

KABG210023252024



IN THE COURT OF THE PRL. CIVIL JUDGE & J.M.F.C. ATHANI

PRESENT:

SRI ONKARAMURTHY H.,
B.Com., LL.B.,
Prl. Civil Judge and JMFC., Athani.

THIS DAY OF 01st JULY, 2026

C.C.NO.1091/2024

1. The State by Athani P.S.

...Complainant

(By the Learned APP)

V/s.

1. Ravi Hanmant Naik,
Age: 37 years, Occ: Agri.,
R/o: Bevanur, Tq: Athani,
Dist: Belagavi.
2. Bilyani Hanmant Naik,
Age: 51 years, Occ: Agri.,
R/o: Bevanur, Tq: Athani,
Dist: Belagavi.
3. Sidray Hanmant Naik,
Age: 39 years, Occ: Agri.,
R/o: Bevanur, Tq: Athani,
Dist: Belagavi.
4. Sangappa Choudappa
@ Chodappa Naik,

Age: 45 years, Occ: Agri.,
R/o: Bevanur, Tq: Athani,
Dist: Belagavi.

5. Ravsab Sangappa Naik,
Age: 29 years, Occ: Agri.,
R/o: Bevanur, Tq: Athani,
Dist: Belagavi.

.....Accused

(By Sri. N.B.Khokale, Advocate)

Date of Commission of Offence	15-06-2023
Date of report of Offence	03-07-2023
Name of the complainant	Balappa Anand Gyand.
Date of recording of evidence	05-06-2026
Date of closing of evidence	05-06-2026
Offences complained of	U/Sec.143, 147, 148, 323, 326, 504 & 506 R/w. 149 of IPC.
Opinion of the Judge	Acquitted

(Onkaramurthy H)

Prl. Civil Judge & JMFC., Athani.

:: J U D G M E N T ::

This case has been registered against the accused No.1 to 5
on the basis of the final report filed by the PSI of Athani PS, for the

offences punishable 143, 147, 148, 323, 326, 504 & 506 R/w. 149 of IPC.

2. **Brief facts of case of the prosecution are that :-**

That on dated 15-06-2023 at about 3:00 pm near the land of the complainant, at Bevanur village, within the jurisdiction of Athani Police Station, the accused No. 1 to 5 are being a members of unlawful assembly in prosecution of common object holding deadly weapons such as stone and picked up the quarrel with CW-1 in respect of shifting of TC and abused him in filthy language, then accused No.1 to 4 caused assault by hands and kicked him with legs, accused No.5 assaulted on CW-1 by stone and caused grievous injury. All the accused persons abused him in filthy language and committed the criminal intimidation by giving life threat to CW-1. Thereby, the accused No.1 to 5 are committed the offence punishable under sec.143, 147, 148, 323, 326, 504 & 506, R/w/sec.149 IPC.

3. On the basis of the complaint lodged by CW-1, the present case has been registered as Crime No.222/2023. After the

completion of investigation, CW-9 is submitted the final report against the accused No.1 to 5 alleging that they are committed the offences punishable under Sec. 143, 147, 148, 323, 324, 326, 504 & 506 R/w. 149.

4. This Honorable court took cognizance U/sec.190(1) of Cr.P.C. for the offences punishable U/Sec.143, 147, 148, 323, 326, 504 & 506 R/w. 149. On service of summons, the accused were appeared and released on bail. The copies of the prosecution paper were supplied to the accused persons to compliance under section 207 of Cr.P.C. After the charge has been framed when the accusation which contained in the final report was read over to the accused persons, but they pleaded not guilty and claimed to be trial.

5. In order to prove its allegation, the prosecution has examined 3 witnesses out of 9 witnesses as PW-1 to PW-3 and got marked 4 documents as Ex.P.1 to 4. Since the material witnesses PW.1 to 3 have turned hostile to the prosecution case, the recording of statement of accused U/s 313 of Cr.PC was dispensed with.

6. Heard the arguments of learned A.P.P. and the learned counsel for the accused.

7. In view of the material placed on record the points that arose for my consideration are as follows:-

1. Whether the prosecution has proved beyond reasonable doubt that on dated 15-06-2023 at 03:00 pm near the land of the complainant at Bevanur village, within the jurisdiction of Athani Police Station, the accused No.1 to 5 being the members of an unlawful assembly and thereby committed an offence punishable under sec. 143 R/w sec. 149 of IPC?

2. Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place and in furtherance of the common object the accused No.1 to 5 committed the offence of rioting and thereby committed an offence punishable under sec. 147 r/w sec. 149 of IPC?

3. Whether the prosecution has further proved beyond reasonable doubt that on the above said date, time and place, and in furtherance of the common object of unlawful assembly, the

accused holding deadly weapons such as stone and thereby committed an offence punishable under sec. 148 R/w sec.149 of IPC?

4. Whether the prosecution proves beyond all reasonable doubts that on the above date, time and place, the accused No.1 to 5 in furtherance of common object to commit criminal offences formed an unlawful assembly and the accused No.1 to 4 assaulted the CW-1 with their hands and kicked him with legs and caused simple hurt and thereby committed the offence punishable U/s 323 R/w 149 of IPC?

5. Whether the prosecution proves beyond all reasonable doubts that on the above date, time and place, the accused No.1 to 5 in furtherance of common object to commit criminal offences formed an unlawful assembly and the accused No.5 assaulted the CW.1 with the aid of stone and caused grievous injury and thereby committed the offence punishable U/s 326 R/w 149 of IPC?

