



**IN THE COURT OF ADDITIONAL CIVIL  
JUDGE AND J.M.F.C ,  
CHANNAPATNA**

**PRESENT**

**Sri. SURESHA S.N.,** B.A, LL.B.  
Addl. Civil Judge & JMFC  
Channapatna

**Dated: 15<sup>th</sup> Day of July, 2026**

**C.C.1310/2017**

Complainant : State by the Channapatna Town  
Police station  
*[Rep. by Assistant Public Prosecutor]*

- Vs -

Accused: 1. Sri.Jayamuttu  
S/o Chikkanna,  
Aged about 36 years,  
R/at Harohalli,  
Virupakshipura Hobli,  
Channapatna Town,  
Ramanagara.

6. Sri.Venkatesh Chakkere,  
S/o Channegowda,  
Aged about 32 years,  
R/at Chakkere Village,  
Channapatna Taluk. (Split Up)

(A1 - By Sri.B.G Advocate,



|                                               |                                   |
|-----------------------------------------------|-----------------------------------|
| Date of offence                               | 19.05.2017                        |
| Date of report of offence                     | 19.05.2017                        |
| Name of the complainant                       | Sri.Prakash B.K                   |
| Date of commencement of Recording of evidence | 16.01.2025                        |
| Date of closing of evidence                   | 07.03.2026                        |
| Offence complained of                         | U/sec.143 & 341 r/w 149 of I.P.C. |
| Opinion of Magistrate                         | As per the final order.           |

### **J U D G E M E N T**

The PSI of Channapatana Town Police station has submitted the charge sheet against the accused No.1 to 7 in Cr.No.46/2017 alleging that they have committed an offences punishable U/Sec.143 & 341, R/w Sec.149 of IPC.

2. The brief facts of the prosecution case are as under:

That on 19.05.2017, within the limits of M.K Doddi Police station, Guddethimmasanda village one person by name Krishna was died, due to electric shock, in this regard, the government should provide compensation to the



family of the deceased. On the same day at 4.45 p.m. The Accused No.1 to 7 with common object formed unlawful assembly and accused persons were suddenly formed an illegal group at the 8<sup>th</sup> cross of Kuvempunagar, within the boundaries of Channapatna town police station and blocked the Bangalore-Mysore road, shouting slogans. Despite the CW-1 to clear the road, they blocked the road without listening and caused inconvenience to the public. The accused persons did not stop their protest, CW-1 requested not to obstruct the public in the public road. It has been confirmed from the investigation. Hence, CW.1 has filed a written complaint/First Information Statement before the police.

3. On the basis of the said First Information Statement, the Channapatna Town registered FIR under Crime No.46/2017 against the accused persons and investigated the case. After completion of the investigation, the final report was filed against the accused



No.1 to 7 alleging offence under sections 143 & 341 R/w 149 of IPC. On the basis of the final report, cognizance of the said offence was taken and the case was registered and the accused No.1 to 7 were secured by issuance of summons.

4. Thereafter accused No.1 to 5 & 7 appeared before the Court in pursuance of summons and they were supplied with the copies of the final report and other prosecution papers in compliance of section 207 of Cr.PC. The accused No.1 to 5 & 7 obtained bail by filing necessary application and furnishing bail and surety bonds. The rest of the accused pleaded guilty except accused No.1.

5. The charge for the offences U/sec.143 & 341 r/w 149 of IPC was framed, read over and explained to the accused No.1 in the language understood by him, and on being questioned, the accused No.1 pleaded not guilty and claimed to be tried.



6. In order to substantiate the case of the prosecution and to bring home the guilt of the accused No.1, the prosecution examined seven witnesses as P.W.1 to 6, and got marked eight documents at Ex.P.1 to 3. On completion of Prosecution Evidence, statement of accused persons under section 313 of Cr.PC., was recorded, wherein the incriminating circumstances appearing on record against the accused No.1 was put to him to which he denied as false and incorrect and the accused No.1 not preferred to lead evidence in his defense.

7. I have heard the arguments of both the sides and perused the entire materials available on record.

8. The following points arise for consideration:

**POINTS FOR CONSIDERATION**

- i. Whether the prosecution proves beyond reasonable doubt that on 19.05.2017, within the limits of Channapatna Town station at 8<sup>th</sup> cross kuvempu nagar channapatna accused No.1 along with with other accused with common object



formed unlawful assembly and thereby committed the offence punishable U/sec.143 r/w 149 of IPC?

ii. Whether the prosecution further proves beyond reasonable doubt that on the aforementioned date, time and place, accused No.1 being the members of unlawful assembly, accused No.1 along with other accused persons were wrongfully restrained from moving public and blocked the Bangalore-Mysore road, shouting slogans and obstruct the public in the public road. and thereby committed the offence punishable U/sec.341 r/w 149 of IPC ?

iii. What Order?

