

KAMS300001842024



**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL JUDGE
AND JMFC AT HUNSUR**

Present: Smt.Anitha, B.A. (Law) L.L.B.,
Prl.Senior Civil Judge & JMFC.,
Hunsur.

Dated this the 16th day of June, 2026.

CC No.69/2024

Complainant: State by Hunsur Town Police
Station.

(By: APP, Hunsur)

-Vs-

- Accused Persons:
1. Chandra @ Chandrashekara,
S/o Late Chikkegowda,
Aged 45 years, Agriculturist,
R/at Mantikoppalu Village,
Hunsur Taluk, Mysore District.
 2. Eranna @ Erannegowda,
S/o Late Ningegowda.,
Aged 52 years, Agriculturist,
R/at Mantikoppalu Village,
Hunsur Taluk, Mysore District.
 3. Kendegowda,S/o Late Javaregowda,
Aged 62 years, Agriculturist,
R/at Mantikoppalu Village,
Hunsur Taluk, Mysore District.

4. Sakamma, W/o Kendegowda,
Aged about 50 years, Housewife,
R/at Mantikoppalu Village,
Hunsur Taluk, Mysore District.
5. Sannamma, W/o Late Chikkegowda,
Aged about 77 years, Housewife,
R/at Mantikoppalu Village,
Hunsur Taluk, Mysore District.
6. Mallamma, W/o Late Chikkegowda,
Aged about 68 years, Housewife,
R/at Mantikoppalu Village,
Hunsur Taluk, Mysore District.
7. Shivamma, W/o Late Doddaswamy Gowda,
Aged about 48 years, Housewife,
R/at Mantikoppalu Village,
Hunsur Taluk, Mysore District.
8. Abhi @ Beerasha, S/o Dodda Swamygowda,
Aged about 40 years, Agriculturist,
R/at Mantikoppalu Village,
Hunsur Taluk, Mysore District.

(By: Sri.Rohith.K.S., Advocate)

1. Date of commission of offence: 21.11.2023
2. Date of report of offence: 21.11.2023
4. Name of the complainant: H.K.Nandeesh
5. Date of recording of evidence: 10.03.2025
6. Date of closing of evidence: 17.03.2026
7. Offences complained of: Section 143, 447, 341, 504,
506 R/w Section 149 of IPC
8. Opinion of the Judge: Accused No.1 to 8 found
not guilty.

JUDGMENT

The ASI of Hunsur Town Police Station has submitted charge-sheet against accused No.1 to 8 for the offences punishable under Section 143, 504, 447, 341, 506 R/w Section 149 of IPC.

2. It is the case of the prosecution that, on 21.11.2023 at about 10.00 a.m. in Sy.No.87/12 measuring 20 guntas and in Sy.No.87/13 measuring 5 guntas when CW1 H.K.Nandeesh who is husband of CW4 Smt.Smitha.D.V., who is owner of aforesaid properties doing agricultural operations in a tractor and CW5 Harish, CW6 Shekara, CW7 Aruna and CW8 Chetan were also present, at that time accused No.1 to 8 in prosecution of their common object formed unlawful assembly and committed criminal trespass into the said properties, wrongfully restrained CW1 and CW4 from doing agricultural operations and also abused CW1 and CW4 in filthy language and they have also threatened to the life of CW1 and CW4 and thereby accused No.1 to 8 have committed aforesaid offences.

3. After the incident CW1 H.K.Nandeesh has lodged the complaint before CW9 Mahesh.R., the then ASI of Hunsur Town Police Station. Upon receiving the complaint CW9 registered the case in Crime No.237/2023 and submitted the FIR. Thereafter, he has proceeded towards the place of the incident and drawn the mahazar in the presence of CW1 to CW3. He has also recorded the statements CW4 to CW8 and

also collected the property documents. Upon completion of the investigation he has submitted the charge-sheet against the accused persons for the aforesaid offences.

4. After filing of the charge-sheet the court took cognizance for the offences punishable under Section 143, 447, 341, 504, 506 R/w Section 149 of IPC and issued summons to the accused persons. In pursuance of service of summons the accused persons appeared before the court and released on bail. The copy of charge-sheet and other prosecution papers have been supplied to the accused persons as provided under Section 207 of Cr.P.C.

