

KAVN200001622025



IN THE COURT OF SENIOR CIVIL JUDGE AND J.M.F.C.,
KUDLIGI

PRESENT : SRI. YOGESHA. J. B.A., LL.B.,

DATED THIS 18TH DAY OF MARCH, 2026

C.C. No. 45/2025

COMPLAINANT

State by A.S.I of Kotrur Police Station,
Kottur Taluk, Ballari District.

(By Assistant Public Prosecutor)

V/s

ACCUSED

1) Vasanta,
S/o Late Shivanna,
Aged 22 years, Labourer.

2) Jayamma,
W/o Late Shivanna,
Aged 60 years, Labourer.

3) Anjinappa,
S/o Hanumanthappa,
Aged 40 years, Labourer.

4) Nagaraja,
S/o Uccheneppa,

Aged 25 years, Labourer.

5) GangappaH.G.,
S/o Hanumanthappa,
Aged 45 years, Laboaurer.

All are R/o Hanumanahalli Village,
Kottur Town and Taluk,
Vijayanagara District.

(By Sri. A.G.P, Advocate)

Date of commission of offence	20.10.2024
Date of report of offence	27.10.2024
Date of arrest of accused	Accused were not arrested, but released on Court bail on 21.07.2025
Name of the complainant	Dilip Raj Patel.H.M
Offenses complained of	U/s 115(2), 118(1), 189(3), 190, 191(2), 351(2), 352 of B.N.S
Evidence commenced on	10.03.2026
Evidence closed on	10.03.2026
Opinion of Presiding Officer	Not found guilty
Judgment pronounced on	18.03.2026

JUDGMENT

The ASI of Kottur Police Station has filed this final report against the accused for the offences punishable U/Sec 115(2), 118(1), 189(3), 190, 191(2), 351(2), 352 of B.N.S. 2023.

2. It is the case of the prosecution that CW-1 Dilip Raj Patel H.M. had handed over Rs.2,00,000/- towards the purchase of sheep and for the said amount the accused No.1 and 2 have handed over 2 sheep and the said sheep were handed over to the accused No.1 and 2 for grazing on 20.10.2024 at 8.00 p.m.,and CW-1 came to the house of accused No.2 and insisted the accused No.1 to hand over his 20 sheep saying that he is in need of money, as such he intend to sell the said sheeps. At that point of time, in furtherance of common object accused No.1 told to CW-1 saying that they are not going to return the amount as well as sheep and accused No.3 and 4 caught hold the CW-1 and pulled, assaulted him with hands and legs. Further, accused picked up quarrel with CW-1 under which accused No.1 voluntarily assaulted the said CW-1 by means of stone on his head causing simple hurt and all the accused formed a group and committed the offence of rioting. It is further case of the prosecution that accused in furtherance of common object under which accused No.1 abused CW-1 in filthy language intending that such provocation caused him to break the public peace and accused No.5 by holding stick caused alarm to CW-1 and thereby committed the offences

punishable U/s 115(2), 118(1), 189(3), 190, 191(2), 351(2), 352, B.N.S. 2023.

3. Based on the information lodged by the C.W-1, Kottur Police have registered a case in Crime No. 184/2024 against the accused for the offences punishable U/Sec 189(3), 191(2), 115(2), 118(1), 351(2), 352, R/w 190 of B.N.S. 2023. After the investigation, ASI of the Kottur Police Station has filed the final report against the accused for the offences punishable U/s 115(2), 118(1), 189(3), 190, 191(2), 351(2), 352, B.N.S. 2023.

4. On receipt of the Final report, cognizance of the above mentioned offences was taken and presence of the accused was secured. Charge sheet was furnished to the accused as contemplated U/Sec. 230 of B.N.S.S.

5. After hearing, charge was framed, read over and explained to the accused. They pleaded not guilty and claims to be tried. Hence, the case is posted for evidence of the prosecution. Prosecution has examined 1 witness as P.W-1 and got marked the documents as Ex's. P-1 to 5 and no material objects were marked.

