

KABC031233002017



**IN THE COURT OF XLVI ADDITIONAL CHIEF JUDICIAL
MAGISTRATE, BENGALURU.**

PRESENT : LOKESHA. C.N,
M.A., LL.,B.
XLVI Addl.C.J.M., Bengaluru.

C.C.No.31147/2017

02nd day of August 2025

Complainant: State by – Chandralayout Police Station

(By A.P.P.)

V/s

Accused:

1. Ranganath @ Rangaswamy
S/o. Muddarangaiah
A/a 25 years
R/o. Near Government School
Malagala, Bengaluru.

2. Raju. N **(Split-Up)**
S/o. Nagaraju

(By Sri. M.T.Venkatesh. Advocate)

J U D G M E N T

This is a charge sheet filed by Chandralayout Police station against the accused No. 1 & 2 for the offence

punishable Under Sections 341, 323, 326, 504, 506 R/w Section 34 of IPC.

2. The case of the prosecution in brief is that, As per the request of the accused No.1, the Cw.2 had lent money of Rs.10,000/- to repay said amount with weekly installments of Rs.500/-. After borrowing of money the accused No.1 did not repay said amount to the Cw.2. Whenever the Cw.2 asked to return money he prolonged to pay the money. When the Cw.2 informed the accused if he is not paid amount he will lodged compliant to the police. Then on 14.05.2017 the accused No.1 came near the house of the Cw.2 and called the Cw.2 by stating that he will pay the amount. When the Cw.2 came out from the house at that time the accused No.1 and 2 with common intention wrongfully restrained the Cw.2, abused him with filthy language and assaulted by hands and a wooden stick and gave life threat. On the basis of the complaint given by the Cw.1, the Cw.8 registered a case in Cr.No.212/2017 and forwarded FIR to the Court, thereafter Cw.8 visited the place of incident and conducted a Spot Mahazar in the presence of panch witnesses CW.4 and CW.5 and recorded statements of witnesses, having completed the investigation CW.8 filed the charge sheet against the accused persons for the aforesaid offences.

3. After filing of the charge sheet, the presence of the accused No1 was secured. Inspite of issuance of summons and warrant the presence of accused No.2 was not secured,

hence the case against accused No. 2 was split-up from this case and separate criminal case has been registered against the accused No.2. Thereafter the copies of the charge sheet papers furnished to the accused No. 1 and after hearing both sides, the charges were framed. The accused No. 1 pleaded not guilty and claimed to be tried for the said offences.

4. In order to bring home the guilt of the accused No. 1, the prosecution examined two witnesses as P.W.1 & Pw.2 and got marked documents as Ex.P.1 to P4. The Pw.1 and PW2 being the complainant and being material witnesses have turned hostile and did not chose to support the case of prosecution. Hence, the prayer of learned APP to issue summons to remaining witnesses was rejected as no purpose would have been served by examining remaining witnesses. The statement of accused persons U/Section 313 of Cr.P.C., was also dispensed with as there were no incriminating circumstances against the accused in the evidence of PW.1 and Pw.2. Thereafter, I have heard the arguments of both sides and perused the entire record, in the facts and circumstances of the case the following points arises for consideration.

:POINTS:

Point No.1: Whether the prosecution proves an offence punishable Under Section 341 R/w Section 34 of IPC against the accused No. 1 beyond all reasonable doubt?

Point No.2: Whether the prosecution proves an offence punishable Under Section 323 R/w Section 34 of IPC against the accused No. 1 beyond all reasonable doubt?

Point No.3: Whether the prosecution proves an offence punishable Under Section 326 R/w Section 34 of IPC against the accused No. 1 beyond all reasonable doubt?

Point No.4: Whether the prosecution proves an offence punishable Under Section 504 R/w section 34 of IPC against the accused No.1 beyond all reasonable doubt?

Point No.5: Whether the prosecution proves an offence punishable Under Section 506 R/w Section 34 of IPC against the accused No. 1 beyond all reasonable doubt?

5. **Point No.1 to 5:**under consideration are answered in the Negative for the following:

REASONS

Point No.1 to 5:

6. These points are inter-related; hence I have discussed them together to avoid repetition of facts and evidence. The PSI of Chandralayout police station filed the charge sheet against the accused persons Under Section 341, 323, 326, 504, 506 R/w Section 34 of IPC.

7. In order to bring home the guilt of the accused No.1 the prosecution examined the complainant as P.W.1 &

injured eye witness as Pw.2. The Pw.2 is the own brother of the Pw.1. The PW.1 and Pw.2 being complainant and material witnesses have turned hostile to the case of prosecution, as they deposed in their evidence that, they knew the accused No.1 and there was no quarrel taken place in between the Cw.1 and Cw.2 and accused persons and the accused persons have not abused them with filthy language and not assaulted them and not given any life threat to them and he has not given any complaint before the police. Hence, in view of fact that, the P.W.1 and Pw.2 themselves turned completely hostile to the case of prosecution, the prayer of learned APP to issue summons to remaining witnesses was rejected as no purpose would have been served by examining the remaining witnesses. The Ld. APP treated the prosecution witnesses as hostile witness and cross-examined. In the cross-examination also the Pw.1 & Pw.2 did not chose to support the case of the prosecution and deposed the evidence in consonance with the chief examination. Therefore, prosecution has failed to prove the guilty of the accused No.1 beyond all reasonable doubt. Accordingly, I answer point No.1 to 5 in the Negative and proceed to pass the following:

ORDER

**Exercising the power under section 248
(1) of Cr.P.C. the accused No. 1 is acquitted
for the offences punishable Under Section
341, 323, 326, 504, 506 R/w Section 34 of
IPC.**

The bail bond and surety bonds stand cancelled.

Office to keep this record with split-up criminal case.

(Dictated to the stenographer, transcribed and computerized by her corrected by me and then pronounced the judgment in the open court on 02nd day of August 2025.)

**(LOKESHA.C.N)
46th Addl.C.J.M.,Bengaluru.**

A N N E X U R E

The witnesses examined for the prosecution:

PW1 : Mahadev
PW2 : Vinayaka

The documents exhibited for the prosecution:

Ex.P1 : Complaint
Ex.P.1(a) : Signature
Ex.P.2 : Further Statement
Ex.P.3 : Panchanama
Ex.P.3(a) : Signature
Ex.P.4 : Statement
Ex.P.4(a) : Signature

List of material objects marked for the prosecution:

- NIL -

The witnesses and documents exhibited for the defense:

- NIL -

(LOKESHA.C.N)
46th Addl.C.J.M.,Bengaluru.