



Presented on : 22-01-2026
Registered on : 22-01-2026
Decided on : 17-04-2026
Duration : 02 months 26 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.No7/2026

Dated this 17th day of April - 2026

BETWEEN :

The State by Shahabad Police Station.

..... Complainant
(By Learned APP)

AND :

1. Maruti S/o Harilal Rathod,
Age: 43 years, Occ: Photograph work,
2. Eknath S/o Bikk Rathod,
Age: 40 years, Occ: Agriculture,
3. Santosh S/o Shankar Rathod,
Age: 39 years, Occ: Coolie,
4. Rina W/o Maruti Rathod,
Age: 30 years, Occ: Household,
5. Pooja W/o Eknath Rathod,
Age: 32 years, Occ: Household,

All are R/o: Sevanagar Tari Tanda,
Tq:Shahabad, Dist: Kalaburagi.

...Accused

(Sri. C.S.Pujari., Advocate)

Date of commission of offence	19-11-2025
Date of report offence	20-11-2025
Name of the complainant	Sanju S/o Khubu Chawan

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Date of commencement evidence	15-04-2026
Date of closing evidence	15-04-2026
Offences complained of opinion of Judge	189(2), 189(4), 191(2), 329(4) 115(2), 118(1), 352, 351(2) R/w Sec. 190 of BNS-2023.
Opinion of Judge	Accused found not guilty.

: J U D G M E N T :

This is a charge sheet filed by S.H.O of Shahabad Town police station against the accused No.1 to 5 for the offences punishable U/Secs. 189(2), 189(4), 191(2), 329(4), 115(2), 118(1), 352, 351(2) R/w Sec.190 of BNS-2023.

2. It is the case of prosecution that, on 19-11-2025 in the night hours about 7.30 p.m at Devana Teganoor Tanda, within the limits of Shahabad Town Police station, on the pretext of the incident taken place about 6.30 p.m on the above said date, the accused No.1 to 5 have formed unlawful assembly with an object to pick up the quarrel with C.W.1 and trespassed into the house of C.W.1, accused No.1 assaulted C.W.1 with stick on his right shoulder, back

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and caused internal injury, accused No.2 and 3 assaulted C.W.1 with fist on his chest and caused internal injury. Further it is stated that, accused No.1 to 5 have intimidated C.W.1 with the dire consequences of ending their life and thereby committed an offence punishable U/Sec.189(2), 189(4), 191(2), 329(4), 115(2), 118(1), 352, 351(2) R/w Sec.190 of BNS-2023.

3. On the information given by CW-1 crime was registered in Crime No.86/2025 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 to 5 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 to 5 and after hearing them accused pleaded not guilty but claimed to be tried.

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6. In order to establish its case prosecution got examined one witness as PW-1 and got marked the 3 documents as Ex.P.1 to 3.

7. The material witness turned hostile. There are no incriminating evidence forthcoming against the accused persons, the 313 statement of the accused are dispensed herewith.

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

9. The following points arise for my consideration are:

1. Whether the prosecution proves beyond reasonable doubt that on 19-11-2025 in the night hours about 7.30 p.m at Devana Teganoor Tanda, within the limits of Shahabad Town Police station, on the pretext of the incident taken place about 6.30 p.m on the above said date, the accused No.1 to 5 have formed unlawful assembly with an object to pick up the quarrel with C.W.1 with an object to commit certain offences and thereby committed an offence punishable under Section 189(2) Read with Section 190 of BNS-2023?

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2. Whether the prosecution proves beyond reasonable doubt that on the said, date, time and place, accused No.1 to 5 formed an unlawful assembly in order to commit certain offences and thereby committed an act of penalizes knowingly joining or continuing in an unlawful assembly after it has been commanded to disperse and thereby and committed an offence punishable under Section 189(4) Read with Section 190 of BNS-2023?
3. Whether the prosecution proves beyond all reasonable doubt that, on the above mentioned date time and place, you accused No.1 to 5 with common object formed an unlawful assembly committed the offence of rioting on C.W.1 armed with a deadly weapon and thereby committed an offence punishable under Section 191(2) Read with Section 190 of BNS-2023?
4. Whether the prosecution proves beyond reasonable doubt that on the said date, time and place, accused No.1 to 5 formed an unlawful assembly and picked up quarrel with C.W.1 trespassed into the house of C.W.1 and thereby committed an offence punishable under section 329(4) Read with Section 190 of BNS-2023?

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5. Whether the prosecution proves beyond reasonable doubt that on the said date, time and place, accused No.1 to 5 formed an unlawful assembly and picked up quarrel with C.W.1 and abused him in a filthy language and provoked them intending that such provocation would cause him to break the public peace and thereby committed an offence punishable under section 352 Read with Section 190 of BNS-2023?

