



KAKB220079342023



IN THE COURT OF THE ADDL.CIVIL JUDGE & JMFC
AT:ALAND

DATED: THIS THE 30TH DAY OF APRIL, 2026

PRESENT

SMT.SUMAN CHITARGI, B.Com., L.L.M.,
C/C. ADDL.CIVIL JUDGE AND JMFC
ALAND

CRIMINAL CASE No.5792/2023

Complainant:

The State of Karnataka represented by Narona
Police Station.
(By A.P.P.)

v/s

Accused:-

1. Sudarshan S/o Mallappa Korahalli @ Hangargi,
Aged: 21 years, Occ: Coolie,
2. Amit S/o Dhanraj Kore,
Aged: 17 years, Occ: Student (**Juvenile Offender**)

Both are R/o Kdaganchi village, Tq: Aland.

(By Sri.SSC. Advocate)

Date of offence	31.03.2023
Date of report	01.04.2023



Date of arrest of accused	-----
Whether in custody	No
Complainant	Sri. Praveen S/o Pandurang Modale.
Offences alleged	U/Sec.295(A) of IPC and Sec.2 of Prevention of Insult to National Honours Act, 1971
Evidence commenced on	03.03.2025
Evidence closed on	29.04.2026
Judgment pronounced on	30.04.2026
Opinion of Presiding Officer	Accused No.1 was found not to be guilty
State by	APP
Accused by	Sri.SSC Advocate

**C/C. ADDL.CIVIL JUDGE& JMFC
ALAND**

J U D G M E N T

The PSI of Narona PS has filed charge sheet against the accused No.1 for the offences punishable U/Sec.295(A) of IPC and Sec.2 of Prevention of Insult to National Honours Act, 1971

2. Brief facts of the prosecution case are as under:-

It is alleged by the prosecution that, on 31.03.2023 at 11:00 a.m. at Kadaganchi Village, within the limits of Narona



Police Station, the accused No.1 alongwith Amit(Juvenile Offender) found posted photo and video graph of derogatory having message such as “ ಬೋಸಡಿಕೆ ಸಂವಿಧಾನ ಇದ್ರೆ ಏನು ಹೋದ್ರೆ ಏನು ನಾವು ಮಾತ್ರ ಜೈ ಶ್ರೀ ರಾಮ ಅನ್ನೋದು ಉಸೂಫದು ಬಿಡೊಲ್ಲ” and also uploaded clip of video which contains the contents Ambedkar Walo Bachke Rahana did deliberate and malicious intending to outrage religious feelings of any class by insulting its religious or religious believes with an intention to insult the founder of Constitution of India. In this regard the complaint being the follower of such religion after noticing about uploading of such message through Social Media by approaching to the Narona PS lodged his complaint. On the strength of it PSI of Narona police station has registered the case in their P.S Crime No.42/2023 for the offences U/Sec.295(A) of Indian Penal Code and Sec.2 of Prevention of insult to National Honours Act, 1971. He has investigated the case and on conclusion of investigation submitted charge sheet against accused No.1 before this court so also charge sheet against the accused No.2 before the Hon'ble Justice Juvenile Board, Kalaburagi for the above said offences.

3. Thereafter cognizance for the said offences were taken against the accused No.1 and summons was issued. On service of summons, the accused No.1 appeared before the court through his counsel and enlarged on bail.

4. Prosecution papers were furnished to the accused in compliance of Section 207 of Cr.P.C.



5. Heard Learned APP and Learned counsel for accused No.1. As there were sufficient material against the accused No.1, charge was framed against him and same was read over and explained to him in the language known to him, he has pleaded not guilty and claimed to be tried. Hence prosecution machinery set in motion.

6. In order to bring home the guilt of the accused No.1, the prosecution has got examined the complainant as PW-1, panchas for the spot panchanama as PW2 and 3 and one of the circumstantial witness as PW4 and got marked 04-documents as Ex.P-1 to Ex.P4 and closed its side. As there are no incriminating circumstances appearing against the accused No.1, the statement as required U/s 313 of Cr.P.C. was dispensed with.

7. Heard learned APP for State and learned counsel for accused No.1.

8. Upon hearing the arguments and on perusal of materials placed on record, following points arise for my consideration.

1. Whether the prosecution proves beyond all reasonable doubt that, on 31.03.2023 at 11:00 a.m. at Kadaganchi Village, within the limits of Narona Police Station, accused No.1 alongwith Amit posted photo and video of derogatory messages



on Whats App status and insulted the Constitution of India and the religion of the community and thereby accused No.1 alongwith Amit have committed an offences punishable U/Sec.295(A) of Indian Penal Code and Sec.2 of Prevention of insult to National Honours Act, 1971?

