

**IN THE COURT OF CIVIL JUDGE AND J.M.F.C.,
PONNAMPET**

-:Present:-

Sri. Shrinath A., B.A.L, L.L.B.,
Civil Judge and J.M.F.C.,
Ponnampet

Criminal Case No.593/2025

Dated this the 1st day of July 2026

Complainant: - State by Gonikoppa Police,
(By: The Asst. Public Prosecutor)

-V/s -

Accused:-

1. Sri.Kelapanda Uthappa,
S/o Thammaiah,
Aged: 23 years,
R/o: Hathuru village,
Ponnampet Taluk, Kodagu.
2. Sri.Anil K.S,
S/o: Sathish K.K,
Age: 21 years,
R/o: Kunda village,
Ponnampet Taluk, Kodagu.

(By Sri.K.N.V Advocate)

1. Date of commission of offence :	22.12.2024
2. Date of report of offence:	22.12.2024
3. Name of complainant	Miss.Monika A.G,
4. Date of recording evidence:	25.05.2026



5. Date of closing evidence: 25.05.2026
6. Offence complained of : Sec.126(2), 74, 78(2), 118(1), 115(2) and 304(2) R/w 3(5) of BNS
7. Opinion of the Judge : Accused no.1 and 2 are acquitted

JUDGMENT

The Gonikoppa police have filed the charge sheet against the accused persons for the offences punishable under Sec.126(2), 74, 78(2), 118(1), 115(2) and 304(2) R/w 3(5) of BNS.

2. The brief case of the prosecution is that on 22.12.2024 at about 5.30pm within the jurisdiction of the Gonikoppa police station on the road which goes from B.Shettigeri village to Gonikoppa near Kalengada family estate, when Cw1 was coming in her scooty bearing no.KA-12-W-6232 towards Gonikoppa, accused no.1 and 2 in furtherance of common intention, had wrongfully restrained Cw1 from proceeding further, and accused no.1 picked up



quarrel with Cw1 by saying that why she is not picking his phone and not talking to him, and why she has blocked his number, by saying this he dragged Cw1 and torned her cloth, and snatched the helmet of Cw1 and assaulted to her with the same helmet on her back and trampled her feet with the leg and caused simple and grievous injuries, and forcefully snatched her mobile phone, and forcefully pushed Cw1 with the scooter, thereby accused persons committed the offences punishable under Sec.126(2), 74, 78(2), 118(1), 115(2) and 304(2) R/w 3(5) of BNS.

3. This court perusing the materials took cognizance and thereafter issued summons to the accused persons. The accused no.1 and 2 appeared through their learned advocate and have been enlarged on bail. The copies of the final report in compliance of Sec.230 of B.N.S.S was furnished. After hearing both sides charges were framed for the offences punishable under Sunder Sec.126(2), 74, 78(2),



118(1), 115(2) and 304(2) R/w 3(5) of BNS against the accused persons, the charge was read over and explained to the accused no.1 and 2 and they have pleaded not guilty and hence, summons was issued to the prosecution witnesses.

4. The prosecution, in support of their case has examined Cw1 victim and complainant witness as Pw1 got marked Ex.P1 to Ex.P5. As there was no incriminating material appearing in prosecution evidence against these accused persons, the examination of the accused persons under Sec.313 of Cr.P.C is dispensed with. Thereafter, the accused no.1 and 2 did not choose to lead any evidence.

5. Heard the learned APP and advocate for accused person. Upon hearing the arguments and on perusal of the material on record, the following points that would arise for this Court's consideration is as follows:-



- 1) Whether the prosecution beyond all reasonable doubt proves that on 22.12.2024 at about 5.30pm within the jurisdiction of the Gonikoppa police station on the road which passes from B Shettigeri to Gonikoppa near Kalengada family estate when Cw1 was coming in her scooty bearing no.KA-12-W-6232 towards Gonikoppa, accused no.1 and 2 in furtherance of common intention, had wrongfully restrained Cw1 from proceeding further, thereby committed the offence punishable under Sec.126(2) R/w 3(5) of BNS?
2. Whether the prosecution further proves beyond reasonable doubt that, accused no.1 and 2 in furtherance of common intention, accused no.1 dragged Cw1 and torned her cloth with the intention to outrage her modesty, thereby committed offences punishable under Sec.74 R/w 3(5) of B.N.S ?
3. Whether the prosecution further proves beyond reasonable doubt that, on the above said date, time and place, accused persons in furtherance of common intention, accused no.1 since many days was calling, messaging and was following Cw1 which made her feel unsafe and frightened, thereby committed



offences punishable under Sec.78(2) R/w 3(5) of B.N.S ?

