

KADG520020582015



Presented on : 03-11-2015  
Registered on : 04-11-2015  
Decided on : 10-04-2026  
Duration : 10 years, 5 months, 7 days

IN THE COURT OF THE ADDITIONAL CIVIL JUDGE AND J.M.F.C.,  
HONNALI

Dated this the 10<sup>th</sup> Day of April 2026

PRESENT : Sri.PUNYAKOTI S N  
BA LLB  
Addl. Civil Judge & J.M.F.C.,  
Honnali.

CRIMINAL CASE No.1206/2015

COMPLAINANT : The State through  
Nyamathi Police Station

(By Asst. Public Prosecutor,)

Versus

- ACCUSED :
1. Siddesha S/o Late Jadiyahappa  
32 years.
  2. Ashoka S/o Late Jadiyahappa  
30 years.
  3. Chidananda S/o Nelappa @ Nagappa  
25 years.
  4. Neelappa @ Nagappa S/o Ramappa  
48 years.
  5. Basavaraja S/o Jayappa  
45 years,
  6. Shekharappa S/o Nagappa  
62 years.
  7. Amruth S/o Mallappa  
20 years.
  8. Subhash @ Subya S/o Nageshappa  
41 years.

9. Prakasha S/o Gangappa  
39 years.
10. Manjappa S/o Jajoorappa  
41 years.
11. Annappa S/o Uyyala Somanna  
31 years.

A-1 to 6 are R/o Madapura Malina Thanda village, Honnali Taluk, Davangere District.

A-7 and 8 are R/o Neharu Nagara, Anavatti village, Soraba Taluk, Shivamogga District.

A-9 to 11 are R/o Koracharahatti, Chikkabennur, Channagiri Tauk Davanagere District.

(By Sri. BU Advocate)

1.	Date of commencement of offence.	18-04-2015
2.	Date of report of offence.	27-07-2015
3.	Arrest of the Accused.	-
4.	Name of the Informant	Venkateshamurthy K I
5.	Date of commencement of recording evidence.	27-12-2016
6.	Date of closing of evidence.	13-03-2026
7.	Offences complained of	Sec.143, 144, 147, 148, 498(A), 323, 324, 504, 506 R/w Sec.149 of Indian Penal Code.
8.	Opinion of the Judge.	Accused found not guilty.

### JUDGMENT

The PSI of Nyamathi, police station has submitted the Charge Sheet against the accused No.1 to 11 for the offences punishable U/Sec.143, 144, 147, 148, 498(A), 323, 324, 504, 506 R/w Sec.149 of Indian Penal Code.

2. The brief facts of the Prosecution case are as follows: Accused No.1 and CW-4 being husband and wife, accused No.1 physically and mentally tortured the CW-4 since five years. On 27-07-2015 at about 04-30 pm, at Savalanga village at Mikkida Marikamba Temple compound, the accused No.1 to 11 in furtherance of common object formed an unlawful assembly and rioting by holding deadly weapons in their hands and assaulted CW-7 with club and stone and caused simple injuries. Accused No.2 to 10 assaulted CW-1,4,5 and 6 with their hands and legs and abused them in filthy language and criminally intimidated to them by giving life threat. Thereby all the accused persons committed the alleged offences.

3. On the basis of first information given by C.W.1-victim, the Nyamathi Police have registered a case in Crime No.132/2015 and registered the FIR for the offences punishable U/Secs.506, 504, 143, 144, 147, 148, 489A, 323, 324 R/w Sec.149 of Indian Penal Code. After completion of investigation, the Police have submitted the Charge Sheet against the accused No.1 to 11 for the offences punishable U/Sec. 143, 144, 147, 148, 498(A), 323, 324, 504, 506 R/w Sec.149 of Indian Penal Code.

4. As there are sufficient materials in the Charge Sheet to proceed against the accused persons, cognizance was taken for the above said offences and the summons were issued to the accused No.1 to 11.

5. In pursuance of summons, the accused persons appeared before the Court through their advocate and released

on bail. Copy of Charge Sheet papers was furnished to the accused persons as contemplated U/Sec. 207 of Cr.P.C.

