

KADW300005492025



IN THE COURT OF THE CIVIL JUDGE & JMFC
AT KALAGHATAGI.

PRESENT : Sri.G.Sanjeev Kumar, MBA, LLB.,
Civil Judge & JMFC,
Kalaghatagi.

DATED ON THIS 07th DAY OF AUGUST, 2026
C.C No: 324/2025

Complainant: The State by
Kalaghatagi Police Station,
Kalaghatagi.

(State by APP)

//vs//

Accused:

1. Venkanagouda Jeevanagouda Patil
Age: 45 years, Occ: Agriculture,
R/o. Galagi Hulakoppa, Kalaghatagi,
Dist: Dharwad.
2. Shridhar Jeevanagouda Patil
Age: 46 years, Occ: Agriculture,
R/o. Galagi Hulakoppa, Kalaghatagi,
Dist: Dharwad.
3. Jeevanagouda Venkanagouda Patil
Age: 72 years, Occ: Agriculture,
R/o. Galagi Hulakoppa, Kalaghatagi,
Dist: Dharwad.

(By Sri. M.S.D., Advocate)

Date of filing of complain :	21.09.2024
Name of the complainant :	Sukanya Patil
Offences complained of :	U/Sec.115(2), 117(2), 352 and 351 R/w 3(5) of BNS 2023
Date of commencement of recording of the evidence :	31.07.2026
Date of closing of evidence :	31.07.2026
Date of which the Judgment was pronounced:	07.08.2026

**Civil Judge & JMFC.,
Kalaghatagi.**

J U D G M E N T

1. CASE OF PROSECUTION:

The Police attached to Kalaghatagi Police Station have laid the final report (charge-sheet) against the accused persons for the offences punishable under Sections 115(2), 117(2), 352 and 351 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. Substance of the Prosecution's Case:

The case of the prosecution is encapsulated as per herein below:

The case of the prosecution, in brief, is that on **16.09.2024**, at about **11:30 a.m.**, the accused persons picked up a quarrel with C.W1 and 4 and, in the course of the said incident, hurled filthy abuses at them. It is further alleged that **Accused No.1, 2 and 3** assaulted C.Ws 4 with their hands and criminally intimidated them by threatening them with dire consequences to their life and limb.

3. FRAMING OF CHARGES U/Sec.240 OF CR.P.C.:

(i) Upon consideration and hearing, this court was of the opinion that there are grounds sufficient for presuming that the accused persons have committed offences punishable U/Sec.115(2), 117(2), 352 and 351 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS). which are triable by this court, accordingly this court, acting U/Sec.240 of Cr.P.C., had framed charges against the accused persons for the said offences.

(ii) The charges duly framed were read over and explained to the Accused Persons and were

asked whether or not they plead guilty for the said offences. The Accused Persons pleaded innocence and claimed to be tried.

4. EVIDENCE FOR PROSECUTION AS PER SEC.242 OF CR.P.C :

(i) The prosecution had examined CW1/PW1 and CW4/PW2 and got marked Ex.P1 to Ex.P3.

(ii) As there was no incriminating substance appearing against Accused persons in the evidence lead by Prosecution, their examination under Section 313 of Cr.P.C was dispensed with.

5. POINTS FOR CONSIDERATION :

Heard, the learned APP for the state and learned counsel for the defense. The following points arise for consideration;

Point No.1:	Whether the prosecution proves beyond all reasonable doubt that on 16.09.2024 , at about 11:30 a.m. , the accused persons, in furtherance of their common intention/common object as contemplated under Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, voluntarily caused hurt to C.Ws.1, 4 and
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	5, thereby committing an offence punishable under Section 115(2) of the BNS?
Point No.2:	Whether the prosecution further proves beyond all reasonable doubt that Accused No. 1 to 3 voluntarily caused hurt to the victims by assaulting them with their hands, thereby committing an offence punishable under Section 117(2) of the BNS?
Point No.3:	Whether the prosecution proves beyond all reasonable doubt that the accused persons intentionally insulted and abused C.Ws.1, 4 and 5 by hurling filthy words at them in a manner constituting the offence punishable under Section 352 of the BNS?
Point No.4:	Whether the prosecution further proves beyond all reasonable doubt that the accused persons criminally intimidated C.Ws.1, 4 and 5 by threatening them with dire consequences to their life and limb, thereby committing an offence punishable under Section 351 of the BNS?

Point No.5:	What Order?
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6. The finds of this court 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** : As per the final order

REASONS

7. Point No.1 to 4 : Since all the above points arise out of the same transaction and are founded on the same set of facts and evidence, they are taken up together for common discussion in order to avoid repetition.

