

KABG210034772017



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.**

DATED THIS 01st DAY OF AUGUST, 2026

C.C.NO.2264/2017

1. The State by Athani P.S.

...Complainant

(By the Learned APP)

V/s.

1. Birappa Bhimappa Pujeri,
Age: Major, Occ: Agri.,
R/o: Shivanur, Tq: Athani,
Dist: Belagavi.

2. Tukaram Ningappa Pujari,
Age: Major, Occ: Agri.,
R/o: Shivanur, Tq: Athani,
Dist: Belagavi.

3. Balappa Rayappa Pujari,
Age: Major, Occ: Agri.,
R/o: Shivanur, Tq: Athani,
Dist: Belagavi.

4. Ningappa Tukaram Pujari,
Age: Major, Occ: Agri.,
R/o: Shivanur, Tq: Athani,
Dist: Belagavi.
5. Smt.Rajashree Tukaram Pujari,
Age: Major, Occ: Agri.,
R/o: Shivanur, Tq: Athani,
Dist: Belagavi.
6. Smt.Mahadevi Birappa Pujari,
Age: Major, Occ: H.H.Work,
R/o: Shivanur, Tq: Athani,
Dist: Belagavi.
7. Smt.Ningavva Hanamant Pujari,
Age: Major, Occ: H.H.Work,
R/o: Shivanur, Tq: Athani,
Dist: Belagavi.
8. Smt.Mahadevi Shankar Pujari,
Age: Major, Occ:H.H.Work,
R/o: Shivanur, Tq: Athani, Dist: Belagavi.

....Accused No.1 to 8

(By Sri. M.A.Pattan, Advocate)

Date of Commission of Offence	19.02.2017
Date of report of Offence	21.02.2017
Name of the complainant	Siddappa Sadashiv Pujari
Date of recording of evidence	19.07.2023
Date of closing of evidence	20.03.2024.

Offences complained of	U/Sec.143, 147, 447, 427, 504 and 506 R/w. Sec.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 8 on the basis of the final report filed by the PSI of Athani Police Station for the offences punishable U/sec.143, 147, 447, 427, 504 and 506 R/w. Sec.149 of IPC.

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

On dated 19-02-2017 at 11:00 am, within the jurisdiction of Athani Police Station, while the complainant working in the land bearing R.S.No.41 situated at Shivanur village, the accused No. 1 to 8 are being a members of unlawful assembly in prosecution of common object unlawfully trespassed into the land belongs to CW-1 and picked up the quarrel with him in respect of share and abused him with filthy language. Further accused No.1 to 8 cut the cable of the electric motor which is connected to the well and threw

two electric motors into the well and caused loss to the tune of Rs.40,000/- and plucked Pigeon pea crop and caused loss to the tune of Rs.1,000/-. All the accused persons abused him with filthy language and committed the criminal intimidation by giving life threat to him. Thereby all the accused persons have committed the offence punishable U/sec.143, 147, 447, 427, 504 and 506 R/w. Sec.149 of IPC.

3. On the basis of the complaint lodged by CW-1, the present case has been registered as Crime No.55/2017. After the completion of investigation, CW-10 is submitted the final report against the accused No.1 to 8 alleging that they are committed the offences punishable U/sec.143, 147, 447, 427, 504 and 506 R/w. Sec.149 of IPC.

4. This Honorable court took cognizance U/sec.190(1) of Cr.P.C. for the offences punishable U/sec.143, 147, 447, 427, 504 and 506 R/w. Sec.149 of IPC. On service of summons, the accused No.1 to 8 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 8 witnesses as PW-1 to PW-8 and got marked three documents as Ex.P.1 to 3. As there is incriminating evidence against the accused persons the statement of accused under sec. 313 Cr.P.C., has been recorded. The accused persons not adduced any evidence either in oral or documentary .

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 08-01-2020 at 11:00 am, within the jurisdiction of Athani Police Station, while the complainant working in his land bearing R.S.No.41 situated at Shivanur

village, the accused No.1 to 8 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 8 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 proves beyond reasonable doubt that on the above said date, time and place, and in furtherance of the common object of unlawful assembly, the accused No.1 to 8 unlawfully trespassed into the land of CW.1 and thereby committed an offence punishable under Sec. 447 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 10 in

furtherance of common object to commit criminal offences formed an unlawful assembly, accused No.1 to 8 cut the cable of the electric motor which is connected to the well and threw two electric motors into the well and caused loss to the tune of Rs.40,000/- and plucked Pigeon pea crop and caused loss to the tune of Rs.1,000/- and thereby committed the offence punishable U/s 427 R/w 149 of IPC?

5. Whether the prosecution proves beyond all reasonable doubts that, on the above said date, time and place, the accused No.1 to 8 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?

6. Whether the prosecution proves beyond all reasonable doubts that on the above said date, time and place, the accused No.1 to 8 in furtherance of common object to commit criminal offences formed an unlawful assembly,

and threatened the CW-1 of dire consequences
and thereby committed the offence punishable
U/Sec. 506 R/w 149 of IPC?

7. What Order?

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

Point No.1 to 6 : In the Negative,

Point No.7 : As per my final order,
for the following:

:: R E A S O N S ::

9. **POINT NO.1 to 6** : To substantiate the case against the accused persons, the prosecution has examined 8 witnesses and relied upon Ex.P.1 to 3. It must be noted that the first information lodged by CW-1 has been marked as Ex.P-2. In the said document, it is stated that, on dated 19-02-2017 at 11:00 am, within the jurisdiction of Athani Police Station, while the complainant working in the land bearing R.S.No.41 situated at Shivanur village, the accused No. 1 to 8 are being a members of unlawful assembly in prosecution of common object unlawfully trespassed into the land belongs to CW-1 and picked up the quarrel with him in respect of

share and abused him with filthy language. Further accused No.1 to 8 cut the cable of the electric motor which is connected to the well and threw two electric motors into the well and caused loss to the tune of Rs.40,000/- and plucked Pigeon pea crop and caused loss to the tune of Rs.1,000/-. All the accused persons abused him with filthy language and committed the criminal intimidation by giving life threat to him.

