



KAKB220028592025



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

**DATED :THIS THE 7<sup>TH</sup> DAY OF MARCH , 2026**

**PRESENT**

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

**CRIMINAL CASE No.2137/2025**

**Complainant:-**

The State of Karnataka represented by Narona  
Police Station.

**(By A.P.P.)**

**v/s**

**Accused:-**

Mallappa @ Mallikarjun S/o  
Shantappa Biradar, Aged: 35 years,  
Occ: Coolie, R/o Nellur village.

**(By Sri.SSC, Advocate)**

Date of offence	27.08.2024
Date of report	28.08.2024
Date of arrest of accused	-----
Whether in custody	No



Complainant	<b>Sri. Subbanna S/o Sharanappa Biradar.</b>
Offences alleged	U/Secs.126(2), 115(2), 118(1), 352 and 351(2) of BNS.
Evidence commenced on	13.02.2026
Evidence closed on	06.03.2026
Judgment pronounced on	07.03.2026
Opinion of Presiding Officer	Accused was found not to be guilty
State by	APP
Accused by	<b>Sri.SSC, Advocate</b>

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

**J U D G M E N T**

The SHO of Narona Police Station has filed charge sheet against the accused for the offences punishable U/Secs.126(2), 115(2), 118(1), 352 and 351(2) of BNS.

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

It is the allegations of the prosecution that on 27.08.2024 at about 19.30 P.M. when the informant standing in front of his house situated at Narona village, which comes within the limits of Narona Police Station, at that time, the accused picked up quarrel with him, intentionally insulted



him by abusing as “ ಏ ರಂಡಿ ಮಗನೆ” voluntarily caused internal injuries by dragging him and assaulting on stomach and back with hands and later by picking the stone laying on the road assaulted near left ear and caused him bleeding injuries by using the said stone as a weapon. The accused has also threatened the informant with dire consequence so as to cause alarm in his mind by committing an act of criminal intimidation. The CW4 and 5 came and rescued the informant from clutches of of the accused. Thereafter he was shifted to the GIMS Hospital, Kalaburagi and admitted inpatient. On receipt of information about registering of MLC, SHO of Narona PS visited to be hospital, recorded the statement of informant returned to the police station and on the strength of FIS got registered the case in their PS Crime No.125/2024 for the offence U/Secs.126(2), 115(2), 118(1), 352 and 351(2) of BNS. Thereafter, he has investigated the case and on conclusion of investigation submitted charge sheet for the above said offences.

3. Thereafter cognizance for the said offences was taken against the accused and summons was issued. On service of summons the accused has appeared before the court through his counsel and got enlarged on bail.

4. Prosecution papers were furnished to the accused in compliance of Section 230 of BNSS.

5. Heard Learned APP and Learned counsel for accused. As there were sufficient material against the accused, 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, the prosecution has got examined the complainant as PW-1 and got marked a document as Ex.P-1 and closed its side. As there are no incriminating circumstances appearing against the accused, the statement as required U/s.351 of BNSS was dispensed with.

7. Heard learned APP for State and learned counsel for accused.

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 27.08.2024 at about 19.30 hours at Nellur village in front of the house of CW1, which comes within the jurisdiction of Narona Police Station, the dispute between the complainant and accused with regard to the landed property. When CW1 was standing, at that time, accused intentionally insulted him by abusing in filthy words such as " ॐ



ರಂಡಿ ಮಗನೆ ನಿನ್ನ ಅವನತುಲ್ಲ" provoked the C.W.1, intending that such provocation would cause him to break the public peace and thereby committed an offence punishable under Section 352 of BNS?

2. Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place during the course of same transaction, accused picked up quarrel with CW1 and wrongfully restrained the movement of CW1 from moving in a direction with an intention to commit certain offences and thereby committed an offence punishable under Section 126(2) of BNS?
3. Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place during the course of same transaction, accused picked up quarrel with CW1 and voluntarily caused internal injury by assaulting him with hands on his stomach, chest and back and thereby committed an offence punishable under Section 115(2) of BNS?



4. Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place during the course of same transaction, accused picked up quarrel with CW1 and voluntarily caused bleeding injury by assaulting with stone on his left ear by using it as weapon and thereby committed an offence punishable under Section 118(1) of BNS?
5. Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place during the course of same transaction, accused picked-up quarrel with CW1 and threatened him so as to cause alarm in his mind by committing an act of criminal intimidation and thereby committed an offence punishable under Section 351(2) of BNS?
6. 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 : As per final order for the following:***

**REASONS**

10. **POINTS NO.1 TO 5:-** 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.

11. The prosecution in order to prove the guilt of the accused has examined the C.W.1 by name Subbanna S/o Sharanappa as PW1 who is the injured victim/complainant who has deposed before the Court that, he does not know anything about the present incident in question. The accused has not dragged or assaulted him with any object and not abused in the filthy words. He has not filed any complaint before the police. On the say of police he has signed on a document which is identified as Ex.P1. Hence learned APP treated him as hostile witness and cross-examined with permission of the court. During the course of cross-examination, he has denied that on 29.08.2024 between 9 and 10 a.m. panchanama was conducted in the presence of CW2 and 3. It is further denied that though he known about contents of complaint deposing falsely.

12. In the instant case the P.W.1 is the complainant and victim of the crime. He being the main and material witness for the case of prosecution himself has failed to support his own case. Hence, in view of hostile evidence of PW-1 who is



the main and material witness 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 has committed assault with hand or object, abused in filthy words or gave threat to his life and thereby committed offences punishable under Sections 126(2), 115(2), 118(1), 352, 351(2) of BNS.

13. It is pertinent to note that the complainant and victim of the crime has himself denied the lodging of complaint against the accused. Then the evidence of the complainant loses its value and doubt arises with regard to commission of the alleged offences. When the complainant and injured victim of the crime himself has turned hostile to the case of prosecution, there is no material on record so as to convict the accused. Thus, benefit of doubt clearly goes in favour of the accused. For the above discussion **I answer point No.1 to 5 in the negative.**

14. **Point No.6:-** For the foregoing reasons, I proceed to pass the following.

**ORDER**

***Acting U/s.271(1) of BNSS - 2023  
the accused is hereby acquitted for the  
offences punishable U/secs.126(2),  
115(2), 118(1), 352, 351(2) of BNS.***



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

***The seized handful stone being  
worthless is 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 7<sup>th</sup> day of March, 2026)*

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

**ANNEXURES**

**Witnesses examined for the prosecution:-**

PW1 : Subanna S/o Sharanappa.

**Ex.documents marked for the prosecution:-**

Ex.P1 : Complaint.

Ex.P1(a) : Signature.

**Witness/Ex.documents marked for the accused:**

**-Nil-**

Date: 07.03.2026.

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

Dictated on : 07.03.2026.

Checked on : 07.03.2026.

Signed on : 07.03.2026.

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