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**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE,
YADGIR.**

Present: **Sri. Balasaheb Wadavade,
B.Com., LL.B.(Spl.)**

Senior Civil Judge and CJM,
Yadgir.

Dated this the 20 th Day of June 2026

CC.No.263/2021

Complainant: State of Karnataka
Women Police Station, Yadgir.

(Represented by Sri. APP.)

V/s

- Accused :**
- 1.** Gopal S/o Basappa Arjunora,
Age: 58 Years, Occ: Agriculture,
 - 2.** Manjappa S/o Gopal Arjunora
Age: 30 Years, Occ: Corpantor,
 - 3.** Ramesh S/o Gopal Arjunora,
Age: 20 Years, Occ: Agriculture,
 - 4.** Gangamma S/o Gopal Arjunora,
Age: 50 Years, Occ: Housewife,

All are R/o: Bachawara village,
Tq and Dist: Yadgir.

(A-1 to A-4 are represented by Sri. N.C.Y. Advocate.)

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Date of commission of offences		24-03-2021
Date of report of offences		24-03-2021
Date of arrest of the accused		08-06-2021
Name of the complainant		Basalingamma W/o Yesumeeetra
Date of recording of evidence		11-06-2026
Date of closing recording of evidence		11-06-2026
Offences complained of		Sections 323,324, 354(B),504,506 R/w section.34 of IPC
Opinion of the judge		As per final order
State represented by_		Assistant Public Prosecutor
Accused No.1 to 4 defense by		Sri.N.C.Y Advocate

J U D G M E N T

This is a case arisen out of the charge sheet which was submitted by the PSI of women Police Station, Yadgir against the accused No.1 to 4 for the offences punishable under sections 323, 324, 354(B), 504, 506 R/w section 34 of IPC.

2. Brief facts of the prosecution case are as under.

On 24.03.2021, at about 09:00 am, at Bachvar village, CW-1 had conducted a Yallamma Devi pooja,

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hence she invited the accused persons for dinner but they did not attend, when CW-1 was present in the house, at that time, accused are having common intention to commit crime, they came in front of house of CW-1, out of them, accused No.1 abused her in the filthy language and posed life threat and beaten with his hands, accused No.2 and 3 were pulled her saree with an intention to outrage her modesty and beaten with their hands and sticks, accused No.4 abused the CW-1 in the filthy language, beaten and pulled her hair and caused inner injury. Thereafter, first informant has lodged a complaint against accused persons. On this information, the CW-10 registered a station crime No.0019/2021. After completion of all the formalities, CW-11 had submitted the final report against the accused No.1 to 4 for the offences punishable under sections 323, 324, 354(B), 504, 506 R/w section 34 of IPC.

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3. After receiving the charge sheet, this court has took cognizance for the offences punishable under sections 323, 324, 354(B), 504, 506 R/w section 34 of IPC as per section 190 (1) (b) Code of Criminal Procedure. Issued summons against the accused No.1 to 4. In pursuance of the summons, they have appeared through their counsel. The accused are released on bail. The charge sheet copies are supplied to them. Hence this court has compliance the provisions of section 207 Code of Criminal Procedure, 1973. Before framing charge, heard on both sides. The accused No.1 to 4 have not made out grounds for discharge. Hence charge framed for the offences punishable under sections 323, 324, 354(B), 504, 506 R/w section 34 of IPC, read over and explained to them in Kannada language. They did not plead guilty and claim for trial. Hence case was posted for evidence of the prosecution witnesses.

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4. In order to prove the charges against the accused No. 1 to 4, the prosecution has examined 1 witness out of 11 charge sheet witnesses and got marked documents. APP prays to issue witness summons against CW-2 to 11 but perusal of evidence of PW-1, it reveals that she does not supported the prosecution case, hence prayer of the APP was rejected and evidence of CW-2 to 11 was dropped and evidence of the prosecution side taken as closed.

5. After close of prosecution evidence, the accused statement under section 313 of code of criminal procedure,1973 was dispenced. Accused are not led their evidence either oral or documentary.

6. Heard arguments on both sides. Perused the case papers.

7. The points that have arisen for my consideration are as under.

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1. Whether the prosecution proves the case beyond reasonable doubt that on 24.03.2021, at about 09:00 am, at Bachvar village, CW-1 had conducted Yallamma Devi pooja, hence she invited the accused persons for dinner but they did not attend it, when CW-1 was present in the house, at that time, accused are having common intention to commit crime, they came in front of house of CW-1, out of them, accused No.1 beaten her with his hands, accused No.2 and 3 also beaten her with their hands and caused inner injury and thereby accused have committed an offence punishable under section 323 R/w section 34 of IPC.?

2. Whether the prosecution proves the case beyond reasonable doubt that on 24.03.2021, at about 09:00 am, at Bachvar village, CW-1 had conducted Yallamma Devi pooja, hence she invited the accused persons for dinner but they did not attend it, when CW-1 was present in the house, at that time, accused are

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having common intention to commit crime, they came in front of house of CW-1, out of them, accused No.2 and 3 are hit the CW-1 with a sticks and caused inner injury and thereby they have committed an offence punishable under section 324 R/W section 34 of I.P.C?

3. Whether the prosecution proves the case beyond reasonable doubt that on 24.03.2021, at about 09:00 am, at Bachvar village, CW-1 had conducted Yallamma Devi pooja, hence she invited the accused persons for dinner but they did not attend it, when CW-1 was present in the house, at that time, accused are having common intention to commit crime, they came in front of house of CW-1, out of them, accused No.2 and 3 were pulled her saree with an intention to outrage her modesty and accused No.4 pulled the hair of CW-1 and thereby they have committed an offence punishable under section 354 R/w section 34 of IPC.?