10. Keeping in view of the allegations made in the Ex.P-2 now, I proceed to discuss the evidence placed on record. The record shows that the first informant by name Sri.Siddappa Sadashiv Pujari has examined himself as PW-3 and he reiterated the contents of Ex.P.2 in his chief-examination.

11. CW-2 and 3 are spot mahazar witnesses and they are examined as PW-1 and 2. And they identified their signatures on spot mahazar same is marked as Ex.P-1 and their signatures marked as Ex.P1(a) and (b), they deposed that police have not conducted any mahazar in their presence and they not know the contents of mahazar. These witnesses are treated as hostile and

even cross-examination made by the learned APP nothing elicited about the spot mahazar drawn in the presence of PW.1 and PW-2.

12. CW-9 is scribe of the complaint examined as PW-5. He identified his signature on the complaint, same is marked as Ex.P-2 and his signature marked as Ex.P-2(a). He further deposed that he has written the complaint as per the statement of CW-1. Further he deposed that the accused persons were came to land of CW-1 and they removed the motor from the well and thrown two motors in the well and the accused persons abused CW-1 in filthy language and loss of motor worth of Rs.40,000/-.

13. The eye witnesses of this case CW-5 to 8 are examined as PW-4 and 6 to 8, out of them CW-8 (PW-8) is turned hostile of the alleged allegation leveled against the accused persons by stating that, he do not know about this case. He has not seen the quarrel and he was not at the spot at the time of incident. Further deposed that police have not enquired him and he has not given statement before the IO. This witness is treated as hostile witness even cross-examination made by the APP nothing elicited about that

this witness seen the alleged incident and he was given statement before IO. Further PW-4, 6 and 7 deposed in their chief-examination that, the accused persons picked up quarrel with CW-1 and abused in filthy language and thrown two motors and pipes in the well and they caused loss to the CW-1 to the tune of Rs.40,000/- and they have destroyed red gram and jawar at the spot and they have given statements to the police.

14. The learned counsel for accused is contending that, no any alleged incident caused by the accused persons and there is unpleasant between the accused persons and CW.1 in respect of land and there is civil dispute between them. Therefore, the false complaint was lodged against the accused persons, even if they did not committed any alleged offences.

15. On perusal, the record shows that, even PW-3 to 7 are given partially corroborate evidence in their chief examination, but during their cross-examination they are admitting that, there is civil dispute the CW-1 and accused persons and it is comes to know that, PW-4, 6 and 7 are blood relative of CW-1. Further they are

admitting that there unpleasant between them from more than 4-5 years in respect of their family partition.

16. Further it is comes to know that PW-3 to 7 are relatives and same family members. Therefore, the evidence of PW-3 to 7 cannot be believe without other supporting materials. PW-8 is a independent witness and he is a eye witness of the case, but he is entirely turned hostile to the prosecution case, even cross-examination made by learned APP nothing elicit anything about the alleged incident. Further it is comes to know that the ExP-2 discloses that the alleged incident has been caused on dated: 19-02-2017 at about 9:00 am, but the CW-1 lodged a complaint on dated: 21-02-2017 at about 7:00 pm, there is no reason stated about the cause delay of lodging complaint. Further it is comes to know that there is civil dispute between them and there was unpleasant between them. In view of above discussion and absolutely there is no materials to bring guilty of the accused. Therefore, in the opinion of this court that the prosecution has utterly failed to prove beyond reasonable doubt that, the charge

leveled against the accused persons. ***Hence, I answer point No.1 to 6 in the Negative.***

17. POINT No.7:- In the light of the discussion made above, I proceed to pass the following:-

:: O R D E R ::

Acting under sec. 248(1) Cr.P.C., accused No.1 to 8 are acquitted for the offences punishable U/sec.143, 147, 447, 427, 504 and 506 R/w. Sec.149 of IPC.

Accused persons 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.

(Dictated to the Stenographer directly on computer and corrected by me, then pronounced in the open Court on this day **01st day of August, 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. Dasharath Kondiba Patil.
PW.2 : Sri. Nayaku Keshav Shinde.

PW.3 : Sri. Siddappa Sadashiv Pujari.
PW.4 : Sri. Ramesh Mahadev Pujari.
PW.5 : Sri. M.V.Pujari.
PW.6 : Sri. Kasturi Mahadev Pujari.
PW.7 : Sri. Shanta Sadashiv Pujari.
PW.8 : Sri. Amagonda Siddappa Arakeri.

2. **LIST OF DOCUMENTS FOR THE PROSECUTION:-**

Ex.P.1 : Spot Panchanama.
Ex.P.1(a) : Signature of PW.1.
Ex.P.1(b) : Signature of PW.2.
Ex.P.2 : Complaint.
Ex.P.2(a) : Signature of PW.3.
Ex.P.3 : Statement of PW-8

3. **LIST OF MATERIAL OBJECTS:-**

---NIL---

4. **LIST OF WITNESSES FOR THE ACCUSED:-**

---NIL---

5. **LIST OF DOCUMENTS FOR ACCUSED:-**

- Nil -

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