



KAKB220039832025



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

DATED :THIS THE 11TH DAY OF MARCH, 2026

PRESENT

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

CRIMINAL CASE No.2413/2025

Complainant:-

The State of Karnataka represented
by Aland Police Station.

**(By A.P.P.)
v/s**

ACCUSED:

- 1. Sandeep S/o Pandu Rathod,
Aged: 25 years, Occ: Coolie,**
- 2. Dhanaraj S/o Hirasingsh Pawar,
Aged: 28 years, Occ:Coolie,**
- 3. Vishwanath S/o Hirasingsh Pawar,
Age: 34 years, Occ: Meson Work,**

Above all are R/o Apte Tanda, Tq: Aland.

(By Sri.C.A.T., Advocate)



Date of offence	29.12.2024
Date of report	29.12.2024
Date of arrest of accused	-----
Whether in custody	No
Complainant	Sri.Sanju S/o Neelu Rathod, R/o Bijali Gunda Tanda, Tq: Aland.
Offences alleged	U/Secs.352, 351(2), 115(2), 118(1) R/w 3(5) of BNS.
Evidence commenced on	10.03.2026
Evidence closed on	10.03.2026
Judgment pronounced on	11.03.2026
Opinion of Presiding Officer	Accused No.1 to 3 were found not to be guilty.
State by	APP
Accused by	Sri.CAT, Advocate

**PRL.CIVIL JUDGE& JMFC
ALAND**

J U D G M E N T

The SHO of Aland Police Station has filed charge sheet against the accused No.1 to 3 for the offences punishable U/Secs.352, 351(2), 115(2), 118(1) R/w 3(5) of BNS.



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

That on 29.12.2024 at about 7.30 P.M. near Apte Tanda Cross, which comes within the jurisdiction of Aland Police Station, when the informant was moving on his motorcycle bearing No.KA-32/EF-6071 meanwhile the accused persons have stopped his movement by wrongfully restraining him from moving in a direction with an intention to commit certain offences, picked up quarrel with him intentionally insulted by abusing as “ಬೋಲಿ ಮಗನೇ” provoked him intending that such provocation would cause him to break the public peace, voluntarily caused injury by assaulting with broken beer on the head by the accused No.1 by using it as weapon and the accused No.3 voluntarily caused internal injury by assaulting with hand on the back of informant and all of them threatened him with dire consequences to take away his life so as to cause alarm in his mind by committing an act of criminal intimidation. Meanwhile CW4 and 5 came and rescued him and shifted him to the Government Hospital, Aland. In this regard the complainant has filed his complaint by approaching to the Aland police Station on 29.12.2024. On the strength of FIS filed the complainant, SHO of Aland P.S. has registered the case in their PS Crime No.264/2024 for the offences U/Secs.352, 351(2), 115(2), 118(1) R/w 3(5) of BNS. He has investigated the case and on conclusion of investigation submitted charge sheet against the accused persons for the above said offences.



3. Thereafter cognizance for the said offences was taken against the accused persons and summons were issued. On service of summons, as the accused No.1 to 3 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 230 of BNSS.

5. Heard Learned APP and Learned counsel for accused persons. As there were sufficient material against the accused persons, charge was framed against them and same was read over and explained to them in the language known to them, they 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 PW-1 and got marked a document as Ex.P1 alongwith sub-markings and closed its side. As there are no incriminating circumstances appearing against the accused persons, 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 accused No.1 to 3 on 29.12.2024 at about 7.30 P.M., when the C.W.1 was moving on his motorcycle bearing Regd.No.KA-32/F-0671 near the Apte Tanda, which comes within the limits of Aland Police Station, accused No.1 to 3 in furtherance of their common intention picked up quarrel with the CW1, voluntarily assaulted by giving fist blow to the CW1 by accused No.3 and caused internal injury and thereby committed an offence punishable under Section 115(2) R/w 3(5) 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 No.1 to 3 in furtherance of their common intention picked-up quarrel with CW1 and accused No.1 voluntarily assaulted with Beer Bottle and Stone by the accused No.1 and 2 and caused bleeding injury by using it as weapons and thereby committed an offence punishable under Section 118(1) R/w 3(5) 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 No.1 to 3 infurtherance of their common intention picked-up quarrel with CW1, accused No.1 to 4 intentionally insulted the CW1 by abusing as “ ಬೋಳಿ ಮಗನೆ” 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 R/w 3(5) 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 No.1 to 3 infurtherance of their common intention picked-up quarrel with informant and threatened to C.W.1 and threatened with dire consequences so as to cause alarm in their mind by contending that “ಈ ಬೋಳಿ ಮಗನದು ಬಹಳ ಆಗಿದೆ ಮತ್ತೊಮ್ಮೆ ತುಳಿತೆಗೆ ಬಂದರೆ ಬಿಡುವುದು ಬೇಡ” by committing an act of criminal intimidation and thereby committed an offence



punishable under Section 351(2) R/w 3(5)
of BNS?

5. 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 : As per final order for the following:

REASONS

10. **POINTS NO.1 TO 4:-** 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 bring home the guilt of the accused persons, prosecution has examined C.W.1 by name Sanju S/o Neelu Rathod got examined as PW1 who is the injured as well as the complainant who has deposed before the Court that, he does not have any information with regard to the present case. Accused persons have not assaulted him, have not gave any threat to the his life or abused in filthy words, as he is not feeling well, hence has approached to the hospital. The police have took his signature on a document which is marked as Ex.P1. He has not filed any complaint nor shown to the spot to the police. At this stage, learned APP



treated him as hostile witness and cross examined with permission of the court. In the cross-examined of PW1 nothing worth has been elicited from his mouth so as to prove about filing of his complaint as per Ex.P1 so also about conducting panchanama on 30.12.2024 between 10 and 11:00 am in the presence of CW2 and 3 by the IO.

11. In the instant case the P.W.1 is the complainant. This witness 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 persons have beaten at any time to PW-1 with hand or object or abused and threatened him and thereby committed offences punishable U/Secs.352, 351(2), 115(2), 118(1) R/w 3(5) of BNS.

12. It is pertinent to note that the complainant himself has the lodged the complaint against the accused persons, but himself has not supported and turned hostile to his own case. Then the evidence of the complainant loses its value and doubt arises with regard to commission of the alleged offences. When the complainant himself has turned hostile to the case of prosecution, there is no material on record so as to convict the accused No.1 to 3. Thus, benefit of doubt



clearly goes in favour of the accused No.1 to 3. **For the above discussion I answer point No.1 to 4 in the negative.**

13. **Point No.5:-** For the foregoing reasons, I proceed to pass the following.

ORDER

Acting U/s.271(1) of BNSS-2023 the accused No.1 to 3 are hereby acquitted for the offences punishable U/Secs.352, 351(2), 115(2), 118(1) R/w 3(5) of BNS.

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

The seized one broken beer bottle and one handful stone shown at Column No.11 of charge sheet being worthless are ordered to be destroyed soon 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 11th day of March, 2026)

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

ANNEXURES

Witnesses examined for the prosecution:-

PW.1 : Sanju S/o Neelu Rathod.

Ex.documents marked for the prosecution:-

Ex.P.1 : Complaint.
Ex.P.1(a) : Signature.



Witness/Ex.documents marked for the accused:

-Nil-

Date: 11.03.2026.

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

Dictated on : 11.03.2026.

Checked on : 11.03.2026.

Signed on : 11.03.2026.

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

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