



KAKB220125362024



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

DATED :THIS THE 9TH DAY OF MARCH, 2026

PRESENT

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

CRIMINAL CASE No.8649/2024

Complainant:

The State of Karnataka represented by Aland
Police Station.

(By A.P.P.)

v/s

ACCUSED:

1. Dilip S/o Natu Chavan, Aged: 23 years,
Occ: Coolie,
2. Kiran S/o Natu Chavan, Aged: 19 years,
Occ: Coolie,
3. Deepak S/o Dondiram Pawar, Aged: 23 years,
Occ: Coolie,



4. Roshan S/o Dondiram Pawar, Aged: 23 years,
Occ: Coolie,**(Split-up)**
5. Dondiram S/o Nilkant Pawar, Aged: 48 years,
Occ: Coolie,
6. Vijibai W/o Dondiram Pawar, Aged: 38 years,
Occ: Household,
7. Anjubai W/o Pandu Ade, Aged: 55 years,
Occ: Household,
8. Meenakshi W/o Ramesh Rathod, Aged: 32 years,
Occ: Household,

Above all are R/o Seeds Faram Tanda, Tq: Aland,
Dist: Kalaburagi.

(By Sri.K.Mallikarjun, Advocate)

Date of offence	16.04.2024
Date of report	17.04.2024
Date of arrest of accused	-----
Whether in custody	No
Complainant	Sri. Vithal S/o Bhiku Rathod.
Offences alleged	U/Sec.143, 147, 323, 324, 504 and 506 R/w Sec.149 of IPC.
Evidence commenced on	07.03.2026
Evidence closed on	07.03.2026
Judgment pronounced on	09.03.2026



Opinion of Presiding Officer	Accused No.1 to 3 and 5 to 9 were found not to be guilty
State by	APP
Accused by	Sri.K.Mallikarjun 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 8 for the offences punishable U/Sec.143, 147, 323, 324, 504 and 506 R/w Sec.149 of IPC.

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

It is alleged by the prosecution that, the accused No.1 to 3 and 5 to 8 alongwith Split-Up accused No.4 on 16.04.2024 at about 9:30 P.M in Seeds Faram tanda, infront of house of CW1 on the main road which comes within the jurisdiction of Aland Police Station, the accused persons formed themselves into an unlawful assembly in order commit certain offence and committed an act of rioting criminal intimidation, picked up quarrel with the CW4, voluntarily assaulted to the CW4 with stone, when CW5 intervened at that time, assaulted with club on forehead and caused him injury, when CW2 to 8 rushed to the spot accused No.2 assaulted to the CW4, accused No.2 assaulted to the CW6 with club, accused No.3



assaulted with stone to the CW7 on the head and accused No.4 assaulted to the CW8 with club near eyebrow and used the said objects as weapons of offences they have also caused simple injuries to the CW4 to 9 by assaulting with bare hands they have also intentionally insulted the CW1 by abusing him words as “ರಂಡಿ ಮಗನ” and also abused to CW2 to 8 as “ ರಂಡಿ ಮಕ್ಕಳೆ” provoked them intending that such provocation would cause them to break the public peace and criminally intimidated CW2 to 8 by threatening to take away their lives, so as to cause alarm in their mind. In this regard the complainant by approaching to the Aland police station filed his oral complaint which was converted into computerized scrip. On the strength of complaint the SHO of Aland PS registered the case in PS Crime No.100/2024 for the offences U/s.143, 47, 323, 324, 504 and 506 R/w Sec.149 of IPC and after conclusion of investigation submitted SHO has filed charge sheet for the above said offences.

3. Thereafter cognizance for the said offences were taken against the accused No.1 to 8 and summons were issued. On service of summons accused No.1 to 3 and 5 to 8 have voluntarily appeared before the court through their counsel and got released on bail. In spite of service of summons the accused No.4 remained absent and on perusal of report of the prosecution goes to show that whereabouts of accused NO.4 is not known. Hence ,there are no chances of securing his presence in near future. Hence, case against him ordered to



be split-up and a separate case is registered in CC No.341/2026.

4. Prosecution papers were furnished to the accused No.1 to 3 and 5 to 8 in compliance of Section 207 of Cr.P.C.

5. Heard Learned APP and Learned counsel for accused No.1 to 3 and 5 to 8. As there were sufficient material against the accused person, charge for the offences U/s.143, 147, 323, 324, 504 and 506 R/w Sec.149 of IPC 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 establish the guilt of the accused No.1 to 3 and 5 to 8, the prosecution has got examined the complainant as PW-1 and other victims of the crime CW5 and CW6/eyewitnesses to the incident examined as PW2 and 3 got marked Ex.P1 to Ex.P3 and closed its side. As there are no incriminating circumstances appearing against the accused No.1 to 3 and 5 to 8, 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 No.1 to 3 and 5 to 8.

