

KASM610029462025



**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 1st DAY OF SEPTEMBER, 2026

CRIMINAL CASE NO.2401/2025

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

(By Assistant Public Prosecutor)

-V/s.-

**Accused : 1. Sri. Mahabaleshwara S/o.
Huchappa,
Aged about 57 years,
R/at. Dombe Village,
Sagara Taluk,
Shivamogga District.**

(By Sri H.K.A., Advocate)

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JUDGMENT

1. The Police Sub Inspector of Sagara Rural Police
Station, has submitted charge-sheet against the

accused for the offences punishable under Section. 504, 341, 447, 506, 427 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 03.02.2023 at 10:30 PM, accused illegally entered the Vacant plot measuring 175*145 located at Survey No.92 in Dombe Village which belongs to CW-7. The accused wrongfully restrained CW-1 who was working on behalf of CW-7, from moving further and abused him in filthy language and also he had threatened to kill him and accused also tore down the cement fence posts of C.W-1's and thereby, caused him loss around Rs.60,000/-.

- 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 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.** 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 504, 341, 447, 506, 427 of the I.P.C. After hearing both side, charges for the alleged offences under Section 504, 341, 447, 506, 427 of the I.P.C were framed and read over and explained to accused in Kannada, the language known to him, for which they pleaded not guilty and claimed to be tried.
- 5.** To bring home the guilt of accused, the prosecution has examined only 1 witness as P.W.1 i.e., first informant out of 12 witnesses and got marked documents as per Ex.P-1 to 3. In this case, material witness i.e., first informant-injured has completely turned hostile to the case of prosecution. Learned A.P.P submitted to close evidence of prosecution side.

Therefore, as there was no incriminating evidence against the accused, the statement of accused 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 03.02.2023 at 10:30 PM, accused illegally entered the Vacant plot measuring 175*145 located at Survey No.92, in Dombe Village which land belongs to C.W-7 and thereby, criminally trespassed into his land and accordingly, committed the offence punishable under Section 447 of the I.P.C?

(2) Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date, time and place, accused wrongfully restrained C.W-1 from moving further and thereby, committed the offence

punishable under Section 341 of the I.P.C?

- (3)** Whether the prosecution proves beyond all reasonable doubt that, abused him in filthy language, so as to provoke him to break public peace and thereby, committed the offence punishable under Section 504 of the I.P.C?
- (4)** Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date, time and place, accused committed criminal intimidation by threatening C.W-1 with dire consequences and thereby, caused alarm in his mind and accordingly, committed the offence punishable under Section 506 of the I.P.C?
- (5)** Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date, time and place, accused tore down the cement fence posts of C.W-1's and thereby, caused him loss around Rs.60,000/- and thereby, commits mischief by causing damage to the amount of fifty rupees above and

accordingly, committed the offence punishable under Section 427 read with Section 34 of the I.P.C?

(6) 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	:	In the Negative;
Point No.6	:	As per final Order, for the following;

REASONS

9. POINT NO.1 TO 5:-

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 03.02.2023 at 10:30 PM, accused illegally entered the Vacant plot measuring 175*145 located at Survey No.92 in Dombé Village which belongs to CW-7. The accused wrongfully restrained CW-1 who was

working on behalf of CW-7, from moving further and abused him in filthy language and also he had threatened to kill him and accused also tore down the cement fence posts of C.W-1's and thereby, caused him loss around Rs.60,000/- and thereby, the accused has committed the offences punishable under Section 504, 341, 447, 506, 427 of the I.P.C.

- 11.** P.W.1-Sri. Ravindra, who is the first informant and alleged injured in this case, in his examination-in-chief that, denied any incident with the accused. Further he deposed that he don't know the accused person. Though he admits his signature on first information statement and Spot Mahazar which were marked at Ex.P-1 and Ex.P.2 respectively, he deposed that he posed signature to the Ex.P1 and 2, on request of the police. Further he deposed that he does not know the contents of Ex.P-1 and 2. Moreover, he deposes that injuries were caused to him when he fell himself while doing agricultural work and for that reason he took treatment in the

hospital. In fact P.W-1 has denied the very lodging of the first information with the police. He has denied that the accused person wrongfully restrained, illegal entry into his plantation and abused. He has denied that the accused person threatened to kill him and also he did not cause any loss to him. He further deposed that, he does not know the case of prosecution. He further deposed that, no material object has been seized under the Ex.P-2. He further deposed that, Police did not enquire him about this case and he did not given any statement to the Police.

- 12.** P.W-1 being the alleged victim-first informant has totally turned hostile to the case of prosecution and learned A.P.P has cross-examined this witness with the permission of the Court. In the cross-examination, nothing worth has been elicited from the mouth of P.W-1. Mere suggestions were put to this witness for which this witness has entirely denied. Mere suggestions will not give any evidentiary value. Hence, the evidence of this witness

will not come to the aid of prosecution. However, the witness has denied all such statements and any knowledge regarding the same. Therefore, when the first informant-alleged victim was himself 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 witness. Hence, it is held that, the guilt of the accused for the offences alleged against him, is not at all proved. Consequently, it would also have to be held that, the contents of Ex.P-1 to 3 has also not been proved. Accordingly, this Court answers **Point No.1 to 5 in the Negative.**

13. POINT NO.6:-

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

ORDER

Acting under Section 248(1) of the Code of Criminal Procedure, 1973, the accused no.1 and 2 are hereby acquitted for the offences punishable under Section Section. 504, 341, 447, 506, 427 of the Indian Penal Code, 1860.

The bail bonds executed by the accused and his 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 1st day of September, 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. Ravindra

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 : Statement

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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