

KADG620005982018



Presented on : 05-06-2018

Registered on : 05-06-2018

Decided on : 12-08-2026

Duration : 8 years, 2 months, 7 days

**IN THE COURT OF CIVIL JUDGE AND JMFC JAGALUR AT
JAGALUR, DAVANGERE**

(Presided Over by SRI CHETHAN R)

C.C.No.291/2018

Dated this the 12th day of August 2026

Complainant:

The State,

By P.S.I., Bilichodu Police Station

(By Asst. Public Prosecutor)

-V/S-

Accused:

1.Gidda Hanumakkara Hanumanthappa S/o Chowdappa
Age:36 years, Farmer, R/o Magadi Village,
Jagalur Taluk, Davanagere.

2.Nagaraja S/o Palappa
Age:30 years, Farmer, R/o Magadi Village,
Jagalur Taluk, Davanagere

3.Nagarakatte Chandrappa S/o Hotteobajjar Obappa
Age:38 years, Farmer, R/o Magadi Village,
Jagalur Taluk, Davanager

4. Malleshappa S/o Hanumanthappa
Age:47 years, Farmer, R/o Magadi Village,

Jagalur Taluk, Davanager

5. Aldalli Ravi S/o Bheemappa
Age:36 years, Farmer, R/o Magadi Village,
Jagalur Taluk, Davanager

6. Gowrakkar Manjappa S/o Hanumanthappa(**Dead**)
Age:40 years, Farmer, R/o Magadi Village,
Jagalur Taluk, Davanager

(By Sri.H.B, Advocate for Accused No.1 to 5)
Accused No.6- Abated

Date of incident	20/06/2017
Date of report	20/06/2017
Date of arrest of accused persons	-
Date of release of accused persons on bail	22/06/2018
Name of the complainant	Kotrappa
Date of commencement of evidence	26/11/2024
Date of completion of evidence	17/06/2026
Offences charged	U/Sec143, 147, 148, 447, 323, 326, 504, 506 R/w Sec 149 of IPC.
Opinion of the Judge	Accused persons not found guilty.

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

1. This case emanates from the charge sheet filed by the PSI of Bilichodu P.S. against accused persons from Cr.No.102/2017 for the alleged commission of offences punishable U/Sec143, 147, 148, 447, 323, 326, 504, 506 R/w Sec 149 of IPC.
2. The case of the prosecution is that on 20.06.2017 at 11.00 a.m. at Magadi Village in Survey No. 28, the property belonged to CW1. When the CW1 and others were ploughing the land, the accused no. 1 to 5 have

trespassed the land and scolded the CW1 to CW11 with filthy language and the accused no. 1 beaten the CW1 with one stone and also subjected them to dare consequences, and CW1 and CW2 and caused grievous hurt and accused no.1 also assaulted the accused no.2 with stone and caused hurt, he also assaulted to right hand of CW2 and CW4 to his left hand and caused hurt and CW6 to 11. Accused no.3, 4 and 5 were assaulted CW6 to 11 by showing stones. Accused no. 1 to 7 threatened the CW1 to 11 with dare consequences. The CW1 given complaint to the CW15, accordingly CW15 has registered the complaint against accused no. 1 to 7 for the offence punishable under Section U/Sec143, 147, 148, 447, 323, 324, 504, 506 R/w Sec 149 of IPC. During the time of investigation, accused no. 7 died. Hence, CW15 has filed charge sheet against accused no. 1 to 6 only for the offence punishable under Section U/Sec143, 147, 148, 447, 323, 326, 504, 506 R/w Sec 149 of IPC.

3. After filing of chargesheet this court took cognizance for the offence punishable U/Sec143, 147, 148, 447, 323, 326, 504, 506 R/w Sec 149 of IPC and summons issued to the accused persons 1to 6. On Issuance of summons the accused persons appeared before this court and got released on bail. The copies of the prosecution papers were supplied to the accused persons. The charges for the offences punishable U/Sec143, 147, 148, 447, 323, 326, 504, 506 R/w Sec 149 of IPC have been read over and explained to

accused persons and they pleaded not guilty and claim to be tried.