6. As there was no incriminating evidence against the accused in the evidence adduced by the prosecution, examination of the accused under Section 351 of B.N.S.S was dispensed with.

7. Heard the arguments on both the sides and perused the entire records.

8. Under the circumstances, following points arises for consideration:

POINTS

- 1) *Whether the prosecution has proved beyond all reasonable doubt that CW-1 Dilip Raj Patel H.M. had handed over Rs.2,00,000/- towards the purchase of sheep and for the said amount the accused No.1 and 2 have handed over 20 sheep and the said sheep were handed over to the accused No.1 and 2 for grazing and on 20.10.2024 at 8.00 p.m.,and CW-1 came to the house of accused No.2 and insisted the accused No.1 to hand over his 20 sheep saying that he is in need of money, as such he intend to sell the said sheeps at that point of time, in furtherance of common object accused*

No.1 told to CW-1 saying that they are not going to return the amount as well as sheep and accused No.3 and 4 caught hold the CW-1 and pulled, assaulted him with hands and legs and thereby committed the offence punishable U/s 115(1) R/w 190 of B.N.S.

- 2) Whether the prosecution has further proved beyond all reasonable doubt that on the above said date, time and place, accused in furtherance of their common object picked up quarrel with CW-1 under which accused No.1 voluntarily assaulted the said CW-1 by means of stone on his head causing simple hurt and thereby committed the offence punishable U/s 118(1) R/ 190 of B.N.S.?*
- 3) Whether the prosecution has further proved beyond all reasonable doubt that on the above said date, time and place, accused in furtherance of their common object picked up quarrel with CW-1, all the accused formed a group and committed the offence of rioting and thereby committed the offence punishable U/s 189(2), 191(2) R/w 190 of B.N.S.?*

4) *Whether the prosecution has further proved beyond all reasonable doubt that on the above said date, time and place, accused in furtherance of their common object picked up quarrel with CW-1 and accused No.1 abused CW-1 in filthy language intending that such provocation caused him to break the public peace and thereby committed the offence punishable U/s 352 R/w 190 of B.N.S?*

5) *Whether the prosecution has further proved beyond all reasonable doubt that on the above said date, time and place, accused in furtherance of their common object picked up quarrel with CW-1 accused No.5 by holding stick caused alarm to CW-1 in order to take away his life and thereby committed the offences punishable U/s 351(2), 190 B.N.S.?*

6) *What Order ?*

9. The points framed for consideration are answered as under;

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

10. **POINTS No.1 to 5**:-All these points are inter connected to each other, hence I would like to discuss these points together at one stretch to avoid repetition of facts and confusion.

11. It is the case of the prosecution that CW-1 Dilip Raj Patel H.M. had handed over Rs.2,00,000/- towards the purchase of sheep and for the said amount the accused No.1 and 2 have handed over 2 sheep and the said sheep were handed over to the accused No.1 and 2 for grazing on 20.10.2024 at 8.00 p.m.,and CW-1 came to the house of accused No.2 and insisted the accused No.1 to hand over his 20 sheep saying that he is in need of money, as such he intend to sell the said sheeps. At that point of time, in furtherance of common object accused No.1 told to CW-1 saying that they are not going to return the amount as well

as sheep and accused No.3 and 4 caught hold the CW-1 and pulled, assaulted him with hands and legs. Further, accused picked up quarrel with CW-1 under which accused No.1 voluntarily assaulted the said CW-1 by means of stone on his head causing simple hurt and all the accused formed a group and committed the offence of rioting. It is further case of the prosecution that accused in furtherance of common object under which accused No.1 abused CW-1 in filthy language intending that such provocation caused him to break the public peace and accused No.5 by holding stick caused alarm to CW-1 and thereby committed the offences punishable U/s 115(2), 118(1), 189(3), 190, 191(2), 351(2), 352, B.N.S. 2023.

