



**IN THE COURT OF II ADDL SENIOR CIVIL JUDGE
AND JMFC, RANEBENNUR.**

**Present:- Sri. MANJUNATHA M.S., *B.A., LL.B.*
II Addl. Senior Civil Judge & JMFC,
Ranebennur.**

C.C. No. 47 / 2025

Dated on this 17th day of August, 2026

COMPLAINANT : The State by Ranebennur Town
Police Station.

**(By Learned Assistant Public
Prosecutor).**

V/s

ACCUSED : 1. Babanna @ Shankarappa
Kuruvattheppa Koppadh, Age: 59
yrs, Occ: Farmer.

2. Chetan Babanna Koppadh, Age:
35 yrs, Occ: Farmer.
A.1 & 2 R/o: Kotreshwar Nagar,
Ranebennur, Dist: Haveri.

3. Rai Basappa Chalwadhi, Age: 35
yrs, Occ: Labor, R/o: Adavi
Anjaneya Badavane, Tq:
Ranebennur, Dist: Haveri.

(By Sri. C.U.K, Advocate).

Date of Offence : 08-10-2024
Date of filing Charge sheet : 06-12-2024
Offences charged : U/Secs.140(2), 115(2),
352, 351(2) R/W Sec.3(5)
of BNS.
Date of commencement of : 24-09-2025
evidence
Date of Judgment : **17-08-2026**
Opinion of the Judge : **Acquitted.**

(Manjunatha M.S.)

2nd Addl. Senior Civil Judge & J.M.F.C.,
Ranebennur.

J U D G M E N T

PSI of Ranebennur Town Police Station, charge sheeted the accused for the offences punishable U/Secs.140(2), 115(2), 352, 351(2) R/W Sec.3(5) of BNS.

2. **Prosecution case in brief:** On 08.10.2024 at about 11.00 a.m., the accused persons came to Mangala Seeds Shop, situated opposite the Ranebennur Court, in search of the complainant's son-in-law, Nagaraj. When the complainant informed them that Nagaraj had gone to Davanagere, the accused contacted Nagaraj over phone and questioned him regarding alleged defective maize seeds sold by him. Nagaraj replied that he would return in the evening and discuss the matter. It is further alleged that, the accused became enraged,

abused the complainant in filthy language, assaulted him, locked his shop, forcibly abducted him in a vehicle to a place near Gangapura Railway Gate, Kumbarageri, assaulted him with hands and legs causing simple blunt injuries and criminally intimidated him by threatening him with dire consequences. On the basis of the complaint, investigation was conducted and charge sheet came to be filed for the offences punishable U/Sections 352, 115(2), 140(3) and 351(2) R/W Sec.3(5) of Bharatiya Nyaya Sanhita, 2023.

3. This Court took the cognizance of offences. After ordering for registration of case, in pursuance to summons issued by this court, accused persons appeared before this court and enlarged on bail.

4. After complying Sec.207 of Cr.P.C., this Court proceeded to frame charge against the accused persons after hearing both sides. Accused persons pleaded not guilty and claimed to be tried.

5. To prove the prosecution case, 12 witnesses were examined as PW1 to PW.12 and got exhibited 18 documents as Ex.P1 to P18. The prosecution closed its side. The accused persons were examined U/Sec.313 of Cr.P.C. The accused persons denied the incriminating materials appears in the prosecution evidence. The defence of the accused was total denial and the accused neither adduced evidence nor produced any documents on their behalf.

6. I have heard arguments both side and perused the material available on record.

7. Following points that arise for my consideration:

1. Whether the prosecution proves beyond all reasonable doubt that, on 08-10-2024 about 11-00 a.m., in the shop of complainant's son-in-law at Ranebennur town the accused Nos.1 to 3 in prosecution of their common object abused the complainant in filthy language and thereby they have committed an offence punishable U/Sec.352 R/W Sec.3(5) of BNS ?

