

KABG010047872023



**IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE,
BELAGAVI**

DATED THIS THE 15th DAY OF JULY, 2026

PRESENT: SHRI MANJUNATH NAYAK
B.A.L. LL.B.
Prl. District & Sessions Judge
Belagavi.

S C No.102/2023

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

(By Public Prosecutor, Belagavi)

Vs.

ACCUSED :

1. Smithin S/o Jayant Kaginakar
Age: 21 years,
R/o H.No.898 Saraswati Nagar,
Ganeshpur, Belagavi.
2. Swapnil S/o Mohan Sambrekar
Age: 22 years,
R/o H.No.225, Mahalaxmi Nagar,
Ganeshpur, Belagavi.
3. Prashant S/o Vinod Suryavanshi
Age: 21 years,
R/o H.No.511, Saraswati Nagar,
Belagavi.

4. Swapnil S/o Umesh Hande

Age: 22 years,

R/o H.No.1900, 1st Cross,

Saraswati Nagar, Ganeshpur,

Belagavi.

5. Akash S/o Prahlad Joshi

Age: 19 years,

R/o H.No.502, Saraswati Nagar,

Belagavi.

(By Sri S.B. Mutakekar, Advocate)

1.	Date of commission of offence	14.02.2019
2.	Date of report of offence	15.02.2019
3.	Arrest of the accused	Accused No.1 to 5 were arrested on 15.02.2019 and enlarged on bail in CrI.Misc.No.428/2019 by this Court on 28.02.2019
4.	Name of the complainant	Sri Ramakaran Rishal Singh
5.	Date of commencement of recording of evidence	15.06.2026
6.	Date of closing of evidence	16.06.2026
7.	Offences complained of	Under Sections 143, 147, 148, 341, 307 and 354 read with Section 149 of Indian Penal Code.
8.	Opinion of the Judge	Accused No.1 to 5 found not guilty and are acquitted.

J U D G M E N T

Belagavi Camp Police have charge sheeted the accused by alleging that the accused persons have committed the offences punishable under Sections 143, 147, 148, 341, 307 and 354 read with Section 149 of Indian Penal Code ('IPC' for short).

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

On 14.02.2019 at about 11.30 p.m. on Pipeline road in front of Parth Residency situated at Saraswati Nagar, Ganeshpur, Belagavi, when CW1, 4 and 5 objected for these accused making noise and celebrating birthday loudly, accused quarreled with them, abused them with filthy language, wrongfully restrained them, assaulted CW1 with stone and used criminal force against CW5 with an intention to outrage her modesty.

3. On the basis of the complaint lodged by CW1 in this regard, Belagavi Camp Police have registered the FIR in Crime No.11/2019. The Investigating Officer has proceeded to the spot, drawn spot mahazar and seized the material objects from the spot. The Investigating Officer has recorded the statements of witnesses and further statement of complainant and obtained the wound

certificate of the injured and after completion of the investigation, CW14 filed the charge sheet before the jurisdictional Magistrate.

4. The jurisdictional Magistrate took the cognizance and registered the case in C.C.No.196/2019. The accused No.1 to 5 were arrested on 15.02.2019 and they were produced before the said Court and they were remanded to the judicial custody. Subsequently, they were enlarged on bail in Crl.Misc.No.428/2019 by this Court on 28.02.2019. 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 V Addl. Civil Judge and JMFC, 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, 341, 307 and 354 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 04 witnesses as PW1 to 4 and got marked Ex.P1 to 5 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 14.02.2019 at about 11.30 p.m. on Pipeline road in front of Parth Residency situated at Saraswati Nagar, Ganeshpur, Belagavi, accused No.1 to 5 formed an unlawful assembly with an intention to commit certain criminal act against the CW1, 4 and 5 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 5, being the members of unlawful assembly, in furtherance of the common object of that assembly, have picked up quarrel with CW1, 4 and 5 and committed the offence of rioting 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 5, being the members of unlawful assembly, in furtherance of the common object of that assembly, have quarreled with CW1, 4 and 5 by holding weapons like stone and club 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 5, being the members of unlawful assembly, in furtherance of the common object of that assembly, have quarreled with the CW1, 4 and 5, of which, accused**

No.2 and 5 wrongfully restrained the CW4 from proceeding further and thereby committed an offence punishable under Section 341 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 5, being the members of unlawful assembly, in furtherance of the common object of that assembly, of which, accused No.1 assaulted CW1 with stone on his head, causing bleeding injuries to him, knowing that such an injury is likely to cause his death and they would have been guilty of murder and thereby, attempted to murder of CW1 and thereby committed an offence punishable under Section 307 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 5, being the members of unlawful assembly, in furtherance of the common object of that assembly, of which, accused No.3 used criminal force against the CW5**

**with an intention to outrage her modesty
and thereby, committed an offence
punishable under Section 354 read with
Section 149 of IPC?**

7. 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: **AS PER THE FINAL ORDER**

REASONS

11. **Point No.1 to 6:** 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, they were raising voice and creating nuisance in the guise of celebrating birthday on 14.02.2019 at about 10.30 p.m. in front of

Parth Residency, Belagavi and when CW1, 4 and 5 objected for the same, they quarreled with them, abused them with filthy language, assaulted them with stone and also attempted to outrage the modesty of CW5.

