



DATED THIS THE 06th DAY OF JULY, 2026

S C No.29/2025

COMPLAINANT: State of Karnataka,
By Shahapur Police Station,
Belagavi.

Vs.

ACCUSED:

1. Salauddin Khatahsab Torgal,
Age: 55 years, Occ: Furniture Work,
R/o 1659 Alavan Galli,
Shahapur, Belagavi.
2. Rafiq Khatahsab Torgal,
Age: 48 years, Occ: Furniture Work,
R/o 1659 Alavan Galli,
Shahapur, Belagavi.
3. Firoz Ajamuddin Torgal,
Age: 40 years, Occ: Furniture Work,
R/o 1659 Alavan Galli,
Shahapur, Belagavi.

4. Ibrahim Ajamuddin Toragal,
Age: 30 years, Occ: Private work,
R/o 1659 Alavan Galli,
Shahapur, Belagavi.
5. Sohail @ shahul Kadabiwale,
Age: 34 years, Occ: Driver,
R/o 1713/B Alavan Galli,
Shahapur, Belagavi.
6. Tanaveer Rafiq Toragal,
Age: 20 years, Occ: Furniture work,
R/o 1659 Alavan Galli,
Shahapur, Belagavi.
7. Mujibsalman @ Mujib Torgal,
Age: 53 years, Occ: Furniture work,
R/o 1659/3 Alavan Galli,
Shahapur, Belagavi.
8. Mehaboob Khatalsab Toragal,
Age: 42 years, Occ: Furniture work,
R/o 1659 Alavan Galli,
Shahapur, Belagavi.
9. Tohid Mujibsab Toragal,
Age: 18 years,
Occ: Work in Chemical shop,
R/o 1659/3 Alavan Galli,
Shahapur, Belagavi.

(By Sri S.N. Pattar, Advocate)

1.	Date of commission of offence	23.05.2024
2.	Date of report of offence	23.05.2024
3.	Arrest of the accused	Accused No.1, 4 and 8 were arrested on 24.05.2024 and they were released on bail vide order in Crl.

		Misc. No.656/2024 dated 03.06.2024 by VI Addl. District and Sessions Court, Belagavi Accused No.2, 3, 5, 6, 7 and 9 are released on anticipatory bail vide order in Crl. Misc.No.663/2024 dated 03.06.2024 by VI Addl. District and Sessions Court, Belagavi
4.	Name of the complainant	Smt. Renuka Sidraya Masekar
5.	Date of commencement of recording of evidence	09.06.2026
6.	Date of closing of evidence	09.06.2026
7.	Offences complained of	Under Sections 143, 147, 148, 323, 324, 307, 354, 504 and 506 read with Section 149 of Indian Penal Code.
8.	Opinion of the Judge	Accused No.1 to 9 found not guilty and are acquitted.

J U D G M E N T

Shahapur Police have chargesheeted the accused No.1 to 9 by alleging that they have committed the offences punishable under Sections 143, 147, 148, 323, 324, 307, 354, 504 and 506 read with Section 149 of Indian Penal Code ('IPC' for short).

2. Case of the prosecution in brief is as follows:

On 23.05.2024 at about 5.30 p.m. in the open ground of Government Higher Primary Marathi School at Alavan Galli of

Shahapur, Belagavi, accused quarreled with CW9 and 10, abused them with filthy language, assaulted them with hands and stump and when CW4 and 5 intervened, the accused assaulted CW5 with sword and attempted to outrage her modesty and posed threat to kill them.

3. On the basis of the complaint lodged by the complainant in this regard, Shahapur Police have registered the FIR in Crime No.50/2024. The Investigating Officer has proceeded to the spot, drawn spot mahazar and seized the material objects from the spot. The Investigating Officer has recorded statement of witnesses and further statement of complainant. After obtaining the wound certificate of the injured and after completion of investigation, CW16 filed the charge sheet before the jurisdictional Magistrate.

4. The jurisdictional Magistrate took the cognizance and registered the case in C.C.No.2833/2024. The accused No.1, 4 and 8 were arrested on 24.05.2024 and they were remanded to judicial custody. Subsequently, the accused No.1, 4 and 8 were released on bail as per the order passed in CrI.Msc.No.656/2024 dated

03.06.2024. The accused No.2, 3, 5, 6, 7 and 9 were released on anticipatory bail as per the order in Crl. Misc.No.663/2024 dated 03.06.2024 by VI Addl. District and Sessions Court, Belagavi. After complying Section 207 of Code of Criminal Procedure ('Cr.P.C.' for short), learned Magistrate has committed the case to this Court for trial, as the alleged offences are exclusively triable by this Court.

5. After receipt of committal records from the learned JMFC-III, Belagavi, presence of the accused is secured. This Court heard the accused persons on charge and having found prima facie materials, charges were framed against the accused for the offence punishable under Sections 143, 147, 148, 323, 324, 307, 354, 504 and 506 read with Section 149 of IPC. The accused persons pleaded not guilty and claimed to be tried.

6. To bring home the guilt of the accused, prosecution examined 07 witnesses as PW1 to 7 and got marked Ex.P1 to 16 documents.

