



Presented on : 07-01-2025
Registered on : 07-01-2025
Decided on : 23-06-2026
Duration: 1 years, 5 months, 16 days

**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE AND
JMFC., LINGASUGUR.**

Present: Sri.AMBANNA. K.

B.Com., LL.B (Spl.)

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

Dated this 23rd day of June, 2026.

CC.NO.11/2025.

**COMPLAINANT: State by Pl.,
of Lingasugur Police Station.**

(By Learned Asst. Public Prosecutor.)

- V/s -

ACCUSED PERSONS:

1. Parasappa @ Parashuram
S/o Hanumanta Gaddelamri.
Age: 28 years, Occ: Agriculture.
R/o Yaragodi Village,
Tq: Lingasugur, Dist: Raichur.
2. Sanjeevappa S/o Hanumappa Guttedar,
Age: 36 years, Occ: Agriculture.
R/o Yaragodi Village,
Tq: Lingasugur, Dist: Raichur.

(By Sri. H.B., Advocate.)



J U D G M E N T

The PSI of Lingsugur Police Station, have filed charge sheet against the accused No.1 and 2 for the offences punishable under Section 106 R/W/Sec.3(5) of BNS of 2023.

2. The case of the prosecution in brief is as follows :

That on 01.07.2024 at about 11.00 a.m. in front of house of Nagappa situated at Yaragodi village, Lingasugur taluk, in furtherance of common intention the accused No.1 and 2 have called the son of CW.1 by name Basappa for fixing the bulb on the electric poll and they forcibly made climb on the poll without safety measures and the current wires touched the back of deceased Basappa and he sustained burn injuries on his neck, legs and back. When CW.1, 6 to 8 have took him to Government Hospital for treatment and while going to Bagalakot Hospital he died at 4.00 p.m. on the negligence of the accused persons and thereby the accused have committed aforesaid offences.

3. In this connection CW-1 by name Sharanappa, is reported the incident to the Police as per Ex.P.1. On the basis of Ex.P.1 case came to be registered in Crime. No.182/2024 against the accused for the offences punishable under Section.106 R/W/Sec.3(5) of BNS of 2023. The Investigation Officer visited the place of incident and drew spot and seizer panchanama and they recorded the statement of the witnesses. After completion of investigation, charge sheet came to be filed for the above said offences. In pursuance of



summons accused appeared before the court and the accused got enlarged on bail. The charge sheet copy furnished to the accused as required U/s.230 of BNSS. On perusal of the investigation papers, the Court noticed that there are prima-facie materials to frame the plea. Hence, accusation for the offence punishable U/Sec.106 R/W/Sec.3(5) of BNS of 2023. was recorded and was read over to them, they denied the accusation leveled against them and claimed to be tried. Hence, they were put on trial.

4. Consequently, to bring home the guilt of the accused the prosecution has examined 5 witnesses as PW-1 to PW-5 and got marked 14 documents at Ex.P.1 to Ex.P.14. Statement of accused as required U/sec.351 of BNSS is dispensed with, as there is no incriminating evidence appeared against the accused in the prosecution witnesses.

5. Heard arguments on both side and perused materials available on record.

6. That the following points would arises for determination are :

1. Whether the prosecution proves beyond all the reasonable doubt that on 01.07.2024 at about 11.00 a.m. in front of house of Nagappa situated at Yaragodi village, Lingasugur taluk, in furtherance of common intention the accused No.1 and 2 have called the son of CW.1 by name Basappa for fixing the bulb on the electric pol and they forcibly made climb on the poll with out safety measures and the current wires touched the back



of deceased Basappa and he sustained burn injuries on his neck, legs and back and CW.1, 6 to 8 have took him to Government Hospital for treatment and while going to Bagalakot Hospital he died at 4.00 p.m. on the negligence of the accused persons and thereby the accused has committed offence punishable U/Sec.106 R/W/Sec.3(5) of BNS ?

2. What Order ?

7. I have perused the evidence lead by the prosecution in the backdrop of documentary evidence.

8. My findings to the aforesaid points is as under :

Point No.1 : In the Negative.