12. CW1, who was examined before the Court as PW1, has deposed that he do not know about these accused persons and there was no quarrel between him and the accused persons. PW1 further deposed that the accused have not abused him and CW4 and 5 with filthy language, not assaulted them and not insulted CW5. PW1 further said that he has not lodged any complaint against the accused, but he admitted his signature on Ex.P1 complaint. PW1 further said that the police have not drawn any mahazar and not seized any material objects and he has not given any further statement before the police.

13. CW4 and 5, who were examined as PW2 and 3, have deposed that they do not know about these accused persons and there was no quarrel between them. PW2 and 3 further said that the accused have not abused them and CW1 with filthy language and not assaulted them with stone and club. PW3 further said that

the accused have not insulted her. PW2 and 3 further said that they have not given any statement before the police.

14. CW6, who was examined before this Court as PW4, has deposed that the CW1 is her husband and she knows the CW4, 5, 7 and 8 and do not know about these accused persons. PW4 further said that there was no quarrel between the accused and CW1, 4 and 5 and she has not given any statement before the police.

15. Other witnesses cited in the charge sheet were not examined. CW1 is the material witness in this case, because he is the complainant and one of the injured. CW1, who was examined as PW1, deposed that he do not know about the accused and the accused have not abused, not assaulted him and CW4 and 5 and not outraged the modesty of CW5. Though PW1 admitted his signature on Ex.P1 complaint, he shown ignorance regarding the contents of the same and further said that no mahazar was drawn in his presence. The learned Public Prosecutor has cross examined the PW1 by treating him as hostile witness. But no material aspects were brought out from his cross examination to prove the alleged

incident and charges against the accused persons. According to me, PW1, being the complainant and one of the injured, failing to support the prosecution case is a huge set back to the prosecution.

16. As per the prosecution case, CW4 and 5 are the other injured persons and victims of the alleged incident. CW4 and 5, who were examined as PW2 and 3, have also turned hostile to the prosecution case by saying that the accused have not assaulted them and not abused them and not outraged the modesty of CW5. Though the learned Public Prosecutor has cross examined them by treating them as hostile witnesses, no material aspects were brought out from their cross examination to prove the alleged incident and the charges against the accused. According to me, PW2 and 3, being the injured, failing to support the prosecution case, is also a huge set back to the prosecution.

17. CW6, who was examined as PW4, is an eyewitness for the alleged incident and wife of CW1. The witness examined as PW4 also failed to support the prosecution case. According to me, one of the eyewitness examined before this Court, failing to support the prosecution is also a huge set back to the prosecution.

18. There is no incriminating evidence against the accused, as all the witnesses examined before this Court have failed to support the prosecution case. Though the learned Public Prosecutor prayed for summoning the other witnesses, his prayer was rejected, as no purpose will be served by examining other witnesses, when the material witnesses like complainant/injured, other two injured and eyewitness failed to support the prosecution case. Because of all these reasons, I have to say that the prosecution has miserably failed to establish guilt of 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 No.1 to 5 and to convict them. Therefore, by extending the benefit of doubt, accused No.1 to 5 are to be acquitted. Hence, I answer the point No.1 to 6 **in the Negative**.

19. **Point No.7:** In view of my findings on Point No.1 to 6, accused No.1 to 5 deserve to be acquitted. Accordingly, I proceed to pass the following:

ORDER

The accused No.1 to 5 are found not guilty.

**Acting under Section 235(1) of Cr.P.C,
the accused No.1 to 5 are acquitted from
the charges leveled against them for the
offences punishable under Sections 143,
147, 148, 341, 307 and 354 read with
Section 149 of Indian Penal Code.**

**The bail bonds executed by the
accused No.1 to 5 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 15th day of July, 2026)

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

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ANNEXURE

Witnesses examined on behalf of the prosecution:

PW1	Ramakaran Rishal Singh
PW2	Ranjit Ganapat Patil
PW3	Smt. Nanda Ranjit Patil
PW4	Smt. Kashmiri Ramakaran Singh

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	Further statement of PW1
Ex.P3	Statement of PW2
Ex.P4	Statement of PW3
Ex.P5	Statement of PW4

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.**