



KAKB220063382025



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

**DATED :THIS THE 13<sup>TH</sup> DAY OF MARCH, 2026**

**PRESENT**

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

**CRIMINAL CASE No.4325/2025**

**Complainant:-**

The State of Karnataka represented  
by Aland Police Station.

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

**ACCUSED:**

1. Kaveri D/o Daku Chavan,  
Aged: 36 years, Occ: Coolie,  
R/o Mamadapur Tanda, Now at Tadakal Road,  
Vithal Nagar, Aland.
2. Bhavani D/o Bhojappa Gode,  
Aged: 32 years, Occ; Coolie,  
R/o Tadakal Road, Vithal Nagar, Aland.



3. Ashok @ Ashwini D/o Vilas Patre,  
Aged: 25 years, Occ: Coolie,  
R/o Tadakal Road, Vithal Nagar, Aland.
4. Asha D/o Gajaling Wakade,  
Aged: 25 years, Occ: Coolie,  
R/o Tadakal Road, Vithal Nagar, Aland.
5. Ashok S/o Gopichand Chavan,  
Aged: 36 years, Occ: Coolie,  
R/o Honnalli Tanda, Tq: Aland, Dist: Kalaburagi.
6. Rani D/o Shivasharanappa Jawalkar,  
Aged: 27 years,  
R/o Taj Sultanpur, Kalaburagi.
7. Naz S/o Syed Khaja,  
Aged: 32 years, Occ: Coolie,  
R/o Ram Mandir Kalaburagi.
8. Pallavi @ Mallu D/o Shivasharanappa Wagadargi,  
Aged: 45 years, Occ: Coolie,  
R/o. Near City Bus Stand, Kalaburagi.

**(By Sri.B.S.N., Advocate)**

Date of offence	12.02.2025
Date of report	13.02.2025
Date of arrest of accused	-----
Whether in custody	No
Complainant	<b>Sri.Ankush S/o Saibanna Kamble, R/o Gulabwadi, Tq: Aland.</b>



Offences alleged	U/Secs.189(2), 191(2), 191(3), 115(2), 118(1), 352, 351(2) R/w 190 of BNS.
Evidence commenced on	07.03.2026
Evidence closed on	07.03.2026
Judgment pronounced on	13.03.2026
Opinion of Presiding Officer	Accused No.1 to 8 were found not to be guilty.
State by	APP
Accused by	Sri.B.S.N., 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 8 for the offences punishable U/Secs.189(2), 191(2), 191(3), 115(2), 118(1), 352, 351(2) R/w 190 of BNS.

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

That on 12.02.2025 at about 1:00 A.M. at Honnali village, near Ambhabhavani temple, which comes within the jurisdiction of Aland Police Station, when the CW1 and 4 to 11 have attended the fair(Jaatra) at that time the accused No.1 to 8 having ill-intention with regard to attending of fair



by the C.W.1, they have picked up quarrel with them and all of them formed themselves into an unlawful assembly assembled together with an intention to commit certain offences by committing an act of rioting, in prosecution of their common object, all of them have picked up quarrel with the informant and the accused No.2 to 8 have assaulted to the CW1 with hands on her cheek and pushed her towards earth and kicked on her back and chest and caused internal injury to her. They have also intentionally insulted CW1 and 8 to 11 by abusing in filthy words as “ಏ ರಂಡೆರೆ ” provoked them intending that such provocation would cause them to break the public peace and threatened with dire consequence to the CW1 and 4 to 11 by contending that “ಇನೋಮ್ಮ ನಮ್ಮ ತಂಟೆಗೆ ತಕರಾರಗೆ ಬಂದರೆ ನಿಮ್ಮ ಜೀವ ಸಹಿತ ಬಿಡುವುದಿಲ್ಲ” so as to cause alarm in their mind by way of committing an act of criminal intimidation. In this regard, the complainant approaching to the police station and filed complaint on 13.02.2025. On the strength of it the ASI of Aland PS has registered the case in their PS Crime No.34/2025 for the offences U/Secs.189(2), 191(2), 191(3), 115(2), 118(1), 352, 351(2) R/w 190 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 8 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, accused No.1 to 8 on 12.02.2025 at



