



CNR: KAHC010006712021

NC: 2026:KHC:40128  
CRL.P No. 187 of 2021

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 31<sup>ST</sup> DAY OF JULY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE RAVI V HOSMANI**

**CRIMINAL PETITION NO. 187 OF 2021**

**BETWEEN:**

1. SRI. K.M. SANTHOSHKUMAR  
S/O MAHADEVAPPA  
AGED ABOUT 28 YEARS  
RESIDENT OF KERGODI VILLAGE  
KASABA HOBLI, TIPTUR TALUK  
TUMAKURU DISTRICT - 572 201.

2. SRI. K.M. VINAYKUMAR  
S/O MAHADEVAPPA  
AGED ABOUT 24 YEARS  
RESIDENT OF KERGODI VILLAGE  
KASABA HOBLI, TIPTUR TALUK  
TUMAKURU DISTRICT - 572 201.

3. SMT. RATHNAMMA  
W/O MAHADEVAPPA  
AGED ABOUT 45 YEARS  
RESIDENT OF KERGODI VILLAGE  
KASABA HOBLI, TIPTUR TALUK  
TUMAKURU DISTRICT - 572 201.

...PETITIONERS

(BY SRI. KIRNAN N, ADVOCATE FOR  
SRI. MADHUSUDHAN M.N, ADVOCATE)

Digitally signed  
by  
SHARADAVANI  
B  
Location: High  
Court of  
Karnataka



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**AND:**

1. THE STATE OF KARNATAKA  
BY TIPTUR RURAL POLICE STATION  
TIPTUR TALUKU,  
TUMAKURU DISTRICT - 572 201,  
REPRESENTED BY SPP  
HIGH COURT OF KARNATAKA,  
BANGALORE - 560 001.
2. SMT. NAVEENKUMARI  
W/O SATHISHKUMAR  
AGED ABOUT 34 YEARS  
R/AT KEREGODU VILLAGE  
KASABA HOBLI, TIPTUR TALUK  
TUMAKUR DISTRICT - 572 201.

...RESPONDENTS

(BY SMT. SOWMYA R, HCGP FOR R1; R2 - SERVED)

THIS CRL.P IS FILED U/S. 482 OF CR.P.C. PRAYING TO  
SET ASIDE THE ORDER DATED 20/02/2020 IN  
C.C.NO.1928/2012 PASSED BY THE LEARNED PRINCIPAL CIVIL  
JUDGE AND JMFC AT TIPTUR, WHICH IS PRODUCED VIDE  
ANNEXURE-G.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,  
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI



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**ORAL ORDER**

Challenging order dated 20.02.2020 passed by Prl. Civil Judge & JMFC, Tiptur, in C.C.no.1928/2012 committing matter to V Additional District and Sessions Court at Tiptur for trial, this petition is filed.

2. Sri Kiran, learned counsel appearing for Sri M.N.Madhusudhan, learned counsel for petitioners submitted that petitioners were arraigned as accused no.1 to 3 in complaint filed by respondent no.2. Case of prosecution was that at about 11.30 a.m. on 26.10.2012, when C.W.2 along with C.Ws.3 and 4 was getting his borewell repaired, accused no.1 and 2 were passing through land of C.W.2 along with cattle and when C.W.2 objected, accused no.1 and 2 by taking note of earlier enmity and with common intention assaulted C.W.2 wherein accused no.1 fetched a sharp axe from shed nearby and assaulted C.W.2 when he tried to escape, accused no.2 instigated accused no.1 not to allow him to escape and caught hold of C.W.2. Thereafter accused no.1 assaulted C.W.2 on his head thrice with axe inflicting severe injuries on his head, right shoulder, elbow, etc. Even thereafter they



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threatened C.Ws.2 and 3 by stating that in case they survived they would be killed. It was submitted that chargesheet was filed for offences punishable under Sections 326, 504 and 506B read with Section 34 of Indian Penal Code, 1860 (**IPC**). It was submitted that on an earlier complaint, proceedings in C.C.no.145/2009 initiated against accused herein had ended in acquittal. It was submitted due to earlier enmity and with a grudge and with intention to falsely implicate accused for more serious offences, allegation of assault with axe were made. During course of investigation, Investigating Officer did not find sufficient material to substantiate allegation of attempt to murder and therefore, chargesheet was filed for offences under Sections 326, 504 and 506 read with Section 34 of IPC. However, under impugned order, learned Magistrate had committed matter to Sessions Court for trial for offence of attempt to murder under Section 307 of IPC. Aggrieved thereby, present petition was filed.