5. Thereafter, heard both side and upon finding prima-facie materials charge for the offences 143, 447, 341, 504, 506 R/w Section 149 of IPC was framed. The accused persons pleaded not guilty and claimed to be tried. In order to prove the guilt of the accused persons, the prosecution got examined all the nine witnesses cited in the charge-sheet as PW1 to PW9. The prosecution got marked totally seven documents as per Ex.P1 to Ex.P7. After the completion of prosecution evidence, the accused persons were examined under Section 313 of Cr.P.C. They have denied all the incriminating circumstances appeared against them in the prosecution evidence and have not opted to lead defence evidence.

6. Thereafter, heard arguments addressed by learned APP and learned counsel for the accused persons and perused the case papers. After hearing the arguments and on perusal of the case papers, the points that arise for consideration are as hereunder:

POINTS

1. Whether the prosecution proves beyond all reasonable doubt that, on 21.11.2023 at about 10.00 a.m. at Beejaganahalli Village when CW1 H.R.Nandeesh and CW4 his wife Smitha.D.V., were doing agricultural operations along with CW5 Harisha, CW6 Shekara, CW7 Aruna and CW8 Chetha, accused No.1 to 8 in prosecution of their common object formed unlawful assembly and came there and thereby accused No.1 to 8 have committed the offence punishable under Section 143 R/w Section 149 of IPC?
2. Whether the prosecution further proves beyond all reasonable doubt that, on the above said date, time and place accused No.1 to 8 in prosecution of their common object formed unlawful assembly and committed criminal trespass into the property of CW1 and CW4 and thereby accused No.1 to 8 have committed the offence punishable under Section 447 R/w Section 149 of IPC?
3. Whether the prosecution further proves beyond all reasonable doubt that, on the above said date, time and place accused No.1 to 8 in prosecution of their common

object formed unlawful assembly and committed criminal trespass into property of CW1 and wrongfully restrained CW1 and thereby No.1 to 8 have committed the offence punishable under Section 341 R/w Section 149 of IPC?

4. Whether the prosecution further proves beyond all reasonable doubt that, on the above said date, time and place accused No.1 to 8 in prosecution of their common object formed unlawful assembly, committed criminal trespass into the property of CW1 and CW4, abused CW1 and CW4 in filthy language in order to annoy the public peace and thereby accused No.1 to 8 have committed the offence punishable under Section 504 R/w Section 149 of IPC?
5. Whether the prosecution further proves beyond all reasonable doubt that, on the above said date, time and place accused No.1 to 8 in prosecution of their common object formed unlawful assembly and committed criminal trespass into the property of CW1 and CW4 and gave life threat to CW1 and CW4 and thereby accused No.1 to 8 have committed the offence punishable under Section 506 R/w Section 149 of IPC?
6. What order?
7. The findings on the above points are as hereunder:
 - 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 order
for the following:

REASONS

8. **Point No.1 to 5:** Since these points are interconnected with each other and in order to avoid repetition of facts, these points are taken up together for discussion.

9. The prosecution examined the complainant CW1 H.K.Nandish as PW1. In the chief-examination he has deposed that, an extent of 20 guntas in Sy.No.87/12 and an extent of 5 guntas in Sy.No.87/13 of Beejaganahalli village is standing in his name and on 24.08.2022 his wife CW4 purchased the property and executed Gift Deed in his favour. He has further deposed that, on 21.11.2023 at about 10.00 am when they were plowing Sy.No.87/13 the accused persons came there in a group, abused them in filthy language and restrained them from plowing the land. He has further deposed that, the accused persons have restrained CW5 who came along with the tractor for plowing the land. The accused persons have restrained them and troubled them. In that connection he has lodged the complaint and the same has been marked as per Ex.P1 and his signature came to be marked as per Ex.P1(a). He has further deposed that, on the next day the police have visited the spot and in his presence the police have drawn the mahazar in the presence of CW2 and CW3 and the mahazar

came to be marked as per Ex.P2 and his signature came to be marked as per Ex.P2(a). He has been partly treated hostile and in the cross-examination by learned APP, he has admitted the suggestion that, the accused persons have pushed him and gave life threat to them.