6. Heard both sides. There are sufficient materials available on record to frame the charge. Hence, the Charge was framed for the offences punishable U/Secs. 143, 144, 147, 148, 498(A), 323, 324, 504, 506 R/w Sec.149 of Indian Penal Code. The same was read over and explained to the accused No.1 to 11 in the language known to them. Accused persons pleaded not guilty and claim to be tried and thereby evidence is set down.

7. In order to prove the guilt against the accused persons, the prosecution examined 9 witnesses as P.W.1 to 9, out of total charge sheet witnesses and got marked 8 documents as Ex.P-1 to Ex.P-8 with sub-marking.

8. After the closure of the prosecution evidence the accused No.1 to 11 were examined and their statement was recorded as required U/Sec.313 of Cr.P.C. the accused persons having denied the incriminating evidence appearing against them and submits no defence evidence.

9. Heard the arguments of both sides.

10. On going through the facts and circumstances of the prosecution case, the following points would arise for my consideration:

#### POINTS

1. Whether the prosecution proves beyond reasonable doubt that, accused No.1 mentally and physically tortured the CW-4 since 5 years, thereby accused No.1 has

committed an offence punishable U/Sec.498(A) of Indian Penal Code ?

2. Whether the prosecution proves beyond all reasonable doubt that, on 27-07-2015 at about 04-30 pm, at Savalanga village at Mikkida Marikamba Temple compound accused No.1 to 11 in furtherance of common object formed an unlawful assembly, thereby accused persons have committed an offence punishable U/Sec.143, 144 R/w Sec.149 of Indian Penal Code ?
3. Whether the prosecution proves beyond all reasonable doubt that, on above said date, time and place, the accused No.1 to 11 in furtherance of common object formed an unlawful assembly with an intent to commit certain offences and committed rioting at Mikkida Marikamba Temple compound, thereby accused persons have committed an offence punishable U/Sec.147 R/w Sec.149 of Indian Penal Code ?
4. Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place, accused No.1 to 11 committed an offence of rioting by using deadly weapons by forming unlawful assembly, thereby accused persons have committed an offence punishable U/Sec.148 R/w Sec.149 of Indian Penal Code ?
5. Whether the prosecution proves beyond all reasonable doubt that, on above said date, time and place, in furtherance of common object, accused No.1 to 11 have abused the

CW-1,4,5,6 in filthy language in order to give provocation which will cause to break the public peace or to commit any other offences, thereby accused persons have committed an offence punishable U/Sec.504 R/w Sec.149 of Indian Penal Code?

6. Whether the prosecution proves beyond all reasonable doubt that, on above said date, time and place, in furtherance of common object, accused No.2 to 10 have assaulted CW-1,4,5,6 with their hands and legs, thereby accused persons have committed an offence punishable U/Sec.323 R/w Sec. 149 of Indian Penal Code ?
7. Whether the prosecution proves beyond all reasonable doubt that, on above said date, time and place, in furtherance of common object, accused No1 and 11 have assaulted CW-7 with club and stone caused simple injuries, thereby accused persons have committed an offence punishable U/Sec.324 R/w Sec. 149 of Indian Penal Code ?
8. Whether the prosecution further proves beyond all reasonable doubt that, on the above said date, time and place, the accused No.2 to 10 criminally intimidated the CW-1, 4,5,6 by threatening to their life, thereby the accused persons have committed an offence punishable U/S 506 R/w Sec.149 of Indian Penal Code?
9. What Order ?
11. My findings to the above Points are as 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 : As per final order,  
for the following:-  
REASONS

12. POINTS No.1 to 8 :- As these points are inter linked with each and also similar evidence is led on all these points, I have taken all these points together for common discussion in order to avoid repetition of facts and discussion.

13. In order to prove the case, prosecution examined the PW-1, 4, 5 are injured witnesses, PW-2, 3 mahazar witnesses, PW-7 eye witness, PW-9 other witness, PW-6 and 8 IO witnesses.

