

KABC030766542022



Presented on : 27.09.2022

Registered on : 27.09.2022

Decided on : 29.04.2026

Duration : 03y/07m/02days

**IN THE COURT OF XLI ADDL. CHIEF JUDICIAL
MAGISTRATE, AT : BENGALURU**

PRESIDED OVER BY:TATTANDA DAMAYANTI SOMAYYA

B.A.,LL.B.,

**XLI Addl. Chief Judicial Magistrate
Bengaluru**

Dated on this 29th day of April 2026

C.C.No.30740/2022

**COMPLAINANT : The State
by Bellanduru Police Station**

-V/s-

**ACCUSED : 1. Mahadeva,
S/o. Chandrappa, 24 years,
R/at. J-10, Ushnodaya Elegance
Apartment, Green Glen Layout,
Bellanduru, Bengaluru.**

**2. Sanjay Kumar,
S/o. Shivashankar, 25 years,
R/at.No.255, 12th cross,
Near Shiva Temple, Bellanduru,
Bengaluru.**

3. Vijay Kumar,

S/o. Ramakrishna, 26 years,
R/at. No.365, Post office road,
Bellanduru, Bengaluru.

4. Sachin.G.,

S/o. Gopal, 25 years,
R/at. No.134/2, 3rd cross,
Behind Ganapathi Temple,
Bellanduru, Bengaluru.

Date of Commission of offence	13.03.2022
Date of report	14.03.2022
Date of arrest	On 09.03.2023 the accused No.1 and 4 and on 13.03.2023 the accused No.2 and 3 appeared before the Court and got enlarged themselves on bail.
Name of the complainant	Ravi Kumar.P
Date of commencement of recording Evidence	14.09.2023
Date of closing evidence	24.04.2026
Offences complained of	U/Sec.323, 326, 504, 506 R/w 34of IPC.
State Represented by	Senior Asst.Public Prosecutor
Accused Represented by	Sri. S.R.Desai and S.L.Pallavi Advocates
Opinion of the Judge	As per final orders

J U D G M E N T
[Delivered on 29.04.2026]

The P.S.I of Bellanduru police station has filed charge sheet against the accused for the offences punishable U/Sec. U/Sec.323, 326, 504, 506 R/w 34 of IPC.

2. Brief facts of prosecution case is as follows:

On 13.03.2022 at 8.15p.m., the accused No.1 to 4 in furtherance of common intention beaten CW.1 with hands, caused hurt behind Sun City apartment, Ibbaluru, when he asked CW.3 and 4 to go to their homes, who were screaming loudly along with others, abused him in a filthy language, threatened him to kill and assaulted him with a stone and caused grievous injuries near his right eye. On the basis of computerized typed information given by CW.1, the Bellanduru police have registered this case in Cr.No.51/2022.

3. After the investigation, the IO filed charge sheet against the accused. The Court has taken cognizance of the offences punishable U/Sec.323, 326, 504, 506 r/w 34 of IPC.

4. On 09.03.2023 the accused No.1 and 4 and on 13.03.2023 the accused No.2 and 3 appeared before the Court and got enlarged themselves on bail. The Court complied with Sec.207 of Cr.P.C., and furnished charge sheet copies to the accused.

5. This Court heard both the parties. As there were no grounds to discharge the accused, this Court framed charges for the offences punishable U/Sec.323, 326, 504, 506 R/w 34 of IPC. The accused No.1 to 4 did not plead guilty. They claimed to be tried.

6. In order to prove its case, the prosecution got examined one witness as PW.1 and got marked Ex.P.1 and 2 documents. As the complainant cum injured has turned hostile and he did not support the case of prosecution, there was no incriminating evidence to record the statements of accused. Hence, statements of the accused was not recorded U/Sec.313 of Cr.P.C.

7. I have heard the arguments of Senior APP and Sri.SRD Advocate.

8. On the basis of allegations made against the accused , the following points arise for my consideration:

1. Whether the prosecution proves beyond all reasonable doubt that, the accused No.1 to 4 in furtherance of common intention beaten CW.1 with hands, caused hurt on 13.03.2022 at 8.15p.m., behind Sun City apartment, Ibbaluru, when he asked CW.3 and 4 to go to their homes, who were screaming loudly along with others and thereby they have committed the offence punishable U/Sec.323 r/w 34 of IPC?

2. Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date, time and place, the accused No.1 to 4 in furtherance of common intention abused CW.1 in a filthy language and thereby they have committed the offence punishable U/Sec.504 r/w 34 of IPC?

3. Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date, time and place, the accused No.1 to 4 in furtherance of common intention assaulted CW.1 with a stone and caused grievous injuries near his right eye

and thereby they have committed the offence punishable U/Sec.326 r/w 34 of IPC?

4. Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date, time and place the accused No.1 to 4 in furtherance of common intention threatened CW.1 with dire consequences and thereby they have committed the offence punishable U/Sec.506 r/w.34 of IPC?

5. What order?

9. My answers to the above points are as under:

Point No.1 : In Negative

Point No.2 : In Negative

Point No.3 : In Negative

Point No.4 : In Negative

Point No.5 : As per final orders for the following:

REASONS

Point No.1 to 4: As all these points are interrelated, I take all the four points together for common discussion to avoid repetition.

10. The burden is casted on the prosecution to prove that, the accused No.1 to 4 in furtherance of common intention beaten CW.1 with hands, caused hurt on 13.03.2022 at 8.15p.m., behind Sun City apartment, Ibbaluru, when he asked CW.3 and 4 to go to

their homes, who were screaming loudly along with others, they abused him in a filthy language, assaulted him with a stone, caused grievous injuries near his right eye and threatened him with dire consequences. In order to prove its case, the prosecution got examined the complainant/injured/CW.1 as PW.1 and got marked statement/complaint as Ex.P.1, spot mahazer as Ex.P.2 and portion of his statement as Ex.P.3.

