



Presented on : 03-07-2021
Registered on : 03-07-2021
Decided on : 25.07.2026
Duration : 05Y 00M 22D

IN THE COURT OF CIVIL JUDGE & JMFC
AT: SHAHABAD

PRESENT
SRI. NAGARAJ BARKI,
B.A.LL.B.,
Civil Judge & J.M.F.C.,
Shahabad

C. C. No. 851/2021

Dated this the 25th day of July 2026

COMPLAINANT:

The State through Shahabad Town P.S,

(By Ld.Asst. Public Prosecutor)

//Versus//

ACCUSED:

1. Anil S/o Bassanna Kambanur,
Age: 38 years, Occ: -Nil-
R/o. Maratur, Tq. Shahabad,
Dist. Kalaburagi.
2. Gurunath S/o Basanna Kambanur,
Age: 45 Years, Occ: coolie,
R/o. Maratur, Tq. Shahabad,
Dist. Kalaburagi.
3. Kalpana W/o Gurunath,
Age: 40 Years, Occ: Coolie,
R/o. Maratur, Tq. Shahabad,
Dist. Kalaburagi.



4. Eramma W/o Ayyappa,
Age: 55 Years, Occ: Houewife,
R/o. Maratur, Tq. Shahabad,
Dist. Kalaburagi.

(Accused No.2 to 4 have impleaded
in this case as per order on
application U/Section 319 of
Cr.PC., dated 14.07.2026)

(A.1 to 4 BY Smt.U.N.M., ADVOCATE)

1.	Date of commission of offence.	12.02.2021
2.	Date of report of offence.	13.02.2021
3.	Name of the Complainant	Siddaram S/o Shivappa Mavin
4.	Date of commencement of recording evidence.	27.06.2025
5.	Date of closing of evidence.	27.06.2026
6.	Offences complained of	U/Sections 323, 341, 504 and 506 R/w Section 34 of IPC
7.	Opinion of the Judge.	As per final order.

J U D G M E N T

The charge sheet filed by the SHO of Shahabad Town P.S., Shahabad against the accused for the offences punishable U/Sec.323, 341, 504, and 506 of IPC.



2. Brief facts of the prosecution case are as follows;

It is the case of the prosecution that, the complainant by name Siddaram S/o Shivappa Mavin, Martur village, Tq. Shahabad & District: Kalaburagi has lodged this complaint on 13.02.2021, that, on 12.02.2021 at 2.30 pm., the Accused No.1 to 4 with common intention, when accused No.1 was working before house of CW.1, the accused No.1 to 4 picked up quarrel with CW.1 in respect of drinking water tap and accused No.1 hold the shirt of CW.1 and they abused in filthy language and the assaulted by hand and leg to CW.1 and caused internal injury. Thereafter, the accused No.1 to 4 gave life threat to the complainant. Hence, the complainant lodged the complaint against the accused person.

3. On the basis of first information statement of complainant, Shahabad Town P.S. registered a case against the accused in Crime No.0025/2021 for the offences punishable U/Secs.323, 341, 504 and 506 of IPC R/w Section 34 of IPC. After completion of the investigation, charge sheet filed against the accused No.1 for offences U/Sec.323, 341, 504, and 506 of IPC.

4. After filing of the charge sheet, this court took cognizance and issued summons to the accused No.1.



Accused No.1 appeared before the Court through his counsel and enlarged himself on bail. Copies of the prosecution papers have been furnished to the accused No.1 as required Section 207 of Cr.P.C., and thereafter on hearing accused and prosecution, the accusation was recorded for the offences punishable U/Secs.323, 341, 504 and 506 of IPC and same was explained to the accused No.1, he pleaded not guilty and claimed to be tried. During the course of evidence of prosecution, the prosecution has filed application U/Section 319 of Cr.PC., after filing the said application, notice issued to the proposed accused No.2 to 4 and they have appeared before the Court through their counsel. As per order on application U/Section 319 of Cr.PC., the proposed accused No.2 to 4 have impleaded in this case. The charge framed against the proposed accused No.2 to 4 for the offense punishable U/Section 323, 341, 504, 506 R/w Section 34 of IPC and they pleaded not guilty and claimed to be tried.

5. In order to drive home the guilt of the accused person, the prosecution has examined P.W.1 and got marked documents at Ex.P.1 and 2 along with sub-marking and closed its side. As the material witness turned hostile to the case of prosecution, if remaining witnesses examined purpose of the prosecution would not be serve. Hence, other witnesses dropped by rejecting prayer of Learned APP. As such there was no incriminating evidence against the accused person.



