

KABG510008242010



Presented on : 09-07-2008

Registered on : 09-07-2008

Decided on : 31-07-2026

Duration : 18 yrs, 0 months, 22 days

**IN THE COURT OF PRL.CIVIL JUDGE & JMFC
AT GOKAK**

Present

Sri Sampattakumar Balolagidad, B.A., LL.B. (Spl)

Prl.Civil Judge & JMFC, Gokak

C.C. No.1467/2010

Dated this 31st day of July 2026

Complainant	1. The State By Gokak Town Police (By Learned APP)
V/s	
Accused	1. Ameenabi W/o Allisab Karnachi, Age: 72 yrs, R/o: Yaragatti Kumanmaddi Janata Plot, Tal: Savadatti, (Dead)
	2. Ashabi W/o Dasagirsab Sanadi Age: 60 yrs, R/o: Budni, Tal: Ramdurga, (Dead)
	3. Rajama W/o Allisab Karnachi Age: 68 yrs, R/o: Yaragatti Kumanmaddi Janata Plot, Tal: Savadatti, (Dead)

	4. Nanasab Allisab Karnachi Age: 47 yrs, R/o: Yaragatti Kumanmaddi Janata Plot, Tal: Savadatti,
	5. Umarsab Alisab Karnachi Age: 35 yrs, R/o: Yaragatti Kumanmaddi Janata Plot, Tal: Savadatti, (Dead)
	6. Ramling Mallappa Baligar Age: 45 yrs, R/o: Billakundi, Tal: Gokak
	7. Shivaling Mallappa Baligar Age: 33 yrs, R/o: Billakundi, Tal: Gokak
	8. Malliksab Rajesab Nagarchi Age: 37 yrs, R/o: Koujalagi Shettar Oni, Now at: Chatraban Kote, Tal: Mudhol,
	9. Allabhaksh Meerasab Multani Age: 48 yrs, R/o: Koujalagi, Now at: Billakundi (Dead)
	10. Akbar Lalasab Multani Age: 45 yrs, R/o: Koujalagi (Dead)
	(A-1 to 3, 5, 9 and 10 are abated) (A-4, 6 to 8 By Sri B.K.J, Advocate)

1	Date of commission of offences	:	03-07-2008	
2	Date of report of offences	:	09-07-2008	
3	Presence of the accused Before the Court Released on bail		A-6 and 7 on 22.12.2008 A-4 and 8 on 07.05.2010, A-10 24.05.2012	
			A-4 and 8	16.02.2010
			A-1,2,3 and 5	22.02.2010
			A-10	25.05.2012
			A-6	23.07.2019

4	Name of the complainant	:	Mairajbi W/o Tajuddin Halingali
5	Date of recording of evidence	:	20-11-2019
6	Date of closure of evidence	:	18-07-2025
7	Offences alleged	:	U/s.419, 420, 465, 468, 471R/w 149 of IPC
8	Opinion of Judge	:	The accused found not guilty.

J U D G M E N T

The PSI of Town PS has filed charge sheet against the accused persons for the offences punishable U/s.419, 420, 465, 468, 471, r/w 149 of IPC by taking cognizance on the basis of private complaint filed by the complainant U/s.200 of CrPC.

2. The case of the prosecution is as under:

That on 04-06-2008 within the limits of Gokak Town PS in the Sub-Registrar office, Gokak. The accused persons with an common object and with an intention to deceive the complainant and CW.4, the accused No.1 and 2 have styled themselves and personated to be complainant and CW4 have sold land bearing R.S No.248/2 measuring 5 acres 10 gunta of Koujalagi village Taluk Gokak in favour of accused No.6 and 7. Though the names of accused No.3 to 5 are not appearing in

the ownership column of the said property extract, but they have also acted as vendors along with accused No.1 and 2. It was to the knowledge of accused No.8 and 9 and it was also knowledge of accused No.6 and 7 that accused No.1 to 5 are not the real owners of the suit property. But the accused No.8 and 9 colluding with the other accused persons have identified the accused No.1 and 2 as complainant and CW-4 and affixed their signature on the sale deed as attesting witnesses.