about midnight 1:00 A.M. at Honnali village, near Ambhabhavani temple, which comes within the jurisdiction of Aland Police Station, when the CW1 and 4 to 11 have attended the fair(Jaatra) at that time, having ill-intention with regard to attending of fair by the C.W.1 accused persons picked up quarrel with them, all the accused persons formed themselves into an unlawful assembly assembled together with an intention to commit certain offences and thereby have committed an offence punishable U/Sec.189(2) R/w Sec.190 of BNS?

2. Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place, accused No.1 to 8 in prosecution of their common object, all the accused persons formed themselves into an unlawful assembly assembled together with an intention to commit certain offences and thereby committed an act of rioting with deadly weapons and thereby have committed an offence



punishable U/Sec.191(2) and 191(3)  
R/w Sec.190 of BNS?

3. Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place, accused No.1 to 8 in prosecution of their common object, all the accused persons picked up quarrel with the informant, the accused No.2 to 8 assaulted to the CW1 with hands on her cheek and pushed her towards earth and kicked on her back and chest and thereby caused internal injury to her and thereby have committed an offence punishable U/Sec.115(2) and 118(1) R/w Sec.190 of BNS?

4. Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place, accused No.1 to 8 in prosecution of their common object, all the accused persons picked up quarrel with the informant, the accused No.4 and 5 intentionally insulted CW1 and 8 to 11 by abusing in filthy words as “ಏ ರಂಡೆರೆ ”



provoked them intending that such provocation would cause them to break the public peace and thereby have committed an offence punishable U/Sec.352 R/w Sec.190 of BNS?

5. Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place, accused No.1 to 8 in prosecution of their common object, all the accused persons picked up quarrel with the informant and CW4 to 11 threatened them by contending that “ಇನೋಮ್ಮ ನಮ್ಮ ತಂಟೆಗೆ ತಕರಾರಗೆ ಬಂದರೆ ನಿಮ್ಮ ಜೀವ ಸಹಿತ ಬಿಡುವುದಿಲ್ಲ” with dire consequence so as to cause alarm in their mind by committing an act of criminal intimidation and thereby have committed an offence punishable U/Sec.351(2) R/w Sec.190 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.

The prosecution in order to bring home the guilt of the accused persons, prosecution has examined C.W.1 by name Ankush S/o Saibanna 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 incident in question and accused persons have not assaulted or threatened or abused to him. He has not shown the spot to the police. On the say of police he signed on a document identified as Ex.P1 and signature as Ex.P1(a). Hence learned APP treated this witness as hostile and cross-examined with permission of court. During the course of cross examination, the witness has denied that on 14.02.2025 between 11.05 am to 12:00 noon in the presence of panchas police have drawn the panchanama. Hence, the prosecution has failed to prove the filing of complaint and contents of it.

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.189(2), 191(2), 191(3), 115(2), 118(1), 352, 351(2) R/w 190 of BNS.

12. It is pertinent to note that though the complainant himself has 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 turned hostile to the case of prosecution, there is no material on record so as to convict the accused No.1 to 8. Thus, benefit of doubt clearly goes in favour of the accused No.1 to 8. **For the above discussion I answer point No.1 to 5 in the negative.**

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

**ORDER**

***Acting U/s.271(1) of BNSS-2023  
the accused No.1 to 8 are hereby  
acquitted for the offences punishable***



**U/Secs.189(2), 191(2), 191(3), 115(2),  
118(1), 352, 351(2) R/w 190 of BNS.**

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

*(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 13<sup>th</sup> day of March, 2026)*

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

**ANNEXURES**

**Witnesses examined for the prosecution:-**

PW.1 : Ankush S/o Saibanna.

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

Ex.P.1 : Complaint.

Ex.P.1(a) : Signature.

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

**-Nil-**

Date: 13.03.2026.

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

Dictated on : 13.03.2026.

Checked on : 13.03.2026.

Signed on : 13.03.2026.

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

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