

KABG900008692021



**IN THE COURT OF THE CIVIL JUDGE AND JMFC.,**  
**AT: MUDALAGI.**

**PRESENT:****SMT. SAVITA NINGAPPA MUKKAL****B.A., LL.M.,****CIVIL JUDGE & J.M.F.C., MUDALAGI.****DATED THIS THE 01<sup>st</sup> day of JULY, 2026****C.C. No.542 / 2021**

**COMPLAINANT:** The State of Karnataka,  
Through P.S.I. Mudalagi, P.S.  
**(By APP)**

**V/s.**

- Accused :** 1. **SHIVALINGAYYA SHANKARAYYA HIREMATH**  
Aged: 45 years, Occ: Agriculture,  
R/o: Masaguppi, Tal: Mudalagi, Dist: Belagavi.
2. **SUJATA SHIVALINGAYYA HIREMATH**  
Aged: 37 years, Occ: House wife,  
R/o: Masaguppi, Tal: Mudalagi, Dist: Belagavi.
3. **SHASHIDHAR SHIVALINGAYYA HIREMATH**  
Aged: 19 years, Occ: Student,  
R/o: Masaguppi, Tal: Mudalagi, Dist: Belagavi.
4. **SHREEDHAR SHIVALINGAYYA HIREMATH**  
Aged: 19 years, Occ: Student,  
R/o: Masaguppi, Tal: Mudalagi, Dist: Belagavi.
5. **SHANKARAYYA SHIVALINGAYYA HIREMATH**  
Aged: 87 years, Occ: Agriculture,  
R/o: Masaguppi, Tal: Mudalagi, Dist: Belagavi.

**[ABATED]**

(R/by Sri. L.Y.A. Advocate)

|                                   |                                                                              |
|-----------------------------------|------------------------------------------------------------------------------|
| Date of Occurrence of offence     | 12.06.2021                                                                   |
| Date of report of offences        | 13.06.2021                                                                   |
| Name of complainant               | Shivaputrayya N. Hiremath                                                    |
| Date of Commencement of evidence  | 24.06.2026                                                                   |
| Date of closure of evidence       | 24.06.2026                                                                   |
| Offence complained of             | U/Sec.143, 147, 148, 323, 324, 326, 354, 447, 504, 506 & 109 R/w 149 of IPC. |
| Date of pronouncement of Judgment | 01.07.2026                                                                   |
| Opinion of the Judge              | <b>ACQUITTED</b>                                                             |

**(SMT. SAVITA NINGAPPA.MUKKAL)**

Civil Judge & JMFC., Mudalagi

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

The P.S.I. of Mudalagi Police has submitted Charge Sheet against the accused No.1 to 5 for the offences punishable U/Sec.143, 147, 148, 323, 324, 326, 447, 354, 109, 504 & 506 R/w 149 of IPC.

**2. The prosecution case in brief is that:-**

That on 12-06-2021 at about 5.00 P.M., within the limits of Mudalagi P.S. Mudalagi in Masaguppi village at the vacant site of informant when the accused persons were constructing building by trespassing 06 ft' space of the informant, the informant and C.W.4, 5, 8 and 9 together went to ask the accused persons, then the accused persons formed themselves into an unlawful assembly in prosecution of common object of committing offences, accused No.1 came to assault informant, while informant tried to stop the accused No.1, accused No.3 came with a club and accused No.2 by scolding in filthy language thrown chilly powder on the informant, then accused No.1 assaulted C.W.4 by biting his ear thereby caused serious injury and also bitten on his nose, accused No.3 caused simple injury to the left hand finger of C.W.5, thereafter C.W.6 and 7 tried to pacify the quarrel, then accused No.4 by pulling the hands of C.W.6 and 7 made them to fall down and assaulted with hands thereby intentionally insulted them, thereafter accused persons have given the life threat to the complainant / informant thereby the accused persons have committed an offences punishable U/Sec.143, 147, 148, 323, 324, 326, 447, 354, 109, 504 & 506 R/w 149 of IPC.

**3.** After filing of the charge sheet, this Court took cognizance of the offence as per Sec.190 (1) (b) of Cr.P.C., and issued process against the accused persons. In pursuance of court summons the accused persons appeared before the Court with the assistance of their counsel and released on bail. The prosecution papers were furnished to the accused persons as contemplated U/Sec.207 of Cr.PC. Further, during the pendency of trial accused No.5 reported as dead, hence case against accused No.5 is abated. Charges were framed for the alleged offences and read over to the accused persons for which they pleaded not guilty and claimed to be tried.