7. The statement of the accused persons, as provided under Section 313 of Cr.P.C., is dispensed, as there is no incriminating evidence against the accused persons.

8. I have heard the arguments of learned Public Prosecutor and the learned counsel appearing for the accused persons.

9. The points that arise for my consideration are:

1. **Whether the prosecution proves beyond all reasonable doubt that on 23.05.2024 at about 5.30 p.m. in the open ground of Government Higher Primary Marthi School at Alavan Galli, Shahapur, Belagavi, the accused No.1 to 9 formed an unlawful assembly with an intention to commit certain criminal acts against the CW1, 4, 5, 9 and 10 and thereby committed an offence punishable under Section 143 read with Section 149 of IPC?**
2. **Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place, the accused No.1 to 9, being the members of unlawful assembly, in furtherance of the common object of that assembly, have quarreled with CW9 and 10 and committed the offence of rioting against them and thereby committed an offence punishable**

under Section 147 read with Section 149 of IPC?

- 3. Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place, the accused No.1 to 9, being the members of unlawful assembly, in furtherance of the common object of that assembly, were armed with deadly weapons like stump, sword and club to commit the offence of rioting and thereby committed an offence punishable under Section 148 read with Section 149 of IPC?**
- 4. Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place, the accused No.1 to 9, being the members of unlawful assembly, in furtherance of the common object of that assembly, have assaulted CW9 and 10 with hands, causing hurt to them and thereby committed an offence punishable under Section 323 read with Section 149 of IPC?**
- 5. Whether the prosecution proves beyond all reasonable doubt that on the above**

said date, time and place, the accused No.1 to 9, being the members of unlawful assembly, in furtherance of the common object of that assembly, have assaulted CW9 and 10 with stump, causing simple injuries to them and thereby committed an offence punishable under Section 324 read with Section 149 of IPC?

6. Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place, the accused No.1 to 9, being the members of unlawful assembly, in furtherance of the common object of that assembly, have assaulted CW5 with sword and pelted stones to her, causing injuries to her, which are likely to cause her death and thereby they would have been guilty of murder and thereby, attempted to murder CW5 and committed an offence punishable under Section 307 read with Section 149 of IPC?
7. Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place, the accused No.1 to 9, being the members of unlawful

assembly, in furtherance of the common object of that assembly, have used criminal force against CW4 with an intention to outrage her modesty and thereby committed an offence punishable under Section 354 read with Section 149 of IPC?

- 8. Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place, the accused No.1 to 9, being the members of unlawful assembly, in furtherance of the common object of that assembly, have abused CW4 and 5 with filthy language, with an intention to insult them and to provoke them to break the public peace or to commit any offence and thereby committed an offence punishable under Section 504 read with Section 149 of IPC?**
- 9. Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place, the accused No.1 to 9, being the members of unlawful assembly, in furtherance of the common object of that assembly, have quarreled**

with the CW4 and 5 and posed threat to kill them and thereby committed an offence punishable under Section 506 read with Section 149 of IPC?

10. What Order?

10. My answers for the above points are as follows, because of my below discussed reasons:

Point No.1: **IN THE NEGATIVE**

Point No.2: **IN THE NEGATIVE**

Point No.3: **IN THE NEGATIVE**

Point No.4: **IN THE NEGATIVE**

Point No.5: **IN THE NEGATIVE**

Point No.6: **IN THE NEGATIVE**

Point No.7: **IN THE NEGATIVE**

Point No.8: **IN THE NEGATIVE**

Point No.9: **IN THE NEGATIVE**

Point No.10: **AS PER THE FINAL ORDER**

REASONS

11. **Point No.1 to 9**: To avoid the repetition of my discussion on facts, I have taken these points together for

determination. The allegations against the accused persons is that, on 23.05.2024 at about 5.30 p.m. in the open ground of Government Higher Primary Marathi School at Alavan Galli, Shahapur, Belagavi, accused quarreled with CW9 and 10, abused them with filthy language, assaulted them with hands and stump and when CW4 and 5 intervened, the accused assaulted CW5 with sword and attempted to outrage her modesty and posed threat to kill them.

12. CW1, who was examined before the Court as PW1, has deposed that she do not know about these accused persons and not aware about the present case. PW1 further said that she has not seen the quarrel between the accused and the CW4, 5, 9 and 10 and not lodged any complaint against them. PW1 has identified her signature in Ex.P1 complaint and shown ignorance regarding the contents of the same. PW1 further said that the police have not visited the spot and not drawn any panchanama in her presence. PW1 admitted her signature on Ex.P2 panchanama and Ex.P3 and 4 rough sketch and her presence in Ex.P5 to 7 photos. PW1 further

said that she do not know the reason for snapping the photos and she has not given any statement before the police.

13. CW2 and 3, who were examined as PW2 and 3, have deposed that the police have not drawn any mahazar in their presence. But, PW2 and 3 admitted their signature on Ex.P.2 mahazar and Ex.P3 and 4 rough sketch. PW2 and 3 shown ignorance regarding the contents of the same and further deposed that they do not know the reason for snapping the photos as per Ex.P 5 to 7.