6. Whether the prosecution proves beyond all reasonable doubts that, on the above said date, time and place, the accused No.1 to 5 in

furtherance of common object to commit criminal offences formed an unlawful assembly and abused the first informant in filthy language so as to cause provocation and break the public peace and thereby committed the offence punishable U/s 504 R/w 149 of IPC?

7. Whether the prosecution proves beyond all reasonable doubts that on the above said date, time and place, the accused No.1 to 5 in furtherance of common object to commit criminal offences formed an unlawful assembly, and threatened the first informant of dire consequences and thereby committed the offence punishable U/s 506 R/w 149 of IPC?

8. What Order?

8. My findings on the above said points are:-

Point No.1 to 7 : In the negative,

Point No.8 : As per my final order, for the following:

:: REASONS ::

9. **POINT NO.1 to 7:** These points are interlinked with each other, hence they are taken together for common discussion in order to avoid repetition of facts and circumstances of the case. To substantiate the case against the accused persons, the prosecution

has examined 3 witnesses and relied upon Ex.P.1 to 4. It must be noted that the first information lodged by CW-1 has been marked as Ex.P1. In the said document, it is stated that, on dated 15-06-2023 at about 3:00 pm near the land of the complainant, at Bevanur village, within the jurisdiction of Athani Police Station, the accused No. 1 to 5 are being a members of unlawful assembly in prosecution of common object holding deadly weapons such as stone and picked up the quarrel with CW-1 in respect of shifting of TC and abused him in filthy language, then accused No.1 to 4 caused assault by hands and kicked him with legs, accused No.5 assaulted on CW-1 by stone and caused grievous injury. All the accused persons abused him in filthy language and committed the criminal intimidation by giving life threat to CW-1.

10. The complainant who lodged complaint before the Athani police station he is examined as PW-1 and he deposed that about 3 years back there was some discussion between the accused and complainant in respect of shifting of TC and then he was informed the same to the police and pray for give proper caution to

accused and then they were got signature of the complainant on the documents and he identified his signatures on complaint and spot mahazar and same are marked as Ex.P.1 and Ex.P-2 and his signatures marked as Ex.P.1(a) and Ex.P2(a). Further deposed that he not know the contents of complaint and spot mahazar and he has not given any statement before the police. CW-3 is spot mahazar witness and he is examined as PW-2 and he deposed that he identified his signature on spot mahzar same is marked as Ex.P-2 and his signature marked as Ex.P2(a). Further deposed that he do not know when and where he signed the panchanama and he do not know the contents of the said panchanama and nothing seized in his presence. CW-4 is the eye witness, he is examined as PW-3. He also deposed in his chief examination that he do not know anything about this case and he has not given any statement before the police.

11. All the material witnesses are examined as PW.1 to 3 and they are completely turned hostile to the case of the prosecution and even cross-examination made by APP, nothing elicited

anything about the alleged incident or assault. And even if examine of other witnesses, there is no chances of getting any incriminating evidence. In view of the turning hostile of the PW.1 to 3, no incriminating circumstances arose against the accused persons for recording statement of the accused U/s 313 Cr.P.C. and it is comes to know that there is a chances of complainant and accused persons are settled the case out of court. Hence, the accused statement has been dispensed. Further the first information discloses that, the complaint lodged after eighteen days of the incident and there is no any explanation by complainant or IO in delay of lodging the complaint and what they had hardship to lodge a complaint immediately. In view of facts and circumstances of the case and on perusal of material placed on record, the prosecution has not proved beyond all reasonable doubts that the accused persons have committed the offences as alleged. Since no material is placed to point out guilt of the accused persons. Therefore, the benefit of doubt shall be given to the accused persons and they shall be acquitted of the offences

punishable U/sec. 143. 147, 148, 323, 326, 504 and 506 R/w. 149 of IPC. **Hence I answer Point No.1 to 7 in the Negative.**

12. **POINT No.8:-** In the light of the discussion made above, I proceed to pas the following:-

:: O R D E R ::

Acting under sec. 248(1) Cr.P.C., accused No.1 to 5 are acquitted for the offences punishable under Sections 143. 147, 148, 323, 326, 504 and 506 R/w. 149 of IPC.

Accused No.1 to 5 be set at liberty forthwith, the bail bond and surety bond shall remain in force for 6 months from today in view of section 437(a) of Cr.P.C.

The property seized in the above case is marked as MO.1 i.e., stone, which is worthless ordered to be destroy as per law after appeal period is over.

(Dictated to the Stenographer directly on computer and corrected by me, then pronounced in the open Court on this day **01st day of July, 2026**).

(Onkaramurthy H)
Prl. Civil Judge & JMFC.,Athani.

:: A N N E X U R E ::**1. LIST OF WITNESSES FOR THE PROSECUTION:-**

PW.1 : Sri. Balappa Anand Gyand.
PW.2 : Sri. Sadashiv Rustum Vaghamore.
PW.3 : Sri. Parameshwar Pradhani Gyand.

2. LIST OF DOCUMENTS FOR THE PROSECUTION:-

Ex.P.1 : Complaint.
Ex.P.1(a) : Signature of PW.1.
Ex.P.2 : Spot Mahazar.
Ex.P.2(a) : Signature of PW.1.
Ex.P.2(b) : Signature of PW.2.
Ex.P.3 : Re-Statement of PW.1.
Ex.P.4 : Statement of PW.3.

3. LIST OF MATERIAL OBJECTS:-

MO-1 : Stone.

4. LIST OF WITNESSES FOR THE ACCUSED:-

---NIL---

5. LIST OF DOCUMENTS FOR ACCUSED:-

– Nil –

(Onkaramurthy H)
Prl. Civil Judge & JMFC., Athani.