

KAKL200000712021



**IN THE COURT OF PRL. CIVIL JUDGE AND JMFC
AT BANGARPET**

:PRESENT:

SRI. CHANDRASHEKHAR ALABUR,

B.A., LL.B., (Hons)

I ADDL., CIVIL JUDGE & JMFC., BANGARPET.

C/C. PRL. CIVIL JUDGE AND J.M.F.C., BANGARPET.

C.C. NO. 29/2021

DATED THIS THE 10th JULY 2026

COMPLAINANT:

The State of Karnataka,

Bangarpet Police Station,

*(By the learned **APP**)*

-V/S-

ACCUSED:

- 1. Nandeesh,**
Son of Somashekara,
Aged 19 years.
- 2. Sundaresh,**
Son of Munivenkatappa,
Aged 20 years.

- 3. Sunil,**
Son of Venkatamuniyappa,
Aged 25 years.
- 4. Prasanna,**
Son of Ramakrishnappa,
Aged 30 years.
- 5. Naveen, [DEAD]**
Son of Gangappa,
Aged 26 years.
- 6. Ramakrishnappa,**
Son of Venkataswamy,
Aged 62 years.
- 7. Munivenkatappa,**
Son of Chinnappa,
Aged 59 years.

All are residents of Alambadi Village,
Bangarapet Taluk.

(Rep. by **Sri. A.M.R.**, Advocate)

1	Date of commission of offence	20.10.2020
2	Date of reporting of offence	21.10.2020
3	Date of arrest of accused	-----
4	Name of complainant	Smt.Surekha
5	Date of recording evidence	04.04.2024
6	Date of closing evidence	16.04.2026

7	Offence complained of	Under Sec. 143, 323, 324, 341, 504, and 506 r/w Sec. 149 IPC.
8	Opinion of the Judge	Acquitted
9	Date of Judgment	10.07.2026

(CHANDRASHEKHAR ALABUR)

C/C. Prl. Civil Judge & JMFC,
Bangarpet.

J U D G M E N T

The Police Inspector of Bangarapet Police Station filed this charge sheet against Accused Nos. 1 to 7 for offenses punishable under Sections 143, 323, 324, 341, 504, and 506 read with Section 149 of the Indian Penal Code (IPC).

2. BRIEF FACTS OF THE CASE OF THE PROSECUTION FACTS:

The bedrock of the prosecution's case stems from a long-standing land boundary dispute between the family of the Complainant and the families of the accused persons over agricultural properties in Alambadi village. According to the

final report, CW-5 (Guvvappa) filed an application before the Tahsildar of Bangarapet Taluk to identify and demarcate the physical boundaries of 0.18 Guntas of land in Survey No. 121/7.

3. The prosecution alleges that on October 20, 2020, at approximately 2:00 PM, a government Land Surveyor (CW-10) arrived at the site to execute the boundary demarcation. At that moment, Accused Nos. 4, 5, 6, and 7 structured an unlawful assembly with a common object to prevent the survey. They allegedly picked up a physical altercation with CW-2 (Gopal), CW-4 (Manjunatha G.), and CW-5 (Guvvappa), assaulting CW-2 with bare hands and causing finger-nail scratches all over his body. on the same day at 5:30 PM. While CW-1 (Surekha) was sweeping trash near her cattle close to a village boulder, Accused Nos. 1, 2, and 3 confronted her. It is alleged that they used filthy language, stating, *"Look at this whore coming forward, we must finish her off"*. When CW-1 resisted, Accused No. 1 hit her head with a heavy wooden club (*donne*), causing a bleeding cranial injury. Simultaneously, Accused No. 2 twisted

her left hand, and Accused No. 3 kicked her from behind, causing her to lose consciousness. Accused Nos. 1 to 3 then threatened to kill CW-1 and her entire family. Hence prays to convict the accuse.

4. Following the filing of the charge sheet, this Court took cognizance of the offenses. Summonses were issued to Accused Nos. 1 to 7. The accused persons appeared through counsel and were admitted to regular bail. Copy of the charge sheet and relevant records were supplied to them under Section 207 of the CrPC.

5. This Court evaluated the prosecution's records, including the medical wound certificates and witness statements under Section 161 of the CrPC. Finding sufficient prima facie material to show an unlawful assembly and targeted battery, this Court framed charges for offenses under Sections 143, 323, 324, 341, 504, and 506 read with Section 149 of the IPC against all seven accused persons. The charges

were read out and explained to them in Kannada. The accused pleaded not guilty and claimed to be tried.

6. After the closure of evidence, the incriminating circumstances appearing in the prosecution testimonies were read out and explained to the accused persons under Section 313 of the CrPC. The accused denied all assertions as absolute falsehoods, stating they were victims of a fabricated case driven by a civil land dispute. They opted not to lead defence evidence.

