



Presented on : 17-01-2026

Registered on : 21-01-2026

Decided on : 17-04-2026

Duration : 03 months 00 days

IN THE COURT OF CIVIL JUDGE & J.M.F.C., SHAHABAD, AT:
SHAHABAD.

Present : Sri. Chatni Prashant Sharanbasaveshwar
B.A., LL.B.(HONS),LLM
 Civil Judge & J.M.F.C., Shahabad.

C.C.No.05/2026

Dated this 17th day of April - 2026

BETWEEN :

The State by Shahabad Police Station.

..... Complainant
 (By Learned APP)

AND :

1. Raju S/o Khubu Chawan
 Age: 36 years, Occ: Coolie,
 R/o: Devana Teganoor Tanda.
2. Laxmibai @ Laxmi @ Renuka D/o Khubu Chawan
 Age: 31 years, Occ: Student,
 R/o: Devana Teganoor Tanda.

...Accused

(Sri. R.R.Rathod., Advocate)

Date of commission of offence	19-11-2025
Date of report offence	19-11-2025
Name of the complainant	Vishnu S/o Harilal Rathod
Date of commencement evidence	15-04-2026
Date of closing evidence	10-04-2026
Offences complained	126(2), 115(2), 118(1) 352, 351(2) R/w Sec. 3(5) BNS- 2023
Opinion of Judge	Accused found not guilty.

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**: J U D G M E N T :**

This is a charge sheet filed by S.H.O Shahabad Town police station against the accused No.1 and 2 for the offences punishable U/Secs.126(2), 115(2), 352, 351(2) R/w Sec.3(5) of BNS-2023.

2. It is the case of prosecution that, on 19-11-2025 about 6.30 p.m at Bhankur cross, near the photo studio of injured Maruti S/o Harilal Rathod, within limits of Shahabad Town Police Station, the accused No.1 and 2 went to the said studio of Injured Maruti picked up quarrel with him in respect of frivolous matter abused him in a filthy language and wrongfully restrained him from further proceeding, accused No.1 assaulted C.W.1 with fist on his chest, right shoulder, back and caused internal injury. Further it is stated that accused No.1 and 2 have gave life threat to him with dire to take away his life and thereby committed an offences U/Secs.126(2), 115(2), 352, 351(2) R/w Sec. 3(5) of BNS-2023.

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3. On the information given by CW-1 crime was registered in Crime No.124/2025 and after completion of investigation the present charge sheet was filed.

4. After filing of the charge sheet cognizance was taken against the accused No.1 and 2 for the offence committed. The charge sheet copies supplied to the accused as required U/Sec.230 of BNSS-2023

5. Thereafter, the charges were framed against the accused No.1 and 2 and after hearing them accused pleaded not guilty but claimed to be tried.

6. In order to establish its case prosecution got examined two witnesses as PW-1 and 2 and got marked the four documents as Ex.P.1 to 4.

7. The material witnesses have turned hostile. There are no incriminating evidence forthcoming against the accused No.1 and 2, the 313 statement of the accused No.1 and 2 are dispensed herewith.

8. Heard the arguments and perused materials available on records.

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9. The following points arise for my consideration are:

1) Whether the prosecution proves beyond all reasonable doubt that on 19-11-2025 about 6.30 p.m at Bhankur cross, near the photo studio of injured Maruti S/o Harilal Rathod, within limits of Shahabad Town Police Station accused No.1 and 2 picked up quarrel with C.W,1 and wrongfully restrained him from proceeding further and thereby committed an offence U/Sec. 126(2) R/w.Sec.3(5) of BNS-2023?

2) Whether the prosecution proves beyond reasonable doubt that on the said, date, time and place, in furtherance of common intention, accused No.1 and 2 picked up quarrel with C.W,1 and abused him in a filthy language, intentionally provoked the peace of the public and enraging him to commit an offence thereby committed an offence U/Sec.352 R/w.Sec.3(5) of BNS-2023?

3) Whether the prosecution proves beyond reasonable doubt that on the said, date, time and place, accused No.1 and 2 in furtherance of common intention, accused No.1 assaulted C.W.1 with fist on his chest, right shoulder, back and caused internal injuries thereby committed an offence U/Sec. 115(2) R/w.Sec.3(5) of BNS-2023?

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4). *Whether the prosecution proves beyond reasonable doubt that on the said date, time and place the accused No.1 and 2 intimidated the C.W1 to finish his life and thereby committed an offence U/Sec.351(2) R/w.Sec.3(5) of BNS-2023?*

5). *What order?*

10. My findings to the above points are

1. *In Negative*
2. *In Negative*
3. *In Negative*
4. *In Negative*
5. *As per the final order*

REASONS

11. **POINT NO.1 TO 4 :-** These points are taken for common discussion to avoid the repetition of evidence and facts. On the basis of the material available on the records, the said offences against the complainant has taken on the same day and appears to be continuing one.

