



KAKB220069962025



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

DATED: THIS THE 25TH DAY OF JUNE - 2026

PRESENT

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

CRIMINAL CASE No.4417/2025

COMPLAINANT:-

The State of Karnataka represented by
Narona Police Station.

(By A.P.P.)

v/s

ACCUSED:

1. Prabhakar S/o Siddappa Police Biradar,
Age: 21 Years, Occ: Coolie,
2. Sagar S/o Ambaraya Jamadar,
Age: 17 years, Occ: Student (**Juvenile Offender**)
3. Shivakumar @ Shivanand S/o Apparaya Police
Biradar, Age: 38 years, Occ: Coolie,
4. Sharanabasappa S/o Hanamantraya Police
Biradar, Age: 23 years, Occ: Coolie,



5. Rajakumar S/o Hanamantraya Police Biradar,
Age: 39 years, Occ: Coolie,

Above all are R/o Degaon Village.

**(A1, 3 & 5 - by Sri.SYU.Advocate &
A4 - by Sri. DGB, Advocate)**

Date of offence	03.05.2024
Date of report	04.05.2024
Date of arrest of accused	-----
Whether in custody	No
Complainant	Sri. Shashikant S/o Chidambaraya Itar Biradar.
Offences alleged	U/Secs.143, 147, 341, 323, 324, 504 and 506 R/w Sec.149 of IPC.
Evidence commenced on	23.06.2026
Evidence closed on	24.06.2026
Judgment pronounced on	25.06.2026
Opinion of Presiding Officer	Accused No.1, 3 to 5 were found not to be guilty
State by	APP
Accused by	A1, 3 & 5 - by Sri.SYU.Advocate & A4 - by Sri. DGB, Advocate

**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 No.1 to 5 for the offences punishable U/Secs.143, 147, 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 03.05.2024 at 20:00 hours at Degaon village, within the limits of Narona police station, when the CW1 was present in front of his house at that time, the accused No.1 and 3 to 5 alongwith Juvenile offender accused No.2 formed themselves into an unlawful assembly, assembled together with an intention to commit certain offences and committed an act of rioting, having previous enmity, picked up quarrel with the CW1 and wrongfully restrained the movement of CW1 from moving in a direction with an intention to commit certain offence, picked up quarrel with the CW1 and the juvenile offender has manhandling and accused No.1 voluntarily caused injury by giving fist blow on face of CW1, the juvenile offender assaulted with club on back. When the CW4 and 5 intervened to rescue the CW1 at that time, accused No.3 slapped to the CW4 on his cheek and accused No.4 gave fist blow on nose. The accused No.5 intentionally insulted CW1, 4 and 5 by abusing them in filthy language such as "ಸೂಳೆ ಮಕ್ಕಳೆ ನಿಮ್ಮದು ಊರಲ್ಲಿ ಬಹಳ ನಡೆದಿದೆ", intentionally insulted them provoked them intending or knowing it to be likely that such provocation will cause them to break the public peace. They



have also threatened to the lives of CW1, 4 and 5 by committing an act of criminal intimidation. The incident was pacified by the CW6 to 8 who shifted them to the hospital in a private vehicle. On 04.05.2024 the complainant by approaching to the Narona PS filed his oral complaint. On the strength of it, the SHO of Narona PS has registered the case in their PS Crime No.65/2024 for the offences U/Secs.143, 147, 341, 323, 324, 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, 3 to 5 for the above said offences before this court and the IO has also filed charge sheet against the Juvenile offender before the Hon'ble Juvenile Justice Board, Kalaburagi.

3. In view of sufficient materials available against the accused persons, this court took cognizance for the offences U/Sc.143, 147, 341, 323, 324, 504 and 506 R/w Sec.149 of IPC and summons were issued. On service of summons accused No.1, 3 to 5 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, 341, 323, 324, 504 and 506 R/w Sec.149 of IPC against accused No.1 and 3 to 5 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 other injured witnesses of the crime got examined as PW2 and 3 and got marked 03-documents as Ex.P1 to 3 with sub-markings and closed its side. As there are no incriminating circumstances appearing against the accused No.1 to 5 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, accused No.1 and 3 to 5 alongwith juvenile offender No.2 on 03.05.2024 at about 20:00 hours at Degaon village infront of house of CW1, within the jurisdiction of Narona Police Station, accused No.1 and 3 to 5 alongwith juvenile offender, formed them into an unlawful assembly assemble



together with an intention to commit certain offences 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 and 3 to 5 alongwith Juvenile offender, in prosecution of their common object formed themselves into an unlawful assembly and assembled together with an intention to commit certain offences and committed an act of rioting 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 above said date, time and place, accused No.1 and 3 to 5 alongwith Juvenile offender in prosecution of their common object, picked up quarrel with the CW1 and wrongfully restrained his movement from moving in a direction with an intention to commit certain offences and thereby have



committed an offence punishable U/Sec.341 R/w Sec.149 of Indian Penal Code?