4. In order to prove the case of the prosecution, prosecution out of total 15 witnesses got examined only 3 witnesses as PW1 to PW3 and also got marked Exhibit P1 to Exhibit P9 documents.
5. On Incriminating circumstance as appeared against the accused persons this court had examined the accused persons and the statement of accused persons U/sec. 313 were recorded the accused persons were denied all the incriminating circumstances appeared in the evidence against them. Further submitted no defence evidence on their side. During pendency it is reported accused no 6 died, hence case against him is abated.
6. Heard arguments of both the sides.
7. The following points that arose for my consideration:

POINTS

1. Whether prosecution proves beyond all reasonable doubt that accused no 1 to 5 with common object on 20.06.2017 at 11.00 a.m. at Magadi Village in Survey No. 28, the property belonged to CW1. When the CW1 and others were ploughing the land, the accused no. 1 to 5 have trespassed the land and scolded the CW1 to CW11 with filthy language and the accused no. 1 beaten the CW1 with one stone and also subjected them to dare consequences, and CW1 and CW2 and caused grievous hurt and accused no.1 also assaulted the accused no.2 with stone and caused hurt, he also assaulted to right hand of CW2 and CW4 to his left hand and caused hurt and CW6 to 11. Accused no.3, 4 and 5 were assaulted CW6 to 11 by showing

stones. Accused no. 1 to 7 threatened the CW1 to 11 with dare consequences and thereby committed the offence punishable U/Sec143, 147, 148, 447, 323, 326, 504, 506 R/w Sec 149 of IPC?

2. What Order?

8. My answers to the above points are:

Point No.1 : In the Negative

Point No.2 : As per final order

for the following.

:-REASONS:-

9. **POINT No.1:** In order to prove the case of the prosecution, prosecution out of total 15 witnesses got examined only 3 witnesses as PW1 to PW3 and also got marked Exhibit P1 to Exhibit P9 documents.
10. The CW1 got examined as PW1. In his chief examination, he has stated that he knows accused no. 1 to 7, accused no. 6 and 7 are died. CW2 is his son, CW4 is his sister, CW5 is his son-in-law, about 6 to 7 years back at Survey No. 28 of Magadi Village, when they went along with the CW2, CW3, CW7 and CW11 to plough the land, accused no. 1 to 7 trespassed the land and accused no.1 has beaten the him, CW2 with stone. Accused no. 1 also beaten CW4 and also subjected them with dare consequences. He given complaint. He got identify the Exhibit P1 complaint and his signature. Upon the taking permission, Ld.APP has thoroughly cross examined PW1. In the cross examination of Ld.APP. The PW1 has stated that on 20.06.2017 at 11.00 a.m. the accused came and trespassed the land. The accused has scolded them with filthy language to CW2 to CW5. Accused also

beaten the CW2 to CW5. He also identified the accused persons and given statement in police station on 10.01.2018. In the cross-examination of accused counsel, he has admitted that his native is Naragund Village and the distance between the alleged spot and Magadi Village is 3 kms and there are totally 70 to 80 acres in Survey No. 28. PW1 also admitted that the accused also were ploughing the land belonging to them in Survey No. 28. He also admitted that Ex.P-1 has written by one Kenchappa. He visited the land at 10 a.m. and accused came at 11 a.m. Accused were 7 to 8 persons. He cannot identify which accused has scolded them and which accused have beaten him with stone. He denied further suggestions.

11. The CW4 got examined as PW2. In his chief examination, he stated that he knows the accused persons. The CW1, CW2, CW3 and CW5 are his relatives about 4 to 5 years, accused were ploughing the land belonging to them in Survey No.28. When they questioned the accused persons, at 08.30 p.m., accused were ploughing their land using tractor. Accused were threatened them and made galata. They later left the land and returned to their house. In the cross-examination by landed APP, he admitted that on 20.06.2017 at 11.00 a.m. the accused came and trespassed the land. The accused has scolded them with filthy language to CW2 to CW5. Accused also beaten the CW2 to CW5. But he did not identify the accused persons, who were present at the court on date of hearing. In the cross-examination by accused

counsel, he has admitted that There is no documents with them that the land in Survey No. 28 belongs to them and he also admitted that he did not know which accused has beaten them and he cannot say which accused have threatened them and which accused have scolded with the filthy language and he denied other suggestions put to him.

12. The CW15 got examined as PW3. He is the investigation officer in this case. In his chief examination, he has stated about receipt of complaint from CW1 on 20.06.2017 at 03.30 p.m. He identified the complaint and preparing of FIR and conducting spot mahazar on 22.06.2017 as Exhibit P3 and also and also identify the MO1 stones and receipt of wound certificates. Exhibit P6 to P9 and after completing investigation filing of charge sheet against accused persons. In the cross examination he denied the entire suggestions put to him. Nothing has been elicited from him.
13. Though the sufficient opportunities granted, in spite of issues of summons, warrant and proclamation the prosecution has not kept the presence of other witnesses CW2, CW3, CW5 to CW10. Hence the evidence of CW2, CW 3 and CW5 to CW10 were dropped. During the pendency of the suit, it is reported that CW12 and CW13 were died. Hence the case of the prosecution was closed.
14. The Ld.A.P.P representing the state in the case, vehemently argued that, all the witnesses examined by the prosecution have supported the case of prosecution and the prosecution has successfully proved through

cogent and corroborative oral and documentary evidence that the accused persons have committed the alleged offence and they should be punished with maximum punishment prescribed for the said offence. On the other hand, the learned counsel for accused argued that there is civil dispute between both the accused persons and CW-1 family members. The CW-1 has given the false complaint with an enmity. Further argued that, though the other witnesses examined by the prosecution have deposed in favor of the prosecution, but no eye witness and mahazar witnesses have got examined in support of case of prosecution. The evidence of the victims there are material contractions, omissions and improvements in their evidence, which clearly goes to show that, the alleged incident is an afterthought cooked up story and the accused persons have been implicated in a false case.