Hence, the examination of the accused person under Section 313 of Cr.P.C., was dispensed.

6. Heard learned APP and learned counsel for the accused at length.

7. Upon hearing arguments and on perusal of material placed on record, the following points arise for consideration:

1. Whether the prosecution proves beyond reasonable doubt that on 12.02.2021 at about 2.30 p.m at Martur village within the jurisdiction of Shahabad Police station, the accused No.1 to 4 with common intention, when accused No.1 was working public tap before house of CW.1, the accused No.1 to 4 picked up quarrel with the CW.1 in respect of drinking water tap and assaulted CW.1 by hand and leg to CW.1 and caused simple injury and thereby committed an offence U/Section 323 of IPC?
2. Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place, accused No.1 to 4 with common intention, they picked up quarrel with CW.1 and restrained the CW.1 by holding the shirt of CW.1 and thereby committed an offence punishable U/Section 341 of IPC?



3. Whether the prosecution proves beyond reasonable doubt that on the said date, time and place, the accused No.1 to 4 with common intention, they abused the C.W.1 in filthy language intentionally provoking the peace of the public and enraging him to commit an offence U/Section 504 of IPC?
4. Whether the prosecution proves beyond reasonable doubt that on the said date, time and place, the accused No.1 to 4 with common intention, they gave life threat to the CW.1 and intimidated the complainant and thereby committed an offence U/Section 506 of IPC?
5. What Order?
8. 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 : As per final order for the following:

REASONS

9. **POINTS NO.1 TO 4 :-** These points are taken up together for common discussion to avoid repetition of facts, evidence and document.



10. In order to prove the charge leveled against the accused No.1 to 4, the prosecution has been examined informant and victim by name Siddaram S/o Shivappa Mavin as P.W.1. He has stated in his evidence that, he knows the CW.4 to 6 and accused. The PW.1 has deposed in his further chief examination that, the accused did not quarrel with CW.1 and not give life threat and not abused in filthy language, there was only exchange of words between accused and complainant. When complainant went to the police station, the police get the signature of CW.1 on one document. The complainant has identified his signature on Ex.P.1 as Ex.P.1(a) and he has not given any further statement before police. Hence, learned APP has treated this witness as hostile and cross-examined in length with great effort. In spite of lengthy cross-examination nothing has been elicited from his mouth so as to prove the case. CW.1 is main and material witnesses to the present case and non supported to the prosecution case. Hence, the prayer of learned APP for issue summons to other witnesses was rejected since purpose of the prosecution could not served.

11. The PW.1 subjected to cross-examination by the learned APP, but nothing has been elicited from the mouth of PW.1 in respect of incident and he denied the suggestion made by the prosecution. Examination of other witnesses not serve the purpose of prosecution. Hence, prayer of learned



APP rejected and other witnesses dropped, because victim/informant and eyewitness turned hostile to the case of prosecution as stated above, without support of PW.1, the prosecution cannot prove cause of incident. In view of lack of material evidence, I am of the view that the prosecution has failed to establish the guilt of the accused No.1 to 4 beyond all reasonable doubt and accused No.1 to 4 are entitled for the benefit of acquittal. Accordingly, I answer the **points No.1 to 4 in the Negative.**

12. **Point No.5:-** Finding assigned to the above points resulted in the following:

ORDER

Acting under Section 248(1) of Cr.P.C., accused No.1 to 4 are acquitted for the offences punishable U/Secs.323, 341, 504, 506 R/w Section 34 of IPC, as they are not found guilty.

The bail bonds and Surety Bond shall stand canceled after expiry of appeal period.

(Dictated to the Stenographer directly on computer, typed by her, script corrected and then pronounced by me in the Open Court on this the **25th day of July 2026***)

(NAGARAJ BARKI)
CIVIL JUDGE & JMFC,
SHAHABAD.



: A N N E X U R E :

List of the Witnesses examined by the Prosecution:

P.W.1 : Siddaram S/o Shivappa Mavin

List of the Documents exhibited for the Prosecution:

Ex.P.1 : Statement of PW.1
Ex.P.1(a) : Signature of PW.1
Ex.P.2 : Further Statement of PW.1

List of the MO's marked on behalf of the Prosecution:

--Nil--

List of the Witnesses examined for defence:

--Nil--

List of the Documents exhibited for defence:

--Nil--

**CIVIL JUDGE & JMFC,
SHAHABAD.**

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