10. In the cross-examination by defence counsel PW1 deposed that, his wife purchased the property and prior to purchase he had no knowledge about the said property. He has further deposed that, as per the documents verified by him, one Rathnakamma acquired the said property as per court decree and he has further admitted the suggestion that as per the decree they had changed the Khata of the property and in the complaint he had not mentioned how Rathnakamma acquired the property. He has admitted the suggestion that the accused persons are the adjacent owners of his property and has got no knowledge about the accused persons are in possession of adjacent land since 60-70 years. In the further cross-examination PW1 deposed that, now an extent of 1 acre 12 guntas in Sy.No.86/1, 20 guntas in Sy.No.87/12, 5 guntas in Sy.No.87/13 are standing in his name and Sy.No.86/1 and Sy.No.87/13 are adjacent to each other. He has further deposed that the accused persons have also troubled to Sy.No.86/1 also. He has further deposed that on 24.08.2022 his wife purchased the said property and on 21.11.2023 he went to the property for doing agricultural

operation. He has further deposed that, since 24.08.2022 till 21.11.2023 he had not plowed the property and before purchase the property was measured and further deposed that, at the time of sale deed the survey was not completed. He has deposed that, he has filed one suit for permanent injunction before Hunsur Civil Judge court and admitted that the court ordered for maintaining status-quo. He has denied the suggestion that without looking into the original documents he had purchased the property. He has denied the suggestion that, the accused persons have got 4 acres 21 guntas in Sy.No.87/5 and also denied the suggestion about mortgage by the accused persons to the ancestors of Rathnakalamma and denied the other suggestions.

11. The prosecution examined CW2 Kantharaju as PW2. He is one of the mahazar witness and in the chief-examination he has deposed that, he signed the mahazar about 2 years back in the property of CW1 where the quarrel took place and at that time CW1 was present and shown the place and CW3 was also present. He has identified his signature in the mahazar which came to be marked as per Ex.P2(b). He has been partly treated hostile and in the cross-examination of learned APP, he has admitted the suggestion about date and place of mahazar and also admitted that at the time of mahazar the police had called himself and CW2 as witness. In the cross-examination by learned defence counsel

he has deposed that, he knows CW1 since 15 years and denied the suggestion that he has signed the mahazar in the police station.

12. One of the important witness in this case is CW4 Smitha. She is an eyewitness as well as victim and injured of this case. The prosecution examined her as PW3. In the chief-examination she has deposed that, on 21.11.2023 herself and CW1 went to their property for plowing along with CW6 to CW8 and at about 10.00 am the accused persons have committed criminal trespass into the said property, abused CW1 and herself in filthy language, the accused persons have pushed them and gave life threat to them and also abused CW5 in filthy language. CW6 to CW8 have pacified the quarrel and taken them to the hospital. She has further deposed that, on 24.08.2022 she had purchased 20 guntas in Sy.No.87/12 and 5 guntas in Sy.No.87/13 and on 06.07.203 she has gifted the said property by way of Gift Deed in favour of CW1 and she has identified the accused persons.

13. In the cross-examination PW3 deposed that, on 24.08.2022 she has purchased 20 guntas in Sy.No.87/12, 5 guntas in Sy.No.87/13 and 12 guntas in Sy.No.86/1 and further deposed that she has given property documents to the police. She has admitted the suggestion that, her husband filed suit before Prl Civil Judge Court Hunsur in OS No.420/203 for possession of the property and since 2022

from the date of purchase till 2023 they had not been to the property for plowing. She has further deposed that, since CW6 to CW8 are her friends they came along with them on 22.11.2023. She has further deposed that, at the time of purchase somebody was in possession of the property and she had not seen the accused persons in the said property. She has further denied the suggestion that since about 60 years the accused persons are in possession of the said property and denied the other suggestions.