3. Therefore the complainant went to Gokak Town Police Station to lodge complaint, but when the Gokak Town Police not received his complaint, the complainant filed private complaint U/s.200 of CrPC before the court for the offences punishable U/s.419,420,465,468,471 r/w Sec.149 of IPC. On receipt of the charge sheet, cognizance of the offences was taken. Summons was issued to the accused persons who put in appearance through counsel and enlarged on bail. Charge sheet copy furnished to the accused persons in compliance of Sec.207 of CrPC. Thereafter, accusation was recorded, read over and explained to the accused No.3,4,5,6,7,9 and 10 to

which they pleaded not guilty and stood for trial. Hence case was fixed for evidence.

4. In order to prove the case, the prosecution got examined P.W.1 to 11 and got marked documents as Ex.P.1 to 41 and prosecution side was closed. During the pendency of this case accused No.1 to 3,5, 9 and 10 were reported as dead. Hence, case against accused No.1 to 3,5,9 and 10 got abated.

5. After completion of prosecution side evidence, statement of accused U/s.313 of CrPC recorded by explaining the incriminating material appearing against the accused No.4, 5, 6 to 8 in the evidence of prosecution witness. The accused persons denied the same. The accused persons have no defence evidence on their behalf.

6. Heard the arguments. Perused the records.

7. The points that arise for my consideration are as under ;

1. Whether the prosecution proves beyond all reasonable doubts that on 04-06-2008 within the limits of Gokak Town PS in the Sub-Registrar office, Gokak. The accused persons with an common object with an intention to deceive the complainant and CW.4, accused No.1 and 2 have styled

themselves to be complainant and CW4 have sold bearing R.S No.248/2 measuring 5 acres 10 gunta of Koujalagi village Taluk Gokak in favour of accused No.6 and 7 and thereby committed an offence punishable U/s.419 R/w. Sec.149 of IPC?

2. Whether the prosecution proves beyond all reasonable doubt that on the above date, time and place, the accused persons with an common object with an intention to deceive the complainant and CW.4, accused No.1 and 2 have styled themselves to be complainant and CW4 have sold bearing R.S No.248/2 measuring 5 acres 10 gunta of Koujalagi village Taluk Gokak in favour of accused No.6 and 7 and thereby committed an offence punishable U/s.420 of IPC?
3. Whether the prosecution proves beyond all reasonable doubt that on the above date, time and place, the names of accused No.3 to 5 are not appearing in the ownership column of the said property extract, but they have also acted as vendors along with accused No.1 and 2. It was to be knowledge of accused No.6 to 8 that accused No.1 to 5 are not the real owners of the suit property. But the accused No.8 and 9 colluding with the other accused persons have identified the accused No.1 and 2 as complainant and CW4 and affixed their signature on the sale deed as attesting witnesses and thereby committed an offence punishable U/s 465 of IPC?
4. Whether the prosecution proves beyond all reasonable doubt that on the above

date, time and place, the names of accused No.3 to 5 are not appearing in the ownership column of the said property extract, but they have also acted as vendors along with accused No.1 and 2. It was to be knowledge of accused No.6 to 8 that accused No.1 to 5 are not the real owners of the suit property. But the accused No.8 and 9 colluding with the other accused persons have identified the accused No.1 and 2 as complainant and CW4 and affixed their signature on the sale deed as attesting witnesses and thereby committed an offence punishable U/s 468 of IPC?

