



KAKB220026152022



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

DATED: THIS THE 2nd DAY OF APRIL - 2026

PRESENT

**SMT. SUMAN CHITARGI, B.Com., L.L.M.,
PRL.CIVIL JUDGE AND JMFC
ALAND**

CRIMINAL CASE No.2141/2022

COMPLAINANT:-

The State of Karnataka represented by
Aland Police Station.

(By A.P.P.)

v/s

ACCUSED:-

1. Ashok S/o Gurunath Rathod,
Aged: 35 years, Occ: Coolie,
2. Laxmi W/o Ramesh Ade,
Aged: 22 years, Occ: Household,
3. Sunshilabai W/o Gurunath Rathod,
Aged: 48 years, Occ: Coolie,
4. Yashwant S/o Gurunath Rathod,
Aged: 19 years, Occ: Coolie,



5. Gurunath S/o Jumu Rathod,
Aged: 55 years, Occ: Coolie,

All are R/o Naronah Dhari Tanda, Tq: Aland.

6. Yashwant S/o Laxman Rathod,
Aged: 24 years, Occ: Coolie,
R/o Seeds Farm Tanda, Aland, Tq: Aland.

(By Sri.B.A.D.Advocate)

Date of offence	16.10.2021
Date of report	19.10.2021
Date of arrest of accused	-----
Whether in custody	No
Complainant	Sri. Ramesh S/o Namdev Ade.
Offences alleged	U/Secs.143, 147, 148, 341, 504, 324, 323 and 506 R/w Sec.149 of IPC.
Evidence commenced on	25.03.2026
Evidence closed on	25.03.2026
Judgment pronounced on	02.04.2026
Opinion of Presiding Officer	Accused No.1 to 6 were found not to be guilty
State by	APP
Accused by	Sri. BAD. advocate

**PRL.CIVIL JUDGE& JMFC
ALAND**



J U D G M E N T

The ASI of Aland Police Station has filed charge sheet against the accused No.1 to 6 for the offences punishable U/Secs.143, 147, 148, 341, 323, 324, 504 and 506 R/w Sec.149 of IPC.

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

It is the allegation of the prosecution that on 16.10.2021 at 4:30 p.m. at Seeds Farm Tanda, within the limits of Aland police station, when CW1 and CW4 were moving infront of their house, at that time, the accused No.1 to 6 formed themselves into an unlawful assembly, assembled together with an intention to commit certain offences and committed an act of rioting at that time they have armed with deadly weapons such as iron rod and clubs in their hand. They have picked up quarrel with the informant and the accused No.1 wrongfully restrained the movement of CW1 from proceeding further and intentionally insulted CW1 by abusing him in filthy language such as “ಏ ರಂಡಿ ಮಗನೆ ನಿನ್ನ ಹೆಂಡತಿ ಮಕ್ಕಳಿಗೆ ಯಾಕೆ ಹಣ ಕೊಡುವುದಿಲ್ಲ ಅಂತಾ ಹೇಳುತ್ತಿ ಭೋಸಡಿ ಮಗನೆ”, the accused No.2 and 3 intentionally insulted CW1 by abusing him in filthy language as “ಈ ಹಾಚ್ಚಾನದು”, the accused No.3 intentionally insulted CW4 by abusing her in filthy language as “ಏ ರಂಡಿ ಭೋಸಡಿ” and thereby gave provocation intending or knowing it



to be likely that such provocation will cause them to break the public peace, voluntarily caused internal injury by the accused No.2 by way of slapping on the cheek of CW1, the accused No.3 voluntarily caused hurt to CW4 on her back, chest and cheek with hands and the accused No.1 voluntarily caused hurt to CW1 on his back with iron rod and the accused No.4 and 5 voluntarily caused hurt to CW1 on his hands, back and neck with club and caused internal pain and the accused No.6 voluntarily caused hurt to CW1 on his neck with knife and caused bleeding injuries by using the objects such as iron rod and clubs as weapons. The accused No.1 to 6 in pursuance of their common object picked up quarrel with the CW1 and the accused No.1 criminally intimidated and threatened to the life of CW1 by stating that “ಸರಿಯಾಗಿ ಸಿಕ್ಕಿದ್ದಾನೆ ಜೀವ ಸಹಿತ ಬಿಡಬೇಡರಿ” and the accused No.1 to 5 criminally intimidated by threatening CW1 and CW4 lives as “ನಿಮ್ಮ ಜೀವ ಸಹಿತ ಬಿಡವುದಿಲ್ಲ ನಿಮ್ಮ ಜಾತಕ ಖಲಾಸ ಮಾಡುತ್ತೇವೆ”, so as to cause alarm in their mind by committing an act of criminal intimidation. Meanwhile CW3 and 5 to 8 came and rescued the informant and CW4 from the clutches of accused persons. In this regard the complainant on 19.10.2021 by approaching to the Aland PS filed his oral complaint in Lambani Language which was translated and reduced into computerized script. On the strength of the complaint, the ASI of Aland PS has registered the case in their PS Crime No.150/2021 for the offences U/Secs.143, 147, 148, 323, 324, 341, 504 and 506 R/w Sec.149 of IPC. He has investigated the case, on conclusion of