15. On meticulously going through the entire oral and documentary evidence placed on record by the prosecution side, as case of prosecution is that the accused no. 1 to 7 were trespassed the land Survey No. 28 belonging to the CW1. But there is no materials on record in order to show that the accused persons were trespass the land belonging to the CW1. As such in the cross-examination of PW1/CW1, he himself admitted that in the Survey No. 28 there is more than 70 to 80 acres and there is also a land belonging to the accused persons who are ploughing the land. It is also pertinent to note that the CW4/PW2 in his chief examination has admitted that the accused were ploughing the land.

They went to plough the land belonging in Survey No. 28. Therefore under these circumstances the prosecution has not placed any materials in order to show that the land Survey No. 28 belonging to CW1 and accused persons were trespass the land of CW1 as such prosecution has failed to show or prove the very ingredients of Criminal Trespass and as per Section 147 of IPC. As such, in the case of the prosecution, the accused no. 1 to 7 has caused assault to CW1 to CW11. As per arguments by the learned APP, though PW1 and PW2 have supported the case of the prosecution, but there is a material contradiction in the evidence of PW1 and PW2. As according to the case of prosecution, the CW1 was ploughing the land along with CW1 to CW11. Accused trespassed the land and threatened them with dare consequences and made galata. But in the evidence of CW1/PW1 has stated that they reached the land at 10 a.m., accused came at 11 a.m., But as per the deposition of PW2, who has stated that they went to land at 08.30 p.m. Accused persons were ploughing the land and they questioned the accused persons, Accused persons made galata later they returned from the land. It is also pertinent to note that PW 2 did not identify the accused no. 1 to 4 who are present before the court on date of his evidence. Therefore as these material contradictions would create doubt over the case of the prosecution.

16. Further, there is no nexus in between the oral evidence of victim/complainant, eye-witnesses and the investigation officers in the case. Further, there is no

nexus in between the oral evidence of prosecution witnesses and the documentary evidence placed on record by the prosecution. There is no cogent and corroborative evidence on record to show the occurrence of alleged incident. In such circumstances, this Court is of the opinion that, the prosecution has failed to establish the essential ingredients of offense punishable U/Sec143, 147, 148, 447, 323, 326, 504, 506 R/w Sec 149 of IPC in the case.

17. Therefore, for the reasons stated above, this Court is of the considered opinion that the prosecution has utterly failed to prove the charges levied against the accused persons, beyond all reasonable doubt. As such, the accused No.1 to 5 are entitled for acquittal. Accordingly, I answer Point No.1 in the **Negative**.

18. **Point No.2:** For the forgoing reasons I proceed to pass the following.

:-O R D E R:-

The Accused no 1 to 5 found not guilty for the offences U/Sec143, 147, 148, 447, 323, 326, 504, 506 R/w Sec 149 of IPC.

Under the powers confirmed upon this court U/ Sec. 248(1) of Cr.P.C. the Accused No.1 to 5 are hereby acquitted for the offences punishable U/Sec143, 147, 148, 447, 323, 326, 504, 506 R/w Sec 149 of IPC.

In compliance of Section 437-A of Cr.P.C. The bail bond and surety bond, of Accused no 1 to 5 would continue for the period of six months and thereafter stands cancelled.

M.O.I being 5 stones are worthless shall be destroyed after the appeal period over.

(On my dictation given to the stenographer directly typed in the computer, corrected by me and then pronounced in open court this the 12th Day of August 2026)

Sd/-

(CHETHAN.R)
Civil Judge & JMFC
Jagaluru.

ANNEXURES

List of witnesses examined on behalf of prosecution.

PW-1 : Kotrappa
PW-2 : Chandramma
PW-3 : B.Prakash

List of documents marked on behalf of prosecution.

Ex.P1 : Complaint
Ex.P1(a) : Signature
Ex.P2 : FIR
Ex.P3 : Spot Mahazar
Ex.P4 : Rough Sketh
Ex.P5 : Photo
Ex.P6 to 9 : Wound certificates

List of witnesses examined & documents marked for defence:

--Nil--

List of material objects marked on behalf of prosecution

M.O.1 - 05 Stones

Sd/-
Civil Judge & JMFC
Jagaluru.