2. What order?

9. My findings to the above points are as under.

Point No.1 : In the negative.

Point No.2 : As per final order for the following:

REASONS

10. POINT NO.1:- The prosecution in order to prove the guilt of the accused No.1 has examined the C.W.1 by name Praveen S/o Pandurang got examined as PW1 who is the complainant who has deposed before the Court that he do not know the accused No.1 and 2 personally and he does not have any information with regard to present case and has not filed any complaint with the police. On the say of police he signed on a document identified as Ex.P1. He has compromised the matter and not intending to proceed further. At this stage, learned APP cross examined him by treating as hostile witness. But he has denied the suggestions made by learned APP as false.



11. The CW2-Vinodkumar S/o Mahadevappa got examined as PW2. He is the attesting witness to the Ex.P1 spot panchanama, but he too not supported the case of prosecution and thereby turned hostile. Hence, learned APP cross examined him, but he has denied that on 01.04.2023 between 2:30 to 3:15 pm panchanama of the spot was done and he has signed on a document as Ex.P2 after knowing the contents of it. He further denied about seizure of any articles under it. He further denied that on 01.04.2023 in his presence between 6:00 and 6:30 pm seizure panchanama was conducted and further denied he signed on such document.

12. CW8-Milind S/o Honnappa and CW7-Datta S/o Shrimant got examined as PW3 and 4. Both these witnesses are the circumstantial witnesses who came to know about present case. Both these witnesses have not supported and thereby turned hostile. Inspite of cross examination made by the learned APP fails to elicit that they have given their statements on 01.04.2023 before the IO as per Ex.P3 and 4.

13. In the instant case the P.W.1 is the complainant, P.W.2 is the attesting witness to the Ex.P2 and PW3 and 4 are the circumstantial witnesses. All these witnesses have failed to support their own case. Hence, in view of hostile evidence of PW1 to PW4 who are the main and material witnesses to the prosecution case, as such examination of other witnesses would be a futile exercise and no purpose would be served by examining other witnesses. Hence, rest of prosecution



witnesses are dropped by rejecting the prayer of learned A.P.P. absolutely there is nothing on record to prove that the accused No.1 has did deliberate and malicious act intending to outrage religious feelings of any class by insulting its religious or religious believes with an intention to insult the founder of Constitution of India and thereby committed offences punishable U/Sec.295(A) of Indian Penal Code and Sec.2 of Prevention of insult to National Honours Act, 1971.

14. It is pertinent to note that the complainant himself has denied about the lodging of complaint against the accused No.1 and juvenile offender, then the evidence of the complainant loses its value and doubt arises with regard to commission of the alleged offences by him. When the complainant, circumstantial witnesses and attesting witnesses have turned hostile to the case of prosecution, there is no material on record so as to convict the accused No.1. Thus, benefit of doubt clearly goes in favour of the accused No.1, **for the above discussion I answer point No.1 in the negative.**

15. Point No.2:- For the foregoing reasons, I proceed to pass the following.

ORDER

Acting U/s.248(1) of Cr.P.C., the accused No.1 is hereby acquitted for the offences punishable U/sec.295(A) of IPC and Sec.2 of Prevention of Insult to National Honours Act, 1971.



The bail bond and surety bond of the accused No.1 stands canceled.

The order with regard to seized article is subject to out come of result of the juvenile case pending before the Hon'ble Justice Juvenile Board, Kalaburagi.

(Dictated to the stenographer directly on Computer, the same is edited, revised and corrected by me and then pronounced in the Open Court on this the 30th day of April, 2026)

**(SUMAN CHITARGI)
C/C. ADDL.CIVIL JUDGE & JMFC
ALAND**

ANNEXURES

Witnesses examined for the prosecution:-

PW1 : Praveen S/o Pandurang Modale.
PW2 : Vinodkumar S/o Mahadevappa.
PW3 : Milind S/o Honnappa.
PW4 : Datta S/o Shrimant.

Ex.documents marked for the prosecution:-

Ex.P1 : Complaint.
Ex.P1(a) : Signature.
Ex.P2 : Seizure panchanama.
Ex.P2(a) : Signature.
Ex.P3 : Statement of PW3.
Ex.P4 : Statement of PW4.

Witness/Ex.documents marked for the accused:

-Nil-

Date: 30.04.2026.

**(SUMAN CHITARGI)
C/C. ADDL.CIVIL JUDGE & JMFC
ALAND**



Dictated on : 30.04.2026.

Checked on : 30.04.2026.

Signed on : 30.04.2026.

(SUMAN CHITARGI)
C/C. ADDL.CIVIL JUDGE & JMFC
ALAND

Visit ecourts.gov.in for updates or download mobile app "eCourts Services" from Android or iOS