

KAHV200005732025



Presented on : 06-06-2025
Registered on : 06-06-2025
Decided on : 01-06-2026
Duration : 11 Months & 26 Days

**IN THE COURT OF THE SENIOR CIVIL JUDGE AND
J.M.F.C., AT BYADAGI.**

Present: Smt.Rajeshwari.J.Puranik, B.A. L.L.B.(Spl.)
Senior Civil Judge & JMFC., Byadgi.

**Dated :- This 1st day of June, 2026
C.C.No.166/2025**

COMPLAINANT:- State by PSI, Kaginele Police Station.

(By Learned APP, Byadgi)

// Vs //

ACCUSED :- 1. Kumar @ Fakkirappa S/o Kallappa
Roddahanamannanavar, Age: 40 years,
Occ: Coolie,
2. Rekha @ Rekhavva W/o
Roddahanamannanavar, Age: 30 years,
Occ: Household work,
Both are R/at Hedigonda, Tq: Byadgi, Dist:
Haveri.
3. Beeresh @ Beerajja S/o Sureshappa
Kageningannanavar, Age: 27 years,
Occ: Coolie,
R/at Kajjari, Tq: Ranebennur, Dist: Haveri.

(R/by Sri.N.G.H., Adv.)

Date of offence:	17-11-2024
Date of report of offence:	18-11-2024
Name of the complainant:	Jayamma Basappa Roddammanavara
Offence complained of:	U/Sec-352, 115(2), 118(1), 351(2) R/w Sec.3(5) of BNS, 2023.
Date of recording of evidence:	21-05-2026
Date of closing of evidence:	21-05-2026
Opinion of the judge:	Accused persons found not guilty.

J U D G M E N T

This case has been registered against the accused No.1 to 3 on the basis of the charge-sheet filed by the PSI of Kaginele P.S. for the offences punishable U/Sec-352, 115(2), 118(1), 351(2) R/w Sec.3(5) of BNS, 2023.

2. The case of the prosecution is that, accused and complainant were relatives and there was dispute between them regarding passage. On 17-11-2024 around 6-00 pm near the Walmiki Bhavan of Hedigonda village accused picked up quarrel with CW.4 and assaulted him with stone and Iron Chain tying in the towel. Accused No.2 also assaulted with stone and caused injuries. Accused No.3 assaulted CW.1 with hands. Accused

also gave life-threat to CW.1 & 4 and thereby committed above said offences.

3. Therefore, the CW.1 lodged first information with the Kaginele police about the incident and the Kaginele police have registered the case against the accused persons in Crime No.88/2024 of their police station and after investigation they have filed charge-sheet against the accused No.1 to 3 for the offences punishable U/Sec-352, 115(2), 118(1), 351(2) R/w Sec.3(5) of BNS, 2023.

4. After filing charge sheet, Court took cognizance of the above mentioned offences against the accused persons and issued summons to them. In pursuance of the summons, the accused No.1 to 3 appeared and got themselves enlarged on bail. The copies of the prosecution papers were furnished to the accused persons as required under Sec.231 of BNSS. Thereafter, after hearing both side charge for offences punishable U/Sec-352, 115(2), 118(1), 351(2) R/w Sec.3(5) of BNS, 2023 were came to be framed and read over and explained to accused persons. They pleaded not guilty and claimed to be tried and hence the matter was posted for evidence of the prosecution.

5. In order to prove the guilt of the accused No.1 to 3, the prosecution got examined two witnesses as PW.1 & 2 and got marked as Ex.P1 to 6 documents. As PW.1 complainant turned hostile to the case of the prosecution, hence other witnesses

were dropped by rejecting the prayer of learned APP. As there appears no incriminating statements in the evidence of PW.1, as such the recording of statement of accused No.1 to 3 as required under section 351 of BNSS was dispensed with. The accused No.1 to 3 have not led any evidence on their behalf.

6. I have heard the arguments of the learned Assistant Public Prosecutor and the learned counsel for accused No.1 to 3 and perused the materials available on record.

