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S.C.No.19/2022

Presented on : 25-02-2022

Registered on : 28-02-2022

Decided on : 17-03-2026

Duration :4 years 0 months 20 days

**IN THE COURT OF THE I ADDL. DISTRICT AND  
SESSIONS JUDGE, YADGIR**

Dated this the 17<sup>th</sup> **day of March, 2026**

**:Present:**

**Sri. A. EARANNA**, M.Com., L.L.M.,  
I Addl. Dist. & Sessions Judge, Yadgir

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**Complainant:**

The State of Karnataka  
through Gurumitkal Police Station.

(By Special Public Prosecutor)

**Vs.**

**Accused:**

1. Narasappa S/o Sangappa  
Naikodi, Age:43 Years,  
Occ:Plaster work,
2. Masheppa S/o Sangappa Naikodi,  
Age:56 Years, Occ:Plaster work,
3. Anantamma W/o Narsappa  
Naikodi, Age:30 Years,  
Occ:Household,

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4. Devappa S/o Masheppa Naikodi,  
Age:20 Years, Occ:Agri,
5. Devindrappa S/o Dyavappa  
Naikodi, Age:28 Years, Occ:Agri,  
All are r/o Gajarkot,  
Tq.Gurumatkal, Dist.Yadgir.

(By Sri.S.A.Q. Advocate)

1)	Date of offence	21.12.2021
2)	Date of report of offence	22.12.2021
3)	Arrest of the accused	A.1 & 2 on 23.12.2021 A.3 to 5 obtained 438 Cr.P.C. bail
4)	Release of the accused	A.1 & 2 on 29.03.2022 A.3 to 5 on 09.02.2022
5)	Name of the complainant	Sabanna
6)	Date of commencement of recording of evidence	27.11.2025
7)	Date of closing of evidence	07.03.2026
8)	Offences complained of	U/Secs.143, 147, 148, 323, 324, 307, 504, 506 R/w sec.149 of IPC.
9)	Opinion of the Judge	Accused No.1 to 5 are found not guilty

## **J U D G M E N T**

The IO of Gurumitkal Police Station submitted charge

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sheet against the accused No.1 to 5 for the offences punishable under Sections 143, 147, 148, 323, 324, 307, 504, 506 R/w sec.149 of IPC before learned JMFC, Yadgir who committed the case for disposal in accordance with law.

**2)** In nutshell the case of the prosecution is as under:-

That on 21.12.2021 at about 7.00 p.m., in Gajarkot village accused No.1 to 5 being a members of an unlawful assembly in order to commit such offence with common object came with holding stone, talwar in their hands with intend to kill CW.1 and 5 abused them in filthy language by saying how you took their place of Banni Mudi gave life threat to CW.1, accused No.4 assaulted with stone to CW.2 on his fore head and left knee so he sustained internal injury, accused No.2 assaulted CW.5 with stone on his forehead left side so he sustained blood injury, accused No.5 hit CW.5 on his chest, accused No.1 to 4 taken centre of them and assaulted with their hands at that time CW.1

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intervened accused No.1 with intend to kill CW.1 assaulted with Talwar on his neck he escaped from that blow, accused No.2 to 5 assaulted CW.1 on his shoulder, head, chest. Thereafter, lodged the complaint. Based on the complaint police have registered case in Crime No.195/2021 for the offences P/U/secs.143, 147, 148, 323, 324, 307, 504, 506 R/w sec.149 of IPC. After completion of investigation filed the charge sheet against the accused for the aforesaid offences. Thereafter, charge has been framed where they pleaded not guilty and claims to be tried.

**3)** In support of prosecution case, PW.1 to 5 examined and got marked Ex.P.1 to P.11. There is no incriminating evidence against the accused. Hence, statement U/sec.351 of BNSS is hereby dispensed. Accused have not produced evidence nor documents.

**4)** Heard the argument. Perused the oral and documentary evidence on record.



**5)** The following points arise for my determination are:

- 1)** Whether the prosecution proves beyond all reasonable doubt that on 21.12.2021 at about 7.00 p.m., in Gajarkot village accused No.1 to 5 being a members of an unlawful assembly in order to commit such offence with common object came with holding stone, talwar in their hands and picked up quarrel with intend to kill CW.1 and 5 and picked up quarrel with them and committed the offence of rioting and thereby committed the offences P/U/secs.143, 147, 148 R/w sec.149 of IPC?
- 2)** Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place all the accused persons being a members of an unlawful assembly in order to commit such offence with common object came there, accused No.4 assaulted CW.2 with stone on his head and left knee so he sustained internal injury, accused No.2 assaulted CW.5 with the stone on his forehead left side so he sustained blood injury and thereby committed an offences P/U/secs.323, 324 R/w sec.149 of IPC?
- 3)** Whether the prosecution proves beyond all



reasonable doubt that on the above said date, time and place all the accused persons being a members of an unlawful assembly in order to commit such offence with common object came there accused No.5 hit CW.5 on his chest, accused No.1 to 5 took centre CW.5 and assaulted him with their hands, accused No.1 with intend to kill CW.1 assaulted him with talwar on his neck he escaped from that blow, accused No.2 to 5 assaulted CW.1 on his left shoulder, head, chest and thereby committed an offence P/U/sec.307 R/w sec.149 of IPC?