Point No.2 : As per final order, for the following :

R E A S O N S

9. **POINT No.1** : In order to prove its case, prosecution got examined the CW-1 Sharanappa, who is the father of deceased Basappa as PW-1. He deposed that he did not see how his son was died. Further he stated that, police have took signature on two documents. The said witness though stated that in connection with accident he lodged complaint Ex.P.1. During cross-examination he has denied the entire case of prosecution. Therefore, the said evidence of CW.1/PW.1 does not helpful for the prosecution to bring home the guilt of the accused persons.



10. The prosecution also got examined CW.4, 8, 10, and 5 as PW-2 to PW-5 respectively, who are cited as eye and Mahazar witnesses to the alleged accident. However all the witnesses have stated that they do not know because of whose negligent the accident was occurred. All the PW.1 to 5 were stated that, they have not seen the accident. In the same way they denied having given any statements before the investigating officer. In fact, the PW.1 to 5 have turned hostile and despite of cross-examination by learned APP, nothing worth has been elicited from their mouth to prove the case of prosecution. Therefore, the said evidence of PW.1 to 5 does not helpful for the prosecution to bring home the guilt of the accused.

11. As per the concent of the counsel for the accused the MLC, Inquest, Photo, Election certificates, Duty certificates, KEB Supply report, PMV, KEB inspection letter are marked at Ex.P-7 to 14. On going through the above evidence on record, none of the witnesses have stated that on account of whose negligence the accident occurred. Therefore, the evidence of above witnesses is not helpful to conclude that the accident due to the negligence of the accused.

12. In view of hostile evidence of victims i.e., PW- 1 to 5, no purpose would be served by examining other witnesses. Hence, rest of the prosecution witnesses were dropped by rejecting the prayer of learned Assistant Public Prosecutor as no purpose would be served. It is fundamental principles Criminal Jurisprudence that the prosecution has to prove its



case beyond all reasonable doubt. Perused the evidence available on record. Absolutely there is nothing on record to prove that the accused persons at any time caused negligence and thereby committed offences punishable U/Sec.106 R/W/Sec.3(5) of BNS. In the result it can be said that the prosecution has failed to prove the guilt against the accused person beyond all reasonable doubt. **Accordingly, I answered the point No.1 in the Negative.**

13. POINT NO.2 : In view of the findings given to the above points, this court proceed to pass the following :

ORDER

In exercise the powers conferred U/sec.278(1) of BNSS, the accused No.1 and 2 are hereby acquitted of the alleged offences punishable under sections 106 R/W/Sec.3(5) of BNS of 2023.

The bail bonds and surety bonds of the accused persons shall be continued for a period of 6 months as per section 481 of BNSS.

(Dictated to the Stenographer directly on the computer, corrected by me and then signed and pronounced by me in the open court on this the 23rd day of June, 2026.)

**(Sri.AMBANNA.K)
Prl., Civil Judge and JMFC,
Lingasugur.**



ANNEXURE

I. List of witnesses examined on behalf of the Prosecution:-

PW.1 : Sharanappa.
PW.2 : Basavaraja.
PW.3 : Hanumappa.
PW.4 : Nandappa.
PW.5 : Mounesh.

II. List of documents marked on behalf of the Prosecution:-

Ex-P.1 : Complaint.
Ex.P.1(a) : Signature.
Ex-P.2 : FIR.
Ex.P.2(a) : Signature.
Ex.P.3 : Spot Mahazar.
Ex.P.3(abc) : Signatures.
Ex-P.4 : Photo.
Ex.P.5 & 6 : Statements.
Ex.P.7 : MLC report.
Ex.P.8 : Inquest Panchanama.
Ex.P.9 : Photo.
Ex.P.10 : Duty certificate.
Ex.P.11 : Election card.
Ex.P.12 : KEB supply report.
Ex.P.13 : KEB inspection letter.
Ex.P.14 : PM report.

III. List of witnesses examined on behalf of the accused :-

Nil



IV. List of documents marked on behalf of the accused

Nil

V. Material Object marked on behalf of the Prosecution

Nil

**(Sri. AMBANNA.K)
Prl., Civil Judge and JMFC,
Lingasugur.**