



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

PRESENT

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

DATED THIS THE 05th DAY OF AUGUST, 2026

CRIMINAL CASE NO.1668/2025

**Complainant : 1. State by Rural Police Station
Sagar.**

(By Assistant Public Prosecutor)

-V/s.-

- Accused :**
- 1. Sri. Venkatesha S/o. Venkatesha,**
Aged about 56 years,
R/at. Sunkadevarakoppa
Village,
Sagara Taluk,
Shivamogga District.
 - 2. Lakshmi S/o. Venkatesh,**
Aged about 44 years,
R/at. Sunkadevarakoppa
Shiravanthe,
Sagara Taluk,
Shivamogga District.
 - 3. Sri.Krishna S/o.Chinnappa,**
(Abated)

4. **Sri. Babu S/o. Venkatappa,**
Aged about 50 years,
R/at.Havadigara Keri,
Sunkadevarakoppa Village,
Sagara Taluk,
Shivamogga District.
5. **Smt. Gangamma W/o. Chinnappa,**
Aged about 60 years,
R/at. Havadigara Keri,
Sunkadevarakoppa Village,
Sagara Taluk,
Shivamogga District.
6. **Sri. Manikanta S/o. Venkatesha,**
Aged about 23 years,
R/at. Havadigara Keri,
Sunkadevarakoppa Village,
Sagara Taluk,
Shivamogga District.
7. **Smt. Lakshmi W/o. Babu**
Aged about 45 years,
R/at. Sunkadevarakoppa Village,
Sagara Taluk,
Shivamogga District.
8. **Sri. Manjunatha S/o. Babu**
Aged about 29 years,
R/at. Sunkadevarakoppa
Shiravanthe Village,
Sagara Taluk,
Shivamogga District.
9. **Sri.Hanumantha S/o. Krishnappa**
Aged about 39 years,
R/at. Sunkadevarakoppa
Shiravanthe Village,
Sagara Taluk,
Shivamogga District.

(By **Sri. Kannappa G.,** Advocate)

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JUDGMENT

1. The Police Sub-Inspector, Sagara Rural Police Station, Sagara, has submitted charge-sheet against the accused no.1 to 9 for the offences punishable under Section 143, 144, 447, 504, 506 read with Section 149 of the Indian Penal Code, 1860 (it is hereinafter will be referred to as “the I.P.C”).

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

On 17.01.2024 at 10:30 AM in the land Sy.no. 74 of Sunkadevarakoppa, Majire Shiravanthe Village, Sagar Taluk, the accused no.1 to 9 in furtherance of their common intention to commit offences, together illegally entered into the said land and when they came to clear it with a JCB bearing registration number KA-15-N-6875 to uproot tree stumps on the said land, and for that the C.W-1 to 6 questioned the said act and for that accused no.1 to 9 abused him in filthy language and threatened to CW-1 to 5 with dire consequences and thereby, caused alarm in their

mind.

- 3.** On the basis of first information by C.W-1 the case was registered against the accused no.1 to 9. On service of summons accused no.1 to 9 appeared before the Court and they got enlarged themselves on bail. The Investigating Officer visited the spot, drawn mahazar and conducted entire investigation and filed charge-sheet against the accused no.1 to 9.
- 4.** Copies of final report was supplied to them as per the provision of Section 207 of the Code of Criminal Procedure, 1973 (it is hereinafter will be referred to as “the Cr.P.C”) for the offences punishable under Section 143, 144, 447, 504, 506 read with Section 149 of the I.P.C. The accused No.3 was died during the pendency of case and as such case against accused No.3 is abated. After hearing both side, charges for the alleged offences under Section 143, 144, 447, 504, 506 read with Section 149 of the I.P.C were framed and read over and explained to accused

no.1,2 and 4 to 9 in Kannada, the language known to them for which they pleaded not guilty and claimed to be tried.

5. To bring home the guilt of accused no.1,2 and 4 to 9, the prosecution has examined 4 witnesses out of 20 witnesses and got marked Ex.P-1 to 6. Learned A.P.P submitted to close evidence of prosecution side after examining 4 witnesses and not chosen to examine other witnesses. In this case, the material witness as well injured witnesses have completely turned hostile. Therefore, as there was no incriminating evidence against the accused no.1,2,4 to 9, the statement of accused no.1,2 and 4 to 9 as contemplated under the provision of Section 313 of the Cr.P.C, 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 17.01.2024 at 10:30 AM in the land Sy.no. 74 of Sunkadevarakoppa, Majire Shiravanthe Village, Sagar Taluk, the accused no.1,2 and 4 to 9 in furtherance of their common intention to commit offences, together illegally entered into the said land and when they came to clear it with a JCB bearing registration number KA-15-N-6875 to uproot tree stumps on the said land and accordingly, punishable under Section 143, 144 read with Section 149 of the I.P.C?
- (2)** Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date, time and place, the accused no.1,2,4 to 9 in prosecution of their common object, criminally trespassed in to the land of C.W-1 and thereby, committed the offence punishable under Section 447 read with Section 149 of the I.P.C?
- (3)** Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date, time and place, accused no.1,2,4 to 9 in prosecution of their common object,