6. Whether the prosecution proves beyond reasonable doubt that on the said date, time and place, accused No.1 to 5 formed an unlawful assembly and picked up quarrel with C.W.1, accused No.2 and 3 assaulted C.W.1 with fist on his chest and caused internal injury and thereby committed an offence punishable under Section 115(2) Read with Section 190 of BNS-2023?

7. Whether the prosecution proves beyond reasonable doubt that on the said date, time and place, accused No.1 to 5 formed an unlawful assembly and picked up quarrel with C.W.1, accused No.1 assaulted C.W.1 with stick on his right shoulder, back and caused internal injury and thereby committed an offence punishable under Section 118(1) Read with Section 190 of BNS-2023?

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8. Whether the prosecution proves beyond reasonable doubt that on the said date, time and place, accused No.1 to 5 formed an unlawful assembly picked up quarrel with C.W.1 and gave life threat to him by committing an act of criminal intimidation by involving him in fear and dire consequences so as to cause alarm in their mind and thereby committed an offence punishable under section 351(2) Read with Section 190 of BNS-2023?

9. What order?

10. My findings to the above points are

1. *In Negative*
2. *In Negative*
3. *In Negative*
4. *In Negative*
5. *In Negative*
6. *In Negative*
7. *In Negative*
8. *In Negative*
9. *As per the final order*

REASONS

11. **POINT NO.1 TO 8 :-** 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

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taken on the same day and appears to be continuing one.

12. The gist of the prosecution case is that on 19-11-2025 in the night hours about 7.30 p.m at Devana Teganoor Tanda, within the limits of Shahabad Town Police station, on the pretext of the incident taken place about 6.30 p.m on the above said date, the accused No.1 to 5 have formed unlawful assembly with an object to pick up the quarrel with C.W.1 and trespassed into the house of C.W.1, accused No.1 assaulted C.W.1 with stick on his right shoulder, back and caused internal injury, accused No.2 and 3 assaulted C.W.1 with fist on his chest and caused internal injury. Further it is stated that, accused No.1 to 5 have intimidated C.W.1 with the dire consequences of ending their life and thereby committed an offence punishable U/Sec.189(2), 189(4), 191(2), 329(4), 115(2), 118(1), 352, 351(2) R/w Sec.190 of BNS-2023.

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13. P.W.1 Sanju S/o Khobu Chavan the complainant who has lodged the complaint against the accused No.1 to 5 which is marked as Ex.P.1 and the witness has identified his thumb impression on Ex.P.1, deposes in his examination-in-chief that he has no personal knowledge about the incident and accused have not formed any unlawful assembly with an object to pick up the quarrel with him, further they have not trespassed the house belonging to him and they have not assaulted him with hands and stick. The accused No.1 to 5 have not abused the complainant in a filthy language with an object of causing breach of peace and to provoke the complainant in furtherance of the abuse made, it is further testified that no complaint was lodged by him and he has not given any statement to the police, no spot was shown by him at the time of the panchanama. On confrontation he admits the photographs which is marked as Ex.P.2 and deposes that he is unaware about the reason for taking the photographs as per Ex.P.2. The witness pleads about the contents of the Ex.P.1. The Learned APP treated him as hostile and with the permission of the Court

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she fully cross-examined him 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 to 5. The statement of the witness is marked as Ex.P.3 by the prosecution.

14. The material witness to the incident i.e., complainant and victim has not supported the case of the prosecution and he has 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”

15. On perusal of prosecution papers, P.W.1 himself deposed that no such incident took place and accused No.1 to 5 have not committed any offence 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 prosecution case. The prosecution has failed to prove the guilt of the accused No.1 to 5 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 persons Therefore, by extending benefit of doubt owards the accused No.1 to

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5, they are are entitled for acquittal. With these observations, I answer point No.1 to 8 in **Negative**.

16. **POINT NO.9:-** 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 to 5 are hereby acquitted for the offence punishable U/Secs.189(2),189(4), 191(2), 329(4) 26(2), 115(2), 118(1), 352, 351(2) R/w Sec.190 of BNS-2023.

The Bail Bond and Surety Bond of the Accused No.1 to 5 stands cancelled and they are set at liberty forthwith.

The property shown in the column 11 of the charge sheet the Stick is hereby ordered to be destroyed as worthless after appeal period.

(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

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**:A N N E X U R E:****List of witnesses examined on behalf of Prosecution:**

PWs.

1. Sanju S/o Khobu Chawan

List of documents marked on behalf of prosecution:-

- | | |
|--------|----------------------------|
| Ex.P.1 | Complaint |
| Ex.P.2 | Photograph |
| Ex.P.3 | Further statement of P.W.1 |

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.