2. Whether the prosecution further proves beyond all reasonable doubt that on the above said date, time and place the accused Nos.1 to 3 in furtherance of their common intention, were assaulted CW.1 with their hands and kicked with their legs and caused simple injury to CW.1 and thereby the accused Nos.1 to 3 have committed an offence punishable U/Sec.115(2) R/W Sec.3(5) of BNS ?

3. Whether the prosecution further proves beyond all reasonable doubt that on the above said date, time and place the accused Nos.1 to 3 in furtherance of their common object, were forcibly abducted CW.1 by taking him in a Motor Cycle near Gangagapura Railway Gate and thereby the accused Nos.1 to 3 have committed an offence punishable U/Sec.140(3) R/W Sec.3(5) of BNS ?

4. Whether the prosecution further proves beyond all reasonable doubt that on the above said date, time and place the

accused Nos.1 to 3 in furtherance of their common object, were committed criminal intimidation to CW.1 by threatening in dire consequences and thereby the accused Nos.1 to 3 have committed an offence punishable U/Sec.351(2) of BNS?

5. *What order?*

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

Point Nos.1 to 4 : In the Negative.

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

REASONS

9. **POINT NOS.1 TO 4**: Since these points are interconnected to each other, they are taken up together for common discussion in order to avoid repetition of facts of the case.

10. To bring home the guilt of the accused, the prosecution examined PW. 1 to PW.12 and got marked 12 documents as Ex.P-1 to Ex.P-12. CW.1/PW.1 is the complainant and injured witness. In his chief examination he has substantially supported the prosecution case by deposing that, on 08-10-2024 at about 11-00 a.m., the accused persons came to his seeds shop, questioned him regarding defective maize seeds sold by his son-in-law Nagaraj, abused him in filthy language, assaulted him, locked the shop, forcibly took him in a vehicle near Gangapura Railway gate assaulted him with hands and legs and threatened to kill him if the dispute regarding the seeds was not settled. However, the during the cross-examination PW.1 categorically admitted that, subsequent to

the incident, he and his son-in-law have compromised the dispute with the accused persons. His evidence further disclose that, after such settlement, he has no grievance against the accused. This admission materially affects the credibility and evidentiary value of his testimony. Though in his chief examination supported the prosecution, the subsequent admission regarding compromise, casts a serious doubt on the prosecution case and renders his testimony unsafe to form the sole basis for conviction, particularly in the absence of independent corroboration.

11. PW.2 is the panch witness to the spot mahazar. In his chief examination, he has supported the prosecution by stating that, the police conducted the spot mahazar in his presence as per Ex.P.2 and P4. However, in the cross-examination, PW.2 has admitted that, he has signed the mahazar as instructed by the police and that he was not aware of its contents. Such an admission destroy the evidentiary value of the mahazar and makes the evidence of PW.2 unreliable for proving the preparation of spot mahazar in accordance with law.

12. PW.3 is the another mahazar witness, has not supported the prosecution case and has been treated as hostile. Nothing useful has been elicited in the cross-examination conducted by the learned APP to support the prosecution case. PW.4 to PW.11, who are cited as eye-witnesses to the incident, have completely turned hostile to the prosecution case. They have

been denied the prosecution allegations regarding the assault, abduction and criminal intimidation to CW1 by the accused persons. Though they were cross examined by the learned APP after treating them as hostile. No material admissions could be elicited. Their evidence therefore does not help to the prosecution case.

13. PW.12 is the Investigating Officer, he has spoken regarding the registration of FIR, conducting investigating, drawing the mahazar, recording of statements of witnesses and filing of the charge sheet. His evidence is only formal in nature. The Investigating Officer is not an eye-witness to the occurrence of the alleged incident. His evidence cannot by itself prove the guilt of the accused persons in the absence of reliable substantial evidence from the material witnesses.

