

**CC.NO.294/2020.**

KARC310013662020



Presented on : 09-06-2020

Registered on : 09-06-2020

Decided on : 10-04-2026

Duration: 5 years, 10 months, 1 days

**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE & J.M.F.C,  
LINGASUGUR.**

**Dated this 10<sup>th</sup> day of April, 2026.**

**Present: Sri. Ambanna.K.** B.Com, L.L.B. [Spl.]

**Civil Judge & J.M.F.C., Lingasugur.**

**CC.NO.294/2020.**

**Complainant :**

The State by C.P.I.,  
Lingasugur Police Station.

**(By the learned APP., Lingasugur.)**

**-Vs-**

**Accused**

1. Durugesh S/o Yamanapa Bandi,  
Age: 24 years, Occ: Driver,  
R/o Vaddar Oni,  
Tq: Lingasugur, Dist: Raichur.
2. Yamanuru S/o Parashuram,  
Age: 23 years, Occ: Meshan Work,  
R/o: Vaddar Oni,  
Tq: Lingasugur. Dist: Raichur.
3. Gundappa S/o Yamnappa Police Patil, ( **Dead** ).
4. Chandrappa S/o Oba Nayak Rathod,  
Age: 38 years, Occ: Meshan Work,  
R/o: Kesaratti Tanda,  
Tq: Lingasugur. Dist: Raichur.



5. Gangadhar S/o Mahadevappa Valmiki,  
Age: 27 years, Occ: Driver,  
R/o: Near Agasi Katti Kardkal,  
Tq: Lingasugur. Dist: Raichur.
6. Tirupati,  
Age: 30 years, Occ: Meshan Work,  
R/o: Beside of Bheerappa Temple, Kardkal,  
Tq: Lingasugur. Dist: Raichur.
7. Keshav,  
Age: 41 years, Occ: Driver,  
R/o: Near Siddarooda Math, Kardkal,  
Tq: Lingasugur. Dist: Raichur.
8. Ravikumar ( **Split-Up** ).

( A.1 By Sri S.H.G., Advocate. )  
( A.2, 4 to 6 By Sri A.B.D., Advocate. )  
( A.7 By Sri M.S., Advocate. )  
( A.8 Split-Up )

### J U D G M E N T

The C.P.I. of Lingasuguru P.S. has submitted charge sheet against the accused person for the offenses having been committed under Sections 143, 147, 148, 504, 341, 323, 332, 353, 427 R/W/Sec.149 and 3(1)(E) Karnataka Government Property Prevention Act, 1984.

#### **2. The brief facts of the prosecution case is as follows :**

That, on 28-08-2019 at 03.00 PM within the limits of Lingasugur police station near forest office, the accused persons having common object for committing offence formed an unlawful assembly quarreled with CW.1, 4, 5 and 6 and by rioting with deadly weapon in respect of accused arrested in some other case



by name Saiyyad S/o Ahamad and wrongfully restrained CW.1, 4, 5, 6 and 8 and their jeep No.KA.36-G-128 while carrying the accused for remand and accused persons shouted and abused on the police officials like “ ಲೇ ಸೂಳೇ ಮಕ್ಕಳೇ ನೀವು ಅವನನ್ನು ಹೇಗೆ ಕರೆದುಕೊಂಡು ಹೋಗುತ್ತೀರಿ, ಅವನನ್ನು ನಮಗೆ ಒಪ್ಪಿಸಿಯೆಂದು ಬೈದಾಡಿರುತ್ತಾರೆ ”. Further the accused person No.1, 2, 4, 6 and 7 have assaulted CW.1, 4, 5, 6 and 8 with hands and obstructed their official duty and caused destruction of public property and thereby the accused persons have committed the aforesaid offences.

**3.** On the basis of first information filed by CW.1- Gangappa Burli, a criminal case has been registered in Lingasuguru Police Station Crime No.204/2019 and FIR was sent to the Court. On the place shown by CW1 the police have conducted the spot mahazar in the presence of punchas. Further the police have recorded the statements of the witnesses. After completion of investigation the charge sheet has been filed against the accused persons for the alleged offences.