12. The prosecution in order to prove the guilt of the accused has examined 1 witness as PW-1 out of 9 witnesses as shown in the charge sheet and got marked Ex's.P-1 to 5.

13. The informant CW-1 is examined as PW-1 and deposed that he identified his signature on the complaint and it is marked as Ex.P-1 and Ex.P-1(a) and also shown another document i.e., spot mahazar which is marked as Ex.P-2 and his signature on the same is marked as Ex.P-2(a)

and also identified another document i.e., spot sketch as per Ex.P-3 and his signature on the same is marked as Ex.P-3(1) and also identified the photographs as per ex.P-4 and the C.D. as Ex.P.5. But he does not know for what purpose the police obtained his signature on the said documents Ex.P-1 to 3 and he does not know the contents of the said document and he also does not know about what purpose police took the photographs and no articles were seized by the police in his presence.

14. Thus, C.W- 1 who is the alleged victim did not support the case of prosecution. He was treated hostile and cross-examined by the learned APP, in which he denied the suggestion of lodging complaint against the accused as per Ex.P-1 and conducting of mahazar in his presence as per Ex.P-2 and drawing of spot sketch as per Ex.P-3 and obtaining of photographs as per Ex.P-4.

15. As the complainant himself deposed contrary to the case of the prosecution and denied the occurrence of the alleged incident, this Court is of the opinion that no purpose would be served by issuing summons to other witnesses. There is absolutely nothing on record to hold that the

accused are guilty of the offences alleged. Accordingly, it is held that the prosecution has failed to prove the guilt of the accused beyond all reasonable doubts. Therefore, points No.1 to 5 are answered in the Negative..

16. **POINT No.6** : In view of answering the points No.1 to 5 in the negative, accused are to be acquitted. Hence, I proceed to pass the following :

ORDER

Acting under Section 271 of B.N.S.S. accused is hereby acquitted of the offences punishable U/Sec 115(2), 118(1), 189(3), 190, 191(2), 351(2), 352 of B.N.S. 2023.

Bail bond of the accused and that of their sureties shall stands cancelled.

I.O. is hereby directed to destroy the properties mentioned in P.F. No. 146(A) dt: 8.10.2024 as they are worthless, after the appeal period.

(Dictated to the Stenographer, computerized by him, corrected and signed by me and then pronounced in the open court on this 18.03.2026)

(YOGESHA. J)
Senior Civil Judge & JMFC,
Kudligi

A N N E X U R E

LIST OF WITNESSES EXAMINED FOR PROSECUTION

PW.1 : Dilip Raj Patel.H.M

LIST OF DOCUMENTS MARKED FOR PROSECUTION

Ex.P-1 : Complaint
Ex.P-1(a) : Signature of P.W-1

Ex.P-2 : Spot Mahazar
Ex.P-2(a) : Signature of P.W-1

Ex.P-3 : Sketch
Ex.P-3(a) : Signature of P.W-1

Ex.P-4 : Photograph

Ex.P-5 : C.D

LIST OF OBJECTS MARKED FOR PROSECUTION

-Nil-

LIST OF WITNESSES EXAMINED FOR DEFENCE

-NIL-

LIST OF DOCUMENTS MARKED FOR DEFENCE

-NIL-

(YOGESHA. J)
Senior Civil Judge & JMFC,
Kudligi.

(Order pronounced in the open Court)
(Vide separate Judgment)

ORDER

Acting under Section 271 of B.N.S.S. accused is hereby acquitted of the offences punishable U/Sec 115(2), 118(1), 189(3), 190, 191(2), 351(2), 352 of B.N.S. 2023.

Bail bond of the accused and that of their sureties shall stands cancelled.

I.O. is hereby directed to destroy the properties mentioned in P.F. No. 146(A) dt: 8.10.2024 as they are worthless, after the appeal period.

(YOGESHA. J)
Senior Civil Judge & JMFC,
Kudligi