

KAVP310034862020



Presented on : 14-10-2020
Registered on : 14-10-2020
Decided on : 02-06-2026
Duration : 5 years, 7 months, 19 days

IN THE COURT OF CIVIL JUDGE & JMFC, AT :INDI

-PRESENT-

SUNIL KUMAR M.S

B.A., LL.B.

Civil Judge & JMFC, Indi.

Dated this the 2nd day of June, 2026

C.C.No.2634/2020

Complainant: The State by CHC of
Zalaki Police Station,

(By A.P.P.)

V/s

Accused: 1. Housarao S/o. Bhima Kate,
Age: 45 years,
2. Prakash S/o. Banu Kate,
Age: 30 years,
3. Ganesh S/o. Sambaji Kate,
Age: 25 years,
4. Shankar S/o. Dattu Kate,
Age: 27 years,

5. Manohar S/o. Dattu Kate,
Age: 28 years,
6. Vaibhav S/o. Dattu Kate,
Age: 28 years,
All are R/o. Bhatagunaki,
Tq: Indi.

(Sri. A.G.J., Adv.)

Date of Commission of Offence.	:	24.06.2020
Date of Report of Offence.	:	28-06-2020
Date of appearance of accused.	:	26.02.2021
		(Accused are on bail)
Name of the Complainant.	:	Gopinath S/o. Bandu Kate.
Date of Commencement of recording of Evidence.	:	12-03-2026
Date of Closing of evidence.	:	17-04-2026
Offences complained are	:	U/s.341, 447, 504, 506 R/w 149 of IPC
Opinion of the Judge	:	Found not guilty
State represented by	:	APP
Accused represented by	:	Sri. A.G.J., Advocate.

-:: J U D G M E N T ::-

The CHC of Zalaki Police Station has filed charge sheet against the accused persons for the offences punishable U/s.341, 447, 504 and 506 R/w 149 of IPC.

2. The case of the prosecution in nutshell is as follows :-

It is alleged by the prosecution that, on 24.06.2020 at about 2.30 p.m, in the land of complainant situated at Bhatagunaki village, the accused are the relatives of the complainant. There was a dispute between the complainant and accused regarding the land. For this reason, on the said date when the complainant alongwith CW.4 and 5 were sowing tur in their land using the tractor of CW.6, at that time all accused persons criminally trespassed into the land of complainant and they stood infront of the tractor and obstructed it and prevented it from moving forward and picked up quarrel with them. The accused No.1, 3, 4 and 5 threatened the complainant and CW.4 and 5 stating that, they also want a share in this land, if they not give the share in the land they will kill them and accused No.2 and 6 caught hold the complainant and CW.4 and 5 from moving anywhere and abused them in filthy language and gave life threat to

them. Based on the complaint given by the complainant, FIR has been registered against the accused persons for the aforesaid offences. After investigation the investigating officer has filed the charge sheet against the accused persons for the offences punishable U/s.341, 447, 504 and 506 R/w 149 of IPC.

3. After filing charge sheet the accused are appeared before the court and they were enlarged on bail. After filing of the charge sheet the cognizance was taken against the accused for the aforesaid offences. Thereafter the prosecution papers were furnished to the accused as contemplated under section 207 of Cr.P.C. Heard the learned prosecution and counsel for accused about framing of charge. Since there was sufficient material to frame charge against the accused, charges were framed U/s.341, 447, 504 and 506 R/w 149 of IPC. The sum and substance of the accusation was read over to the accused and their answers to the said accusation was denial and

they claimed to be tried. Hence the prosecution was given an opportunity to establish the guilt of the accused.

4. The prosecution in order to bring home the guilt of the accused got examined only three witnesses as PW1 to 3, documentary evidence as Ex.P-1 and 2. The PW-2 who is the complainant and PW.1 and 3 are the relatives of complainant, have turned hostile. Since the material witnesses have turned hostile, prayer of the prosecution for examination of other witnesses have been rejected and remaining witnesses have been dropped. Since there is no any incriminating evidence against the accused, the statement of the accused u/s 313 of CrPC is dispensed with.

5. Heard arguments.

6. The points that arise for my consideration are :

1. Whether the prosecution proves beyond reasonable doubt that, on 24.06.2020 at about 2.30 p.m, in the land of complainant situated at Bhatagunaki village, the accused are the relatives of the complainant. There was a dispute between the complainant and

accused regarding the land. When the complainant alongwith CW.4 and 5 were sowing tur in their land using the tractor of CW.6, at that time all accused persons criminally trespassed into the land of complainant and picked up quarrel with them and thereby accused persons have committed an offences punishable u/s 447 R/w 149 of I.P.C.?