**4.** In support of the case of the prosecution, the prosecution has examined complainant as PW-1 and examined injured witnesses as PW2 to 5 and got marked documents at Ex.P.1 to 7. Since the material witnesses examined by the prosecution did not support the prosecution case, by the examination of other witnesses, no purpose of the prosecution would be served. Therefore, prayer of learned APP was rejected, the remaining witnesses were dropped and the prosecution evidence was taken as closed. Since the material witnesses turned hostile and there was no incriminating evidences against the accused persons,

the examination of accused persons U/sec.313 of Cr.P.C. was dispensed with.

**5.** Heard the arguments of learned APP for State and the defence counsel, perused the charge-sheet, evidence & all other available materials on record.

**6.** The following points arise for the consideration of this Court:-

**:-: POINTS :-:**

**1.** Whether the prosecution proves beyond all reasonable doubts that, on 12-06-2021 at about 5.00 P.M., in Masaguppi village at the vacant site of informant when the accused persons were constructing building by trespassing 06 ft' space of the informant, then the accused persons formed themselves into an unlawful assembly in prosecution of common object, as such accused persons have committed an offence punishable U/sec.143 R/w Sec.149 of IPC?

**2.** Whether the prosecution further proves beyond all reasonable doubts that, on the above said date, time & place the accused persons in prosecution of their common object of the aforesaid assembly, the violence

has been used against the CW-4, 5, 8 and 9, as such accused persons have committed an offence of rioting which is punishable U/sec.147 R/w Sec. 149 of IPC?

**3.** Whether the prosecution further proves beyond all reasonable doubts that, on the above said date, time & place the accused persons in prosecution of their common object of the aforesaid assembly, the violence has been used against the CW-4, 5, 8 and 9 as such accused persons have committed an offence of rioting which is punishable U/sec.148 R/w Sec.149 of IPC?

**4.** Whether the prosecution further proves beyond all reasonable doubts that, on the above said date, time & place the accused persons formed unlawful assembly and in furtherance of their common object all accused criminal tress-passed into the land of C.W.1 thereby accused persons have committed an offence punishable U/sec.447 R/w Sec.149 of IPC?

**5.** Whether the prosecution further proves beyond all reasonable doubts that, on the

above said date, time & place the accused persons formed unlawful assembly and in furtherance of their common object, the accused No.2 and 5 abused C.W.1 in a filthy language thereby accused persons have committed an offence punishable U/sec.504 R/w Sec.149 of IPC?

**6.** Whether the prosecution further proves beyond all reasonable doubts that, on the above said date, time & place the accused persons formed unlawful assembly and in furtherance of their common object the accused No.3 assaulted C.W.5 with bricks on his left hand finger and also assaulted C.W.1 with club thereby caused simple injury to them thereby accused persons have committed an offence punishable U/sec.324 R/w Sec.149 of IPC?

**7.** Whether the prosecution further proves beyond all reasonable doubts that, on the above said date, time & place the accused persons formed unlawful assembly and in furtherance of their common object the accused No.4 assaulted C.W.6 and 7 with hands and caused simple injury to them

thereby accused persons have committed an offence punishable U/sec.323 R/w Sec.149 of IPC?

**8.** Whether the prosecution further proves beyond all reasonable doubts that, on the above said date, time & place the accused persons formed unlawful assembly and in furtherance of their common object the accused No.1 assaulted C.W.4 by biting his ear thereby caused serious injury and also bitten on his nose thereby accused persons have committed an offence punishable U/sec.326 R/w Sec.149 of IPC?

**9.** Whether the prosecution further proves beyond all reasonable doubts that, on the above said date, time & place the accused persons formed unlawful assembly and in furtherance of their common object the accused No.2 thrown chilly powder on the informant and thereby provoked other accused persons to assault C.W.1 thereby accused persons have committed an offence punishable U/sec.109 R/w Sec.149 of IPC?

**10.** Whether the prosecution further proves beyond all reasonable doubts that, on the above said date, time & place the accused persons formed unlawful assembly and in furtherance of their common object when C.W.6 and 7 tried to pacify the quarrel, then accused No.4 by pulling the hands of C.W.6 and 7 made them to fall down and assaulted with hands and intentionally insulted them, thereby accused persons have committed an offence punishable U/sec.354 R/w Sec.149 of IPC?