14. CW3 Shivalingachar is one of the mahazar witness and he has been examined as PW4. In the chief-examination he has only identified his signature in the mahazar which came to be marked as per Ex.P2(c) and he has turned completely hostile to the prosecution case. Though learned APP has cross-examined him at length he has not deposed a single word in support of the prosecution case.

15. As per the prosecution CW6 Shekar is one of the eyewitness to the case of the prosecution. He has been examined as PW5 and in the chief-examination he has deposed that, on 21.11.2023 he went to coolie work along with CW7 to the property of CW1 situated at Beejaganahalli village and CW5 was plowing the land with a tractor and at that time the accused persons came there and not allowed them to do the work and the accused persons lay down in front of the tractor and abused CW1 and CW4 in filthy language. He has been

partly treated hostile and in the cross-examination by learned APP, he has admitted the suggestion about the abusive words used by the accused persons upon CW1 and CW4. He has also admitted that, the accused persons have wrongfully restrained CW1 and CW4 and pushed them and gave life threat to them. He has further admitted the suggestion that, himself and CW7 and CW8 have pacified the quarrel and taken CW1 from the land. He has also admitted the suggestion that, the accused persons have committed criminal trespass into the property of CW1 and identified the accused persons.

16. In the cross-examination by learned defence counsel, PW5 deposed that, he knows CW1 since 2-3 years and on 21.11.2023 CW1 called him for the work and the property of the accused persons is situated adjacent to the property of CW1. He has further deposed that he does not know who was in possession of the property earlier. He has also deposed that he does not know how CW1 acquired the said property and the ladies have abused CW1 in filthy language and he cannot say their names. He has further deposed that, he cannot say the names of the persons who gave life threat and he knows only their face. He has denied the suggestion that, CW1 has interfered with the possession of CW1 over the property and denied the other suggestions.

17. The prosecution examined one of the eyewitness to the alleged incident who is CW7 Aruna and he has been examined as PW6 and in the chief-examination he has deposed that, on 21.11.2023 himself and CW6 went to the property of CW1 and CW4 situated at Beejaganahalli village for coolie work and at about 10.00 am CW1 and CW4 were plowing the property through CW8 by a tractor and at that time the accused persons came there in a group and started quarrel with CW1 and CW4 and abused both of them in filthy language by saying ಬೋಳಿಮಗನೇ, ಸೂಳಿಮಗನೇ, ರಂಡೆ ಮತ್ತು ಮುಂಡೆ and also wrongfully restrained them from plowing and also gave life threat to them. The accused persons have also abused CW5 and himself, CW6 and CW8 have pacified the quarrel and he has stated the name of the accused persons and also identified them. In the cross-examination PW6 deposed that, he knows CW1 since 10 years and on the said date they went to the property at about 10.00 am and at that time the tractor was plowing the land and nearly about 10 gunta was plowed. He has further deposed that, for the first time he has gone to the said property and he does not know who was in possession of the said property and denied the suggestion about the case of the prosecution. He has admitted the suggestion that, himself, CW6, CW8 and CW1 are friends and denied the suggestion that, he is deposing false evidence.

18. As per the prosecution one of the eyewitness in this case is CW8 Chethan and the prosecution examined him as PW7. In the chief-examination he has deposed that, on 23.11.2023 CW1 has sent CW6 and CW7 to the property of CW1 and at that time 7-8 persons were quarreling without making the persons to plow the property. The said persons have started quarrel with CW1 and abused him and his wife CW4 and also gave life threat to them. He has further deposed he was present at that time and he has given complaint and statement before the police. He has been partly treated hostile and in the cross-examination by learned APP, he has admitted the suggestion that the incident took place on 21.11.2023 at about 10.00 and and at that time the accused persons came there by forming unlawful assembly, abused CW1 and CW4 in filthy language and wrongfully restrained them and pushed them.

19. In the cross-examination PW7 deposed that, he knows CW1 since 12-13 years and in the year 2022 CW1 purchased the property and at that time one Rathna Kamma was in possession of the said property and in the year 2023 CW1 went to the property for the first time to do agricultural operations and the tractor was plowing Sy.No.67 and CW1 had purchased Sy.No.67 and the incident took place in Sy.No.67/2 and denied the suggestion that, in order to help the complainant he is deposing false evidence.

