



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO.1666 OF 2019 (A)

BETWEEN:

1. DASANAIIKA
S/O LATE KALANAIIKA
AGED ABOUT 84 YEARS,
R/AT TUDURU VILLAGE,
THIRTHAHALLI-577 432.

...APPELLANT

(BY SRI ASHWATH C.M., ADVOCATE)

AND:

1. SATHISH BABU
RANGE FOREST OFFICER
SIRIGERE RANGE,
SIRIGERE,
SHIVAMOGGA-577 211.
2. RANGANATHA
THE ASSISTANT
CONSERVATOR OF FOREST
SHIVAMOGGA-577 211.
3. NAGARAJ
DRIVER
OFFICE OF THE ASSISTANT
CONSERVATOR OF FOREST
SHIVAMOGGA-577 211.





4. MALLAPPA
RANGE FOREST OFFICER
SIRIGERE RANGE,
SIRIGERE,
SHIVAMOGGA-577 211.
5. STATE BY MALUR POLICE STATION
REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE-560 001.

...RESPONDENTS

(BY SRI. BASAVARAJ S. SAPPANNAVAR, ADVOCATE FOR
R.1 TO R.3;
SRI. RAHUL RAI K., HCGP FOR R.4.)

THIS CRL.A IS FILED U/S.378(4) OF CR.P.C., PRAYING
TO SET ASIDE THE JUDGMENT DATED 24.01.2019 PASSED BY
THE HON'BLE 1ST ADDITIONAL CIVIL JUDGE AND JMFC.,
THIRATHAHALLI IN C.C.NO.26/2007 AND CONVICT THE
RESPONDENT NOS.1 TO 4 FOR THE OFFENCES PUNISHABLE
UNDER SECTIONS 504, 324, 325, AND 506 R/W 34 OF IPC IN
THE INTEREST OF JUSTICE.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA



ORAL JUDGMENT

1. Complainant-Dasanaika, who is PW.1, has preferred this appeal under Section 378(4) of Cr.P.C against the judgment and order dated 24.01.2019 passed by I Additional Civil Judge and JMFC, Thirthahalli, in C.C.No.26/2007 whereby accused Nos.1 to 4 are acquitted of the offences punishable under Sections 504, 325, 506 read with Section 34 of IPC.

2. Brief facts leading to this appeal are that, on 19.11.1999 at 12.00 p.m., the accused have picked up a quarrel with the complainant with a *mala fide* intention to evict him illegally from the leasehold property granted in favour of his wife by the Forest Department and they have trespassed into the house of the complainant and forcibly dragged him out of the house and abused him in filthy language; accused no.1 held him and accused nos.2 and 3 have assaulted him with their fist over his body and as a result, the complainant fell down; that accused no.4 has assaulted him with his shoe and forcibly dragged him into the vehicle and taken him to the office of the Range Forest Officer, Sirigere; that the accused have confined him illegally in the forest office and again abused him and assaulted him. On



the way, the complainant had become unconscious and at about 05.00 p.m., the villagers came to the office of the Range Forest Officer enquiring about the incident and accused set him at liberty. Thereafter, the complainant came to Thirthahalli in a private bus and got admitted to J.C.Hospital, Thirthahalli wherein he underwent treatment and was discharged on 26.11.1999. He was also advised to undergo treatment at Mc Gann Hospital regarding rib injury. Therefore, he has visited Mc. Gann Hospital and the hospital authorities have issued a wound certificate stating that 8th rib is fractured, and hence, he has sustained grievous injury. Thereafter, he has filed a complaint with the jurisdictional Police but the same was not accepted by them. Hence, he has preferred a private complaint. On receipt of the complaint, the same was referred to jurisdictional police for investigation. The jurisdictional Malur Police completed investigation and filed 'B' report against the accused on 21.03.2000. In response to the 'B' report, the complainant filed protest petition on 13.07.2000 and the trial court after holding an enquiry accepted 'B' report on 30.12.2005. Aggrieved by the same, the complainant preferred Criminal Revision Petition No.59/2006 before the Fast Track



Court-III, Shivamogga whereby the order of the trial court was set aside and case was remanded to the trial court for taking cognizance after recording the sworn statement. Accordingly, the trial Court has recorded the sworn statement of the complainant and registered the case against the accused for the offences punishable under Sections 504, 324, 325, 506 r/w 34 of IPC. In response to summons, the accused appeared before the trial court and thereafter charges were framed.

3. Though this case arises out of a private complaint, other than police report, the trial court has not recorded the evidence before framing of charges. The trial court has straight away framed the charges against the accused for commission of the offences punishable under Sections 504, 325, 506 read with 34 of IPC. The same is read over and explained to the accused. The accused have pleaded not guilty and claimed to be tried.

4. To prove the case of the complainant, in all, three witnesses were examined as PW.1 to PW.3 and 12 documents were marked as Exs.P1 to P12. Thereafter, the statement under Section 313 of Cr.P.C was recorded and the accused have denied the evidence of PW.1 to PW.3. The accused did not



choose to lead defence evidence. However, during the course of cross examination of PW.1, Exhibit D.1 is marked.

5. Having heard the arguments of both sides, the trial court has acquitted the accused.

6. Heard the learned counsel for the parties on admission.

7. PW.2 - Thimmappa has not supported the case of the prosecution. During the course of cross examination of PW.3, he has categorically admitted that he has not given any statement before the Police. The trial court has not recorded the sworn statement of PW.3 before taking cognizance. PW.3 - Kathal Saheb is examined for the first time before the court. PW.2 who is examined before taking cognizance has not been examined by the complainant. PW.1 has not explained anything as to non-examination of Subbaiah Gowda S/o Chinmaya Gowda.

8. Exhibit P.7 - wound certificate does not reveal the name of the accused. The Doctor is also not examined by the complainant. The evidence of sole interested testimony of PW.1 has not been substantiated by any other independent



witnesses. Since there is no cogent, corroborating and clinching evidence, the trial Court has acquitted the accused by giving a benefit of doubt. On re-examination of the entire materials on record, I do not find any material to admit the appeal. Hence, I proceed to pass the following:

ORDER

The appeal being devoid of merits, dismissed at the stage of admission itself.

SD/-
(G BASAVARAJA)
JUDGE

hkh.
List No.: 1 Sl No.: 30