**4.** The cognizance of the offences was taken and summons to the accused person has been issued. The accused person appeared before the court through their counsel and got released on bail. The accused No.3 reported as dead. The case against accused No.3 stands abated. In spite of repeated summons and NBW issued against accused No.8, the IO has not secured. Hence, case against accused No.8 was split-up and separate case registered against accused No.8. Copies of the charge sheet were furnished to the accused No.1, 2, 4 to 7 in compliance of section 207 of Cr.P.C. After hearing the accused persons



charge was framed as against the accused No.1, 2, 4 to 7 for alleged offences and read over and explained to them, for which they pleaded not guilty and claimed to be tried. Hence, case has been posted for prosecution evidence.

5. In support of its case, the prosecution has examined as many as 13 witnesses as PW.1 to 13 and got marked document at ExP.1 to P.14 and MO.No.1 and 2. The statement of the accused person under section 313 of Cr.P.C. was recorded and accused No.1, 2, 4 to 7 denied the circumstances incriminating against them in the prosecution evidence. The accused No.1, 2, 4 to 7 have not chosen to lead any defence evidence. Then the matter is posted for arguments.

6. Heard the arguments on both side and perused the materials available on record.

7. The points which arises for determination are as follows:

1. Whether the prosecution proves beyond all the reasonable doubt that on 28-08-2019 at 03.00 PM within the limits of Lingasugur police station near forest office, the accused persons having common object for committing offence formed an unlawful assembly and picked up quarrel with CW.1, 4, 5, 6 & 8 and thereby committed the offence punishable U/sec.143 R/W/Sec.149 of IPC ?

2. Whether the prosecution proves beyond all the reasonable doubt on the afore said date, time and place, the accused persons being the members of an unlawful assembly with common object of committing offence rioting with CW-1, 4,



5, 6 & 8 and thereby committed offence punishable U/sec.147 R/W/Sec.149 of IPC ?

3. Whether the prosecution proves beyond all the reasonable doubt on the afore said date, time and place, the accused persons being the members of an unlawful assembly with common object of committing offence rioting with deadly weapon like club and stone and thereby committed offence punishable U/sec.148 R/W/Sec.149 of IPC ?

4. Whether the prosecution proves beyond all the reasonable doubt on the afore said date, time and place, the accused persons having common object for committing offence formed an unlawful assembly and picked up quarrel with CW.1, 4, 5, 6 & 8 and wrongfully restrained Police officials jeep No.KA.36-G-128 from moving further and thereby committed the offence punishable U/Sec.341 R/W/Sec.149 of IPC. ?

5. Whether the prosecution proves beyond all the reasonable doubt on the afore said date, time and place, the accused persons having common object for committing offence formed an unlawful assembly and picked up quarrel with CW.1, 4, 5, 6 & 8 and abused them in filthy language like " ಲೇ ಸೂಳೇ ಮಕ್ಕಳೇ ನೀವು ಅವನನ್ನು ಹೇಗೆ ಕರೆದುಕೊಂಡು ಹೋಗುತ್ತೀರಿ, ಅವನನ್ನು ನಮಗೆ ಒಪ್ಪಿಸಿಯೆಂದು" and insulting and provoking them to break the public piece and thereby committed the offence punishable U/Sec.504 R/W/Sec.149 of IPC ?

6. Whether the prosecution proves beyond all the reasonable doubt on the afore said date, time and place, the accused persons having common object for committing offence formed an unlawful assembly and picked up quarrel with CW.1, 4, 5, 6 & 8 and assaulted them with hands and caused simple hurt and thereby accused



persons committed the offence punishable U/Sec.323 R/w/Sec.149 of IPC ?

7. Whether the prosecution proves beyond all the reasonable doubt on the afore said date, time and place, the accused persons having common object for committing offence formed an unlawful assembly and picked up quarrel with CW.1, 4, 5, 6 & 8 and criminalizes the use of force against public servants who are performing their duties which is also covers attempts to prevent public servants and thereby accused persons committed the offence punishable U/Sec.353 R/w/Sec.149 of IPC ?

8. Whether the prosecution proves beyond all the reasonable doubt on the afore said date, time and place, the accused persons having common object for committing offence formed an unlawful assembly and picked up quarrel with CW.1, 4, 5, 6 & 8 and pulled CW-1 by holding their uniform and assaulted him to deter public servant from his official duty and thereby accused persons have committed the offence punishable U/Sec.332 R/W/Sec.149 of IPC ?