20. One of the eyewitness in this case is CW5 Harisha who has been examined as PW8. In the chief-examination he has deposed that, about two years back at about 2.00 pm, he was plowing with a tractor and at that time there was some talks between CW1 and nearby property holders and he returned along with the tractor. He has not deposed about the case of the prosecution. He turned hostile regarding the incident. Though learned APP cross-examined him at length, he has not deposed a single word in support of the prosecution case. His statement came to be marked as per Ex.P3.

21. The entire investigation in this case has been conducted by CW9 Mahesh R and the prosecution examined him as PW9. In the chief-examination PW9 deposed that, on 21.11.2023 at about 6.30 pm when he was in the police station, CW1 lodged the complaint and on the basis of the said complaint he has registered the case in Crime No.237/2023 and submitted the FIR. On the next day he has visited the spot, issued notice to CW2 and CW3 and drawn the spot mahazar in the presence of CW1 to CW3. He has also issued notice to CW4 to CW8 and recorded their statements. On 22.11.2023 he has received two RTC from CW1. The accused persons appeared before him by obtaining bail and he has released them. He has identified the accused persons and also deposed that, upon completion of the investigation he has submitted the charge-sheet. The FIR, notice given to mahazar

witnesses and RTC have been got marked as per Ex.P4 to P7 and his signatures in the said documents as well as complaint and mahazar came to be marked as per Ex.P1(b), P2(d), P4(a) to P7(a). In the cross-examination PW9 deposed that, since the complaint was lodged in the evening he has not visited the spot on the same day. At the time of lodging the complaint CW1 was in possession of the said property. He has further deposed that, since he visited the spot on the next day he cannot say how much property was plowed. He has not recorded the statements of adjacent owners. He has denied the suggestion that though the accused persons are in possession of the property since their ancestors, in order to help the complainant he has registered false case and submitted false charge-sheet.

22. As per the prosecution the alleged incident had taken place in the property of PW1. Ex.P1 is the complaint lodged by PW1 on the date of the incident itself. As per Ex.P1 the alleged incident taken place on 21.11.2023 at about 10.00 am. PW1 and PW2 have also deposed the same date and time of the incident. As per the evidence of PW1 the incident took place in Sy.No.87/12 and 87/13 and Ex.P1 complaint discloses that the accused persons are the neighboring land owners. It is the definite case of the prosecution that the accused persons have committed criminal trespass into the property of PW1. In this regard the prosecution got marked the

RTC of the aforesaid properties as per Ex.P6 and Ex.P7. As per these two documents PW1 has got 5 guntas in Sy.No.87/13 and 20 guntas in Sy.No.87/12. It is an admitted fact that initially PW3 Smitha has purchased the said properties and thereafter she has executed a Gift Deed in favour of PW1. On going through the oral testimony of PW1 and PW3 it is an admitted fact that there is civil dispute pending between them. As per the prosecution at the time of the incident PW1, PW3, PW5 to PW8 were present. But nowhere in the evidence PW1 deposed that, he has taken PW5 to PW8 along with for the agricultural work in his property. In the entire complaint averments there is no mention about any abusive words used by the accused persons upon PW8 Harish. But in the evidence PW1 has improved his version and deposed that, the accused persons have wrongfully restrained PW8.

23. Further as per the evidence of PW1, the accused persons have pushed him and his wife, but no treatment was taken by them and this fact is not forthcoming in the complaint and improvement in the evidence leads to contradiction. In the cross-examination PW1 admitted the suggestion that, in the civil suit the court directed both the parties to maintain status-quo. In the evidence PW3 also deposed that, the accused persons have pushed them. But the said fact is not forthcoming in the complaint and in her statement. It is pertinent to note that PW1 and PW3 have

categorically deposed that, the accused persons have abused PW8 also. But PW8 completely turned hostile to the prosecution case. As such there arises doubt in the mind of the court about the alleged incident itself.

