



KAKB220063392025



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

DATED :THIS THE 13TH DAY OF MARCH, 2026

PRESENT

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

CRIMINAL CASE No.4326/2025

Complainant:-

The State of Karnataka represented
by Aland Police Station.

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

ACCUSED:

- 1. Soyalk S/o Rajak Shaikh,
Aged: 26 years, Occ: Coolie,
R/o Hagaraga. Kalaburagi.**
- 2. Ishwarya @ Sunil S/o Subhash Degaon,
Aged: 25 years,
R/o Chincholi cross, Kalaburagi.**
- 3. Prema S/o Noorsing Rathod,
Aged: 21 years, Occ: Coolie,
R/o Shahabazar Naka, Kalaburagi.**



4. Anusha D/o Basavaraj Hiremath,
Aged: 25 years, R/o Shaha Bazar, Naka, Kalaburagi.
5. Renuka D/o Yallappa Bhovi,
Aged: 25 years, Occ: Coolie,
R/o Rajapur, Kalaburagi.
6. Shayina S/o Hanamanth Kumbar,
Aged: 31 years, Occ: Coolie,
R/o Chincholi cross, Kalaburagi.
7. Manji S/o Karabasappa Hadapad,
Aged: 27 years, R/o Ashraya Colony, Chincholi Cross,
Kalaburagi.
8. Dasharat @ Shobha S/o Kalyani Koli,
Aged: 35 years, R/o Afsar Pune,
9. Ankush S/o Saibanna Kamble,
Aged: 35 years,
R/o Talegaon, Babade, Pune.

(By Sri.S.D.B., Advocate)

Date of offence	12.02.2025
Date of report	13.02.2025
Date of arrest of accused	-----
Whether in custody	No
Complainant	Kaveri D/o Dhaku Chavan, R/o Mamadapur Tanda, now at Tadakal road, Vithal Nagar, Aland.
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	13.03.2026
Judgment pronounced on	13.03.2026
Opinion of Presiding Officer	Accused No.1 to 9 were found not to be guilty.
State by	APP
Accused by	Sri.S.D.B., 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 9 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:-**

It is alleged by the prosecution that the accused No.1 to 9 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 to 6 have attended the fair(Jaatra) at that time having ill-intention with regard to abuse stated to be made by the C.W.1, all the accused persons picked up quarrel with them, by forming themselves into an unlawful assembly assembled together with an intention to commit certain offences and committed an act of



rioting, picked up quarrel with the CW1 to 6, the accused No.2 slapped on the cheek of CW1, the accused No.3 and 4 kicked on her stomach, when CW4 came to rescue the CW1, at that time, the accused No.5 assaulted with hand on her head, the accused No.6 and 7 kicked to the CW4 on her back and on chest and also the accused No.8 and 9 slapped to the CW1 on her cheek. It is further alleged that the accused No.4 and 5 intentionally insulted CW1 by abusing in filthy words as “ ರಂಡಿ ಬೋಸಡಿ”provoked her intending that such provocation would cause her to break the public peace and also they are threatened the CW1 and CW4 with dire consequence so as to cause alarm in their mind by stating that “ ಏ ರಂಡೆರೆ ನೀವು ಇನ್ನೋಮ್ಮೆ ನಮ್ಮ ತಂಟೆಗೆ ಬಂದರೆ ನಿಮ್ಮ ಜೀವ ಸಹಿತ ಬಿಡುವುದಿಲ್ಲ” by way of committing an act of criminal intimidation. In this regard, the complainant by approaching to the police station 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.33/2025 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 9 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 injured victim of the crime as PW2 and got marked a 02- documents as Ex.P1 and Ex.P2 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 9 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 to 6 have attended the fair(Jaatra) at that time, having ill-intention with regard to abuse stated to be made by the C.W.1, the 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 9 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 9 in prosecution of their common object, all the accused persons picked up quarrel with the informant, accused No.2 slapped on the cheek of CW1, accused No.3 and 4 kicked on her stomach, when CW4 came to rescue the CW1, accused No.5 assaulted with hand on her head, accused No.6 and 7 kicked to the CW4 on her back and on he chest and also accused No.8 and 9 slapped to the CW1 on her cheek 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 9 in prosecution of their common object, all the accused persons picked up quarrel with the informant, accused No.4 and 5 intentionally insulted CW1 by abusing



in filthy words as “ ರಂಡಿ ಬೋಸಡಿ”provoked her intending that such provocation would cause her 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 9 in prosecution of their common object, all the accused persons picked up quarrel with the informant and threatened CW1 and CW4 as “ಏ ರಂಡೆರೆ ನೀವು ಇನ್ನೋಮ್ಮೆ ನಮ್ಮ ತಂಟೆಗೆ 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 Kaveri D/o Daku as PW1 who is the injured as well as the complainant who has deposed before the Court that, she does not have any information with regard to the present incident in question and accused persons have not assaulted or threatened or abused to her. She has not shown any of the spot to the police. On the say of police she 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 10.00 am to 11:00 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. C.W.4 Bhavani D/o Bhojappa got examined as P.W.2.



She is also one of the victim of the crime. She too not supported the case of prosecution and thereby turned hostile. Hence, learned APP has cross-examined her with permission of the court. But inspite of searching cross-examination, fails to elicit anything from her mouth so as to prove that the IO has recorded her statement as per Ex.P.2.

12. In the instant case the P.W.1 is the complainant and the P.W.2 another injured victim of the crime. These witnesses have failed to support their own case. Hence, in view of hostile evidence of PW-1 and 2 who are 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 beaten at any time to PW-1 and 2 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.

13. It is pertinent to note that though the complainant who has lodged the complaint against the accused persons, but herself has not supported and turned hostile to her own case and another victim of the crime also not supported the case. Then the evidence of the complainant loses its value and doubt arises with regard to commission of the alleged offences. When the complainant and victim of the crime



themselves turned hostile to the case of prosecution, there is no material on record so as to convict the accused No.1 to 9. Thus, benefit of doubt clearly goes in favour of the accused No.1 to 9. **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 No.1 to 9 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 13th day of March, 2026)

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

ANNEXURES

Witnesses examined for the prosecution:-

PW.1 : Kaveri D/o Dhaku
PW.2 : Bhavani D/o Bhojappa.

Ex.documents marked for the prosecution:-

Ex.P.1 : Complaint.
Ex.P.1(a) : Signature.
Ex.P2 : Statement of P.W.2

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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