



Presented on : 03-09-2024

Registered on : 03-09-2024

Decided on : 04-04-2026

Duration: 1 years, 7 months, 1 days

**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE & JMFC.,
AT: LINGASUGUR.**

PRESENT: SHRI. AMBANNA.K.

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

PRL., CIVIL JUDGE & JMFC., LINGASUGUR.

CC.NO.1035/2024

Dated this the 04th day of April, 2026.

BETWEEN:

**The State by P.S.I.
Lingasugur P.S.**

(By the learned APP., Lingasugur.)

...Complainant.

AND:

**Bheemareddy S/o Hanumayya,
Age: 68 years, Occ: Retired person.
R/o Mallige Residency Basaveshwar Colony,
Raichur.**

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

J U D G M E N T

The SHO of Lingasugur P.S. has submitted charge sheet against the accused persons for the offenses having been committed under Sections.324, 447, 504 and 506 of 34 of Indian Penal Code.



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

That on 02-06-2024 at about 04.00 PM., in the land of CW.1 Sy.No.184, Hissa-6, at Kardkal Village, Lingasugur Taluk, the accused criminally trespassed in to the said land and picked up quarrel with CW.1 and abused CW.1 in filthy language like “ ಲೇ ಸೂಳೇ ಮಗನೇ ಅದನ್ನು ಹೇಳೋಕೆ ನೀನ್ಹಾರು”. Further the accused assaulted on right forearm of CW.1 with club and caused hurt. Further the accused threatened to kill CW.1 by saying “ ಲೇ ಸೂಳೇ ಮಗನೇ ಇನ್ನೊಮ್ಮೆ ನನಗೆ ಹೇಳುವುದಕ್ಕೆ ಬಂದರೆ ನಿನ್ನನ್ನು ಜೀವ ಸಹಿತ ಬಿಡುವುದಿಲ್ಲ ” and thereby the accused persons have committed the aforesaid offences.

3. On the basis of first information filed by CW.1 Sri. Mounesh, a criminal case has been registered in Lingasugur Police Station Crime No.154/2024 and FIR was sent to the Court. On the place shown by CW.1 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 persons has been issued. The accused person appeared before the court through their counsel and got released on bail. Copies of the charge sheet were furnished to the accused persons in compliance of section 207 of Cr.P.C. After hearing the accused charge was framed as against the accused person 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. To bring home the guilt of the accused person, the prosecution has examined the first informant as PW.1 and got marked documents at Ex.P.1 to 3. The statement of accused person as required U/Sec.313 of Cr.P.C. came to be dispensed with, since there is no incriminating evidence forthcoming against him.

6. Heard both side and perused the materials placed on record.

7. The following points arise for my consideration are:

1. Whether the prosecution proves beyond all the reasonable doubt on 02-06-2024 at about 04.00 PM., in the land of CW.1 Sy.No.184, Hissa-6, at Kardkal Village, Lingasugur Taluk, when the accused criminally trespassed in to the said land and thereby the accused persons committed offence punishable U/sec.447 of IPC ?

2. Whether the prosecution proves beyond all the reasonable doubt on the afore said date, time and place accused person picked up quarrel with CW.1, when CW.1 questioned the same the accused abused CW.1 in filthy language like “ ಲೇ ಸೂಳೇ ಮಗನೇ ಅದನ್ನು ಹೇಳೋಕೆ ನೀನ್ಯಾರು”, knowing fully well that provocation would break public peace and thereby the accused persons committed offence punishable U/sec.504 of IPC ?



3. Whether the prosecution proves beyond all the reasonable doubt on the afore said date, time and place accused person assaulted on right forearm of CW.1 with club and caused simple hurt and thereby accused persons committed offence punishable U/sec.323 of IPC ?

4. Whether the prosecution proves beyond all the reasonable doubt on the afore said date, time and place the accused person threatened to kill CW.1 by saying "ಲೇ ಸೂಳೇ ಮಗನೇ ಇನ್ನೊಮ್ಮೆ ನನಗೆ ಹೇಳುವುದಕ್ಕೆ ಬಂದರೆ ನಿನ್ನನ್ನು ಜೀವ ಸಹಿತ ಬಿಡುವುದಿಲ್ಲ" and thereby committed offence punishable U/sec.506 of IPC ?

5. What order ?

8. My answers to the above points as hereunder.

Point No.1 to 4: In the Negative.

Point No.5 : As per final order, for the following :-

R E A S O N S

9. **POINT NO.1 TO 4 :** 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 complainant himself has examined as PW.1. Wherein PW.1 by name Mounesh, who is the victim in this case has completely turned hostile to the case of prosecution. Further he has stated that, accused persons have not criminally trespassed, assault, abused and threatened to him. Further he deposed that he does not know the contents of Ex.P.1/complaint and Ex.P-2 and 3 Mahazar and Photo.

11. The PW-1 is treated as hostile witness. Though the learned APP cross examined them, but nothing worth has been elicited from his mouth to prove the case of complainant. The PW-1 is denied the entire case of the prosecution in his cross-examination. Hence, evidence of PW-1 does not inspire confidence of this court to base conviction against the accused person.

12. In view of hostile evidence of victims i.e., PW-1, no purpose would be served by examining other witness. 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 person at any time abused, assault, trespassed or threatened to



complainant and thereby committed offences punishable U/Sec. 447, 323, 504, 506 of Indian Penal Code. 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 to 4 in the Negative.**

13. Point No.5: In view of the above discussed reasons, I proceed to pass the following:

ORDER

In exercise the powers conferred under Section 248(1) of Cr.P.C. the accused is hereby acquitted of the offences punishable U/Sec.447, 323, 504, 506 of Indian Penal Code.

The club is seized in this case being worthless property is order to be destroyed after period is over.

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

(Dictated to the stenographer, transcribed and typed by her, corrected by me and then pronounced in the open court on this 4th day of April, 2026.)

**(Ambanna.K)
Prl., Civil Judge & JMFC,
Lingasugur.**



: ANNEXURE:

WITNESS EXAMINED ON BEHALF OF PROSECUTION:

P.W.1 : Mounesh.

WITNESS EXAMINED ON BEHALF OF ACCUSED

--Nil --

DOCUMENTS MARKED ON BEHALF OF PROSECUTION:

Ex.P.1 : Complaint.
Ex.P.2 : Mahazar.
Ex.P.3 : Photo.

DOCUMENTS MARKED ON BEHALF OF ACCUSED

..NIL..

LIST OF MATERIAL OBJECT:

..NIL..

**(Ambanna.K)
Prl., Civil Judge & JMFC,
Lingasugur.**