24. As per the prosecution PW5 to PW7 are the eyewitnesses to the alleged incident. It is very important to note that, PW5 to PW7 are the friends of PW1 and it has come out in their evidence. They become interested witness. Furthermore as per the own admission of PW1, after the purchase for one year they had not done any agricultural operations in the property and there is no reason assigned by PW1 and PW3 for staying away from the property for one year after purchase. This also creates doubt in the mind of the court about the alleged incident. Further the mahazar witnesses have also not supported the prosecution PW4 being one of the mahazar witness has completely turned hostile and PW2 turned partly hostile and in his cross-examination by defence counsel, he has deposed that, he knows PW1 since 15 years. Therefore all the witnesses are closely known to PW1. The prosecution has not examined any independent witnesses.

25. PW5 being one of the eyewitness has initially turned hostile and in the cross-examination by learned APP, he has admitted the suggestions and in the cross-examination by learned defence counsel he has deposed that, he does not know the names of the accused persons. In the cross-

examination PW6 deposed that he does not know who was in possession of the property. As such the evidence of PW5 to PW8 not corroborative with the evidence of PW1 and PW2. As such there arises doubt in the mind of the court about the alleged incident. Further it is to be noted that, the alleged incident took place on 21.11.2023 at about 10.00 am and it is the specific evidence of PW1 that, immediately after the incident PW5 to PW7 have taken him to the police station, but the complaint came to be lodged on the same day at about 6.30 pm. What prevented PW1 from lodging the complaint immediately is not disclosed in the complaint. As per Ex.P4 FIR the place of incident was only four kilometers away from the police station. It is not the case of the prosecution that PW1 and PW3 have taken any treatment. As such there is delay in lodging the complaint which remained unexplained. This also creates doubt in the mind of the court about the alleged incident. On the basis of the above discussions this court comes to the conclusion that the prosecution has failed to prove the guilt of the accused persons beyond all reasonable doubt. Accordingly, Point No.1 to 5 are answered in the Negative.

26. **Point No.6:** In view of the reasons discussed above this court proceeds to pass the following:

ORDER

Acting under Section 248(1) of Cr.P.C accused No.1 to 8 are hereby acquitted for the offences punishable under Section 143, 447, 341, 504, 506 R/w Section 149 of IPC.

The bail bond and surety bond of accused No.1 to 8 and their surety shall stand cancelled.

The bond executed by accused No.1 to 8 and their surety under Section 437(A) of Cr.P.C shall be in force for a period of six months.

(Typed by me directly on the Laptop, same is then corrected and pronounced by me in the open court on this the 16th day of June, 2026.)

Sd/-

(Anitha)

Prl.Senior Civil Judge and JMFC.,
Hunsur.

ANNEXURE**List of witnesses examined on behalf of the prosecution:**

PW1	:	H.K.Nandeesh
PW2	:	Kantharaju
PW3	:	Smitha.D.V.,
PW4	:	K.B.Shivalingachar
PW5	:	Shekara
PW6	:	Aruna
PW7	:	Chethan
PW8	:	Harisha
PW9	:	Mahesh.R.,

List of documents marked on behalf of the prosecution:

Ex.P1	:	Complaint
Ex.P1(a)	:	Signature of PW1
Ex.P1(b)	:	Signature of PW9
Ex.P2	:	Mahazar
Ex.P2(a)	:	Signature of PW1
Ex.P2(b)	:	Signature of PW2
Ex.P2(c)	:	Signature of PW4
Ex.P2(d)	:	Signature of PW9
Ex.P3	:	Statement of PW8
Ex.P4	:	FIR
Ex.P4(a)	:	Signature of PW9
Ex.P5	:	Notice
Ex.P5(a)	:	Signature of PW9
Ex.P6	:	RTC
Ex.P7	:	RTC
Ex.P6(a) & P7(a)	:	Signatures of PW9

Witnesses examined on behalf of the accused: Nil**Documents marked on behalf of the accused:** Nil**Material objects marked on behalf of the prosecution:** Nil**Material objects marked on behalf of the accused:** Nil

Sd/-
(Anitha)
Prl.Senior Civil Judge and JMFC.,
Hunsur.