3. It was submitted that there was earlier prosecution of accused at instance of complainant, and which had ended in acquittal was clearly lost sight of by learned trial Judge. It was



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submitted that injuries were not grievous and therefore, arraignment for offence under Section 307 of IPC would not be justified. It was submitted committal for said offence would deprive accused of trial before Magistrate and opportunity of appeal before District Court. On said ground, sought for quashing.

4. Smt.Sowmya R., learned High Court Government Pleader for respondent-State opposed petition. It was submitted that allegation of complainant in complaint itself was for offence punishable under Section 307 of IPC. Material collected during investigation, namely, wound certificate issued by Tiptur General Hospital as well as NIMHANS, Bengaluru, would indicate head injury as well as fracture of parietal bone due to assault with axe. And in her examination-in-chief, complainant as P.W.1 had stated about assault and nature of injuries. Same would *prima facie* form ingredients for offence under Section 307 of IPC. It was further submitted that statement of complainant as C.W.1 was corroborated by statements of C.Ws.3 and 4, who were eye-witnesses.



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Therefore, order of committal was justified. On said grounds, sought for dismissal.

5. Heard learned counsel. Perused material on record.

6. This petition is by accused no.1 to 3 challenging order of committal passed by trial Court. Perusal of complaint and chargesheet reveal about an incident of assault on 26.10.2012, wherein accused no.1 and 2 alleged to have assaulted C.W.2 with axe on his head. Though chargesheet was filed for offences under Sections 326, 504 and 506B read with Section 34 of IPC, in course of trial and at stage of examination-in-chief of C.W.1 as P.W.1, wherein she stated about manner of occurrence of incident and assault with deadly weapon on head of C.W.2; on being prompted by Assistant Public Prosecutor, trial Court found fit to pass order of committal to Sessions Court for trial for offence under Section 307 of IPC.

7. Normally an accused cannot claim to be aggrieved by an order of committal to Sessions Court. Same would not by itself mean that a finding is recorded.



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8. In instant case, only scope for examination is, whether there are sufficient material to substantiate invocation of Section 307 of IPC. While passing impugned order, learned Judge has referred to FIR and chargesheet wherein there is clear allegation of assault with axe on head of C.W.2 and to deposition of P.W.1. Assault with a deadly weapon on a vital part *prima facie* at this stage cannot be stated to be without intention or knowledge that such act would have caused death. Conclusion arrived at by learned trial Judge is *prima facie*, prosecution in any case would require to establish offence in case of trial.

9. Even specific allegation by complainant against accused was about assault with axe on head of C.W.2 thrice and appears corroborated in wound certificate issued by Tiptur General Hospital, wherein lacerated wound of 10x2x2cms over Anterior part of scalp is noted, apart from cut lacerated wound of 4x2x1cms is noted on head and also fracture of right frontal bone is noted among injuries. Nature of injuries are noted grievous. Injuries are corroborated by medical record of NIMHANS which also refers to fracture of parietal bone. In



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course of investigation, blood ridden axe is seized and marked as M.O.no.3. Thus, there is *prima facie* material for invocation of Section 307 of IPC, which would require trial by Sessions Court. Therefore, order of committal passed by trial Court would be justified. Hence, there is no merit in challenge. Petition is ***dismissed.***

**Sd/-**  
**(RAVI V HOSMANI)**  
**JUDGE**

HNM  
List No.: 1 Sl No.: 4