8. The burden squarely rests upon the prosecution to establish the guilt of the accused beyond all reasonable doubt. The accused are presumed to be innocent until such presumption is displaced by cogent, reliable and legally admissible evidence.

9. In order to bring home the guilt of the accused for the offences punishable under Sections 115(2), 117(2), 352 and 351 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, the prosecution examined only two

material witnesses, namely, C.W.1, the first informant, as P.W.1 and C.W.4, one of the injured witnesses, as P.W.2. No other eyewitness or independent witness has been examined by the prosecution.

10. P.W.1, who is the author of the First Information Statement, did not support the prosecution case in any material particular. He categorically denied that the accused persons picked up a quarrel with him or the other victims, abused them in filthy language, assaulted them or threatened them with dire consequences. He also denied the allegations contained in the complaint. As he resiled from his earlier version, he was treated as hostile and was cross-examined by the learned Senior Assistant Public Prosecutor. However, despite an extensive cross-examination, nothing worthwhile could be elicited to probabalise the prosecution case or to establish the involvement of the accused.

11. Likewise, P.W.2, who is one of the injured witnesses and the principal victim, also turned completely hostile. He denied that the accused assaulted him or caused any injuries and further denied that they abused or intimidated him. His previous statement recorded under Section 180 of the Bharatiya Nagarik Suraksha Sanhita,

2023, was confronted to him and marked as **Ex.P3**. However, it is a settled proposition of law that a statement recorded during investigation under Section 180 of the BNSS is not substantive evidence and can be used only for the limited purpose of contradicting the witness. Such previous statement, in the absence of substantive evidence before the Court, cannot by itself form the basis for recording a conviction.

12. It is no doubt true that the evidence of a hostile witness is not liable to be rejected in its entirety and the Court can rely upon such portion of the testimony as is found to be trustworthy and inspires confidence. However, in the present case, both the material witnesses have completely disowned the prosecution case and have not supported the prosecution on any of the essential ingredients constituting the offences alleged. Their evidence does not establish that the accused voluntarily caused hurt to the victims, assaulted them with their hands, intentionally insulted them by using filthy language, or criminally intimidated them by extending threats.

13. Apart from the testimony of P.Ws.1 and 2, the prosecution has not placed any independent or

corroborative evidence before the Court to establish the guilt of the accused. In the absence of any reliable ocular evidence, and there being no legally admissible evidence connecting the accused with the alleged incident, the prosecution case remains wholly unsubstantiated.

14. It is a cardinal principle of criminal jurisprudence that suspicion, however grave, cannot take the place of proof. The prosecution must succeed on the strength of its own evidence and cannot derive any advantage from the weakness of the defence. Where the material witnesses themselves fail to support the prosecution and there is no other convincing evidence on record, the benefit of doubt necessarily enures to the accused.

15. Accordingly, this Court is of the considered opinion that the prosecution has failed to prove beyond all reasonable doubt that the accused, in furtherance of their common intention or common object, voluntarily caused hurt to the victims, assaulted them, intentionally insulted them or criminally intimidated them, so as to attract the offences punishable under Sections 115(2), 117(2), 352 and 351 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023. Consequently, **Point Nos. 1 to 4 are answered in the Negative.**

17. **Point No.5:- In light of the aforementioned reasons,** this court is inclined to pass the following;

ORDER

Acting under Section 248(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, **Accused Nos. 1 to 3 are hereby acquitted** of the offences punishable under **Sections 115(2), 117(2), 352 and 351 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023**, as the prosecution has failed to prove the charges against them beyond all reasonable doubt.

The bail bonds and surety bonds executed by the accused and their sureties shall stand **cancelled**, subject to the provisions of **Section 395 of the Bharatiya Nagarik Suraksha Sanhita, 2023**.

Office is directed to furnish a free copy of this judgment to each of the accused forthwith.

Accordingly, this proceeding stands disposed.

(Dictated to stenographer directly on computer, computerized by him, corrected and then pronounced by me in the open court on this **07th day of August 2026**)

(G SANJEEV KUMAR)
Civil Judge & JMFC.,
Kalaghatagi.

-: A N N E X U R E :-

List of witnesses examined on behalf of Complainant:-

PW1 : Sukanya Ravi Patil
PW2 : Santosh Devaraj Patil

List of documents examined on behalf of Complainant:-

Ex.P1 : Complaint
Ex.P1(a) : Signature of PW1
Ex.P2 : Panchanama
Ex.P2(a) : Signature of PW1
Ex.P3 : Statement of PW2

List of witnesses examined on behalf of defence:-

- NIL --

List of documents marked on behalf of defence:-

- NIL -

(G SANJEEV KUMAR)

Civil Judge & JMFC.,
Kalaghatagi.