



Presented on : 27-08-2015
Registered on : 27-08-2015
Decided on : 26-03-2026
Duration : 10 years 07 months 29 days

**IN THE COURT OF THE SENIOR CIVIL JUDGE AND JMFC AT
SEDAM.**

Present

Sri. Sagar Gurugouda Patil, B.A.LL.B(Spl)
Senior Civil judge and JMFC, Sedam

Dated this the 26th day of March-2026

Criminal Case No.455/2024 (Old CC No.450/2015)

Complainant :

The State through Mudhol Police Station,
Mudhol.

V/s.

Accused :

1. Venkatappa S/o Dodda Manikappa Kurbar, Age: 30 years, Occ: Coolie, R/o Anantpur.
2. Yallappa @ Mallappa S/o Sayappa Kurbaru, Age: 48 years, Occ: Coolie, R/o Anantpur.
3. Venkatappa S/o Sayappa Kurbaru, Age: 30 years, Occ: Coolie, R/o Anantpur.
4. Dodda Venkatappa S/o Yallappa Kurbaru, Age: 35



years, Occ: Coolie, R/o Anantpur.

5. Shrishailam S/o Yallappa Kurbaru, Age: 30 years,
Occ: Coolie, Anantpur.

1. Date of commission of offence	03-11-2014
2. Date of report of offence	03-11-2014
3. Date of arrest of accused	--
4. Name of Complainant.	State through Mudhol PS
5. Date of recording evidence	24-03-2026
6. Date of closing evidence	24-03-2026
7. Offence complained off	U/s.143, 147, 148, 323, 324, 504, 506 R/w Sec.149 of IPC.
8. Opinion of the Judge	Accused are acquitted
9. Complainant represented by	Learned A.P.P.
10. Accused defended by	Sri. S.R.P. Advocate

* * *

//J U D G M E N T//

The accused have faced trial for the offences punishable U/s.143, 147, 148, 323, 324, 504, 506 R/w Sec.149 of Indian Penal Code on the basis of charge sheet laid down by Mudhol Police Station in Crime No.157/2014.

2. Brief version of the prosecution as unfolded during the trial is as under:



It is stated by the prosecution that on 03.11.2014 at about 1-30 AM at Anantpur village within the jurisdiction of Mudhol police station when CW.1 and accused No.1 to 5 were dancing on the eve of Alai at that time accused No.1 picked up quarrel with CW.1 as he put his leg on his leg and started to abuse in filthy language assaulted him with stick on his head and caused bleeding injury the accused No.2 and 3 dragged CW.1 then accused No.4 and 5 assaulted him with hands on his back. The accused persons also gave life threat to the life of CW.1.

3. The accused No.1 to 4 are on bail. After completion of Investigation, Investigating Officer has filed Challan against the accused persons. Thereafter cognizance for the said offences were taken and summons issued to the accused persons. The accused No.1 to 4 were already enlarged on bail.

4. Prosecution papers were furnished to the accused in compliance of Section 207 of Cr.P.C.

5. As there are materials to frame charge against the accused persons, the charges were framed for the offences punishable U/s.143, 147, 148, 323, 324, 504, 506 R/w Sec.149 of Indian Penal Code. The same were read over and explained to the accused persons in the language known to them. The accused pleaded not guilty and claims to be tried. Thereafter, case was set for evidence of prosecution.



6. In order to establish its case prosecution has examined one witness as PW.1 and got marked 02 documents at Ex.P.1 & 2. After examination of the above said witness, the APP prayed to issue process to other witnesses but since the material witness examined by the prosecution did not support the prosecution case, as such by the examination of other witnesses, the purpose of the prosecution would not have been served. Therefore, the prayers of the APP was rejected, the said witnesses were dropped and the prosecution evidence was taken as closed.

7. After closure of the prosecution witness, as there was no incriminating evidence against the accused persons, statement as required U/s.313 of Cr.P.C. Statement was dispensed with.

8. Heard learned APP and learned counsel appearing for the accused at length.

9. Upon hearing arguments and on perusal of materials placed on records, following points arise for consideration:

1. **Whether the prosecution proves beyond reasonable doubt that on 03.11.2014 at about 1-30 AM at Anantpur village within the jurisdiction of Mudhol police station when CW.1 and accused No.1 to 5 were dancing on the eve of Alai at that time accused No.1 to 5 formed into an unlawful assembly and in furtherance of common object of**



such assembly picked up quarrel with CW.1 and committed offence of rioting by holding deadly weapons like stick in hands and thereby committed an offence punishable under sections 143, 147, 148 R/w Sec.149 of Indian Penal Code?