9. My findings on the above points are as follows:

Point No1 & 2: In the **Negative**

Point No.8 : As per the final order  
For the following

### **REASONS**

10. **POINT NO.1 & 2:** These points have been taken up together for common discussion to avoid the repetition of same facts since they involve common questions of facts and are interconnected with each other.



11. The prosecution in support of its case has examined six witnesses out of its 10 witnesses and got marked documents as Ex.P1 to 3. Exh.P1 is the complaint dated 19.05.2017, Exh.P2 is the FIR & Exh.P3 is the mahazar.

12. The PW.1 examined as CW-5 he is the complainant as well as IO to the case of prosecution. In his examination in chief deposed that, he was duty in Channapatna Town PS as PSI since 20.06.2016 to 13.10.2017. It further stated that, on 19.05.2017 one by name Krishna who is the resident of Guddethimmasandra village was died due to the electrician, in respect of the said incident the accused persons along with the many public on the said date at 4.45 p.m., at 8<sup>th</sup> cross of Kuvempunagara the accused persons have blocked the Bengaluru-Mysore Highway and they were caused inconvenience to the public by blocking the road, the vehicles which were moved through said road were in traffic and wherein the accused



persons were protesting by raising slogans for demanding the government to give the compensation to the family of said deceased Krishna. In this regard, the accused No.1 to 7 were caused public nuisance. Then he has filed the requisition/complaint before the CW-10, the said complaint has got marked as Exh.P1 and signature of this witness got marked as Exh.P1(b). Further stated that, on the said date he has drawn the mahazar from 7.30 to 8.00 p.m, in the presence of CW-7 & 9. The spot mahazar got marked as Exh.P3 and signature got marked as Exh.P3(a) on the said date he was recorded the statements of CW-2 to 8 and he has conducted part investigation and filed the charge sheet in respect of the said alleged offence.

13. The counsel for accused lead the cross-examination to this PW-1. In the cross-examination it has admitted the suggestion that if anybody move towards the govt hospital Channapatna they will go through the Bangalore-Mysore National High way from





Guddethimmasandra village. It also admitted the suggestion that, if anybody wants to Taluk Hospital Channapatna the same Mysore-Bangalore High Way is the convenient. It further admitted the suggestion that, there is no video and photography captured at the time of alleged place of incident. But it denied the suggestion that, the dead body of Krishna was carrying towards the Taluk Hospital for P.M Report.

14. CW-3 examined as PW-1, he is the police witness in his examination in chief deposed that, he was working as ASI in Channapatna Town PS from 2016 to 2018. In his examination in chief deposed that, on 19.05.2017 the CW-1 was deputed to the gush duty in Channapatana town, accordingly at 4.45 pm., while in gush duty at Mangalavarpete, the CW-1 was called him through phone call and directed him to come near the 8<sup>th</sup> Cross, Kuvempunagara, when he was come to the said spot. The Accused No.1 to 7 were protesting due to the



death of Krishna in electrician and demanded the government to provide the more compensation to his family and stopped the vehicles which are proceeding in Mysore-Bangalore High Way and were raising slogans. Then CW-1 was advised to the accused not to obstruct the public by way possession even though the advise made by CW-1. The accused persons have stopped the vehicles and continued the procession. In the cross-examination this witness admitted the suggestion that, himself nowhere stated in his statement that, the accused persons were stopped the vehicles on the High way. He has further admitted the suggestion that, No photograph or videography captured at the time of alleged incident.

15. CW-5/PW-2 who is also police witness in his examination in chief deposed that, he was deputed for station duty on 19.05.2017, accordingly, he was in police station, at 4.45 p.m., the CW-1 called himself and CW-6 through wireless phone and directed to come at 8<sup>th</sup> Cross,



Kuvempu Nagara, accordingly himself and CW-6 were came to the spot, wherein the accused No.1 as a JDS leader raising the slogans by collecting many people pertaining to the grant of compensation to the deceased Krishna who was died in electrician. He further deposed the accused persons did not stop their protest, CW-1 requested the accused not to do obstruct the public in the public road.

16. The counsel for accused lead the cross-examination wherein, it has admitted the suggestion that, he has not produced the station dairy pertaining to the deputing in station duty. It also admitted the suggestion that, in his statement no particular place of protest was not mentioned.