2. Whether the prosecution proves beyond reasonable doubt that, on the above said date, time and place, the accused No.1 to 6 being members of unlawful assembly with common intention, picked up quarrel with the complainant and CW.4 and 5 and they stood infront of the tractor and obstructed it and prevented it from moving forward and accused No.2 and 6 caught hold the complainant and CW.4 and 5 from moving anywhere and thereby accused persons have committed an offences punishable u/s 341 R/w Section 149 of I.P.C.?

3. Whether the prosecution proves beyond reasonable doubt that, on the above said date, time, and place, the accused No.1 to

6 being members of unlawful assembly with common intention, picked up quarrel with the complainant and CW.4 and 5 and abused them in filthy words so as to provoke them to break open the public peace, and thereby accused persons have committed offence an punishable u/s 504 R/w 149 of I.P.C.?

4. Whether the prosecution proves beyond reasonable doubt that, on the above said date, time, and place, the accused No.1 to 6 being members of unlawful assembly with common intention, picked up quarrel with the complainant and CW.4 and 5 and all the accused persons gave life threat to them and thereby accused persons have committed offence an punishable u/s 506 R/w 149 of I.P.C.?

5. What order?

7. My findings on the above points are :

Point No. 1 to 4 : In the Negative

**Point No. 5 : As per final order
for the following:**

: REASONS :

8. **Point Nos.1 to 4:** All these points are connected each other and in order to avoid the repetition of the facts and appreciation of the evidence, all these points are taken up together for common consideration.

The prosecution examined the complainant as PW.2 to the incident. PW.2 has not supported the prosecution case and turned hostile. He deposed that, CW.4 is his son and CW.5 is his brother. He further deposed that, since 4-5 years back, there was only verbal exchange of words between himself and accused persons. He requested the police to advise the accused, but by that time the police have taken his thumb impression on the few documents, but he did not know which purpose was taken it. He further deposed that, the accused have not trespassed into his land and have not assaulted him, not abused him in filthy language and not restrained him and not given life threat to him. The police have not conducted any panchanama in his presence. He does not know about the

incident and he has not given any complaint to the police. The prosecution treated this witness as hostile witness and cross examined by suggesting about the case of the prosecution but nothing has been elicited to prove the case of prosecution.

9. The PW-1 and 3 namely Annappa S/o. Dagadu Kate and Ashok S/o. Gopinath Kate, who are the son and brother of the complainant in their examination chief, they deposed that, they do not know about the incident. They further deposed that, the accused have not trespassed into their land and have not caught hold them and not abused them in filthy language and not given life threat to them and they have not given any statement to the police. The prosecution treated these witnesses as hostile witnesses and cross examined by suggesting about the case of the prosecution but nothing have been elicited to prove the case of prosecution.

10. In this case PW-1 to 3 are the material witnesses and they have turned hostile and have not

supported the case of the prosecution. Since the material witnesses have turned hostile no materials remained with the prosecution to prove the guilt of the accused No.1 to 6. Moreover on perusal of the oral evidence of PW-1 to 3 it reveals that they have compromised the matter along with the accused persons. Therefore this court is of the considered opinion that, prosecution has utterly failed to prove the guilt of the accused persons beyond all reasonable doubt. Hence, for the said reasons this Court answers point Nos.1 to 4 in the Negative.

11. **Point No.5:** In the light of the aforesaid discussions this court proceed to pass the following:

-:: ORDER ::-

**Acting under section 248(1)
of Cr.P.C., the accused No.1 to 6
are hereby acquitted for the
offences punishable under section
341, 447, 504 and 506 R/w 149 of
IPC.**

**The bail bond of the accused
No.1 to 6 and their surety stand
cancelled. However, in view of**

**Section 437-A of Cr.P.C. bail bonds
and surety bonds shall remain in
force upto six months.**

(Dictated to the Stenographer directly on the Computer, typed by her, corrected and then pronounced by me in open Court, on this the 2nd day of June-2026.)

(Sunil Kumar M.S.)
Prl. Civil Judge and JMFC, Indi.

ANNEXURE

Witnesses examined on behalf of Prosecution. :-

PW1 - Annappa S/o. Dagadu Kate.
PW2 - Gopinath S/o. Bandu Kate.
PW3 - Ashok S/o. Gopinath Kate.

Documents exhibited on behalf of Prosecution:-

Ex.P.1- Statement of PW.1.
Ex.P.2- Statement of PW.3.

Material objects exhibited on behalf of prosecution:-

-NIL-

List of witnesses and documents on Defense side :-

-NIL-

(Sunil Kumar M.S.)
Prl. Civil Judge and JMFC, Indi.