

KAHV020007532025



**IN THE COURT OF PRINCIPAL SENIOR CIVIL
JUDGE AND CJM, HAVERI**

PRESENT

SRI.MAHAMMAD ANWAR HUSSAIN MOGALANI
B.Sc., L.L.B. (Spl)
PRL. SENIOR CIVIL JUDGE AND CJM,
HAVERI

DATED THIS 20th DAY OF JULY- 2026

CRIMINAL CASE NO.96/2025

Complainant:

State by Haveri Town Police Station

(By Sr. A.P.P.)

Vs.

Accused:

1. Mahammed Sadiq Rattihalli,
S/o Jamalsab,
Age: 31 years,
R/o: Udaya Nagar, Haveri.
2. Siraj Rattihalli,
S/o Jamalsab,
Age: 30 years,
R/o: Udaya Nagar, Haveri.



3. Goush Rattihalli,
S/o Jamalsab,
Age: 30 years,
R/o: Udaya Nagar, Haveri.

(By Sri J.B.K., Advocate)

Date of offence : 23.11.2024

Date of report
of offence : 30.11.2024

Name of the
complainant : Niyaz Ahmad Alur

Date of recording
of evidence : 17.07.2026

Date of closing
of evidence : 17.07.2026

Offences complained of: U/s.115(2), 118(1),
352, 351(2) R/w
3(5) of BNS Act.

Date of Judgment : 20.07.2026

Opinion of the Judge : Accused not
found guilty



JUDGMENT

In this case the accused has been alleged against the offences committed by him U/Sec. 115(2), 118(1), 352, 351(2) R/w 3(5) of BNS Act and on the basis of complaint given by the complainant against the accused for the offences are triable as a warrant case. Hence, on dated 22.11.2025 this court has taken cognizance for the above said alleged offences against the accused No.1 to 3 and thereafter the case is registered in Register No.III, and issued summons to the accused No.1 to 3.

2. The brief facts of the case of the complainant are as under:

In the complaint the complainant has stated that, the accused No.1 married to the complainant's sister. On dated 22.11.2024 the accused No.1 got angry about a fight in between accused No.1 and his wife, thereafter the accused



did a phone call to the complainant and call him to his house to take away the wife of accused No.1 to her parental house. Thereafter on the next day on dated 23.11.2024 the complainant came to house of accused No.1 along with his mother, brother and his aunty, at that time the accused No.1 to 3 have physical assaulted the complainant by one iron rod and wooden strip, the complainant sustained simple injuries. Thereafter the accused No.1 to 3 have gave life threat to mother and uncle of complainant. Accordingly the complainant has given complaint and by going through the said complaint filed by the complainant the case has been registered against accused No.1 to 3 under crime No.188/2024 for the offences punishable U/Sec.115(2), 118(1), 352, 351(2) R/w 3(5) of BNS Act and FIR also registered against the accused No.1 to 3.



3. The accused No.1 to 3 after service of summons they have appeared before the court and they have been enlarged on bail. Thereafter on 24.04.2026 plea was recorded for alleged offences committed by the accused No.1 to 3 and explained to them in the language known by them and they pleaded not guilty and claimed to be tried. Hence, the case is taken up for trial. Thereafter, prosecution has taken steps to issue witness summons to proposed witnesses.

4. After completion of investigation the I.O., of Haveri Town Police Station has submitted its final report to the court against the alleged offences as stated above against accused No.1 to 3, whatever the procedure has to be commenced after submitting the charge sheet has complied according to 230 of B.N.S.S Act-2023 by furnishing the charge sheet to the learned advocates who representing the accused persons. Thereafter plea was recorded as per alleged



offences against the accused No.1 to 3 and read over in the language known to them in the open court and after hearing the charges of the offences alleged against accused, the accused No.1 to 3 have denied the charges levelled against them in this case and prays to proceed with the case. After framing of charges the Learned Sr. APP has taken steps to issue witness summons to the proposed witnesses.