5. Whether the prosecution proves beyond all reasonable doubt that on the above date, time and place, the accused No.8 and 9 colluding with the other accused persons have identified the accused No.1 and 2 as complainant and CW4 and affixed their signature on the sale deed as attesting witnesses and thereby committed an offence punishable U/s 471 of IPC?
6. What Order?
8. My findings on above points are as under:-
 1. In the negative
 2. In the negative
 3. In the negative
 4. In the negative
 5. In the negative
 6. As per final order for the following:

REASONS

9. **Points No.1 to 5** : These points are connected each other, hence they are taken together for common discussion.

10. The prosecution has to prove beyond all reasonable that, on 04-06-2008 within the limits of Gokak Town PS in the Sub-Registrar office, Gokak. The accused persons with an common object with an intention to deceive the complainant and CW.4, accused No.1 and 2 have styled themselves to be complainant and CW4 have sold bearing R.S No.248/2 measuring 5 acres 10 gunta of Koujalagi village Taluk Gokak in favour of accused No.6 and 7. Though the names of accused No.3 to 5 are not appearing in the ownership column of the said property extract, but they have also acted as vendors along with accused No.1 and 2. It was to be knowledge of accused No.8 and 9 and it was also knowledge of accused No.6 and 7 that accused No.1 to 5 are not the real owners of the suit property. But the accused No.8 and 9 colluding with the other accused persons have identified the accused No.1 and 2 as complainant and CW4 and affixed their signature on the sale deed as attesting witnesses.

11. The prosecution in order to bring home the guilt of the accused it got examined Pw.1 to 11 who are eye witnesses, panch witnesses and Investigating Officers and got marked documents as per Ex.P.1 to P.41(a).

12. Pw.1 and Pw.2 are the pancha witnesses, they have deposed that the police have not conducted any panchanama in their presence. About 5 to 6 years back. the police have obtained their signature on some documents and they does not know the contents of Ex.P1 to 3. The PW1 identified his signature on Ex.P1 to P27 and his signature was marked as Ex.P1(a) to Ex.P21(a). The PW2 identified his thumb impression on Ex.P1 to P27. These witnesses have totally turned hostile to the prosecution. The learned APP cross examined this witness, but nothing is elicited from their mouth.

13. Pw.3 to 5 who are the eyewitnesses to the alleged incident but, PW3 to 5 have deposed that they do not know accused persons, they have not put their signature on any documents and they have not given any statement before the police. These witnesses have totally turned hostile to the

prosecution. The learned APP cross examined these witnesses, but nothing is elicited from their mouth.

14. Pw-6 who is the another eyewitness in the alleged incident. Though this witness has identified his signature on Ex.P31 and P32. But, he deposed contrary to the case of prosecution and totally turned hostile to the case of prosecution. The learned APP cross examined this witness, but nothing is elicited from their mouth.

15. PW.7 is the official witness in this case. This witness deposed that on 16.02.2010 CW-13 handed over 03 sealed packets to be delivered to CW11 along with permission letter from DYSP, Gokak. He further deposed that he took the said packets on 17.02.2010 and delivered to the CW11 and obtained acknowledgment receipts from him and on 18.02.2010 submitted his report to CW13.

16. PW- 8 is the other witness who is acquainted with the signature of his father. It is pertinent to note that during the course of investigation, the father of PW8, who is the scribe of alleged sale deed got expired. Therefore, the IO cited this person as one of the witness. Though he identified his

father's signature on Ex.P31 and P32 but he deposed contrary to the case of the prosecution and also deposed that the police have not recorded his statement. The prosecution treated this witness as hostile witness and cross examined by suggesting about the case of the prosecution but nothing has been elicited to prove the case of prosecution.

17. The PW.9 and 11 who are the Investigating Officers have deposed regarding the investigation part conducted by them in this case i.e. receipt of complaint, registering FIR, conducting mahazar, recording of statements of witnesses and filing of charge sheet. But evidence of these witnesses is also of no use, as the very eyewitnesses to the alleged incident and panch witnesses have totally turned hostile.

