

KABC030696792018



IN THE COURT OF VII ADDL. CHIEF JUDICIAL
MAGISTRATE, BENGALURU.

Dated this the 09th day of July, 2026.

Present : Sri.Puttaraju., B.A.,LLB.
VII Addl. C.J.M., Bengaluru.

JUDGMENT U/s 355 of Cr.P.C

C.C. NO. 25815/2018

Complainant :	State by Kodigehalli Police Station. (By Sr.Asst. Public Prosecutor)
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V/s

Accused Nos.	1. Vasantha, W/o Babu Reddy, Aged about 26 years, R/at No.90, Srirama Building, Siddapura Main Road, White filed, Bengaluru. 2. Girija, W/o Late Murugesh, R/at Srirama Building, Siddapura Main Road, White filed, Bengaluru. 3. Praveen, S/o Prabhu,
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		Aged about 41 years, R/at Devinagara, Kodegehalli, Bangalore.

Date of occurrence of offence	13.04.2018
Date of report of offence	13.04.2018
Name of the Complainant	Manjula M.S.
Date of Commencement of recording Evidence	18.01.2020
Date of Closing of Evidence	24.09.2025
Offences complained of	U/s. 332, 353, 354, 324, 504, 506 r/w 34 of IPC.
Opinion of the Judge	Accused found not guilty.

This charge sheet is submitted by the PSI of Kodigehalli Police Station against the accused for the offence punishable u/s 332, 353, 354, 324, 504, 506 r/w 34 of IPC.

2. Brief case of the prosecution is as under :

That on 13.04.2018 at about 4.45 p.m, at Kodigehalli Police Station, when accused No.3 along with accused No.1 and 2 went police station for inquiry on the complaint lodged by CW.3, accused No.3

threatened CW.3, then CW.1 instructed them to don't obstruct her duty causing nuisance, for which, accused grabbed CW.1 by holding her cloth and pushed her against corner of the wall. Further, accused together assaulted CW.1 with hands, torn her cloth by abusing in filthy language and deterred from discharge her public duty and thereby accused have committed the offences punishable u/s. 323, 324, 326, 504, 506 r/w 34 of IPC.

3. Accused-1 to 3 are on court bail. Charge sheet materials supplied as per provisions u/s 207 of Cr.P.C. Heard on both side, charge is framed and read over, for which, they pleaded not guilty and claimed for trial.

4. During the trial, the prosecution has examined PW.1 to 10 and got marked Ex.P.1 to 13 and material objects marked as MO.1 and 2. After completion of the evidence on prosecution side, statement of accused u/s 313 of Cr.P.C has been recorded and read over,

they denied the incriminating evidence appeared against them and not chose to lead defence evidence.

5. Heard the arguments and perused materials on record.

6. The points that arise for consideration are :

1. Whether the prosecution has proved beyond all reasonable doubt that accused have committed the offences u/s 323, 324, 326, 504, 506 r/w 34 of IPC. ?

2. What order ?

7. The above points are answered as under :

Point No.1: In the Negative.

Point No.2: As per final order

for the following :

REASONS

8. Point No.1 :

That on 13.04.2018 at about 4.45 p.m, at Kodigehalli Police Station, when CW.1 instructed accused to don't obstruct her duty causing nuisance, for which, accused grabbed CW.1 by holding her cloth

and pushed her against corner of the wall. Further, accused together assaulted CW.1 with hands, torn her cloth by abusing in filthy language and deterred from discharge her public duty and thereby accused have committed offences aforesaid.

9. Perusal of prosecution evidence, PW.2 being the first informant, in her evidence, she has stated about how she was assaulted by the accused and obstructed to discharge her public duty and lodge first information as per Ex.P.3. Further, she has deposed about mahazar drawn by the police on the very same day as per Ex.P.1. PW.1 being an eye witness to the incident as well as witness to the mahazar EX.P.1. In his evidence, in respect complained by him against accused No.3 for non payment of rent on 13.04.2018, accused No.3 came to police station for inquiry along with other accused, wherein, when CW.1 instructed them to talk slowly, accused pulled her towards wall,

torn her uniform and assaulted with hands and it was pacify by two staff. Further he deposed about mahazar drawn by the police as per Ex.P.1 in his presence and he signed thereon. The evidence given by PW.1 and 2 in their chief-examination has not been cross examined as they did not avail for cross examination and as such their evidence is discarded. PW.4 Shrinivasmurthy (mentioned as PW.6 in the deposition instead of PW.4) is independent eye witness, PW.7, PW.8 are police official of same police station and an eye witness to the incident, no doubt, they have stated about how PW.2 was assaulted by the accused as narrated by the prosecution and denied the material suggestions posed by the learned counsel for accused, the evidence given by PW.4, PW.7 and PW.8 is not corroborated by the evidence of PW.2 complaint, so evidence of PW.4, PW.7 and PW.8 does not inspire confidence.