17. CW-6/PW-3 is also police witness in his examination in chief deposed that, CW-1 called him through others and directed to come at 8<sup>th</sup> Cross, Kuvempu Nagara, accordingly he came at 8<sup>th</sup> Cross, Kuvempu Nagara along



with CW-2, when he was come there, the CW-3, 4, 5 & 8 were gather there. Then he came to know that, with the leadership of accused No.1 the protest was continuing by stopping the vehicle by putting the dead body of deceased Krishna who is the resident of Guddethimmasandra he was died due to the electrician and demanding the government to grant compensation to the family of deceased Krishna. Due to the said protest the Bengaluu-Mysore High way was blocked by the vehicles. The accused did not stop his protest. Even though the requested.

18. The counsel for accused lead the cross-examination to this PW-3 is also deposed the same version as like of the rest of the witnesses. This PW-3 admitted the suggestion that, No photography and videography captured at the time of alleged incident as stated by them. It is also admitted the suggestion that, they were 80 to 100 people were assembled in the protest. It also admitted the suggestion that, it is not possible to say the names of 80 to



100 people which were gather there. It is denied the suggestion that, with the leadership of accused No.1 no protest was held.

19. CW-10/PW-4 is also police witness in his examination in chief deposed that, on 19.05.2017 at 6.30 p.m., he was in station as in charge officer, the CW-1 came with report, same has been received by him and registered the FIR in its Crime No.46/2017 Under Sec.143, 341 R/W Sec.149 of IPC. The signature of this witness on requisition complaint as got marked as Exh.P1(a) the FIR got marked as Exh.P2 and signature got marked as Exh.P2(a). The Counsel for accused lead the cross-examination by suggesting that, the CW-1 is the higher officer to him he has filed the false complaint, on the basis of false complaint he has registered the false FIR against accused persons same has been denied by this witness.



20. CW-8/PW-6 is also a police witness in his examination in chief deposed that, on 19.05.2017 he was deputed to the duty of police IT, while he is in duty at 4.45 p.m., CW-2 came to the police station and informed him that, CW-1 is calling him, then he came with CW-2 towards the 8<sup>th</sup> Cross, Kuvempu Nagara, when they came to the 8<sup>th</sup> Cross, CW-1, 3, 5 & 6 were gather. The accused No.1 and other accused were doing protest by stopping the vehicle, then CW-1 requested them not to obstruct the public, even though the request made by CW-1, the accused persons have continued their protest by raising slogan that, the government is to be grant the compensation to the family of deceased Krishna he was died due to the electrician.

21. The counsel for accused lead the cross-examination, wherein this PW-6 admitted the suggestion that, No photograph and videograph captured at the time of alleged incident. It is denied the suggestion that, under the instructions of CW-1 & 2 he is deposing false evidence.



22. Now its a time to have gone through the evidence meticulously consisting of ocular evidence as well as documentary evidence placed on record. In the light of the contention of prosecution and defense and before appreciation of evidence on record, it is worth to mention that for the offences P/U/Sec.143 & 341 r/w 149 of IPC.

**Sec.141 unlawful assembly ;-** an assembly of five or more persons is designated on unlawful assembly, if the common object of the persons composing that, assembly is

- 1) to overawe by criminal force, or show of criminal force or any public servant in exercise of the lawful power of such public servant or
- 2) to resist the execution of any law or of any legal process or
- 3) to commit any mischief or criminal trespass or other offence or
- 4) by means of criminal force or show of criminal force to any person to take or obtain possession of any property or deprive any person of the



enjoyment of a right of way or of the use of water or other incorporeal right of which he is in possession or enjoyment or to enforce any right or supposed right or

5) by means of criminal force or show of criminal force to compel any person to do what he is not legally bound to do or to omit to do what is legally entitled to do.

Sec.143 is the punishment clause of Sec.141. Sec.143 who ever is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extent to six months or with fine or with both.

**Sec.339 wrongful restrained** ;- whoever voluntarily obstructs any person so as to prevent that, person from proceedings in any direction in which that, person has a right to proceed, he is said wrongfully to restrain that person.

**Exception:-** the obstruction of a private way over land or water which person in good faith believes himself to





have a lawful right to obstruct, is not an offence within the meaning of this section. Sec.341 is the punishment clause of Sec.339 of IPC.

**Sec.341 punishment of wrongful restrained;-**

whoever, wrongfully restrains any person shall be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with fine.

23. Before discussing in the merit of the case it is relevant to know the proof of unlawful assembly under Sec.141 of IPC. The material evidence showing the assembly hide an illegal, the complainant shall prove the said unlawful assembly as under:

- Video and photographic evidence:- footage or photos clearly showing five or more people gather together.
- Common object:- the proof that, the assembly intended to commit a crime such as using criminal force to overawe the



government, resist legal process or commit mischief or trespass.