14. Though PW.1 has supported the prosecution case in his chief examination, his categorical admission during cross-examination that, the dispute has been amicably settled with the accused considerably weakens the prosecution case. More importantly there is no independent corroboration to his testimony. The prosecution has failed to secure the support of the alleged eye-witnesses namely PW.4 to 11, all of them have turned hostile, likewise PW.3 has also not supported the prosecution case. The evidence of PW.2 regarding the spot mahazar has become unreliable in view of his admission that,

he signed the mahazar at the instance of the police without knowing its contents.

15. It is a settled principle of criminal law that, conviction can certainly be based on the testimony of solitary injured witness if his evidence is wholly reliable and inspires the confidence. However in the present case, the testimony of PW.1 is not free from doubt in view of his admission regarding the compromise and the total absence of corroboration from any independent witness. The evidence on record does not inspire the confidence to hold that, the prosecution has proved the alleged offence beyond reasonable doubt. The evidence of the Investigating Officer cannot cure the deficiency in the prosecution case. Accordingly this court is of the considered opinion that, the prosecution has failed to establish the guilt of the accused beyond all reasonable doubt for the alleged offences punishable U/Secs.140(2), 115(2), 352, 351(2) R/W Sec.3(5) of BNS. Hence, I answer **Point Nos.1 to 4 in the Negative.**

16. **POINT NO.5:** In view of my answer to point Nos.1 to 4, I proceed to pass following:

ORDER

Acting U/Section 248(1) of Cr.P.C.
accused Nos.1 to 3 are acquitted of the
offences punishable U/Sects.352, 115(2),
140(2) and 351(2) R/W Sec.3(5) of
Bharatiya Nyaya Sanhita, 2023.

Bail bonds and surety bonds of accused
Nos.1 to 3 stand cancelled.

The bail bonds furnished by the accused
Nos.1 to 3 U/Sec.481 of BNSS, shall
remain in force for a period of Six months
from the date of this Judgment.

(Directly dictated to the stenographer on computer, typed by her, corrected by
me and then pronounced in open court on this the 17th day of August, 2026).

(**MANJUNATHA M.S.**)
2nd Addl. Sr. Civil Judge & J.M.F.C.,
Ranebennur.

ANNEXURE

List of witnesses for the prosecution:

Prosecution witness No.	Name of the witness	Description
PW-1	Shivanagouda S. Goudar	Complainant/injured
PW-2	Basanagouda R. Soratur	Panch witness
PW-3	Vishwanath M. Karjagimath	Panch witness
PW-4	Krishna Patil	Eye witness
PW-5	Prakash P. Parasmahal	Eye witness
PW-6	Chandalal P. Tapsi	Eye witness
PW-7	Prabhulingaiah R. Karjagimath	Eye witness
PW-8	Basavaraj Shivappa Tarikoppa	Eye witness
PW-9	Manjunath V. Koppad	Eye witness
PW-10	Suresh Kadajji Patil	Eye witness
PW-11	Hanumanthappa D. Kabbar	Eye witness
PW-12	Heggappa Neelappa Doddamani.	Investigating Officer.

List of documents for the prosecution:

Exhibit Nos.	Description of the exhibit	Proved by/ attested by
Ex.P-1	Complaint	PW.1
Ex.P-2	Panchanama	PW.1
Ex.P-3	Photograph	PW.1
Ex.P-4	Panchanama	PW.1
Ex.P-5 & 6	Photographs	PW.1
Ex.P-7 to 14	Statements of PW.4 to 11	PW.4 to 11
Ex.P-15	FIR	PW.12

Ex.P-16	CD		PW.12
Ex.P-17	Certificate	U/Sec.65B of	PW.12
	Evidence Act.		
Ex.P-18	Wound certificate		PW.12

Exhibits Marked for Defence:-

.....NIL.....

Material objects Marked:-

.....NIL.....

2nd Addl. Sr. Civil Judge & J.M.F.C.,
Ranebennur.