14. The contested witnesses CW-1 and 7 have been examined as PW-4 and 5. Wherein, both the witnesses deposed in supportive of prosecution case by deposing with regard to the alleged offences against the accused persons. But it is pertinent to note that, the entire case is stands around the offences against the victim CW-4. The injured victim CW-4 who has been examined as PW-1. But the victim denied the prosecution case and alleged offences against her by deposing that, accused persons have not formed unlawful assembly and assaulted on her, not abused her in filthy language, not criminally intimidated

her, not mentally or physically tortured her. Further with regard to the alleged offences not given statement to the police. As such the victim itself turn hostile to the prosecution case.

15. Further, Both the mahazar witnesses PW-2 and 3 have denied the prosecution case by deposing that the police have not conducted mahazar in their presence and not seized any material objects. Further the eye witness CW-8 examined as PW-7, wherein the alleged direct witness also not supported the prosecution case by deposing that he has not seen the alleged offences and have not given any statement to the police with regard to the alleged offences. Thereby the direct witness and mahazar witnesses were turned hostile to the prosecution case.

16. IO witnesses PW-6 and 8, doctor witness PW-9 though supported the prosecution case but victim PW-1 turned hostile to the prosecution case and even the eye witness and mahazar witnesses denied the prosecution case hence the evidence of the doctor and IO have not sufficient hold that the guilt of the accused persons beyond all reasonable doubt.

17. The prosecution has not proved the story put forth in the first information and victim statement and also in the charge sheet. In the absence of corroborative evidence, the exhibited documents are not sufficient to prove the guilt against the accused persons for which they have been charge sheeted. Hence, the entire case of the prosecution is falls down in proving the guilt of the offences. The prosecution failed to prove the guilt against the accused persons beyond all reasonable doubt, thereby the accused No.1 to 11 are entitled

for acquittal. Accordingly, I answer Points No.1 to 8 in the 'NEGATIVE'.

16. POINT No.9:- In the above result, the accused No.1 to 11 are entitled for acquittal on benefit of doubt. Hence, this Court proceed to pass the following:

#### ORDER

Acting U/Sec.248(1) of Cr.P.C. accused No.1 to 11 are acquitted for the offences punishable U/Secs. 143, 144, 147, 148, 323, 324, 504, 506 R/w Sec.149 of Indian Penal Code.

Bail bonds executed by accused No.1 to 11 and their Surety will be inforce for a period of 6 months as per sec.437(A) of Cr.P.C.

The MO.1 and 2 are mentioned in PF.No.90/2015 are worthless the same shall be destroyed after appeal period is over.

(Directly dictated to the Stenographer on computer, Judgment corrected and signed by me, then pronounced by me in the Open Court on this the 10<sup>th</sup> day of April 2026).

(Punyakoti S N )  
Addl.Civil Judge & JMFC.,  
Honnali.

#### ANNEXURES

1. List of the Witnesses examined by the Prosecution:

P.W.1 : Suma

- P.W.2 : Thathyanaik  
P.W.3 : Bhoopal Naik  
P.W.4 : Venkatesh Murthy K I  
P.W.5 : Venkatesh  
P.W.6 : G B Basoor  
P.W.7 : Omkarappa  
P.W.8 : Thippeswamy T N  
P.W.9 : Dr. Ramachandrachar.

2. List of the Documents exhibited for the Prosecution:

- Ex.P-1 : Statement of PW-1  
Ex.P-2 : Spot Mahazar  
Ex.P-2(a-d) : Signature of PW.2,3,4,8  
Ex.P-3 : Photo  
Ex.P-4 : Complaint  
Ex.P-4(a,b) : Signature of PW.4,6  
Ex.P-5 : FIR  
Ex.P-5(a) : Signature of PW-6  
Ex.P-6 : Statement of PW-7  
Ex.P-7 : Wound Certificate  
Ex.P-7(a,b) : Signature of PW.6,9  
Ex.P-8 : Police Notice  
Ex.P-8(a) : Signature of P.W.6.

3. Witnesses examined on behalf of the defence: --NIL--

4. Documents exhibited on behalf of the defence: --NIL--

5. Material Objects Marked:

MO.1 : Stone

MO.2 : Club.

(Punyakoti S N )  
Addl.Civil Judge & JMFC.,  
Honnali.