14. CW4, 5, 9 and 10, who were examined before this Court as PW4 to 7, have deposed that they do not know these accused persons and also do not know anything about the present case. PW4 to 7 further deposed that the accused have not abused them with filthy language and not posed any threat to kill them. PW4 to 7 further deposed that they have not given any statement before the police and the Magistrate.

15. Other witnesses cited in the charge sheet were not examined. CW1 is the material witness in this case, because she is the complainant. CW1, who was examined as PW1, has deposed

that she do not know about the accused persons and not aware of the incident of the present case. PW1 further deposed that she has not seen the quarrel between the accused and CW4, 5, 9 and 10. Though PW1 admitted her signature in Ex.P1 complaint, she shown ignorance regarding contents of the same. PW1 also denied about police drawing the mahazar in her presence. Even though PW1 was cross examined by the learned Public Prosecutor by treating her as hostile witness, no material aspects were brought out from her cross examination to prove the incident and the charges levelled against the accused, as PW1 denied the suggestion about accused assaulting, abusing CW4, 5, 9 and 10 and posing threat to kill them. According to me, PW1, being the complainant, failing to support the prosecution case is a huge set back to the prosecution.

16. According to the prosecution, CW2 and 3 are the witnesses of the spot mahazar. CW2 and 3, who are examined as PW2 and 3, have also turned hostile to the prosecution case, as they said that no mahazar was drawn in their presence. Even from the cross examination of PW2 and 3, nothing material has been brought to prove the spot mahazar. According to me, both the

mahazar witnesses failing to support the prosecution case, is also huge set back to the prosecution.

17. CW4, 5, 9 and 10 are the material witnesses in this case, because as per the prosecution, they are the victims and injured persons. CW4, 5, 9 and 10, who were examined as PW4 to 7, have deposed that the accused have not abused them with filthy language, not assaulted them and not posed any threat to them. Even though PW4 to 7 were cross examined by the learned Public Prosecutor by treating them as hostile witness, no material aspects were brought out from their cross examination to prove the incident and the charges against the accused, as PW4 to 7 denied the suggestion about accused assaulting, abusing them and posing threat to them. According to me, PW4 to 7, being the injured, failing to support the prosecution case is also a huge set back to the prosecution.

18. Even though the Learned Public Prosecutor prayed for summoning the other witnesses, his prayer was rejected, as no purpose will be served by examining the other witnesses, when the material witnesses like complainant, mahazar witnesses and

injured were all have turned hostile. Considering all these aspects, I have to say that the prosecution has failed to prove the alleged the incident and charges against the accused by leading cogent, concrete and convincing evidence before this Court. The evidence on record is too scanty to fasten criminal liability upon the accused and to convict them. Therefore, by extending the benefit of doubt, accused deserves to be acquitted. Hence, I answer the point No.1 to 9 **in the Negative.**

19. **Point No.10:** In view of my findings on Point No.1 to 9, accused No.1 to 9 deserve to be acquitted. Accordingly, I proceed to pass the following:

ORDER

The accused No.1 to 9 are found not guilty.

Acting under Section 235(1) of Cr.P.C, the accused No.1 to 9 are acquitted from the charges leveled against them for the offences punishable under Sections 143, 147, 148, 323, 324, 307, 354, 504 and 506 read with Section 149 of Indian Penal Code.

The bail bonds executed by the accused No.1 to 9 and their sureties will stand cancelled after 6 months from the date of this order.

(Dictated to the Stenographer Grade-III, after transcription computerized and print out taken by her, corrected, signed and then pronounced by me in the Open Court on this **06th day of July, 2026**)

**(Manjunath Nayak),
Prl. District & Sessions Judge,
Belagavi.**

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ANNEXURE

Witnesses examined on behalf of the prosecution:

PW1	Renuka Siddaraju Masekar
PW2	Ravikant Laxman Haibatti
PW3	Parashuram Channappa Kadam
PW4	Priyanka Sunil Kuranakar
PW5	Aishwarya Anil Kagale
PW6	Preetam Sidram Masekar
PW7	Madivalappa Chinnappa Masuti

List of witnesses examined for the accused:

Nil

Documents got exhibited on behalf of prosecution:

Ex.P1	Complaint
Ex.P1(a)	Signature of PW1

Ex.P2	Spot panchanama
Ex.P2(atoc)	Signatures
Ex.P3&4	Hand sketch map
Ex.P3(a to c) 4(a to c)	Signatures
Ex.P5 to 7	Photos
Ex.P8	Further statement of PW1
Ex.P9	Police notice
Ex.P9(a)	Signature
Ex.P10	Police notice
Ex.P10(a)	Signature
Ex.P11	164 statement
Ex.P12	Statement of PW4
Ex.P13	164 statement
Ex.P13(a)	Signature
Ex.P14	Statement of PW5
Ex.P15	Statement of PW6
Ex.P16	Statement of PW7

List of documents marked on behalf of the accused:

Nil

Material objects marked on behalf of prosecution:

Nil

**(Manjunath Nayak),
Prl. District & Sessions Judge,
Belagavi.**