investigation submitted charge sheet against the accused No.1 to 6 for the above said offences.

3. In view of sufficient materials available against the accused persons, this court took cognizance for the offences U/Sc.143, 147, 148, 341, 323, 324, 504 and 506 R/w Sec.149 of IPC and summons were issued. On service of summons accused No.1 to 6 have appeared before the court through their counsel and got enlarged on bail.

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

5. Heard Learned APP and Learned counsel for accused persons. As there were sufficient material against the accused persons, charge was framed U/Sc.143, 147, 148, 341, 323, 324, 504 and 506 R/w Sec.149 of IPC against them by my learned predecessor in office and same was read over and explained to them in the language known to them, accused persons have 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 persons, the prosecution has got examined the complainant as PW1 and got marked a document as Ex.P1 with sub-markings and closed its side. As there are no incriminating circumstances appearing against the accused No.1 to 6 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 persons.

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 16.10.2021 at 4:30 p.m. at Seeds Form Tanda, within the limits of Aland police station, when CW1 and CW4 were going in front of their house, accused No.1 to 6 by forming an unlawful assembly and in prosecution of common object of the said assembly, namely, to commit rioting, to cause hurt, to intentionally insult and to criminally intimidated and thereby have committed an offence punishable U/Sec.143 R/w Sec.149 of Indian Penal Code?
2. Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place, accused No.1 to 6 being members of an unlawful assembly, in prosecution of common object of the said assembly committed an act of rioting with intent to commit certain offence and thereby have committed an offence punishable



U/Sec.147 R/w Sec.149 of Indian Penal Code?

3. Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place, accused No.1 to 6 being members of an unlawful assembly, in prosecution of common object of the said assembly committed an act of rioting with intent to commit certain offence, the accused were armed with clubs and iron roads and thereby have committed an offence punishable U/Sec.148 R/w Sec.149 of Indian Penal Code?
4. Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place, accused No.1 to 6 were members of an unlawful assembly, in prosecution of common object, accused No.1 wrongfully restrained the movement of CW1 from proceeding further with an intention to commit certain offence and thereby have committed an offence punishable U/Sec.341 R/w Sec.149 of Indian Penal Code?
5. Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place, accused No.1 to



6 were members of an unlawful assembly in prosecution of common object, accused No.1 intentionally insulted CW1 by abusing him in filthy language as “ಏ ರಂಡಿ

ಮಗನೆ ನಿನ್ನ ಹೆಂಡತಿ ಮಕ್ಕಳಿಗೆ ಯಾಕೆ ಹಣ ಕೊಡುವುದಿಲ್ಲ ಅಂತಾ ಹೇಳುತ್ತಿ

ಭೋಸಡಿ ಮಗನೆ”, the accused No.2 and 3

intentionally insulted CW1 by abusing

him in filthy language as “ಈ ಹಾಚ್ಚಾನದು”, the

accused No.3 intentionally insulted CW4

by abusing her in filthy language as “ಏ ರಂಡಿ

ಭೋಸಡಿ” and thereby gave provocation him

and also intentionally insulted intending

or knowing it to be likely that such

provocation will cause him to break the

public peace or to commit any other

offence and thereby have committed an

offence punishable U/Sec.504 R/w

Sec.149 of Indian Penal Code?

6. Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place, accused No.1 to 6 were members of an unlawful assembly in prosecution of common object, accused



No.2 slapped on the cheek of CW1, accused No.3 voluntarily caused hurt to CW4 on her back, chest and cheek with hands and thereby have committed an offence punishable U/Sec.323 R/w Sec.149 of Indian Penal Code?

7. Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place, accused No.1 to 6 were members of an unlawful assembly, in prosecution of common object, accused No.1 voluntarily caused hurt to CW1 on his back with iron rod, accused No.4 and 5 voluntarily caused hurt to CW1 on his hands, back and neck with club and caused internal pain, accused No.6 voluntarily caused hurt to CW1 on his neck with knife and caused bleeding injuries, if which is used as a weapon of offence is likely cause death and thereby have committed an offence punishable U/Sec.324 R/w Sec.149 of Indian Penal Code?
8. Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place, accused No.1 to



6 were members of an unlawful assembly, in prosecution of common object, accused No.6 criminally intimidated by threatening CW1 life as “ಸರಿಯಾಗಿ ಸಿಕ್ಕಿದ್ದಾನೆ ಜೀವ ಸಹಿತ ಬಿಡಬೇಡಿ”, accused No.1 to 5 criminally intimidated by threatening CW1 and CW4 lives as “ನಿಮ್ಮ ಜೀವ ಸಹಿತ ಬಿಡವುದಿಲ್ಲ ನಿಮ್ಮ ಜಾತಕ ಖಲಾಸ ಮಾಡುತ್ತೇವೆ”, so as to cause alarm in their mind and thereby have committed an offence punishable U/Sec.506 R/w Sec.149 of Indian Penal Code?

9. What order?

9. My findings to the above points are 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 : In the negative.

Point No.6 : In the negative.

Point No.7 : In the negative.

Point No.8 : In the negative.

Point No.9 : As per final order for the following:

REASONS

10. **POINTS NO.1 TO 8:-** These points are inter linked to each other, therefore in order to avoid repetition of facts and for the sake of convenience, I have taken up these points



together for discussion.

The prosecution in order to prove the guilt of the accused has examined the C.W.1 by name Ramesh S/o Namdev as PW1 who is the injured as well as the complainant who has deposed before the Court that the accused persons are his relatives. They have not formed themselves into an unlawful assembly at any time, they have not assaulted him, have not gave threat to his life or abused in filthy words. As he was not feeling well, hence had been to the hospital for taking treatment. He has not filed any complaint before the police or shown any spot of occurrence to the them. On the say of police he signed on a identified as Ex.P1 and his signature as Ex.pl(a). At this stage learned APP treated him as hostile witness and cross-examined with permission of court. During the course of cross examined this witness has denied that on 20.10.2021 police have conducted the panchanama of the spot of occurrence in the presence of CW2 and 3. He further denied that though he knows contents of the complaint Ex.P1 he is deposing falsely.

11. In the instant case, the PW1 who is the complainant, himself has not supported his own case as well as case of prosecution. In view of hostile evidence of PW-1 who is 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 persons have committed the offences as alleged by the prosecution on the complainant and thereby committed offences punishable U/Secs.143,147,148, 504, 341, 324, 323 and 506 R/w Sec.149 of IPC.

12. It is pertinent to note that the complainant has denied the lodging of complaint and sustaining of injuries and also about showing spot of occurrence to the police. Then the evidence of the complainant loses its value and doubt arises with regard to commission of the alleged offences. When the complainant himself turned hostile to the case of prosecution, there is no material on record so as to convict the accused persons. Thus, benefit of doubt clearly goes in favour of the accused persons, **for the above discussion I answer point No.1 to 8 in the negative.**

13. **Point No.9:-** For the foregoing reasons, I proceed to pass the following.

ORDER

Acting U/s.248(1) of Cr.P.C., the accused No.1 to 6 are hereby acquitted for the offences punishable U/Secs.143, 147, 148, 341, 504, 323, 324 and 506 R/w Sec.149 of IPC.

The bail bonds and surety bonds of the accused persons stands canceled.



The seized objects i.e. one iron rod and two clubs being worthless are ordered to be destroyed, after expiry of appeal period.

(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 2nd day of April, 2026)

**(SUMAN CHITARGI)
PRL.CIVIL JUDGE & JMFC
ALAND**

ANNEXURES

Witnesses examined for the prosecution:-

PW.1 : Ramesh S/o Namdev.

Ex.documents marked for the prosecution:-

Ex.P.1 : Complaint.

Ex.P1(a) : Signature.

Witness/Ex.documents marked for the accused:

-Nil-

Date: 02.04.2026.

**(SUMAN CHITARGI)
PRL.CIVIL JUDGE & JMFC
ALAND**

Dictated on : 02.04.2026.

Checked on : 02.04.2026.

Signed on : 02.04.2026.

**(SUMAN CHITARGI)
PRL.CIVIL JUDGE & JMFC
ALAND**