- 4) Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place all the accused persons being a members of an unlawful assembly in order to commit such offence with common object came there abused CW.1 and 5 in filthy language and insulted them to breach of peace and thereby committed an offence P/U/sec.504 R/w sec.149 of IPC?
- 5) Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place all the accused persons being a members of an unlawful assembly in order to commit such offence with common object came



threatened to the life of CW.1 and 5 by causing alarm them and thereby committed an offence P/U/sec.506 R/w sec.149 of IPC?

6) What order or sentence?

6) My findings on the above points are as follows;

Point No.1: Negative

Point No.2: Negative

Point No.3: Negative

Point No.4: Negative

Point No.5: Negative

Point No.6:As per final order;

for the following;

### **REASONS**

7) **Point No.1 to 5:-** To avoid the repetition of facts and evidence and documents point No.1 to 5 are taken together for common discussion.

8) The learned Public Prosecutor prays to issue witness summons to CW.2, 7 to 15. In this case complainant, injured, mahazar witnesses, seizure mahazar witness, eyewitness have not at all supported prosecution case by issuing the witness summons to remaining



witnesses no purpose would served. Hence, prayer for issue is rejected.

**9)** Learned PP argued that prosecution in all produced evidence of PW.1 to 5 and Ex.P.1 to 11 and M.O.1 to 4. From the evidence of PW.1 to 5 prosecution proved that accused persons have assaulted on PW.3 with handful stone and hand. CW.1 came to pacify the quarrel then accused assaulted with talwar CW.1 escaped from the assault. If he has not escaped then he will take the life of CW.1. CW.1 lodged the complaint and other independent witnesses as well as mahazar witnesses. Therefore, he prays to convict the accused for the alleged offences.

**10)** Counsel for the accused argued that there is no iota of evidence against the complainant nor injured nor independent witness nor mahazar witness, seizure mahazar witnesses have not at all supported prosecution case. There is no iota of evidence against the accused persons. They have falsely implicated in this case and filed the false



charge sheet against the accused persons. Hence, he prays to acquit the accused for the alleged offences.

**11)** As per sec.105 of BNS prosecution to prove its case by producing proper and cogent evidence to establish that the accused persons have assaulted with the handful stone on forehead, mouth and assaulted with hand on both the legs of PW.3. At that time, PW.2 came to pacify the quarrel. Accused tried to assault with talwar to take the life of CW.1. CW.1 escaped from the assault. Further, prosecution has produced evidence of PW.1 who is the mahazar, seizure mahazar witness and PW.5 is another seizure mahazar witness. From these witness prosecution prays to convict the accused persons.

**12)** PW.1 Gangappa deposed he does not know CW.2, 5, 6 and he does not know accused persons. He further deposed Gurumitkal police have obtained his signature on 2 documents at that time CW.2 were also present. He identified his signature on Ex.P.1 and 2. He

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deposed police have obtained one photo same is marked as Ex.P.3. He further deposed he has identified his signature on the another document which is seizure mahazar same is marked as Ex.P.4 and obtained one photo. PW.1 is the independent mahazar & seizure mahazar witness. He has not supported the prosecution case. Prosecution cross examined this witness. He denied on 23.12.2021 at about 8 to 9 a.m., he and CW.2 were called to Ambigarchoudayyaravara statue and conducted mahazar as per Ex.P.1. He denied at the time prepared the sketch map as per Ex.P.2. He denied in his presence seized 3 handful stones. He denied on the same day at 1 to 2 p.m., from the house of accused No.1 seized one talwar and conducted seizure mahazar as per Ex.P.4 and photo obtained as per Ex.P.4. PW.1 is the independent mahazar, seizure mahazar witness in the examination in chief nor in the cross-examination. In the cross-examination he has not at all supported prosecution case. Therefore, from the evidence of PW.1 prosecution has failed to prove its case.