9. Whether the prosecution proves beyond all the reasonable doubt on the afore said date, time and place, the accused persons having common object for committing offence formed an unlawful assembly and picked up quarrel with CW.1, 4, 5, 6 & 8 and thrown stone on them and damaged the back side of Jeep glass and caused loss and thereby accused persons have committed the offence punishable under Section 427 R/W/Sec.149 of IPC ?

10. What order or sentence ?

8. My answer to the above points are :



- |    |   |                                            |
|----|---|--------------------------------------------|
| 1  | : | In the negative.                           |
| 2  | : | In the negative.                           |
| 3  | : | In the negative.                           |
| 4  | : | In the negative.                           |
| 5  | : | In the negative.                           |
| 6  | : | In the negative.                           |
| 7  | : | In the negative.                           |
| 8  | : | In the negative.                           |
| 9  | : | In the negative.                           |
| 10 | : | As per the final order for the following : |

### **REASONS**

**9. Point No.1 to 9:** I have taken these points together for consideration to avoid repetition of facts and circumstances and also for the sake of convenience and brevity.

It is well settled that in a criminal case the entire burden is upon the prosecution to prove the alleged offences against the accused as per section 101 of evidence Act. The accused need prove nothing. Suffice for the accused to create doubt about the admissibility as to the evidence of the prosecution witness.

**10.** In order to bring home the guilt of the accused, the prosecution has examined 13 witnesses as PW.1 to 13. CW-1 Gangappa Burli, who is first informant is examined as PW.3, who is the victim in this case has deposed in his chief examination that, on 28-08-2019 at 03.00 PM within the limits of Lingasugur police station near forest office, the accused persons having common object for committing offence formed an unlawful assembly quarreled with CW.1, 4, 5 and 6 and by rioting with deadly weapon in respect of accused arrested in some other case



by name Saiyyad S/o Ahamad and wrongfully restrained CW.1, 4, 5, 6 and 8 and their jeep No.KA.36-G-128 while carrying the accused for remand and accused persons shouted and abused on the police officials like “ ಲೇ ಸೂಳೇ ಮಕ್ಕಳೇ ನೀವು ಅವನನ್ನು ಹೇಗೆ ಕರೆದುಕೊಂಡು ಹೋಗುತ್ತೀರಿ, ಅವನನ್ನು ನಮಗೆ ಒಪ್ಪಿಸಿಯೆಂದು ಬೈದಾಡಿರುತ್ತಾರೆ ”. Further the accused person No.1, 2, 4, 6 and 7 have assaulted CW.1, 4, 5, 6 and 8 with hands and obstructed their official duty and caused destruction of public property. Further he has stated that, there are 152-200 peoples were gathered in the Lingasugur Police Station Compound. When they going to produce the accused for judicial custody some 25-30 persons have restrained their Jeep and abused them and hold their uniform and assaulted on them. Therefore on the same day at 06.15 PM., he lodged complaint in the police station. The complaint is marked at Ex.P.3 and his signature at Ex.P.3(a). Further it is stated that on 26-08-2019 the Mahazar was conducted in presence of CW.2 and 3 in between 10.00 Am to 10.45 and seized stone from the spot and thereafter they seized glass pieces in the police station. The Mahazars are marked Ex.P.1 and 2 and photographs are marked at Ex.P4 to 7. the stone and Glass pieces are marked at MO.No.1 and 2. On 27-08-2019 he identified the accused persons as Durugesh, Yamanoora, Gundappa, Yamanappa, Chandappa and Hobanna. On 31-08-2019 he identified the accused No.1 to 4 in the police station. On 05-09-2019 he seen the accused persons by name Ravikumar, Gangadhara, Tirupathi, Keshava through video clip.





**11.** During the cross-examination he has admitted that, in the complaint it was mentioned 50-60 persons have made attempt. But it is stated, some 25-30 persons have formed an unlawful assembly. Further it is admitted that, some 150-200 persons have gathered in the police station, but they have not sure who were the 50-60 persons exactly. It is clearly admitted that, he did not lodged compliant against 50-60 persons. The PW.1 is clearly admitted that, he has not mentioned in the compliant who were the 20-25 persons. It is clearly admitted that, 20-25 persons have formed unlawful assembly. Further he denied the suggestions put by the accused persons.