**11.** Whether the prosecution further proves beyond all reasonable doubts that, on the above said date, time & place the accused persons formed unlawful assembly and in furtherance of their common object have gave life threat to the Complainant and CW4 and 5 thereby committed an offence punishable U/sec.506 R/w Section 149 of IPC?

**12.** What order or Sentence?

**7. My answer to the above points are as here under :-**

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 : In the Negative.  
Point No.11 : In the Negative.  
Point No.12 : As per final order  
for the following;

**:: REASONS ::**

**8. POINTS No.1 to 11**:- Since these points are inter-linked to each other, in order to avoid the repetition of facts, findings and evidence, they are taken together for common discussion;

**9.** In support of the case of the prosecution, prosecution examined CW-1 as PW-1, CW-4 as PW2, CW-5 as PW3, C.W.6 as PW.4 and C.W.7 as P.W.5 and got marked documents at Ex.P.1, 1(a), Ex.P2, 2(a), and Ex.P3 to 7, out of which PW.1 to 5, the P.W.1 being the injured cum informant and the PW2 to 5 are also the injured witnesses have not at all supported the case of

prosecution, therefore the prayer of the learned APP has been rejected to summon the other witnesses.

**10.** All these five material witnesses have totally turned hostile to the case of the prosecution, wherein all these five witnesses deposed that, there was no quarrel with regard to the encroachment of vacant space between them and the accused persons have not at all committed the offences as alleged by the prosecution. The learned APP has cross examined all these five witnesses nothing has been elicited from the mouth of these witnesses other than usual suggestions and denials. From this it appears that, the victims by compromising the matter with the accused persons not supported the case of the prosecution. When none of the injured material witnesses have not supported the case of the prosecution, that too when the injured cum Informant deposes that, he has not given any information to the Mudalagi P.S., and the injured witnesses i.e. P.W.2 to 5 have not deposed anything in support of prosecution case, then there was no point in summoning the remaining witnesses, as a result the prayer of the learned APP to summon the remaining formal witnesses was rejected. As per the criminal jurisprudence, the prosecution has to prove the guilt of the accused beyond reasonable doubt. Needless to say,

injured witnesses are the best witnesses to the case of the prosecution, when they themselves do not support the case of the prosecution this Court is not hesitant to hold that the prosecution has failed to prove the guilt of the accused persons. Hence, I answer Point No.1 to 11 in the Negative.

**11. POINT No.12:-** In the result, I proceed to pass the following;

**:: O R D E R ::**

Acting under section 248(1) of Cr.P.C., accused No.1 to 4 are hereby acquitted for the offences punishable U/Sec.143, 147, 148, 323, 324, 326, 447, 354, 109, 504 & 506 R/w 149 of IPC.

Bail bond and surety bond executed by the accused persons shall stands cancelled.

However, the bonds executed by the accused persons & sureties in compliance to Sec.437-A of Cr.P.C. shall remain in force for a period of six months from the date of its execution.

The S.H.O. of Mudalagi P.S. is hereby directed to destroy the properties seized by the I.O., under PF. No.50/2021 being worthless after expiry of appeal period.

(Dictated to the Stenographer directly on computer, printout taken by him corrected and then pronounced in the open court on this day of 01<sup>st</sup> day of JULY, 2026)

**(SMT. SAVITA NINGAPPA MUKKAL)**  
Civil Judge & JMFC., Mudalagi

**:: A N N E X U R E ::**

**1. List of Witnesses Examined For The Prosecution:**

PW-1 : Shivaputraya Ningayya Hiremath  
PW-2 : Raghavendra Ningayya Hiremath  
PW-3 : Shivalingayya Ningayya Hiremath  
PW-4 : Padmavati Shivaputraya Hiremath  
PW-5 : Sushila Raghavendra Hiremath.

**2. List of documents marked for the prosecution :**

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

Ex.P-4 : Statement of PW.2  
Ex.P-5 : Statement of PW.3  
Ex.P-6 : Statement of PW.4  
Ex.P-7 : Statement of PW.5.

**3. List Of M.Os Marked For The Prosecution :**

-----Nil-- ----

**4. list of witnesses examined for the accused persons:**

-----Nil-- ----

**5. list of documents marked for the accused persons:**

-----Nil-----

**(SMT. SAVITA NINGAPPA MUKKAL)**

Civil Judge & JMFC., Mudalagi

