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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 05th DAY OF AUGUST, 2026

CRIMINAL CASE NO.1835/2025

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

(By Assistant Public Prosecutor)

-V/s.-

**Accused : 1. Sri. Sumith Gowdar S/o. Nagaraja
Gowda**

Aged about 34 years,
Occ: Software Engineer
R/at.Sunkadevarakoppa Village,
Shiruvante Post
Sagara Taluk
Shivamogga District.

**2. Sri. Amith Kumar S.N. Jaggu S/o.
Nagaraja Gowda**

Aged about 31 years,
Occ: Farmer
R/at.Sunkadevarakoppa Village,

Shiruvante Post
Sagara Taluk,
Shivamogga District.

- 3. Smt. Sharada W/o. Nagaraja B.S**
Aged about 58 years,
Occ: House wife
R/at.Sunkadevarakoppa Village,
Shiruvante Post
Sagara Taluk
Shivamogga District.
- 4. Sri. Basavaraja B.S S/o. Shivalingappa Gowda**
Aged about 61 years,
Occ: Farmer
R/at.Sunkadevarakoppa Village,
Shiruvante Post
Sagara Taluk
Shivamogga District.
- 5. Smt. Indira W/o. Basavaraja**
Aged about 52 years,
Occ: Housewife
R/at.Sunkadevarakoppa Village,
Shiruvante Post
Sagara Taluk
Shivamogga District.
(Accused No.1 to 3 By Sri. M.S.G., Advocate)
Accused No.4 and 5 By Sri. K.V.P. Advocate)

JUDGMENT

- 1.** The DySP of Sagara Rural Police Station, has submitted charge-sheet against the accused no.1 to 5 for the offences punishable under Section. 504, 506

read with Section 34 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 Sy No. 74 of Sunkadevara Koppal, Shiravante Village Sagara Taluk, accused No. 1 to 5 in furtherance of their common intention started a fight over their land and abused CW.1 to 9 in filthy language so as to provoke them to breach the public peace and threatened them with dire consequences.

3. On the basis of first information by C.W-1 the case was registered against the accused no.1 to 5. The Investigating Officer visited the spot, drawn mahazar and conducted entire investigation and filed charge-sheet against the accused no.1 to 5.

4. On service of summons, accused no.1 to 5 appeared before the Court and got enlarged themselves on bail. 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 Section 504, 506 read with Section 34 of the Indian Penal Code, 1860. After hearing both side, charges for the alleged offences under Section Section 504, 506 read with Section 34 of the Indian Penal Code, were framed and read over and explained to accused no.1 to 5 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 to 5, the prosecution has examined 8 witnesses out of 19 witnesses and got marked documents as per Ex.P-1 to 10. Learned A.P.P submitted to close evidence of prosecution side after examining these witnesses and not chosen to examine other witnesses. In this case, the material witnesses as well as eye witness and spot mahazar witnesses have completely turned hostile. Therefore, as there was no incriminating evidence against the accused no.1 to 5,

the statement of accused no.1 to 5 as contemplated under the provision of Section 313 of the Cr.P.C, is dispensed with.

6. Heard the arguments of 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 Sy No. 74 of Sunkadevara Koppal, Shiravante Village Sagara Taluk, accused No. 1 to 5 in furtherance of common intention started a fight over thier land and abused CW.1 to 9 in filthy language so as to provoke them to breach the public peace and thereby, accused No. 1 to 5 committed the offence punishable under Section 504 r/w Sec. 34 of the I.P.C?

(2) Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date, time and place, accused no.1 to 5 in furtherance of their common intention

committed criminal intimidation by threatening C.W-1 to 9 to kill and thereby, caused alarm in their minds and accordingly, committed the offence punishable under Section 506 read with Section 34 of the I.P.C?

(3) 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 : As per final Order,
for the following;

REASONS

9. POINT NO.1 AND 2:-

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

10. It is definite case of the prosecution that, On 17.01.2024 at 10.30 AM, in Sy No. 74 of Sunkadevara Koppal, Shiravante Village Sagara Taluk, accused No. 1 to 5 in furtherance of their

common intention started a fight over their land and abused CW.1 to 9 in filthy language so as to provoke them to breach the public peace and threatened them with dire consequences and thereby, the accused no.1 to 5 have committed the offences punishable under Section 504, 506 read with Section 34 of the I.P.C.

- 11.** C.W.1-P.W.1 by name Sri. Venkatesh who is examined as first informant-alleged victim, in his examination, has denied any incident with the accused persons and deposed that, he do not know the accused persons and he do not know about this case. Though, he admits his signature on first informant statement, which was marked at Ex.P-1 as well as Ex.P.2-spot mahazar, he deposed that, he posed his signature on the Ex.P-1 and Ex.P-2 on request of the Police and he deposed that, he does not know the contents of Ex.P-1 and 2. He further deposed that, Police did not enquired him about this case and he did not given any statement to the Police.

and she did not know case of the prosecution. In fact P.W-1 has denied the very lodging of the first information with the Police. He has denied that, accused persons abused him and CW.2 to 9 in filthy language and threatened to kill them.

12. Similarly as that of the P.W-1, P.W.2 to PW-8 being alleged eye witnesses also denied any incident with the accused persons. They have deposed in their respective examination-in-chief that, they do not know the accused persons and they do not know about this case. Further they deposed that the accused persons did not abuse them in filthy language. Further they deposed that, Police did not enquire them about this case and they did not given any statement to the Police.

13. Though, the learned A.P.P has cross-examined P.W-1 with the permission of the Court, nothing worth has been elicited from the mouth of these witness. Mere suggestions were put to these witness for which these

witness have entirely denied. Mere suggestions will not give any evidentiary value. Hence, the evidence of these witness will not come to the aid of prosecution. However, the witness has denied all such statements and any knowledge regarding the same.

- 14.** Therefore, when the first informant as well as 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 no.1 to 5 for the alleged offences. The benefit of which goes in favour of the accused no.1 to 5 from the evidence of witnesses. Hence, it is held that, the guilt of the accused no.1 to 5 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 and 2 in the Negative.**

15. POINT NO.3:-

In view of my findings to the above Point No.1 and 2,
this Court proceeds to pass the following:-

ORDER

Acting under Section 248(1) of the Code of Criminal Procedure, 1973, the accused no.1 to 5 are hereby acquitted for the offences punishable under Section. 504, 506 read with Section 34 of the Indian Penal Code, 1860.

The bail bonds executed by the accused no.1 to 5 and their surety shall be in force for a period of six months, from the date of this Order.

(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, 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 : Sri.Venkatesh

P.W-2 : Smt. Laxmi
P.W-3 : Sri.Babu
P.W-4 : Smt. Laxmi Babu
P.W-5 : Sri.Hanumantha
P.W-6 : Sri.Manjunatha
P.W-7 : Sri.Gangamma
P.W-8 : Sri.Manikantha

2. 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 10 : Statements.

3. List of witness examined for Accused:-

-- NIL --

4. List of exhibit marked for Accused:-

-- NIL --

5. List of material object marked for Prosecution:-

-- NIL --

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

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