witnesses out of 11 witnesses cited in the charge sheet as P.W.1 and P.W.2 and got marked documents as per Ex.P.1 to Ex.P.5 and closed its side. In lieu of absence of incriminating circumstances appearing against accused nos. 1 to 5, recording of their statement under Section 313 of Cr.P.C. was dispensed with.

6. Heard both sides. Perused the materials on record.
7. The points that arise for my consideration are;
 1. Whether the prosecution proves beyond all reasonable doubt that, on 01.05.2021 at 10.00 AM, when C.W.1 was at site no.28, situated at ByrathiBande, 05th cross, Kothanur, accused nos. 1 to 5 in furtherance of common intention, came over there and picked up quarrel with C.W.1 abused him foul language stating that the site belongs to them, when C.W.1 enquired with regard to the same, the accused no.2 abused C.W.1 in foul language and thereby committed an offence punishable U/s. 504 R/w. Sec. 34 of IPC ?
 2. Whether the prosecution proves beyond reasonable doubt that, on the above said date, time and place, the accused nos. 1 to 5 in furtherance of common intention, the accused no.2 assaulted him with hands and thereby committed an offence punishable U/s.323 R/w. Sec. 34 of IPC ?

3. Whether the prosecution proves beyond reasonable doubt that, on the above said date, time and place, the accused nos. 1 to 5 in furtherance of common intention, when C.W.4 came to pacify the quarrel, accused no.1 all of a sudden assaulted him by stone on right head and caused simple injuries and thereby committed an offence punishable U/s.324 R/w. Sec. 34 of IPC ?

4. What Order?

8. My findings on the above points are as under:
Point No.1 to 3 : In the Negative.
Point No.4 : As per the final order
for the following

REASONS

9. **POINT Nos.1 to 3** :- As these points are interrelated, I have taken these points together for common discussion to avoid repetition of facts and evidence.

10. In order to bring home the guilt of the accused nos. 1 to 5, the prosecution has examined the complainant/injured/C.W.1 as P.W.1, injured/eye witness/C.W.4 as P.W.2 and relied upon three documents.

11. In order to bring home the guilt of the accused, the prosecution has examined the prosecution has examined the the prosecution has examined the complainant/injured/C.W.1 as P.W.1, injured/eye witness/C.W.4 as P.W.2, wherein, the said witnesses have not supported the case of the prosecution. The learned Sr. APP appearing for the State with permission treated the said witnesses as hostile and fully cross examined them, wherein, nothing was elicited from their mouth in order to prove the guilt of the accused nos. 1 to 5.

12. On perusal of the materials on record and the oral & documentary evidence of P.W.1 and 2, they have categorically admitted that, they have compromised the matter with the accused nos. 1 to 5. In view of the evidence of P.W.1 and 2, since the matter was compromised, the prayer of the learned Senior Asst. Public Prosecutor for issuance of witness summons to other witnesses was rejected as no purpose would be served. As the P.W.1 and 2 have turned hostile to the case of the prosecution, the evidence on record is not at all helpful to substantiate the guilt of the accused nos. 1 to 5. Hence, there is no cogent and convincing evidence against the accused nos. 1 to 5. Accordingly, the benefit of doubt has to be extended to

the accused nos. 1 to 5 and hence, the Point Nos.1 to 3 are answered in the “Negative”.

13. **Point No.4**:- In view of the findings on above points, I proceed to pass the following;

ORDER

Acting under Section 248(1) of Cr.P.C. the accused nos.1 to 5 are acquitted of the offence punishable under Sections 323, 324, 504 R/w. Section 34 of Indian Penal Code.

The bail bonds of the accused nos. 1 to 5 shall be in force for the period of 6 months and thereafter it shall be canceled without further orders.

(Typed directly corrected by me and then signed and pronounced in the Open Court on this date the 01st Day of July, 2026)

**(GIRISH CHATNI)
XXIX ACJM, BENGALURU**

ANNEXURE

1.	<u>LIST OF WITNESSES EXAMINED FOR THE PROSECUTION :</u>		
	P.W.1	:	Prasnakumar
	P.W.2	:	Alim Pasha
2.	<u>LIST OF EXHIBITS MARKED FOR THE PROSECUTION :</u>		

	Ex.P.1	:	Complaint
	Ex.P.1(a)	:	Signature
	Ex.P.2	:	Spot Panchnama
	Ex.P.2(a)	:	Signature
	Ex.P.3	:	Statement of P.W.2

3.	<u>LIST OF WITNESSES EXAMINED FOR THE ACCUSED :</u>
	- NIL -

4.	<u>LIST OF EXHIBITS MARKED FOR THE ACCUSED :</u>
	- NIL -

5.	<u>LIST OF M.OS. MARKED ON BEHALF OF PROSECUTION :</u>
	- NIL -

(GIRISH CHATNI)
XXIX ACJM, BENGALURU