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 3 and 5 to 8 alongwith Split-Up accused No.4 on 16.04.2024 at about 9:30 P.M in Seeds Faram tanda, infront of house of CW1 on the main road which comes within the jurisdiction of Aland Police Station, accused persons formed themselves into an unlawful assembly in order commit certain offence 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 to 3 and 5 to 8 alongwith Split-Up accused No.4 being members of an unlawful assembly, in prosecution of common object of the said assembly, committed an act of rioting with an intent to commit other offences 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 to 3 and 5 to 8 alongwith Split-Up accused No.4 in prosecution of their common object, picked up quarrel with the CW4 by noticing about sitting on his parked motorcycle by the accused No.1, voluntarily assaulted with stone to him when CW5 intervened at that time, assaulted with club on the forehead and caused them injuries, when CW2 to 8 rushed to the spot at that time, accused No.2 assaulted to the CW6 with club, accused No.3 assaulted with stone to the CW7 on the head and accused No.4 assaulted to the CW8 with club near eyebrow and used the said objects as weapons of offences and thereby have committed an offence punishable U/Sec.324 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 to 3 and 5 to 8 alongwith Split-Up accused



No.4 in prosecution of their common object, picked up quarrel with the CW4 and accused persons caused simple injuries to the CW4 to 9 by assaulting with bare hands also 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 to 3 and 5 to 8 alongwith Split-Up accused No.4 in prosecution of their common object, picked up quarrel with the CW4, accused No.1 intentionally insulted the CW1 by abusing him words as “ರಂಡಿ ಮಗನೆ” and also abused to CW2 to 8 as “ ರಂಡಿ ಮಕ್ಕಳೆ” provoked them intending that such provocation would cause them to break the public peace and thereby have committed an offence punishable U/Sec.504 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 to 3



and 5 to 8 alongwith Split-Up accused No.4 in prosecution of their common object, picked up quarrel with the CW4, accused persons criminally intimidated CW2 to 8 by threatening to take away their lives, so as to cause alarm in their mind and thereby have committed an offence punishable U/Sec.506 R/w Sec.149 of Indian Penal Code?

7. 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 : As per final order for the following:

REASONS

10. POINTS NO.1 TO 6:- 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 prove the guilt of the accused persons has examined the C.W.1 by name Vithal S/o



Bhiku Rathod got examined as PW1 who is the injured as well as the complainant who has deposed before the Court that, he did not have any information about the present case and there is no quarrel took place between himself and the accused persons, he has not filed any complaint before the police. He has not shown any spot to the police. On the say of police he signed on a document, which is complaint marked as Ex.P.1.

11. The learned APP cross-examined PW1, but nothing worth has been elicited from his mouth so as to prove that, he has lodged complaint He further denied about showing any spot occurrence to the police.

12. The prosecution has also examined C.W.5-Deepak S/o Subhash as PW2 and CW6-Prem S/o Vithal as PW3. Both these witnesses said to be the eyewitness and witnessed the incident in question. But both of them have not supported the case of prosecution and thereby turned hostile. Though the learned APP cross-examined them with permission of the court, but fails to prove that, the IO has recorded their statements as per Ex.P.2 and 3.

13. In view of hostile evidence of PW-1 to 3, who are the 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 abused and threatened them and thereby committed offences punishable U/Sec.143, 147, 323, 324, 504 and 506 R/w Sec.149 of IPC.

14. It is pertinent to note that the complainant himself has denied about the lodging of complaint against the accused persons. 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 persons. Thus, benefit of doubt clearly goes in favour of the accused No.1 to 3 and 5 to 8. **For the above discussion I answer point No.1 to 6 in the negative.**

15. Point No.7:- For the foregoing reasons, I proceed to pass the following.

ORDER

Acting U/s.248(1) of Cr.P.C., the accused No.1 to 3 and 5 to 8 are hereby acquitted for the offences punishable U/Sec.143, 147, 323, 324, 504 and 506 R/w Sec.149 of IPC.

The bail bonds and surety bonds of the accused No.1 to 3 and 5 to 8 stands canceled.

Case against accused No.4 is ordered to be split-up and separate case is registered against him in CC No.341/2026.



Office is hereby directed to preserve the entire case file alongwith properties with the split-up case registered against the accused No.4 as mentioned above.

(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 9th day of March, 2026)

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

ANNEXURES

Witnesses examined for the prosecution:-

PW1 : Vithal S/o Bhiku Rathod.
PW2 : Deepak S/o Subhash.
PW3 : Prem S/o Vithal.

Ex.documents marked for the prosecution:-

Ex.P1 : Complaint.
Ex.P2 : Statement of PW2.
Ex.P3 : Statement of PW3.

Witness/Ex.documents marked for the accused:

-Nil-

Date: 09.03.2026.

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

Dictated on : 09.03.2026.

Checked on : 09.03.2026.

Signed on : 09.03.2026.

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