12. The gist of the prosecution case is that on 19-11-2025 about 6.30 p.m at Bhankur cross, near the photo studio of injured Maruti S/o Harilal Rathod, within

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limits of Shahabad Town Police Station, the accused No.1 and 2 went to the said studio of Injured Maruti picked up quarrel with him in respect of frivolous matter abused him in a filthy language and wrongfully restrained him from further proceeding, accused No.1 assaulted C.W.1 with fist on his chest, right shoulder, back and caused internal injury. Further it is stated that accused No.1 and 2 have gave life threat to him with dire to take away his life and thereby committed an offences U/Secs.126(2), 115(2), 352, 351(2) R/w Sec. 3(5) of BNS-2023.

13. P.W.1 Vishnu S/o Harilal Rathod the complainant who has lodged the complaint against the accused No.1 and 2 which is marked as Ex.P.1 and the signature as Ex.P.1(a), deposes in his examination-in-chief that accused No.1 and 2 have not abused C.W.4 in a filthy language with an intention of provoking breach of peace and they have not assaulted with bracelet and caused him injury. The accused have not intimidated him with dire consequences of ending his life, further it is testified that no spot was shown by

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him at the time of panchanama. On confrontation he admits his presence in the photographs which is marked as Ex.P.2 and states that he is unaware about the reasons for taking the photograph as per Ex.P.2. The Learned APP treated him as hostile and with the permission of the Court she fully cross-examined the witness but nothing worth was elicited that is beneficial for the case of prosecution. It is admitted that on the intervention of elders the matter is amicably settled and in the view of settlement arrived the P.W.1 voluntarily deposes that he is not intending to proceed with the case filed against the accused No.1 and 2. The statement of the witness is marked as Ex.P.3 by the prosecution.

14. P.W.2 Maruti S/o Harilal Rathod injured and brother of the complainant deposes in his examination-in-chief that he has no personal knowledge about the incident and accused have not wrongfully restrained and assaulted him with the bracelet, they have not abused in a filthy language with an intention of causing breach of peace, further it is testified that no

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statement was given by him to the police and he is unaware as to who has lodged the complaint in this incident. The Learned APP treated him as hostile and with the permission of the Court she fully cross-examined the witness but nothing worth was elicited that is beneficial for the case of prosecution. The statement of the witness is marked as Ex.P.4 by the prosecution.

15. The material witnesses like complainant and injured have not supported the case of the prosecution and they have turned hostile, therefore issuance of summons to the other witnesses will not serve the purpose of the trial. The Learned APP prayer to issue the summons for the other witnesses is hereby rejected. As per the verdict of the supreme Court if the court comes to the conclusion that when the accused cannot be convicted then it is at the liberty to stop the trial of the case and pronounce judgment based on the material available on the record, same is reproduced as below:

In Satish Mehra V/s Delhi

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Administrative and another, 1996(3)

Crimes 84, Hon'ble Supreme court held in

page No.13 as follows;

“When the judge is fairly certain that there is no prospect of the case ending in the conviction the valuable time of the court should not be wasted for holding a trial only for the purpose of formally completing the procedure to pronounce the conclusion on the future date”

16. On perusal of prosecution papers, P.W.1 himself deposed that no such incident took place and accused No.1 and 2 have not committed any offences as stated by him in his complaint. Further on going through the oral evidence of P.W.1 it reveals that both oral and documentary evidence on the record do not transpires the genuineness of the case of the prosecution. The prosecution has failed to prove the guilt of the accused beyond all reasonable doubt. Hence, as per well settled principle of law, whenever a doubt arises regarding alleged incident, the benefit of doubt should be enlarged to the accused No.1 and 2. Therefore, by extending benefit of doubt towards the accused No.1

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and 2, they are are entitled for acquittal. With these observations, I answer point No.1 to 7 in the **Negative**.

17. **POINT NO.8:-** In the view of my findings I proceed to pass the following:

: ORDER :

By Acting U/Sec.271(1) of BNSS-2023, the Accused No.1 and 2 are hereby acquitted for the offence punishable U/Secs.126(2), 115(2), 352, 351(2) R/w Sec. 3(5) of BNS-2023.

The Bail Bond and Surety Bond of the Accused No.1 and 2 stands cancelled and they are set at liberty forthwith.

(Dictated to the Stenographer directly on the computer, then script revised, corrected, signed by me and pronounced in the open court on this 17th day of April -2026)

(Chatni Prashant Sharanbasaveshwar)

Civil Judge & JMFC.,
Shahabad

:A N N E X U R E:

List of witnesses examined on behalf of Prosecution:

PWs.

1. Vishnu S/o Harilal Rathod
2. Maruti S/o Harilal Rathod

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**List of documents marked on behalf of prosecution:-**

Ex.P.1 Complaint
Ex.P.1(a) Signature of P.W.1
Ex.P.2 Photograph
Ex.P.3 Statement of P.W.1
Ex.P.4 Statement of P.W.2

List of M.O.s marked for prosecution:-

- NIL -

List of witnesses examined for accused:-

- NIL -

List of documents marked for accused:-

- NIL -

Civil Judge & JMFC,
Shahabad.