7. POINTS FOR CONSIDERATION:

1. Whether the prosecution proves beyond reasonable doubt that on October 20, 2020, at 2:00 PM near Survey No. 121/7, the accused persons formed an unlawful assembly under Section 143 r/w 149 IPC to stall a public land survey?
2. Whether the prosecution proves beyond reasonable doubt that during the same incident, Accused Nos. 4 to 7 wrongfully restrained CW-2 and committed volitional hurt under Sections 341 and 323 r/w 149 IPC?
3. Whether the prosecution proves beyond reasonable doubt that on October 20, 2020, at 5:30 PM, Accused Nos. 1 to 3

intentionally insulted CW-1 with obscene words to breach public peace under Section 504 r/w 149 IPC?

4. Whether the prosecution proves beyond reasonable doubt that Accused Nos. 1 to 3 assaulted CW-1 with a wooden club, causing a lacerated head injury under Section 324 r/w 149 IPC?
5. Whether the prosecution proves beyond reasonable doubt that Accused Nos. 1 to 3 committed criminal intimidation against CW-1 and her family under Section 506 r/w 149 IPC?
6. What order?

8. In order to prove the case of the prosecution, the prosecution has got 13 witnesses examined P.Ws.1 to 13 and 8 documents marked Exs.P.1 to Ex.P.8 and a material object identified as M.O.1 to prove its case.

9. FINDINGS:

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 the final operative portion.

R E A S O N S

10. POINT NO. 1 & 2: These two points are taken up together for common discussion for the purpose of avoiding repetition of facts.

To establish the charges of unlawful assembly and the subsequent assault during the afternoon event, the prosecution relies on the depositions of the injured victim PW-2 (Gopal) and his father PW-5 (Guvvappa). **PW-2** asserts that at 2:00 PM, while surveyors were demarcating Survey No. 121/7, the accused gathered, punched his chest, and scratched him with nails. **PW-5** claims that Accused Nos. 4 to 7 pinned PW-2 against a boulder to execute this battery.

11. The prosecution's narrative collapses when contrasted with the testimony of its own independent regulatory witnesses, PW-9 (Mohamed Thousif, the Land Surveyor) and PW-10 (Ramesh K., Retired ADLR). **PW-9**, an independent public servant, explicitly states that when he arrived at the spot, the owners of the adjacent Survey No. 121/6 raised a lawful technical objection. They pointed out that no official

survey notice had been served upon them, rendering the boundary demarcation legally void under revenue laws. Crucially, PW-9 testifiably notes: ***"I do not have any information regarding any altercation, and I did not see any altercation."*** He confirms he simply recorded a statement advising the parties to apply for a fresh joint survey and left the location.

12. For a charge under Section 143 r/w 149 of the IPC to survive, the assembly must possess an "unlawful object." The assembly of neighbouring landholders protesting a survey because they were not served mandatory statutory notice is a exercise of a civil right, not an unlawful assembly.

13. Furthermore, the physical injuries on PW-2 are cast into doubt. PW-11 (Dr. Anitha Badan) stated in cross-examination that the superficial scratches on PW-2 could not be caused by hand strikes or standard physical assault, but were consistent with a person slipping and falling against sharp, rustic boulders.

14. Because the independent surveyor denies seeing any riot or criminal assembly, the interested testimonies of PW-2 and PW-5 fail to meet the standard of proof beyond a reasonable doubt. Therefore, **Points 1 and 2 are answered in the Negative.**

15. POINT NO. 3 & 5: Pw-1 claims that accused nos. 1 to 3 used obscene insults and gave death threats. However, the background shows a deep-rooted, bitter civil layout battle between the families. PW-3, the mother-in-law, claims she heard the abuse. Yet, in cross-examination, she admits that she was inside her house, 300 feet away from the boulder, and could not see or clearly hear the spot.

16. PW-4 admits that a substantial crowd of villagers gathered around the boulder when the altercation broke out, but he could not or would not name a single independent neighbour to corroborate the allegations. No independent member of the public was cited or examined to confirm that obscene words were yelled or that public peace was disrupted.

The statements appear to be improvements added to upgrade a localized property dispute into an unbailable criminal prosecution. Consequently, **Points 3 and 5 are answered in the Negative.**

17. POINT NO. 4: This charge relies on the assertion that accused no. 1 struck pw-1 on the cranium with a wooden club (*m.o. 1*). While PW-1 and PW-4 claim she was knocked unconscious for 5 to 6 days, the medical evidence tells a fundamentally different story. PW-11, Dr. Anitha Badan, examined PW-1 on the day of the incident. Her testimony and Exhibit P-6 reveal a minor laceration measuring only 4 X ½ X 0.1 cm. Dr. Anitha explicitly details that PW-1 was treated purely as an **outpatient**. This shifts the balance of probability away from the claim of prolonged unconsciousness. More damagingly, the medical officer admitted under oath:

"The abrasions found in Exhibit P-6 and Exhibit P-7 can be caused if a person accidentally slips and falls on a boulder."