**12.** PW.4 Ranganatha, PW.5 Ningappa, PW.6 Sanna Basavaraja, PW.7 Nagarjuna, PW.8 Shankar Nayaka, PW.9 Doddappa.J. PW.10 Sanna Veresha, PW.12 Deepak PI, who are the police official witnesses and eye witnesses have reiterated the version of CW.1 in their chief examination. During the cross-examination they have admitted that, they unable to say particularly 20-25 persons restrained them from further moving and assault made by the accused persons. Further it is clearly admitted that, they did not know as to who thrown the stone on the Jeep exactly. Further they have admitted that, there are 150-200 persons have gathered in said mob.

**13.** Further the PW-1 Basavaraja and PW-2 Sathik, who are the Mahazars and independent witnesses have completely turned hostile to the case of prosecution by denying the contents of Ex.P.1 and 2 Mahazars. They clearly deposed that the police have not seized any material in their presence. The PW-1 and 2



are treated as hostile witnesses. The learned Assistant Public Prosecutor cross-examined them, but nothing worth has been elicited from his mouth to prove the case of prosecution. The PW-1 and 2 denied the entire case of the prosecution in his cross-examination. Hence, evidence of PW-1 and 2 does not inspire confidence of this court to base conviction against the accused persons.

**14.** PW.11 Dr. Manohar, who is the doctor as deposed that, on 25-08-2019 at 8.45 PM., when he was in hospital the CW.4 to 6 have appeared for treatment in the history of assault. On examination of CW.4 he found tenderness on the shoulder and on the chest and there is no external injuries. On examination of CW.5, he found tenderness on the shoulder and on the chest and there is no external injuries. On examination of CW.6, he found tenderness on the right hand and forearm and there is no external injuries. He issued wound certificates at Ex.P.8 to 10 and his signature at Ex.P.8(a) to Ex.P.10(a). During the cross-examination he has admitted that, the tenderness would not be visible. It is clearly admitted that, the wounds at Ex.P.8 to 10 might be caused if a person fell down on the hard surface.

**15.** PW.13 Yashwanth PI., has stated that, on 26-08-2019 at he received case file from CW.15 and perused the same. The complaint is already marked at Ex.P.3 and the signature of the CW.15 is marked at Ex.P.3(b). The FIR is marked at Ex.P.11 and signature of CW.15 is Ex.P.11(a). On the same day he visited the spot and conducted the Spot mahazar in presence CW.2 and 3 and seized stone and glass pieces. The mahazar is marked at



Ex.P.1 and signature at Ex.P.1(c). Thereafter at 11.00 to 11.45 he conducted the Mahazar and seized glass pieces in the police station. The said mahazar is marked at Ex.P.2 and signature at Ex.P.2(c). On the same day he recorded the statements of the CW.6 to 8. On 27-08-2019 he recorded the further statement of CW.1 and statement of CW.10 and 11. On 31-08-2019 he recorded the statements of CW.4 to 11. On the same day he produced the accused No.1 to 4. On 05-09-2019 he recorded the further statement of CW.1, 4 to 11. On 30-09-2019 he obtained wound certificates of CW.1, 4 to 6. on 02-10-2019 he obtained documents from CW.14 about vehicle. On 04-01-2020 he obtained report from RTO. On 10-01-2020 he filed charge sheet against the accused persons. On 05-09-2019 he identified the accused No.5 to 8 from video clip. The wound certificates are already marked at Ex.P.8 to 10 and his signature at Ex.P.8(b) to Ex.P.10(b). the vehicle order is marked at Ex.P.13 and his signature at Ex.P.13(a). The RTO report is marked at Ex.P.14 and his signature at Ex.P.14(a).

**16.** During the cross-examination he has admitted that, there are 500-600 persons were gathered in the spot. Some 20-25 persons have restrained police Jeep and abused them in filthy language, but he did not investigate about 20-25 persons. It is also admitted that, he did not made investigation about 50-60 persons. Further he has clearly admitted that, he did not know as to who was the obstructed their official duty among the accused persons. He did not mentioned in the charge sheet that, who have assaulted with stone and club and who were obstructed the



official duty. Further he has denied that he has filed false charge sheet against the accused persons without proper investigation.

