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**IN THE COURT OF I ADDITIONAL SENIOR CIVIL JUDGE
AND JUDICIAL MAGISTRATE OF FIRST CLASS, SAGARA**

PRESENT

SMT. DEEPA.K.R, B.A.L, LL.B,
I ADDITIONAL SENIOR CIVIL JUDGE AND JUDICIAL
MAGISTRATE OF FIRST CLASS, SAGARA.

DATED THIS THE 9th DAY OF JUNE, 2026

CRIMINAL CASE NO.792/2025

**Complainant : 1. State by Kargal Police
Station.**

(By Assistant Public Prosecutor)

-V/s.-

Accused : 1. Sri. Ramesh S/o. Lakshman Naik,
Aged about 48 years,
R/at. Sulemane Bobbige Village,
Sagara Taluk,
Shivamogga District.

2. Smt. Sangeetha
Aged about 40 years,
R/at. Sulemane Bobbige Village,
Sagara Taluk,
Shivamogga District.

(By Sri.K.K.M., Advocate)

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JUDGMENT

1. The Police Sub-Inspector, Kargal Police Station, has submitted charge-sheet against the accused No.1 and 2 for the offences punishable under Section. 352, 115(2), 118(1), 351(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (it is hereinafter will be referred to as “the B.N.S”).

2. **The case of the prosecution in brief is as under:-**

On 19-02-2025 at 7.30 AM, on the land of CW-1, situated at Sulemane village, Karur Hobli, Sagar taluk , while CW-1 was building a fence on his land with CW-2, while accused No.1 along with the accused No.2 in prosecution of their common object came to the land of the CW-1 and abused CW.1 with filthy language and also pushed her with hands, knocked her down, and assaulted CW.1 with a club on the waist, right elbow, left leg, and thigh. Thereafter, the accused No.2 also pushed and knocked down CW-3, who had came to pacify the fight. Accused persons threatened to kill CW.1 to 3

and their family members.

- 3.** On the basis of first information by C.W-1 the case was registered against the accused. Accused voluntarily surrendered before the Court and he got enlarged himself on bail. The Investigating Officer visited the spot, drawn mahazar and conducted entire investigation and filed charge-sheet against the accused.
- 4.** On service of summons the accused No.1 and 2 appeared before the Court. Copies of charge-sheet was supplied to him as per the provision of Section 230 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for the offences punishable under 352, 115(2), 118(1), 351(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 were framed and read over and explained to accused in Kannada, the language known to them for which he pleaded not guilty and claimed to be tried.

5. To bring home the guilt of accused persons, the prosecution has examined only 3 witness out of 9 witnesses as P.W-1 to PW.3 and got marked documents at Ex.P-1 to 5 and also got identified M.O-1 and 2. In this case, material witness i.e., first informant-alleged injured as well as alleged eye witnesses have completely turned hostile to the case of prosecution. Learned A.P.P submitted to close evidence of prosecution side after examining this witnesses. Learned A.P.P not chosen to examine other witnesses. Therefore, as there was no incriminating evidence against the accused persons, the statement of accused persons as contemplated under the provision of Section 351 of the B.N.S.S, is dispensed with.
6. Heard the arguments on both side and perused the materials placed before the Court.
7. **On the basis of the above facts, following points arise for my consideration:-**
 - (1) Whether the prosecution proves beyond

all reasonable doubt that, On 19-02-2025 at 7.30 AM, on the land of CW-1, situated at Sulemane village, Karur Hobli, Sagar taluk , while CW-1 was building a fence on his land with CW-2, while accused No.1 along with the accused No.2 in prosecution of their common object came to the land of the CW-1 and abused the C.W-1 in filthy language and thereby, provoked C.W-1 to break public peace and accordingly, committed the offence punishable under Section 352 read with Section 3(5) of the B.N.S?

- (2)** Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date, time and place, accused No.1 and 2 furtherance of their common intention, assaulted C.W-1 with his hands and thereby, voluntarily caused simple hurt to C.W-1 and accordingly, committed the offence punishable under Section 115(2) read with Section 3(5) of the B.N.S?
- (3)** Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date, time and place, accused No.1 and 2

furtherance of their common intention grabbed a stick from the fence next to the road and assaulted C.W-1 on the waist, right elbow, left leg, and thigh, and pushed her with his hands and also knocked down CW- 3 and thereby, voluntarily caused grievous hurt to C.W-1 and accordingly, committed the offence punishable under Section 118(1) read with Section 3(5) of the B.N.S?

- (4) Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date, time and place, accused person furtherance of their common intention committed criminal intimidation by threatening C.W-1 and 2 that they would kill them and thereby, caused and accordingly, committed the offence punishable under Section 351(2) read with Section 3(5) of the B.N.S?

- (5) What Order?

8. My answers to the above points are as follow:-

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 : As per final Order,
for the following;

REASONS

9. POINT NO.1 TO 4:-

As these points are interconnected with each other, hence, in order to avoid repetition of facts, these points are taken for common discussion.

