

IN THE COURT OF THE PRL.CIVIL JUDGE & JMFC,
AT ALAND

C.C. NO:242/2014

The State through Nimbarga P.S.-V/s. – Malkappa & Others.

C H A R G E

I, MUZAFFAR A. MANJARI, Prl. Civil Judge & JMFC Aland, do hereby charge you,

ACCUSED:

1. Malkappa S/o Chandrasha Gundagurthi,
Aged: 45 yrs. Occ: Agriculture,
R/o Kudaki Village.
2. Santappa @ Santosh S/o Chandrash Gundagurthi,
Aged: 25 yrs. Occ: Agriculture,
R/o Kudaki Village.
3. Raju S/o Chandrasha Gudagurthi,
Aged: 35 yrs. Occ: Agriculture,
R/o Kudaki Village.
4. Vithal S/o Chandrasha Gundagurthi,
Aged: 45 yrs. Occ: Agriculture,
R/o Kudaki Village.

5. Mahantappa S/o Malkappa Gundagurthi,
Aged: 22 yrs. Occ: Agriculture,
R/o Kudaki Village.
6. Pintappa @ Pintya S/o Malkappa Gundagurthi,
Aged: 23 yrs. Occ: Agriculture,
R/o Kudaki Village.
7. Chandrasha S/o Vithoba Gundagurthi,
Aged: 75 yrs. Occ: Agriculture,
R/o Kudaki Village. **(Abated)**

As follows;

Firstly, that on 18.10.2013 at 8:00 p.m. in front of the house of C.W.7-Shivanand S/o Revansiddappa Gundagurthi in Kudaki Village within the limits of Nimbarga Police Station, you accused No.1 to 7 were members of an unlawful assembly with common object to commit rioting, to wrongfully restrain C.W.1 to intentionally insult him, voluntarily to cause hurt and to criminally intimidate him and thereby you accused No.1 to 7 have committed an offence punishable U/Sec.143 of I.P.C. and within the cognizance of this Court.

Secondly, that on the above said date, time and place, you accused No.1 to 7 were members of an unlawful assembly and in prosecution of your common object, you accused No.1 to 7 used criminal force on C.W.1 and thereby you accused No.1 to 7 have committed an offence of rioting punishable U/Sec.147 of I.P.C. and within cognizance of this Court.

Thirdly, that on the above said date, time and place, you accused No.1 to 7 were members of an unlawful assembly and in prosecution of your common object, you accused No.1 to 7 used criminal force on C.W.1 and at that time, you accused No.2 and 6 were armed with stick and stone which, if used as weapons of offence, are likely to cause death and thereby you accused No.1 to 6 have committed an offence punishable U/Sec.148 of I.P.C. and within cognizance of this Court.

Fourthly, that on the above said date, time and place, infurtherance of your common intention, you accused No.1 to 7 wrongfully restrained C.W.1 by holding him forcibly so as to prevent him from proceeding in any direction in which he had right to proceed and thereby you accused No.1 to 7 have committed an offence punishable U/Sec.341 R/w Sec.149 of Indian Penal Code and within the cognizance of this Court.

Fifthly, on the above said date, time and place, you accused No.1 to 7 were members of an unlawful assembly and in prosecution of your common object, you accused No.1 to 7 intentionally insulted C.W.1 by abusing them in filthy language like “ಏ ಬೋಸಡಿ ಮಗನೆ ಹೊಲದಲ್ಲಿ ಪಾಲು ಕೇಳತೀಯಾ” and gave provocation to him intending or knowing it to be likely that such provocation will cause him to break public peace or to commit any other offence and thereby you accused No.1 to 7 have committed an offence punishable U/Sec.504 R/w Sec.149 of I.P.C. and within the cognizance of this Court.

Fifthly, that on the above said date, time and place, you accused No.1 to 7 were members of an unlawful assembly and in prosecution of your common object, you accused No.2 assaulted C.W.1 on his head with stick which, if used as a weapon of offence, is likely to cause death, you accused No.6 assaulted him on his right hand near and right leg with stone and caused bleeding and contusion injuries and voluntarily caused hurt to C.W.1 and thereby you accused No.1 to 7 have committed an offence punishable U/Sec.324 R/w Sec.149 of I.P.C. and within the cognizance of this Court.

Sixthly, that on the above said date, time and place, you accused No.1 to 7 were members of an unlawful assembly and in prosecution of your common object, you accused No.4 slapped C.W.4 and you accused No.4 assaulted C.W.1 with hands and caused contusion injury and voluntarily caused hurt to C.Ws.1 and 4 and thereby you accused No.1 to 7 have committed an offence punishable U/Sec.323 R/w Sec.149 of I.P.C. and within the cognizance of this Court.

Seventhly, that on the above said date, time and place, you accused No.1 to 7 were members of an unlawful assembly and in prosecution of your common object, you accused No.3 and you accused No.3 also assaulted C.W.4 on his right shoulder with stone which, if used as a weapon of offence, is likely to cause death and caused bleeding injury and thereby voluntarily caused him hurt and thereby you accused No.1 to 7 have committed an offence punishable U/Sec.326 R/w Sec.149 of Indian Penal Code and within the cognizance of this Court.

Finally, that on the above said date, time and place, you accused No.1 to 7 were members of an unlawful assembly and in prosecution of your common object, you accused No.1 to 7 threatened C.Ws.1 and 4 with injury to their person and gave them life threat as “ನೀವು ಇಲ್ಲಿ ಹೇಗೆ ಜೀವನ ಮಾಡುತ್ತೀರಿ ನಿಮಗೆ ಜೀವ ಸಹಿತ ಬಿಡುವುದಿಲ್ಲ” with intent to cause alarm in their mind and thereby you accused No.1 to 7 have committed an offence punishable U/Sec.506 R/w Sec.149 of I.P.C. and within the cognizance of this Court.

And I hereby direct that you be tried on the said charge.

(MUZAFFAR.A.MANJARI)
PRL.CIVIL JUDGE & JMFC,
ALAND

PLEA OF ACCUSED

Q.1: Have you heard and understood the accusation now readover and explained in the language known to you ?

Ans: A.1:
A.2:
A.3:
A.4:
A.5:
A.6:
A.7:

Q.2: Do you plead guilty or claim to be tried ?

Ans: A.1:
A.2:
A.3:
A.4:

A.5:

A.6:

A.7:

Certified that the above examination of the accused is taken in my presence, hearing and that the record contains a full and true account of the statement made by the accused.

**PRL.CIVIL JUDGE & JMFC,
ALAND**