4. Whether the prosecution proves beyond all reasonable doubt that, on above said date, time and place, accused No.1 and 3 to 5 alongwith Juvenile offender, in prosecution of their common object, picked up quarrel with the CW1, you accused No.1 voluntarily caused internal injury by way of giving fist blow on his face and when CW4 and 5 rescue at that time, accused No.3 slapped to the CW5 and kicked him and caused him internal injuries, accused No.4 gave fist blow on his nose and caused bleeding injury and thereby have committed an offence punishable U/Sec.323 R/w Sec.149 of Indian Penal Code?
5. Whether the prosecution proves beyond all reasonable doubt that, on above said date, time and place, accused No.1 and 3 to 5 alongwith Juvenile offender, in prosecution of their common object, picked up quarrel with the CW1, the juvenile offender caused the internal



injury to the CW1 by assaulting him with club on his back by using it as weapon and thereby have committed an offence punishable U/Sec.324 R/w Sec.149 of Indian Penal Code?

6. Whether the prosecution proves beyond all reasonable doubt that, on above said date, time and place, accused No.1 and 3 to 5 alongwith Juvenile offender, in prosecution of their common object, picked up quarrel with the CW1, all accused persons intentionally insulted the CW1 by abusing him words as “ರಂಡಿ ಮಗನೇ” provoked him intending that such provocation would cause him to break the public peace and thereby have committed an offence punishable U/Sec.504 R/w Sec.149 of Indian Penal Code?
7. Whether the prosecution proves beyond all reasonable doubt that, on above said date, time and place, accused No.1 and 3 to 5 alongwith Juvenile offender, in prosecution of their common object, picked up quarrel with the CW1, accused persons criminally intimidated CW1 by threatening to take away his life by



contending that “ ನಮ್ಮ ತಂಟಗೆ ಬಂದರೆ ನಿಮಗೆ ಜೀವ ಸಹಿತ ಬಿಡುವುದಿಲ್ಲ” so as to cause alarm in his mind and thereby have committed an offence punishable U/Sec.506 R/w Sec.149 of Indian Penal Code?

8. 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 : As per final order for the following:

REASONS

10. **POINTS NO.1 TO 7:-** 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 has examined the C.W.1 by name Shashikant S/o Chidambaraya as PW1 who is the complainant who has deposed before the Court that the accused persons are his relatives. He does not have any



information with regard to present incident and has not filed any complaint before the police or showed any spot. On the say of police he signed on a document identified as Ex.P1. The cross examination made by the learned APP by treating as hostile witness, fails to elicit that this witness is deposing false, inspite of having knowledge about the incident.

11. The CW5-Santoshkumar S/o Shivasharanappa got examined as PW2 and CW4-Chidambaraya S/o Shivaraya as PW3. As per the case of prosecution both these witnesses are the injured witnesses. In their chief examination have deposed that they do not have any information with regard to present incident and due to illness they approached hospital for treatment. They have not pacified any quarrel. Hence, both these witnesses have turned hostile. Though the learned APP cross examined them with permission of court, but fails to elicit that they have given the statements before the IO during the course of investigation as per Ex.P2 and 3.

12. In the instant case, the PW1 who is the complainant and PW2 & 3 who are the injured witnesses themselves have not supported their own case as well as case of prosecution. In view of hostile evidence of PW-1 to 3 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 committed the offences as alleged by the prosecution on the complainant and thereby committed offences punishable U/Secs.143,147, 504, 341, 324, 323 and 506 R/w Sec.149 of IPC.

13. It is pertinent to note that the complainant and injured witnesses have 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 and injured witnesses loses its value and doubt arises with regard to commission of the alleged offences. When the complainant and injured witnesses themselves turned hostile to the case of prosecution, there is no material on record so as to convict the accused No.1, 3 to 5. Thus, benefit of doubt clearly goes in favour of the accused No.1, 3 to 5, for the above discussion I answer **point No.1 to 7 in the negative.**

14. **Point No.8:-** For the foregoing reasons, I proceed to pass the following.

ORDER

Acting U/s.248(1) of Cr.P.C., the accused No.1, 3 to 5 are hereby acquitted for the offences punishable U/Secs.143, 147, 341, 323, 324, 504 and 506 R/w Sec.149 of IPC.

The bail bonds and surety bonds



of the accused No.1, 3 to 5 stands canceled.

The order with regard to seized article is subject to out come of result of the juvenile case pending before the Hon'ble Juvenile Justice Board, Kalaburagi registered against accused No.2.

(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 25th day of June, 2026)

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

ANNEXURES

Witnesses examined for the prosecution:-

PW1 : Shashikant S/o Chidambaraya.
PW2 : Santosh Kumar S/o Shivasharanappa.
PW3 : Chidambaraya S/o Shivaraya.

Ex.documents marked for the prosecution:-

Ex.P.1 : Complaint.
Ex.P1(a) : Signature.
Ex.P2 : Statement of PW1.
Ex.P3 : Statement of PW3.

Witness/Ex.documents marked for the accused:

-Nil-

Date: 25.06.2026.

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



ALAND

Dictated on : 25.06.2026.

Checked on : 25.06.2026.

Signed on : 25.06.2026.

(SUMAN CHITARGI)

C/C. ADDL.CIVIL JUDGE & JMFC

ALAND

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