



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 26TH DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE G BASAVARAJA
CRIMINAL APPEAL NO. 1376 OF 2021 (A)

BETWEEN:

THE STATE OF KARNATAKA
BY CHINTHAMANI RURAL POLICE STATION,
KOLAR DISTRICT
REP. BY PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560001

...APPELLANT

(BY SRI. B. LAKSHMAN, HCGP)

AND:

1. ANTHONISWAMY
S/O LATE BALAPPA
AGED ABOUT 60 YEARS

2. BALARAJU
S/O ANTHONI,
AGED ABOUT 34 YEARS

BOTH ARE RESIDING AT
BHAKTHARAHALLI VILLAGE,
CHINTHAMANI TALUK,
KOLAR DISTRICT-563125

...RESPONDENTS

(BY SMT. ELIZABETH RODRIGUES, ADV.)

THIS CRL.A. IS FILED U/S.378(1) AND (3) CR.P.C BY THE
STATE P.P. FOR THE STATE PRAYING TO GRANT LEAVE TO
APPEAL AGAINST THE JUDGMENT AND ORDER DATED
25.09.2019 PASSED BY THE COURT OF THE ADDITIONAL CIVIL
JUDGE AND JMFC COURT, CHINTHAMANI, KOLAR DISTRICT IN





C.C.NO.619/2016 ACQUITTING THE ACCUSED/RESPONDENT,
FOR THE OFFENCE P/U/S.324 AND 506 R/W SEC.34 OF IPC
AND ETC.

THIS APPEAL, COMING ON FOR FINAL HEARING, THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

The appellant/State has preferred this appeal against
the judgment of acquittal dated 25.09.2019 passed in
Criminal Case No.619 of 2016 by the Additional Civil Judge
and JMFC, Chinthamani (for short "the trial Court").

2. For the sake of convenience, the parties herein
are referred as per their status before the trial Court.

3. Brief facts leading to this appeal are that, the
Sub-Inspector of Police, Chinthamani has submitted the
charge-sheet against the accused for the offences
punishable under Sections 324 and 506 read with 34 of
Indian Penal Code.

4. It is alleged by the prosecution that on
14.05.2016 at 07.00 pm, when CW1 and CW2 were near



their house, the accused quarreled with CW1 and CW2 as to returning of money and accused No.1 gave blow to CW1 with sickle on the left hand, left forearm and head. When CW2 intervened to separate the clash, the accused gave blow to him on his forehead and nose with sickle causing injuries to him. The accused have also threatened CW1 and CW2 with dire consequences. Thus, the accused have committed the offence punishable under Sections 324 and 506 read with 34 of Indian Penal Code.

5. After filing the charge-sheet, case was registered in CC No.619 of 2016. The accused has appeared before the Court and enlarged on bail.

6. Upon hearing on charges, the trial Court has framed the charges against the accused and same was read over and explained to the accused. Having understood the same, accused pleaded not guilty and claimed to be tried.



7. To prove the guilt of the accused, only one witness is examined as PW1. One document is marked as Exhibit P1. On closure of prosecution side evidence, Section 313 statement was dispensed. Accused have not adduced any defence evidence.

8. Having heard the arguments on both sides, the trial Court has acquitted the accused. Being aggrieved by this judgment of acquittal, the appellant-State has preferred this appeal.

9. The learned HCGP, B.Lakshman, would submit that the impugned judgment of acquittal is contrary to oral and documentary evidence on record, probabilities of the case. The trial Court has properly appreciated the evidence of PW1. PW1 has not supported to the case of the prosecution. The trial Court has not issued the summons to other witnesses. Accordingly, he sought to allow this appeal.



10. As against this, Smt. Elizabeth Rodrigues, learned counsel for the respondents, would submit that, PW1-injured is not the complainant. When the injured has not supported the case of the prosecution, no purpose would be served in examining the other witnesses. Since material witness have not supported the case of the prosecution, the trial Court has dispensed the recording of statement of the accused under Section 313 of Code of Criminal Procedure and passed the impugned judgment. On all these grounds, she sought for dismissal of appeal.

11. I have examined the materials placed before this Court. To substantiate its case, the prosecution has examined the material witness, injured-cum-complainant-Pilla Muniraju. He has not supported the case of prosecution. Even in the cross-examination made by Assistant Public Prosecutor with the permission of the Court, he has categorically denied the contents of Exhibit P1.



12. CW2-Thomas is the son of PW1. Since the material witness has not supported the case of prosecution, the trial Court has held that the prosecution has failed to prove guilt of the accused. Hence, I do not find any legal or factual error in the impugned judgment passed by the trial Court. In the result, I proceed to the pass the following:

ORDER

Appeal is dismissed.

**Sd/-
(G BASAVARAJA)
JUDGE**

LNN
List No.: 1 Sl No.: 62