7. Now the following point would arise for my consideration in deciding this case:

1. Whether the prosecution proves beyond all reasonable doubt that, accused and complainant were relatives and there was dispute between them regarding passage. On 17-11-2024 around 6-00 pm near the Walmiki Bhavan of Hedigonda village accused picked up quarrel with CW.4 and abused CW.1 & 4 with filthy language and thereby the accused persons have committed the offence punishable under Section 352 R/w Sec.3(5) of BNS?
2. Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place, the accused No.1 & 3 assaulted CW.1 with hands causing simple injuries and thereby the accused has committed the offence punishable under Section 115(2) R/w Sec.3(5) of BNS?
3. Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place, the accused No.1

assaulted CW.4 with stone and Iron Chain tied in the towel and accused No.2 also assaulted with stone and caused injuries and thereby the accused has committed offence punishable under Section 118(1) R/w Section 3(5) of BNS?

4. Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place, the accused persons gave life-threat to CW.1 & 4 and thereby all the accused have committed the offence punishable under Section 351(2) R/w Sec.3(5) of BNS?

5. What Order?

8. My answer to the above points are as follows:

Point No.1 to 4 : In the Negative.

Point No.5 : As per final order for the following:-

REASONS

9. Point No.1 to 4:- To avoid repetition of facts and for the sake of convenience, these points are discussed together.

10. In order to prove the case the prosecution got examined one witness as PW1. This witness being material witness cum complainant turned hostile to the prosecution case. PW1 complainant deposed that, she lodged complaint against the accused persons for oral arguments. As such the said document came to be marked as per Ex.P1 and her signature in the said document has been got marked as per Ex.P1(a). Panchanama was marked as Ex.P2 and her signature

was marked as Ex.P2(a). Two photographs were marked as Ex.P3 & 4. She turned hostile to the case of the prosecution, she has been cross-examined by learned APP but she denied the contents of complaint. PW1 denied the suggestion of learned APP in respect of the accused abusing and assaulting CW.1 club and giving life threat.

11. PW2 who is injured witness turned hostile to the prosecution case and also denied the suggestion of learned APP regarding accused assaulting him with club and accused giving life-threat, as such this court rejected the prayer of learned APP to issue summons to other witnesses since no purpose would be served by examining them and dropped witnesses from examination. Since there were no incriminating circumstances appeared against the accused persons in the prosecution evidence, their statement under Section 351 of BNSS has been dispensed with.

12. It is pertinent to note that, PW1 & 2 in their cross-examination have not deposed anything against the accused persons and in support of the prosecution case. As PW.1 complainant and PW.2 victim turned hostile to the case of the prosecution, hence other witnesses were dropped by rejecting the prayer of learned APP. As such this court comes to the conclusion that, the prosecution has failed to prove the guilt of the accused persons beyond all reasonable doubt. **Accordingly, Point No.1 to 4 are answered in the Negative.**

13. Point No.5:- For the reasons stated while discussing point No.1 to 4, I proceed to pass the to pass the following:-

ORDER

Acting U/s 248(1) Cr.P.C the accused No.1 to 3 are acquitted of the offences punishable U/Sec-352, 115(2), 118(1), 351(2) R/w Sec.3(5) of BNS, 2023.

The bail bonds and surety bonds of accused No.1 to 3 and their sureties shall stand cancelled except the bond executed in compliance of section 437-A of Cr.P.C.

(Dictated to the Stenographer directly on computer, typed by him, corrected and then pronounced by me, in the open Court on this 1st day of June, 2026).

(Rajeshwari.J.Puranik)

Senior Civil Judge, & J.M.F.C.
Byadagi.

ANNEXURE:

List of the Witnesses examined on behalf of prosecution :

PW.1 : Jayamma Roddammanavar.
PW.2 : Basappa Roddammanavar.

List of the witnesses examined on behalf of accused :

- Nil -

List of the documents marked on behalf of prosecution :

Ex.P1 : Complaint, Ex.P1(a) signature.
Ex.P2 : Spot Panchanama, Ex.P2(a) signature.
Ex.P3 & 4 : Photos
Ex.P5 : Re-statement of PW.1
Ex.P6 : Statements of PW.2.

List of the documents marked on behalf of Accused:

- Nil -

List of the objects marked in evidence:-

- Nil -

Senior Civil Judge and J.M.F.C.,
Byadagi.