5. Thereafter the Learned Sr. APP has examined C.W.1, 4, 5 and C.W.8 who have not supported to the case and they have turned hostile to the case of prosecution and further the Learned Sr. APP prays to issue witnesses summons to further witnesses, but by looking in to the evidence given by C.W.1, 4, 5 and C.W.8 issuance of witness summons as requested by the learned Sr.APP need not arises, and the prayer of learned Sr.APP for issuance of witness summons to the other witnesses is hereby rejected and



leading of evidence of further witnesses is hereby given up.

6. The C.W.1, 4, 5 and C.W.8 have not stated regarding the offences committed by the accused and also not supported to the case of prosecution. In view of that the prayer made by the learned Sr. APP in order to support the case of the complainant and they have turned hostile to the case of complainant to this court for taking steps against further proposed witnesses is hereby rejected and the evidence of further witnesses is has been dropped, when no incriminating evidence available against the accused. Hence, the 351 statement of BNSS Act-2023 has been dispensed with and heard the learned advocate for accused persons and Learned Sr. APP on the main case and following points are arises for my consideration.



- 1) Whether the prosecution has proved the case against the accused for the offence punishable U/Sec.115(2) R/w 3(5) of BNS Act-2023 as alleged against accused is beyond reasonable doubt as alleged in the final report?
- 2) Whether the prosecution has proved the case against the accused for the offence punishable U/Sec.118(1) R/w 3(5) of BNS Act-2023 as alleged against accused is beyond reasonable doubt as alleged in the final report ?
- 3) Whether the prosecution has proved the case against the accused for the offence punishable U/Sec.352 R/w.3(5) of BNS Act-2023 as alleged against accused is beyond reasonable doubt as alleged in the final report ?
- 4) Whether the prosecution has proved the case against the accused for the offence punishable U/Sec.351(2) R/w 3(5) of BNS Act-2023 as alleged against accused is beyond reasonable doubt as alleged in the final report ?
- 5) What order and punishment?



7. The above points are answered 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 final order for
the following;

: REASONS :

8. **Point No.1 to 4 :** When the C.W.1, 4, 5 and C.W.8 who have not supported to the case of the prosecution in respect of alleged offences against the accused No.1 to 3 and they have not given supportive evidence in respect of the documents which have been signed by them during the course of investigation, then the punishing of accused No.1 to 3 for the offences alleged against them need not arise. The prosecution has utterly failed to prove guilt against accused No.1 to 3 and the prosecution has utterly failed to prove the case against



accused No.1 to 3 beyond all reasonable doubt. In view of that, the point No.1 to 4 are answered in the **Negative**.

9. **Point No.5**: As per the reasons stated in point no.1 and 2, I proceed to pass following:

ORDER

As per Sec.271(1) of B.N.S.S Act - 2023 the accused No.1 to 3 are hereby Acquitted for the alleged offences punishable U/Sec.115(2), 118(1), 352, 351(2) R/w Sec.3(5) of BNS Act-2023.

The bail bond executed by the accused No.1 to 3 are hereby cancelled.

The property i.e., one iron rod which has been seized in this case



is confiscated to the Government after lapse of appeal period.

The property i.e., the wooden strip which has been seized in this case is hereby worthless and it has to be destroyed after laps of appeal period.

(Dictated to the Stenographer directly on computer, corrected and pronounced by me in the Open Court on this the **20th day of July 2026**)

**(MAHAMMAD ANWAR HUSSAIN MOGALANI)
PRL. SENIOR CIVIL JUDGE AND
CJM, HAVERI**

ANNEXURE

1) List of witnesses examined on behalf of prosecution

P.W-1	:	Niyaz Ahmad Alura
P.W-2	:	Shanavaza Alura
P.W-3	:	Sakinabi Alura
P.W-4	:	Aminabi Rattihalli



2) List of documents exhibited on behalf of prosecution:-

- Ex.P.1 : Complaint
Ex.P.2 : Spot mahazar
Ex.P.3 : Further 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

3) List of Witnesses examined on behalf of Accused:
- NIL -

4) List of documents exhibited on behalf of Accused:
- NIL -

5) List of Material objects marked on behalf of prosecution:-
- NIL -

**(MAHAMMAD ANWAR HUSSAIN MOGALANI)
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