**17.** On appreciation and evaluation of the prosecution evidence which reveals that the PW-1 and PW.2 who are the spot mahazar witnesses have not supported the case of prosecution. Therefore, it creates doubt whether the police have conducted the mahazar in the spot or not and seized the material objects in presence of the witnesses. In order to bring home the guilt of the accused, the prosecution has examined 13 witnesses as PW.3 to 13 who are official witnesses have naturally supported the case of prosecution. The evidence of Police official witnesses needs corroborations of independent witnesses. But, in this case all the official witnesses have stated that, at one stretch some 50-60 persons have attached, and another stretch have stated that, some 20-25 persons have restrained their Jeep and abused them and deter their public duty. It is important note here that the IO has admitted that, on that day some 500-600 persons have gathered in the spot and also he did not made investigation about 50-60 persons who are the real culprits. Admittedly there was a mob in respect of communal class, but the police have filed charge sheet against only accused No.1 to 8, who are the fruit, fish and vegetable vendors. On going through the materials available on record the evidence of PW.3 to 13 were discloses the discrepancy and contradictions among them. Moreover, the independent witnesses have not fully supported the case of prosecution, which creates serious doubt that, the very accused persons have committed alleged offence or not. Therefore, the



conviction cannot be based on sole police official witnesses. The evidence of police official needs corroboration of the independent witnesses. It is well established principle of criminal jurisprudence that the prosecution has to prove the guilt of the accused persons beyond all reasonable doubt. On considering the facts and circumstances of the case this court is of the opinion that, the prosecution has failed to bring home the guilt of accused persons beyond all reasonable doubt. Hence the benefit of doubt should tilt in favour of the accused persons. As the prosecution failed to prove point No.1 to 9. Hence, I answered points No.1 to 9 are in the Negative.

**18. POINT NO.10:-** In view of the above findings given on point No.1 to 9, this court proceed to pass the following ;

### **ORDER**

In exercise the powers conferred under Section 248(1) of Cr.P.C, the accused No.1, 2, 4 to 7 are hereby acquitted of the alleged offences punishable under sections 143, 147, 148, 504, 341, 323, 332, 353, 427 R/W/Sec.149 and 3(1)(E) Karnataka Government Property Prevention Act, 1984.

The MO.No.1 and 2 ie., club and glass pieces are being worthless properties are



ordered to be destroyed after appeal period is over.

The bail bonds and surety bonds of the accused persons shall be continued for a period of 6 months as per section 437(A) of Cr.P.C.

The copy of the judgment is to be kept in the split-up case in CC.NO.2356/2025 which registered against accused No.8.

( Dictated to the stenographer directly on the computer, corrected and then pronounced by me in the open court on this 10<sup>th</sup> day of April, 2026. )

( AMBANNA.K )  
Prl., Civil Judge & JMFC.,  
Lingasugur.

**ANNEXURE**

**WITNESS EXAMINED FOR THE PROSECUTION.**

|       |   |                  |
|-------|---|------------------|
| PW-1  | : | Basavaraja.      |
| PW-2  | : | Sadhik.          |
| PW-3  | : | Gangappa.        |
| PW-4  | : | Ranganath.       |
| PW-5  | : | Ningappa.        |
| PW-6  | : | Sanna Basavaraj. |
| PW-7  | : | Nagarjuna.       |
| PW-8  | : | Shankar.         |
| PW-9  | : | Doddappa.J.      |
| PW-10 | : | Sanna Viresh.    |



PW-11 : Manohara.  
PW-12 : Deepak.  
PW-13 : Yashwanth.

**DOCUMENTS MARKED FOR THE PROSECUTION.**

Ex.P-1 : Spot Mahazar.  
Ex.P-1(abc) : Signatures.  
Ex.P-2 : Seizure Mahazar.  
Ex.P-2(abc) : Signatures.  
Ex.P-3 : Complaint.  
Ex.P-3(a) : Signatures.  
Ex.P-4 to 7 : Photos.  
Ex.P-8 to 10: Wound certificates.  
Ex.P-8,9,10(ab) : Signatures.  
Ex.P-11 : FIR.  
Ex.P-11(a) : Signature.  
Ex.P-12 : Sketch.  
Ex.P-12 (a) : Signature.  
Ex.P-13 : Order of vehicle sale.  
Ex.P-13 (a) : Signature.  
Ex.P-14 : Statement of RTO.  
Ex.P-14 (a) : Signature.

**WITNESS EXAMINED ON BEHALF OF ACCUSED.**

NIL

**DOCUMENT MARKED ON BEHALF OF THE ACCUSED.**

MO.NO.1 & 2 : One Club and glass pieces.

**Prl., Civil Judge & JMFC.,  
Lingasugur.**