**13)** PW.2 Sabanna who is the eyewitness/complainant and son of CW.5. He further deposed he know the CW.6 to 9. Accused No.1 is his uncle. He know the remaining accused persons. He deposed there was no quarrel was taken in between them and accused persons. He deposed he has not lodged the complaint before the police. Complaint is marked as Ex.P.6. He deposed he has not given further statement before the police. PW.2 who is the eyewitness/complainant has not at all supported the prosecution case. Prosecution cross-examined this witness. He denied there is a dispute regarding Bannichaj in between them and accuse No.1. He denied on 21.12.2021 at about 7 p.m., near the Ambigarachoudayyanavara statue all the accused persons have unlawful assembled having with handful stone and Mochchu came and abused in filthy language. He denied accused No.2 assaulted with handful stone on CW.5 forehead. He denied accused No.2 assaulted with handful stone on the mouth of CW.5. He denied accused No.4



assaulted with hand on left knee. He denied accused No.5 gave fist blow on the chest. He denied when he went to pacify the quarrel accused No.1 tried to assault with Mochchu. He escaped. He denied he and CW.5 started making hue and cry and CW.6 to 9 came and pacified the quarrel. He denied accused persons have gave life threat and lodged the complaint as per Ex.P.6. He denied on 24.12.2021 he has given further statement as per Ex.P.7. PW.2 who is the eyewitness/complainant and son of PW.3 has not at all supported the prosecution case. Therefore, from the evidence of PW.2 prosecution has failed to prove its case.

**14)** PW.3 Timmappa who is the eyewitness/injured. He deposed CW.1 is his son. He know the CW.6 to 9. Accused No.1 is his younger brother. He deposed he know the remaining accused persons. He deposed there was no quarrel was taken in between them and accused persons. He deposed he has not given the statement before the police nor produced material object. PW.3 has not

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supported prosecution case. Prosecution cross-examined this witness. He denied in between them and accused persons there is a dispute regarding Bannichaj. He denied on 21.12.2021 at 7 p.m., while he and CW.1 were near the Ambigarachoudayyanavara statue then all the accused persons have unlawful assembled with having Mochchu and started abusing in filthy language. He denied accused No.2 have assaulted with handful stone on his forehead. He denied accused No.3 assaulted with handful stone on his mouth. He denied accused No.4 assaulted with his hand. He denied accused No.5 gave fist blow on chest. He denied at that time his son CW.1 came to pacify the quarrel then the accused No.1 having with Mochchu tried to assault on CW.1, CW.1 escaped from the clutches after making hue and cry CW.6 to 9 came and pacified the quarrel. He denied accused persons gave life threat. He denied he has given the statement as per Ex.P.8. He denied on the same day at 4 to 5.30 p.m., in the presence of CW.2 and 4 Gurumitkal police have seized his bloodstained shirt and



conducted mahazar. He denied entire prosecution case. PW.3 is the eyewitness/injured person. In the examination in chief nor in the cross-examination he has not at all supported prosecution case. Therefore, from the evidence of PW.3 prosecution has failed to prove its case.

**15)** PW.4 Ashappa is the independent eyewitness to the incident and mahazar witness. He deposed he know the CW.1, 5, 7 to 9 and accused persons. He deposed he do not know about the incident which was taken in between CW.1, 5 and accused persons. He deposed he has not given the statement before the police. He deposed police have not conducted mahazar as per Ex.P.1 in his presence and prepared the sketch as per Ex.P.2. He deposed in his presence police have not obtained Ex.P.3. He was cross-examined by the prosecution. In the cross-examination he denied on 21.12.2021 at about 7 p.m., near the Ambigarchoudayya statue CW.1 and 5 were present then the accused persons having in their hands Mochchu and handful stones abused in filthy language. He denied



accused No.2 assaulted with handful stone on the forehead of CW.5. He denied accused No.3 assaulted with handful stone on the mouth of CW.5. He denied accused No.5 assaulted on the left knee of CW.5. He denied accused No.5 gave fist blow on the chest. He denied CW.1 came to pacify the quarrel then accused no.1 tried to assault with Mochchu. He escaped. He denied CW.1 and 5 made hue and cry. CW.7 to 9 pacified the quarrel. He denied on the same day at 8 to 9 p.m. police have conducted the mahazsr in the presence of CW.2 and 3 at that time he showed the place of occurrence and seized 3 handful stones and prepared the mahazar as per Ex.P.1 and prepared the sketch map as per Ex.P.2. PW.4 is the independent eyewitness, mahazar witness and seizure mahazar witness in the examination in chief nor in the cross-examination he has not supported the prosecution case. Therefore, from the evidence of PW.4 prosecution has failed to prove its case.

**16)** PW.5 Channabasappa is the another seizure

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mahazar witness. He deposed he know the CW.2 and 5. He and CW.2 were called to the station obtained the signature on one document. Said document is seizure mahazar. He deposed he do not know for what purpose Ex.P.11 was obtained. PW.5 is the seizure mahazar witness. He was not supported the prosecution case. Prosecution cross-examined this witness. He denied on 24.12.2021 at about 4.30 to 5.30 p.m., police have seized the blood stained shirt of CW.5 at that time obtained the photo as per Ex.P.11. PW.5 is the independent seizure mahazar witness. He has not supported the prosecution case.