11. CW.1/PW.1- Ravi Kumar, in his evidence has stated that, he is acquainted with accused and CW.2 to 6. He does not know anything about this case. The accused neither quarreled with him nor assaulted him with hands or any weapons nor abused him nor threatened him with dire consequences. He has not taken any treatment from the hospital with the history of assault. He has not lodged any complaint against the accused. Ex.P.1 bears his signature. About 4-5 years ago when he had been to the police station along with his friends, the police took his signature to that document. He is not aware of the contents of the same. Ex.P.2

bears his signature. He signed that document, while signing Ex.P.1 at the police station. The police neither taken him to any place nor taken any action nor seized any articles in his presence. He is not aware of the contents of Ex.P.2.

12. On the basis of Ex.P.1/first information/complaint given by PW.1 on 14.03.2022, the Bellanduru police have registered this case, investigated the matter and filed charge sheet against the accused. In Ex.P.1, the PW.1 has mentioned the names of the accused and narrated the incident in detail as to how they assaulted him with stone and the nature of injuries sustained by him.

13. But, in the Court, the PW.1 deposed contrary to the contents of Ex.P.1. Though the PW.1 has identified his signature found on Ex.P.1 complaint, he has denied the contents of the same. The PW.1 gone to the extent of saying that, he has not given any complaint against the accused. The PW1 being an injured person has gone to the extent of saying that, the accused neither

assaulted him nor caused injuries nor abused him nor threatened him with dire consequences.

14. The charge sheet is accompanied by the wound certificate issued by St. John's hospital, Bengaluru. As per the wound certificate, the PW.1 had taken treatment from the hospital on 13.03.2022 at 10.45p.m., with the history of assault. On examination, the doctor noticed cut lacerated injury over his right lower eye lid, tenderness over his occipital region of head and he opined that, the injury No.1 is grievous in nature. In that wound certificate, history of injury is mentioned as assault by unknown persons. The PW.1 being an injured has stated that, he has not taken any treatment from any hospital, with the history of assault.

15. Therefore, the wound certificate does not bear any importance. That wound certificate will not come to the aid of the prosecution to hold the accused guilty of the offences. In this case, the main witness, i.e., PW.1 has not supported the case of the prosecution. He deposed contrary to the contents of Ex.P.1. After

the receipt of Ex.P.1 from PW.1, the IO visited the spot, inspected the same, drawn Ex.P.2 mahazer and seized stone in the presence of PW.1, which was allegedly used by the accused for the commission of the offence. But, the PW.1 denied that aspect also.

16. In this case, the main witness i.e., PW.1 has deposed contrary to the case of the prosecution. Hence, he was treated as hostile witness and cross examined by Senior APP. But, he did not depose in support of the case of the prosecution. The PW.1 has gone to the extent of saying that, he has not lodged any complaint against the accused. The PW.1 contends that, no such incident was occurred as stated in Ex.P.1.

17. During the Course of cross examination, the PW.1 admitted that, he has compromised the case with the accused. Therefore, this Court is of the opinion that, the PW.1 did not support the case of the prosecution as, he has already compromised the case with the accused. From the evidence led by PW.1, the allegations made

against the accused are not proved. His evidence is no way helpful to the case of the prosecution.

18. As the complainant cum injured himself has turned hostile, this court rejected the prayer of Sr.APP in summoning other witnesses as, the purpose of the prosecution would not be served by examining them. There is no cogent evidence on record to connect the accused with the alleged crime. From the evidence led by PW.1, the charges leveled against the accused are not proved.

19. Thus, the prosecution has failed to prove that, the accused No.1 to 4 in furtherance of common intention beaten PW.1 with hands, caused hurt on 13.03.2022 at 8.15p.m., behind Sun City apartment, Ibbaluru, when he asked CW.3 and 4 to go to their homes, who were screaming loudly along with others, they abused him in a filthy language, assaulted him with a stone, caused grievous injuries near his right eye and threatened him with dire consequences. Accordingly, I answer point No.1 to 4 in Negative.

Point No.5: For the aforesaid reasons, I proceed to pass the following:

ORDER

By exercising the powers conferred U/Sec.248[1] of Cr.P.C., the accused No.1 to 4 are acquitted from the charges of Sec.323, 326, 504, 506 R/w 34 of IPC.

Bail bonds executed by accused No.1 to 4 stands cancelled.

The property seized under PF No.31/2022 i.e., Stone being worthless is ordered to be destroyed after the appeal period.

29.04.2026

**[TATTANDA DAMAYANTI SOMAYYA]
XLI A.C.J.M.,BENGALURU**

ANNEXURE

LIST OF WITNESSES EXAMINED FOR THE PROSECUTION:

PW.1 : Ravi Kumar.P

LIST OF DOCUMENTS MARKED FOR THE PROSECUTION:

Ex.P.1 : First information/ Complaint

Ex.P.1[a] : Signature of PW.1

Ex.P.2 : Spot mahazar

Ex.P.2[a] : Signature of PW.1

Ex.P.3 : Portion of the statement of PW.1

LIST OF M.O's MARKED FOR THE PROSECUTION :

NIL

LIST OF WITNESSES EXAMINED FOR THE ACCUSED :

NIL

LIST OF DOCUMENTS MARKED FOR THE ACCUSED :

NIL

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Dictated on : 29.04.2026

Transcribed on : 29.04.2026

checked on : 29.04.2026

Signed on : 29.04.2026

[TATTANDA DAMAYANTI SOMAYYA]

XLI A.C.J.M., BENGALURU

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