- Weapons and gear:- seizure memos and forensic report of any arms stones or distinctive materials confiscated from the assembly
- independent witnesses:- statement from bystanders, local residents or public servants who witnessed to the crowd and can testify to the illegal objectives and the presence of accused.
- Circumstantial evidence:- situational analysis, collective conduct, and the sequence of events demonstrating the groups shared purpose
- Witness testimonies:- eye witnesses accounts and statements from police officers or independent by standers present at the seen.
- Digital and physical evidence:- CC TV footage, photographs, video recordings or audio recordings that captured the assembly and collective actions of the accused.

24. If more than five people were charged it must be established that, unknown others were present to sustain the unlawful assembly. If specific name of individuals or acquitted the remaining few cannot be convicted for



unlawful assembly unless the solid people unnamed participants.

25. In the present case in hand, the PSI Channapatna Town PS filed the charge sheet against the accused persons for the alleged offence punishable under Sec.143 & 341 R/w Sec.149 of IPC, stating that, under the leadership of accused No.1 there was a protest on the public place and obstruct the publics by stopping the vehicle. As per the admission in the cross-examination of one of the witness there were more than 80 to 100 people were gathered and participated in the procession, but all of them not made as accused in the case. But the IO has registered the case against the some persons on selection as per his wish. If the people more than five gathered in one place with intention to obstruct the public nuisance all the members of the said assembly shall be impleaded as accused persons. In respect of the alleged incident except orally stated, no documentary evidence produced to show



that, under the dealership of accused No.1 the protest was carrying on the public way and obstructed the free movement of vehicles in Bengaluru-Mysore National Highway. If the incident had really happened as alleged by the police, they could have been captured the photographs or videographs in respect of the said illegal assembly, but the police have not made it. Further more it is alleged that, the incident had happened in Bengaluru-Mysore High Way in front of this court, if it had really happened the police could have collect the CCTV footage's from the neighboring shop owners. Since, the place of alleged incident is in Bengaluru-Mysore High way, so many commercial complex/stores/shops are situated, the owners of the said shops have installed the CCTV cameras, But the police have not collect it. If the IO really wants to prove the case. he could have been collected CCTV footage of the said shops from the said shop owners to prove the alleged incident. but, the IO has also not made it.



26. Further, it is observed that, no independent witnesses are witnessed to the said alleged incident. Non of the independent witnesses are examined to prove the case. All the witnesses are police officials, all are deposed the same version to corroborate the complaint version. Moreover, if the incident, had really happened, it be presumed that the accused persons were not protested for themselves, but they are struggling to compensate the family of deceased one Krishna who died in electrician. These types of procession is common now a days, but without any documentary evidence and evidence independent witnesses the things stated by the police officials not be treated as genuine. Therefore the prosecution has utterly failed to prove the beyond reasonable doubt against accused. As discussed above the benefit given to the accused. Therefore I answer point No.1 & 2 in the **Negative**.



27. **POINT NO.3:** For foregoing reasons, I proceed to pass the following:-

**ORDER**

Acting U/sec.248(1) of Cr.PC, the Accused No.1 is found 'not guilty' and are hereby acquitted of the offences punishable under Sections 143 & 341 r/w 149 of I.P.C.

The bail bond and surety bond executed by the accused No.1 is ordered to be continued in force for six months or till issuance of notice in respect of any appeal [if preferred] against the present Judgment before the appellate court.

(Dictated to the Stenographer directly on computer, typed by her, the same is corrected, revised, signed and then pronounced in Open Court on **15<sup>th</sup> day of July, 2025**).

**(SURESHA S.N.)**  
**Addl.Civil Judge & JMFC**  
**Channapatna**



**:: ANNEXURE ::**

List of witness examined for prosecution:

PW-1 : Sri. Rajappa  
PW-2 : Sri.PRasanna  
PW-3 : Sri.Anil Kumar  
PW-4 : Sri.Chennappa A.C  
PW-5 : Sri.Prakash B.K  
PW-6 : Sri.Devendra S Naykodi

List of documents exhibited for Prosecution:

Ex.P.1 : Complaint  
Ex.P.1(a) : Signature of PW.1  
Ex.P.1(b) : Signature of PW.5  
Ex.P.2 : FIR  
Ex.P.2(a) : Signature of PW.1  
Ex.P.3 : Mahazar  
Ex.P.3(a) : Signature of PW-5

List of Materials objected for Prosecution :-

- NIL -

List of witness examined for Defence :-

- NIL -

List of documents exhibited for Defence :-

- NIL-

**(SURESHA S.N.)**  
**Addl. Civil Judge & JMFC**  
**Channapatna.**