10. It is the definite case of the prosecution that, on 19-02-2025 at 7.30 AM, on the land of CW-1, situated at Sulemane village, Karur Hobli, Sagar taluk , while CW-1 was building a fence on his land with CW-2, while accused No.1 along with the accused No.2 in prosecution of their common object came to the land of the CW-1 and abused CW.1 with filthy language and also pushed her with hands, knocked her down, and assaulted CW.1 with a club on the waist, right elbow, left leg, and thigh. Thereafter, the accused No.2 also pushed and knocked down CW-3, who had came to pacify the

fight. Accused persons threatened to kill CW.1 to 3 and their family members and thereby, the accused has committed the offences punishable under Section. 352, 115(2), 118(1), 351(2) read with Section 3(5) of the [Bharatiya Nagarik Suraksha Sanhita, 2023](#).

- 11.** P.W.1-Smt. Vidya, who is examined as first informant, in her examination, has denied any incident with the accused. She deposed that, accused is her relative. Though, she admits her signature on complaint, which was marked at Ex.P-1 as well as Ex.P.2-spot mahazar, she deposed that, she posed her signature to the Ex.P-1 and 2 on request of the Police. She deposed that, she does not know the contents of Ex.P-1 and 2. She further deposed that, no material object has been seized under the Ex.P-2. She got identified club and sword as M.O-1 and 2 respectively and deposed that, she had seen it for the first time before the Court. Moreover, she deposed that, injuries were caused

when she fell herself while doing work and for that reason she took treatment in the hospital. She further deposed that, Police did not enquired her about this case and she did not given any statement to the Police. In fact P.W-1 has denied the very lodging of the first information with the Police. She has denied that, accused persons abused her and CW-2 and 3 and in filthy language, assault her and CW-2 and 3 with club and sword, assaulted her and CW-2 and 3 with hands and threatened with dire consequences. She does that she not know the case of the prosecution.

- 12.** Similarly as that of the P.W-1, P.W.2-Sri. Kumar and PW.3 Sri. Chandan alleged injured and eye witnesses also denied any incident with the accused person. They deposed that, accused persons is their relatives. Moreover, they deposed that, injuries were caused to C.W-2 to 3 when they fell themselves while doing work and for that reason they took treatment in the hospital. They denied that, accused persons abused

them in filthy language, assaulted C.W-1 to 3 with hands and club and sword and threatened C.W-1 to 3 with dire consequences. They further deposed that, Police did not enquired them about this case and they did not given any statement to the Police and they does not know the case of the prosecution.

- 13.** P.W-1 being the alleged victim-first informant and P.W-2 and 3 being the alleged victims and alleged eye witnesses, were turned hostile to the case of prosecution. Learned A.P.P has cross-examined this witnesses with the permission of the Court. Nothing worth has been elicited from the mouth of this witnesses. Mere suggestions were put to this witnesses for which this witnesses have entirely denied. Mere suggestions will not give any evidentiary value. Hence, the evidence of this witnesses will not come to the aid of prosecution. However, the witnesses have denied all such statements and any knowledge regarding the same. Therefore, when the first informant-alleged victim

and also alleged eye witnesses were themselves turned hostile and not supported the case of the prosecution, it can be easily held that there is no iota of incriminating evidence against the accused persons for the alleged offences. The benefit of which goes in favour of the accused persons from the evidence of this witness. Hence, it is held that, the guilt of the accused persons for the offences alleged against them, is not at all proved. Consequently, it would also have to be held that, the contents of Ex.P-1 to 5, have also not been proved. Accordingly, this Court answers **Point No.1 to 4 in Negative.**

14. POINT NO.5:-

In view of my findings to the above Point No.1 to 5, this Court proceeds to pass the following:-

ORDER

Acting under Section 271(1) of the Bharatiya
Nagarik Suraksha Sanhita, 2023, the
accused is hereby acquitted for the offences

punishable under Section. 352, 115(2), 118(1), 351(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 .

The bail bond executed by the accused and his surety shall be in force for a period of six months.

M.O.1-Club worthless, it is hereby ordered to be destroyed, after the appeal period is over.

M.O.1: Sword being worthy, is hereby ordered to be confiscated to the State, after the appeal period is over.

(Dictated to the Stenographer Grade-III through computer, corrected, signed and then pronounced by me in the Open Court on this the 9^h day of June, 2026)

(Smt. Deepa.K.R)
I Additional Senior Civil Judge and
Judicial Magistrate of First Class,
Sagara.

ANNEXURE**1. List of witness examined for Prosecution:-**

P.W-1 : Smt. Vidya
P.W.2 : Sri. Kumar
P.W.3 : Sri. Chandan

2. List of witness examined for Accused:-

-- NIL --

3. List of exhibit marked for Prosecution:-

Ex.P-1 : First Information Statement.
Ex.P-1(a) : Signature
Ex.P-2 : Spot mahazar.
Ex.P-2(a) : Signature

Ex.P.3 to 5 : Statements

4. List of exhibit marked for Accused:-

-- NIL --

5. List of Material Object marked for Prosecution:-

M.O-1 & 2 : Club and Sword.

(Smt. Deepa.K.R)
I Additional Senior Civil Judge and
Judicial Magistrate of First Class,
Sagara.

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