18. PW- 10 is the other official witness have deposed that, the CW-13 sent the thumb impression marked as Q1 and Q2 in Ex.P36 along with Ex.P4 to 27 for examination. He examined Q1 and Q2 impression in Ex.P4 to 27 and Ex.P36 using scientific methods. The thumb impression on S2 corresponding to Aminabi, matches the disputed finger print and one marked as Q2 in Ex.P36 is the thumb impression of

Ashabi Sanadi. This witness deposed regarding conducting the finger print examination.

19. It is pertinent to note that during the pendency of this case the CW1 and 4 are reported to be dead. The evidence of prime witnesses i.e., CW1 and Cw4 was not on record. If the same was on record then the scenario of this case would have been different. The CW1 and CW4 are main victims of this case they are the best persons to depose regarding the commission of crime but, unfortunately the evidence of CW1 and 4 was not recorded. Apart from this except the official witnesses none of the independent witnesses have supported the case of the prosecution.

20. As discussed above the very complainant and CW-4 are reported as dead. Hence, prosecution case is remained unsupported by the evidence of material witnesses. On careful perusal of entire oral evidence, it reveals that prosecution has failed to establish the guilt of the accused persons beyond all reasonable doubts. Hence I answer these points in the Negative.

21. **Point No.6**: In view of above discussion, this Court proceed to pass the following:

ORDER

Acting U/s.248(1) of CrPC, the accused No.4,6,7 and 8 are hereby acquitted for the offences punishable U/s.419, 420, 465, 468, 471 r/w Sec.149 of IPC.

The bail bonds executed by the accused No.4,6,7 and 8 and surety stand cancelled.

The bail executed by of the accused No.4,6,7 and 8 and surety U/s.437-A of CrPC shall remain in force till appeal period is over.

(Dictated to the Stenographer directly on computer, typed by her and pronounced by me in open Court on 31st July 2026)

(Sampattakumar Balolagidad)
Prl.Civil Judge and JMFC
Gokak

A N N E X U R E

Witnesses examined for the Prosecution :

Pw.1	Basappa Halappa Mukannavar,
Pw.2	Ayubkhan Gudusab Madabhavi

Pw.3	Basavaraj Allappa Lokannavar,
Pw.4	Shivanand Basappa Lokannavar,
Pw.5	Basappa Laxman Kalliguddi,
Pw.6	Arjun Shettappa Bangari,
Pw.7	Kempanna Ramappa Gudaj,
Pw.8	Anand Shidlingappa Gotadaki,
Pw.9	Ramesh Basappa Gokak,
Pw.10	K.N. Murthi,
Pw.11	Maralusiddappa R.D

Documents exhibited for the Prosecution :

Ex.P.1 to 3	Panchanamas
Ex.P1(a) to 3(a)	Signatures
Ex.P1(b) to 3(b)	Signatures
Ex.P4 to 27	Finger print search slips
Ex.P4(a) to 27(a)	Signatures of CW2
Ex.P4(b) to 27(b)	Signatures of CW19
Ex.P28	Statement of PW3
Ex.P29	Statement of PW4
Ex.P30	Statement of PW5
Ex.P31 &32	Sale deeds
Ex.P31(a) &32(a)	Signatures of PW6
Ex.P33	Statement of PW6
Ex.P34	Statement of PW7
Ex.P35	Statement of PW8
Ex.P36	Endorsement copy
Ex.P36(a)	Signature of PW9
Ex.P37	Finger print bureau report
Ex.P37(a)	Signature of PW9
Ex.P37(b)	Signature of PW10
Ex.P38	Annexure I
Ex.P38(a)	Signature of PW10
Ex.P39	Annexure II
Ex.P39(a)	Signature of PW10
Ex.P40	FIR
Ex.P40(a)	Signature of PW11
Ex.P41	Complaint
Ex.P41(a)	Signature of PW11

Witnesses examined for the defence : **NIL**

Documents exhibited for the defence: **NIL**

(Sampattakumar Balolagidad)
Prl.Civil Judge and JMFC
Gokak