

KAUK020027542025



C.C.2335/2025

IN THE COURT OF
PRL. SNR. CIVIL JUDGE AND CJM COURT, KARWAR AT
KARWAR, UTTARA KANNADA

PRESENT: Smt. Kavita S.Undodi,
B.A. LL.B(Spl)
Prl. Senior Civil Judge & CJM and
1st Addl. M.A.C.T., Karwar.

C.C.No.2335/2025

DATED THIS THE 15th DAY OF APRIL-2026

Complainant : State represented by
Karwar Town P.S.

(Represented by learned Sr.A.P.P.)

-V/S-

Accused: 1. Roshan @ Ravichandra Dattanand Naik,
Age: 33 years,
Occ: Employed in private firms.
R/o: Nagawada, Baad,
Bandishitta, Karwar-581301.

(Represented by Shri S.V.B., Advocate)

J U D G M E N T

The P.S.I. of Karwar Town police station has filed charge-sheet against the accused for the offence punishable under section 115(2) and 352 of B.N.S.

2. The case of prosecution is that:-

On 03-04-2025 at about 11-15 p.m, the accused picked up quarrel with CW-5 and having angry with CW-1 and CW-6, assaulted CW-1 with hands on cheeks and when the CW-1 intervened at that time accused pulled her by holding her neck and also abused her in filthy language. The CW-1 lodged the FIS before the police, same has been registered in Karwar Town P.S. Crime No.30/2025 for the offence punishable under section 115(2) and 352 of B.N.S. After registration of the case, the police have conducted spot Mahazar and recorded the statement of witnesses, collected documents and after completion of investigation, the CW-13 submitted charge sheet to the court.

3. After submission of the charge-sheet, court has taken cognizance for the offence punishable under section 115(2) and 352 of B.N.S. and registered case as criminal case. In pursuance of summons accused appeared through his counsel and got released on bail. The charge sheet copy supplied to the accused as per section 230 of B.N.S.S. Plea read over and explained to the accused, he pleaded not guilty and claimed to be tired.

4. In order to prove the case, prosecution has examined two witnesses as P.W.1 and P.W.2 and got marked Ex.P.1 to Ex.P.5. The statement of accused under section 351 of B.N.S.S. has been dispensed.

5. Heard the arguments of learned Sr. A.P.P. and learned counsel for accused.

6. The following points arises for my consideration;

POINTS

1. **Whether the prosecution proves its case beyond a reasonable doubts that on 03-04-2025 at about 11-15 P.M., accused assaulted CW-5 with hands on cheek and pulled CW-1 by holding neck caused hurt and thereby committed an offence punishable under section 115(2) of B.N.S.?**

2. **Whether the prosecution further proves its case beyond a reasonable doubts that on above said date, time and place the accused has intentionally insulted CW-1 and CW-5 by abusing in filthy language and thereby gives provocation to CW-1 and CW-5 knowing it to be likely that such provocation will cause them to break the public peace or to commit any other offence and thereby committed an offence punishable under section 352 of B.N.S.?**

3. **What Order?**

7. My answer to the above points is as under:-

Point No.1 :- In Negative

Point No.2 :- In Negative

**Point No.3 :- Is as per the final order
for the following:**

REASONS

8. Point No.1 and 2:- These points are interrelated to each other to avoid repetition of facts I took all points together for common discussion.

It is burden the prosecution to prove its case beyond a reasonable doubts that the accused voluntarily assaulted CW-1 with hands on her cheek and intentionally insulted CW-1 and CW-5 by abusing in filthy language.

9. PW-1-Smt. Shilpa Naik - who lodged First Information Statement before the police deposed that the accused has not picked up quarrel with CW-5 and not assaulted CW-5 on cheek nor pulled her by holding neck and also deposed that accused has not abused them in filthy language, but due to difference of opinion she orally informed to the police.

The learned Sr. A.P.P treated this witness as hostile and cross examined in length, but she denied the suggestion made to her and also she denied the mahazar conducted by the police as per Ex.P-2 and also denied the rough sketch prepared by the police as per Ex.P-3 and also denied that she has not given statement before the police as per Ex.P-4.

10. The PW-2 Kumari Spoorti Naik deposed that, accused has not picked up quarrel with her nor assaulted her on cheek and also deposed that,

accused has not abused her and CW-1 in filthy language and on the say of police she had given statement before the Magistrate as per Ex.P-5 and also she denied that she had given statement before the police.

The learned APP treated this witness as hostile and cross-examined her in length, but she denied the suggestion made to her and also she denied the statement before the police as per Ex.P-6.

11. The PW-1 and PW-2 being the material witnesses not supported the case of prosecution, hence no purpose would be served by examining other witnesses, therefore other witnesses and statement of accused under section 351 of B.N.S.S. dispensed.

12. Herein this case the P.W-1 and P.W-2 being the material witnesses not supported the case of prosecution, therefore on perusal of the evidence on record there is no cogent and corroborative evidence to prove the guilt of the accused, hence the ingredients of section 115(2) and 352 of B.N.S. are not made out. Therefore it is opinion of the court that the prosecution has failed to prove its case beyond reasonable doubts, accordingly the accused is entitled for acquittal, hence **Point No.1 and 2 answered in Negative.**

13. Point No.3:- In view of above discussion, I proceed to pass the following:

:: ORDER ::

Acting under Section 278(1) of B.N.S.S. accused is hereby acquitted for the offence punishable under section 115(2) and 352 of B.N.S.

The bail bond of accused shall stand cancelled after lapse of 6 months.

(Directly dictated to steno on Lap-tap, print out taken by her, corrected and then pronounced by me in Open-Court this the **15th day of April 2026**).

(Kavita S. Undodi)
Prl. Senior Civil Judge & C.J.M.
Karwar.

ANNEXURE**List of witnesses examined on behalf of prosecution :-**

PW-1 : Shilpa Subhash Naik.
PW-2 : Kumari Spoorti Naik.

List of documents marked on behalf of prosecution:-

Ex-P-1 : F.I.S.
Ex.P-1(a) : Signature of P.W.1
Ex.P-2 : Spot panchanama
Ex.P-2(a) : Signature of P.W.1
Ex.P-3 : Spot Sketch
Ex.P-3(a) : Signature of P.W.1
Ex.P-4 : Statement of PW-1
Ex.P-5 : Statement of PW-2
Ex.P-5(a) : Signature of P.W.2

List of witness examined and documents marked on behalf of accused:-

- Nil -

Material Objects marked on behalf on prosecution:**- Nil -**