abused C.W-1 to 5 in filthy language, so as to provoke them to break the public peace and thereby, committed the offence punishable under Section 504 read with Section 149 of the I.P.C?

- (4) Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date, time and place, accused no.1,2 and 4 to 9 in furtherance of their common intention committed criminal intimidation by threatening C.W-1 to 5 that they do away with their life and thereby, caused alarm in their mind and accordingly, committed the offence punishable under Section 506 read with Section 149 of the I.P.C?

- (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 17.01.2024 at 10:30 AM in the land Sy.no. 74 of Sunkadevarakoppa, Majire Shiravanthe Village, Sagar Taluk, the accused no.1 to 9 in furtherance of their common intention to commit offences, together illegally entered into the said land and when they came to clear it with a JCB bearing registration number KA-15-N-6875 to uproot tree stumps on the said land, and for that the C.W-1 to 6 questioned the said act and for that accused no.1 to 9 abused him in filthy language and threatened to CW-1 to 5 with dire consequences and thereby, caused alarm in their mind and thereby the accused persons have committed the offences punishable under Sec. 143, 144, 447, 504, 506 R/W 149 of IPC.

11. P.W.1-Indira, who is examined as first informant, in her chief examination, has denied any incident with the accused persons. Though, she admits her signature on first informant statement, 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 Ex.P-2 on request of the Police. Further she deposed that, she does not know the contents of Ex.P-1 and 2. Moreover, she deposed that, injuries were caused when she fell herself while doing work and for that reason she took treatment in the hospital. In fact P.W-1 has denied the very lodging of the first information with the Police. She has denied that, the accused persons in prosecution of common object formed unlawful assembly abuses her and C.W-2 to 5 in filthy language, assault them and she has denied that, the accused persons threatened to kill them. Further deposed that the Police did not enquire her about this case and she did not given any statement to the Police.

12. Similarly as that of the P.W-1, P.W-2 to P.W-4 also denied any incident with the accused persons. Moreover, they deposed that, injuries were caused when they fell themselves while doing agricultural work. They denied that, the accused persons in prosecution of common object formed unlawful assembly abused them in filthy language, assaulted them and wrongfully restrained. They have denied that, the accused persons threatened to kill them. Further deposed that the Police did not enquire them about this case and they did not given any statement to the Police.

13. The said alleged victims and first informant were turned hostile to the case of prosecution and learned A.P.P has cross-examined these witnesses with the permission of the Court. Nothing worth has been elicited from the mouth of the witnesses. Mere suggestions were put to these witnesses for which these witnesses have entirely denied. Mere suggestions will not give any evidentiary value.

Hence, the evidence of the 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 and alleged victims 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 witnesses. Hence, it is held that the guilt of the accused persons for the offences alleged against them are not at all proved. Consequently, it would also have to be held that, the contents of Ex.P-1 to Ex.6 as also not been proved. Accordingly, I answer **Point No.1 to 4 in the Negative.**

14. POINT NO.5:-

In view of my findings to the above point no.1 to 4, this Court proceeds to pass the following:-

ORDER

Acting under Section 248(1) of the Code of Criminal Procedure, 1973, the accused no.1,2 and 4 to 9 are hereby acquitted for the offences punishable under Section 143, 144, 447, 504, 506 read with Section 149 of the Indian Penal Code, 1860.

The vehicle bearing Registration No: KA-15/N-6875 seized under P.F. No. 15/2024 dated 31.01.2024 has already been released to the interim custody of the claimant, same is hereby made absolute, once the appeal period is over.

The bail bonds executed by the accused no.1, 2 and 4 to 9 and their surety shall be

in force for a period of six months.

(Dictated to the Stenographer Grade-III through computer, corrected, signed and then pronounced by me in the Open Court on this the 05th day of August, 2025)

(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. Indira
P.W-2 : Amith Kumar
P.W-3 : Shrada
P.W-4 : Basavaraj

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 6 : Further statements

4. List of exhibit marked for Accused:-

-- NIL --

5. List of material object marked for Prosecution:-

-- NIL --

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

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