**17)** On careful perusal of the evidence of PW.1 and 4 are the independent spot mahazar as well as seizure mahazar witness. As per sec.27 of Indian Evidence Act prosecution has not proved from the evidence of PW.1 and 4 in their presence conducted the mahazar as per Ex.P.1 and seized the material objects in their presence. PW.1 and 4 have not at all stated in their presence seized the 3



handful stones which were used for commission offence. On the other hand PW.1 and 4 have not at all stated in their evidence. In their presence seized the 3 handful stones. PW.4 has not at all stated in his presence seized one Mochchu which was used for commission of offence. But from these witnesses prosecution has not proved in their presence IO has seized the aforesaid material objects. At the same PW.5 another seizure mahazar witness in whose presence seized the bloodstained shirt of PW.3. Therefore, from the evidence of PW.1, 4, 5 prosecution has not proved recovery of the aforesaid material objects. At the same time, PW.2, 3 are the eyewitness injured persons they have not stated in their evidence accused persons have assaulted with 3 handful stones and one mochchu. Therefore, from the evidence of PW.1 to 5 prosecution has failed to prove that IO has seized the aforesaid material objects. Therefore, prosecution has failed to prove seizure of the material objects which was used for commission of the offence. PW.1, 4, 5 are the independent spot mahazar as



well as seizure mahazar witness. From these witness prosecution has failed to prove in their presence seized the aforesaid material objects.

**18)** PW.2 and 3 are the eyewitness injured and complainant. PW.3 is the father of the PW.2 and he is the injured witness. From the evidence of PW.2 and 3 prosecution has not proved that the accused persons have unlawful assembled abused in filthy language and gave life threat. Therefore, from the evidence of PW.2 and 3 prosecution has not established that accused persons have assaulted with handful stones and accused has tried to kill the PW.2 and assaulted with mochchu. PW.2 escaped from the assault. PW.2 and 3 have not at all stated in their evidence accused persons have assaulted on them. They have sustained injuries and taken treatment in the hospital. PW.2 has not stated he lodged the complaint against the accused persons. Therefore, on going through the evidence of PW.1 to 5 there is no iota of evidence against the accused persons. Therefore, from the evidence of PW.1 to



5 prosecution has failed to prove that the accused persons have assaulted with handful stones and mochchu. Without sufficient and cogent evidence court may not come to the conclusion that accused persons have committed alleged offences. Hence, I answer points No.1 to 5 in the Negative.

**19) Point No.6:-** In view of my negative findings to points No.1 to 5, I proceed to pass the following;

**ORDER**

Acting U/Sec.235(1) of the Code of Criminal Procedure, the accused No.1 to 5 are hereby acquitted of the offences punishable U/Secs. 143, 147, 148, 323, 324, 307, 504, 506 R/w sec.149 of IPC.

In compliance to section 437(A) of Cr.P.C., the earlier personal bonds and surety bonds of Rs.1,00,000/- each executed by the accused No.1 to 5, same shall be continued for period of 6 months from today in anticipation any notice of

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any appeal or petition filed against the Judgment  
of this court.

Seized properties being worthless, ordered to  
be destroyed, after expiry of the appeal period.

(Dictated to the Stenographer Grade-II directly on computer, corrected it, taken  
out print, signed and then pronounced by me in the open Court on 17<sup>th</sup> day of March,  
2026)

**(A. EARANNA)**

I Addl. Dist. & Sessions Judge,  
Yadgir.

**ANNEXURES**

**List of witnesses examined for prosecution:**

- P.W.1 : Gangappa S/o Sabanna  
P.W.2 : Sabanna S/o Timmappa  
P.W.3 : Timmappa S/o Gangappa  
P.W.4 : Ashappa S/o Mogalappa  
P.W.5 : Channabasappa S/o Bhimanna

**List of witnesses examined for Accused persons:-**

- Nil -

**List of exhibits marked for Prosecution:**

- Ex.P.1 : Spot panchanama  
Ex.P.1(a) : Signature of CW.6  
Ex.P.2 : Rough sketch map

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- Ex.P.2(a) : Signature of CW.6
- Ex.P.3 : Photo
- Ex.P.4 : Seizure panchanama
- Ex.P.5 : Photo
- Ex.P.6 : Complaint
- Ex.P.7 : Supplementary statement
- Ex.P.8 : Statement of CW.5
- Ex.P.9 : Statement of CW.6
- Ex.P.10 : Seizure panchanama
- Ex.P.10(a) : Signature of CW.4
- Ex.P.11 : Photo

**List of exhibits marked for accused person:**

- Nil -

**List of material objects marked:**

- Nil -

I Addl. Dist. and Sessions Judge,  
Yadgir.