2. **Whether the prosecution proves that on the above said date, time and place the accused 1 to 5 in furtherance of common object picked up quarrel with CW.1 without any reason and accused No.2 & 3 dragged CW.1 and accused No.4 and 5 assaulted with hands on his back causing internal injuries and thereby committed an offence punishable under section 323 R/w Sec.149 of Indian Penal Code?**
3. **Whether the prosecution proves that on the above said date, time and place the accused 1 to 5 in furtherance of common object of such assembly picked up quarrel with CW.1 abused him in filthy language knowing it to be likely that such provocation will cause him to break the public peace or to commit any other offences and thereby committed an offence punishable under section 504 R/w Sec.149 of Indian Panel Code?**
4. **Whether the prosecution proves that on the above said date, time and place the accused 1 to**



5 in furtherance of common object of such assembly picked up quarrel with CW.1 and accused No.1 assaulted CW.1 with stick on his head and caused bleeding injury and thereby committed an offence punishable under section 324 R/w Sec.34 of Indian Penal Code?

5. **Whether the prosecution proves that on the above said date, time and place the accused 1 to 5 in furtherance of common object of such assembly and accused persons had committed the act of criminal intimidation by threatening the life of CW.1 with dire consequences and thereby committed an offence punishable under section 506 R/w Sec.149 of Indian Penal Code?**

6. What order?

- 10.** My answer 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//

11. Point No.1 to 5: These points are interconnected to each other and hence taken together for common discussion.

12. It is alleged by the prosecution that on 03.11.2014 at about 1-30 AM at Anantpur village within the jurisdiction of Mudhol police station when CW.1 and accused No.1 to 5 were dancing on the eve of Alai at that time accused No.1 picked up quarrel with CW.1 as he put his leg on his leg and started to abuse in filthy language assaulted him with stick on his head and caused bleeding injury the accused No.2 and 3 dragged CW.1 then accused No.4 and 5 assaulted him with hands on his back. The accused persons also gave life threat to the life of CW.1.

13. In order to prove the case of the prosecution, the prosecution has examined one witness as PW.1 and got marked 02 documents as Ex.P.1 & 2 and M.O.1 is marked.

14. The PW.1 is the complainant and victim. The PW.1 in his examination in chief has stated that accused persons are belonged to his village. He identified his signature appearing in Ex.P.1 complaint and as per Ex.P.1 the police have registered a case as per Ex.P.2 FIR. He further stated that there is no quarrel took place between him and the accused persons. The accused persons did not assault him, did not abused him and did not gave life threat to him.



The PW.1 is cross examined by learned APP treating him as partly hostile. But in his cross examination nothing material is elicited. Considering the above hostile evidence of PW.1 it become clear that the prosecution has failed to bring home the guilt of the accused persons. Hence, I answer point No.1 to 5 in the Negative.

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

ORDER

Acting Under Section 248(1) of Criminal Procedure Code, 1973, accused No.1 to 5 are acquitted for the offences punishable U/Sec.143, 147, 148, 323, 324, 504, 506 R/w Sec.149 of Indian Penal Code.

The bail bonds and surety bonds of accused shall stand cancelled.

M.O.1 is ordered to be destroyed as worthless after expiry of the appeal period.

(Directly dictated to the stenographer on computer and corrected, and then pronounced by me in the open court on this **26th day of March-2026**)

(Sagar Gurugouda Patil)
Senior Civil judge and JMFC
Sedam.



Annexure

List of witnesses examined on behalf of the prosecution:-

PW.1. : Mogalappa S/o Chandrappa

List of documents marked on behalf of the prosecution:-

Ex.P.1. : Complaint
Ex.P.1(a) : Signature of PW.1
Ex.P.2. : FIR

List of material objects got identified on behalf of prosecution:-

M.O.1 : Stick

List of witnesses examined by the accused persons:

--Nil--

List of documents got exhibited by the accused persons:

--Nil--

**Senior Civil judge and JMFC
Sedam.**