10. PW.3 is witness to seizure mahazar Ex.P.5 under which police have seized cloth of PW.2 in his presence. In his evidence, he has stated that on 13.04.2018 when he went police station he came to know that accused assaulted PW.2 with hands and torn her cloth giving life threat. On the very next day police have seized cloth of PW.2 by drawing Ex.P.5 seizure mahazar in his presence and he signed thereon. As discussed above, since the material witness PW.2 did not turn up for cross examination and her evidence is discarded, there is no evidence of material witness on record, in the absence of such evidence, evidence given by PW.3 is of no use.

11. PW.5 and 6 are independent eye witnesses to the incident, in their evidence, PW.5 has not deposed supporting prosecution case and turned hostile. PW.6 in his evidence though turned hostile to the prosecution case, in the cross examination, has

deposed in supporting the prosecution case as materiel suggestion posed by the Learned Sr.APP are true. However, as discussed above, in the absence of evidence of material witness PW.2, evidence of PW.6 does not inspire confidence. PW.9 is the IO, in his evidence, he has deposed about his official act done by him during the course of investigation. PW.10 is the doctor who treated CW.1, in his evidence he has deposed about treatment given to CW.1 and issued wound certificate Ex.P.9 and in the cross examination denied the suggestions posed by the learned counsel for accuse that he has issued false certificate. The evidence of PW.9 and 10 will not help the prosecution to prove the nexus between alleged incident and accused.

12. Therefore, in view of discussion made above, the considered opinion is of the court that, the prosecution has not been able to prove the guilt of the

accused beyond reasonable doubt. The accused are entitled to benefit of doubt. Hence, answered the point No.1 in the Negative.

13. **Point No.2**: In view of the above discussion, accused found not guilty and hence, I proceed to pass the following :

ORDER

Acting U/s 248 (1) of Cr.P.C. the accused -1 to 3 are hereby acquitted of the offences punishable u/s 323, 324, 326, 504, 506 r/w 34 of IPC.

Bail bonds of accused and their surety bonds stand canceled after six months from today.

MO.1 and 2 are worthless, ordered to be destroyed after the appeal period is over.

(Dictated to the Stenographer, directly on computer and typed by her revised corrected and then pronounced by me in the open Court on 09th day of July, 2026).

(PUTTARAJU)
VII Addl. C.J.M., Bengaluru.

A N N E X U R E SList of witnesses examined for the Complainant :

PW.1	Maurya
PW.2	Manjula M.S.
PW.3	Thimmarayappa T.
PW.4	Srinivasamurthy P.
PW.5	Shivakumar
PW.6	Mani
PW.7	Subbarayappa
PW.8	Suresh
PW.9	Sachin Kumar
PW.10	Dr. Subraya H.

List of documents marked for the Complainant :

Ex.P.1	Spot mahazar
Ex.P.2	Photo
Ex.P.3	Complaint
Ex.P.4	Seizure mahazar
Ex.P.5	Seizure mahazar
Ex.P.6	Statement of PW5
Ex.P.7	FIR
Ex.P.8	Wound certificate

Ex.P.9	Copy of Duty Charge
Ex.P.10	Copy of Station Dairy
Ex.P.11	Copy of FIR
Ex.P.12 & 13	Requisitions
List of witnesses examined for the Accused	Nil.
List of documents exhibited for the Accused	Nil.
List of Material Object marked for prosecution	Nil.

VII Addl.C.J.M., Bengaluru.

Judgment pronounced in the open court.
(vide separate order):

ORDER

Acting U/s 248 (1) of Cr.P.C. the accused -1 to 3 are hereby acquitted of the offences punishable u/s 323, 324, 326, 504, 506 r/w 34 of IPC.

Bail bonds of accused and their surety bonds stand canceled after six months from today.

MO.1 and 2 are worthless, ordered to be destroyed after the appeal period is over.

7th ACJM, Bengaluru.