18. The prosecution's recovery of the weapon (*M.O. 1*) is also compromised. The police claim they seized the wooden club from the spot via a dynamic seizure mahazar (Exhibit P-4) in the presence of independent local panchas. However, **PW-6** (Munilakshmamma) turned entirely hostile, stating under oath that no recovery took place in her presence and she had never seen *M.O. 1*. **PW-8** (Muniyappa), another cited pancha, also turned completely hostile, denying the recovery and stating he signed a blank paper without any knowledge of its contents. **PW-12** (Manjunatha), the pancha for the spot mahazar (Exhibit P-3), similarly went hostile and denied the police proceedings.

19. The incident allegedly took place on October 20, 2020. However, the complaint (Exhibit P-1) was recorded by WHC-43 (PW-13) only on October 21, 2020. PW-13 admitted in cross-examination that despite visiting a public hospital, she did not look for or collect any blood-stained clothes from PW-1, nor did she verify the scene before writing the report.

20. This delay allows for the possibility of deliberation and cosmetic embellishment, fueled by the ongoing land dispute. With the independent panchas turning hostile and the medical officer confirming the injuries are consistent with a simple slip-and-fall, the charge under Section 324 cannot stand. **Point No. 4 is answered in the Negative.**

21. POINT NO.6 : For the foregoing reasons, I proceed to pass the following,

ORDER

Acting under Section 248(1) of the Code of Criminal Procedure, Accused Nos. 1 to 4, 6 and 7 are hereby **ACQUITTED** of the charges for offenses punishable under Sections 143, 323, 324, 341, 504, and 506 read with Section 149 of the Indian Penal Code.

The bail bonds executed by the accused persons and their sureties stand cancelled. However, their personal bonds shall remain operative for a period of six months in compliance with Section 437-A of the CrPC.

The properties seized, specifically the wooden club (M.O. 1), being valueless, shall be destroyed after the expiry of the appeal period.

*(Dictated to the stenographer directly in the computer, corrected, and pronounced by me in open court on this **10th day of July, 2026**).*

(CHANDRASHEKHAR ALABUR)

C/C. Prl. Civil Judge & JMFC,
Bangarpet.

ANNEXURES

I. LIST OF WITNESSES EXAMINED FOR PROSECUTION:

- | | | |
|-------|---|---|
| PW-1 | : | Surekha (Complainant/Injured) |
| PW-2 | : | Gopal (Injured Eyewitness) |
| PW-3 | : | Munivenkatamma (Eyewitness) |
| PW-4 | : | Manjunatha G. (Relative/Rescuer) |
| PW-5 | : | Guvvappa (Relative/Eyewitness) |
| PW-6 | : | Munilakshamma
(Pancha Witness – Hostile) |
| PW-7 | : | Chikkamotappa (Pancha Witness - Hostile) |
| PW-8 | : | Muniyappa (Pancha Witness - Hostile) |
| PW-9 | : | Mohamed Thousif (Land Surveyor) |
| PW-10 | : | Ramesh K. (Retired ADLR Officer) |
| PW-11 | : | Dr. Anitha Badan (Medical Officer) |
| PW-12 | : | Manjunatha (Spot Pancha - Hostile) |
| PW-13 | : | Manjula R. (Women Head Constable) |

II. LIST OF DOCUMENTS MARKED FOR PROSECUTION:

- Ex.P-1 : Complaint/Statement of PW-1
Ex.P-1(a) : Signature of PW-1
Ex.P-1(b) : Signature of PW-13
Ex.P-2 : Further Statement of PW-1
Ex.P-3 : Spot Mahazar
Ex.P-3(a) : Signature of PW-2
Ex.P-3(b) : Signature of PW-7
Ex.P-3(c) : Signature of PW-12
Ex.P-4 : Seizure Mahazar (Wooden Club)
Ex.P-4(a) : Signature of PW-3
Ex.P-4(b) : Signature of PW-6
Ex.P-4(c) : Signature of PW-8
Ex.P-5 : Official Letter from ADLR Office
Ex.P-5(a) : Signature of PW-10
Ex.P-6 : Wound Certificate of CW-1 (Surekha)
Ex.P-6(a) : Signature of PW-11
Ex.P-7 : Wound Certificate of CW-2 (Gopal)
Ex.P-7(a) : Signature of PW-11
Ex.P-8 : First Information Report (FIR)

III. LIST OF MATERIAL OBJECTS MARKED:

- M.O. 1 : One Wooden Club (*Donne*)

(CHANDRASHEKHAR ALABUR)
C/C. Prl. Civil Judge & JMFC,
Bangarpet.