4. Whether the prosecution further proves beyond reasonable doubt that, on the above said date, time and place, accused persons in furtherance of common intention, accused no.1 trampled Cw1's feet with his leg and caused simple hurt, thereby committed offences punishable under Sec.115(2) R/w 3(5) of B.N.S?
5. Whether the prosecution further proves beyond reasonable doubt that, on the above said date, time and place, accused persons in furtherance of common intention, accused no.1 snatched the helmet from Cw1 and assaulted to Cw1 on her back and caused simple injuries, thereby committed offences punishable under Sec.118(1) R/w 3(5) of B.N.S ?
6. Whether the prosecution further proves beyond reasonable doubt that, on the above said date, time and place, accused persons in furtherance of common intention, accused no.1 had forcefully snatched the mobile from Cw1's hand, thereby committed offences punishable under Sec.304(2) R/w 3(5) of B.N.S?
7. What order?



6. On hearing the arguments and on perusal of the materials placed on record, my answers to: -

Points No.1 to 6:- In the Negative
Point No.7 :- As per final order
for the following:-

R E A S O N S

7. **Points No.1 to 6:** The Cw1 being the complainant and victim has got examined as Pw1. The Pw1 has completely turned hostile to the case of prosecution. The Pw1 in her chief examination has deposed that accused is acquainted to her, and he has not wrongfully restrained her, he has not outraged her modesty, and he has not assaulted to her with his hand and helmet and he has not forcefully snatched her mobile. She has identified her signature in the complaint, and deposed that she do not know the contents of Ex.P1. She has identified her signatures in Ex.P1 complaint and mahazars Ex.P2 to Ex.P4 and same has been marked as Ex.P1(a) to Ex.P4(a). She do not know the contents of mahazars, and she has not given



any further statement to the police. She has not identified the torn cloth and helmet and not identified the photos. Hence, Pw1 was treated as hostile to prosecution case and subjected to cross examination by learned APP posing the case of prosecution as narrated above. But nothing has been elicited from her in support of prosecution case. Suggestion put forth and denies as false of accused no.1 and 2 being her friends she is deposing false before the court.

8. The Pw1 being the material witness has turned hostile and not supported to the case of prosecution. Under such circumstances this court is of the opinion that the examination of other witnesses will be a futile exercise and waste of court time. Hence, this court rejected the prayer of the learned APP for issuance of summons to other witnesses. Hence, the other charge sheet witnesses are dropped, as no purpose would be served by examining



them. In support of this court relies upon the decision reported in 1996(3) Crimes Page No.84 in between Sathish Mehara V/s Delhi Administration and Another wherein, at para “B” the Hon’ble Supreme Court pleased to held that:-

“When the judge is fairly certain that there is no prospectus of the case ending in conviction. The valuable time of the court should not be wasted for holding a trial only for the purpose of formally completing the procedure to pronounce the conclusion on the future date”.

The above principle of law laid down by the Hon’ble Supreme Court in the above case applicable to the present case in hand.

9. On careful appreciation of evidence laid down on behalf of the prosecution, it reveals that Cw1 has has not testified with regard to the essential ingredients of the accused persons wrongfully restrained, outraged her modesty, assaulted her, and forceful snatching of mobile. Hence, on careful and meticulous appreciation of evidence and considering totality of circumstances, the prosecution



has failed to prove beyond reasonable doubt that charges leveled against the accused persons is true. Hence, considering the overall circumstances, this court answers the Points no.1 to 6 in the Negative.

10. **Point No.7:** On the foregoing reasons, this court proceeds to pass the following:

O R D E R

Acting under Sec.271(1) of B.N.S.S, the accused no.1 and 2 are hereby acquitted for the offences punishable under Sec.126(2), 74, 78(2), 118(1), 115(2) and 304(2) R/w 3(5) of BNS.

The property reported in P.R.No.15/2026 that is torned nighty is worthless and shall be destroyed. The interim custody of the One + mobile phone with sim and TVS ENTORQ scooter bearing no.KA-12-W-6232 are made absolute after the appeal period is over.



The bail bond and surety bond of
accused person stands canceled.

(Dictated to the stenographer directly on my computer, after clerical additions by him, script revised, corrected and pronounced by me in the Open Court on this the 1st day of July 2026)

- sd -
Shrinath A
Civil Judge and J.M.F.C.
Ponnampet.

ANNEXURES

1) List of Witnesses examined on behalf of prosecution:-

Pw1 : Miss.Monika,

2) List of documents marked on behalf of prosecution:-

Ex.P1 : Complaint,
Ex.P1(a) : Signature of Pw1,
Ex.P2 : Mahazar,
Ex.P2(a) : Signature of Pw1,
Ex.P3 and 4: Seizure mahazars,
Ex.P3(a) to 4(a):Signature of Pw1,
Ex.P5 : Cw1's further statement,

3) List of M.O. marked on behalf of prosecution:-

-Nil-

4) List of witness examined on behalf of Accused:-

-Nil-

5) List of documents marked on behalf of Accused:-

-Nil-

- sd -
Civil Judge and J.M.F.C.
Ponnampet.

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