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4. Whether the prosecution proves the case beyond reasonable doubt that on 24.03.2021, at about 09:00 am, at Bachvar village, CW-1 had conducted Yallamma Devi pooja, hence she invited the accused persons for dinner but they did not attend it, when CW-1 was present in the house, at that time, accused are having common intention to commit crime, they came in front of house of CW-1, out of them, accused No.1 abused her in the filthy language and accused No.4 abused the CW-1 in the filthy language and thereby they have committed an offence punishable under section 504 R/w section 34 of IPC.?

5. Whether the prosecution proves the case beyond reasonable doubt that on 24.03.2021, at about 09:00 am, at Bachvar village, CW-1 had conducted Yallamma Devi pooja, hence she invited the accused persons for dinner but they did not attend it, when CW-1 was present in the house, at that time, accused are

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having common intention to commit crime, they came in front of house of CW-1, out of them, accused No.1 posed life threat to CW-1 and thereby they have committed an offence punishable under Section 506 R/w Sec.34 of IPC.?

6. What order?

8. My answer to the above points are as under :

Point No.1 to 5 : In the negative.

Point No.6 : As per final order for the following ;

REASONS

9. Points 1 to 5: These points are interlinked to each other hence these points are taken together for common discussion, to avoid the repetition of facts.

Before going to discuss the evidence of prosecution witnesses, I would like to refer the provisions of the Indian Penal Code, 1860.

I would like to refer the provisions of section 34 of the IPC.

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34.- Acts done by several persons in furtherance of common intention.-When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.

I would like to refer the provisions of section 319 of the IPC.

319. Hurt.- Whoever causes bodily pain, disease or infirmity to any person is said to cause hurt.

I would like to refer the provisions of section 321 of the IPC.

321.Voluntarily Causing hurt.- Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any

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person, and does thereby cause hurt to any person, is said “voluntarily to cause hurt”.

I would like to refer the provisions of section 323 of the IPC.

323. Punishment for voluntarily causing hurt.- Whoever, except in the case provided for by section 334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

I would like to refer the provisions of section 324 of the IPC.

Section 324. Voluntarily causing hurt by dangerous weapon or means.- Whoever, except in the case provided for by section 334, voluntarily causes hurt by means of any instrument for shooting, stabbing or cutting ,

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or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine or with both.

I would like to refer the provisions of section 354 of the IPC.

Section 354.- Assault or criminal force to woman with intent to outrage her modesty.- Whoever assaults or uses criminal force to any woman, intending to outrage or

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knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extended to five years, and shall also be to fine.

I would like to refer the provisions of section 504 of the IPC.

504.- Intentional insult with intent to provoke breach of the peace. Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

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I would like to refer the provisions of section 506 of the IPC.

506.- Punishment for criminal

intimidation.- Whoever commits, the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both; If threat be to cause death or grievous hurt, etc.— And if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute, unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

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I would like to discuss the oral evidence of the prosecution witnesses and documents.

In order to prove the charges against the accused persons, the prosecution has examined the following witnesses.

10. The CW-1/PW-1 who is the first informant and got marked documents.

In the instant case, I would like to refer the decision of the Hon'ble Supreme Court of India.

The Hon'ble Supreme Court has laid the dictum of law in 1996 (3) Crimes 84 between Satish Mehara v/s Delhi Administration and Anr. "When the Judge is fairly certain that there is no prospect of the case ending in the conviction, the valuable time of the court should not be wasted for holding a trial only for the purpose of formally completing the procedure to pronounce the conclusion of the future date" (Para No.3).

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The above decision is applicable to the present case.

11. On careful scrutiny of evidence of the prosecution witness, it reveal that PW-1 by name Basalingamma W/o Yesumeetra who is the complainant and victim. She states that no dispute took place between her and accused persons and she and accused are compromised, only oral dispute took place between her and accused, hence she lodged a complaint out of anger. She identified the complaint as Ex.P-1. She does not know the contents of Ex.P-1. She did not shown the spot to the police and police did not conduct spot panchanama. She identified the photos and same are got marked as Ex.P-2 and 3. This witness fully cross examined by the learned APP but nothing has been elicited in her mouth in support to prosecution case. Further PW-1 does not stated as per charge and complaint. Mere exhibits are not sufficient evidence for convection of the accused persons. So,

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oral evidence and documentary evidence are lacking on the part of prosecution side. Thus prosecution has failed to discharge the burden of proof **as per section 104 of the Bharatya Sakshya Adhiniyam, 2023.**

Thus, consideration of evidence of PW-1, documents and provision of law, this court has come to conclusion that, the prosecution has utterly failed to prove charges against accused No. 1 to 4 beyond reasonable doubt. Hence on the above said reasons this court answers the points No.1 to 5 in the negative.

12. Point No. 6. For the reasons stated in the point No.1 to 5 this court proceeds to pass the following.

ORDER

The accused No.1 to 4 found guilty for the offences punishable under sections 323, 324, 354(B), 504 and 506 R/w section 34 of the Indian Penal Code 1860.

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Acting under section 248 (1) Code of Criminal Procedure the accused No.1 to 4 are hereby acquitted for the offence punishable under section 323, 324, 354(B), 504 and 506 R/w section.149 of the Indian Penal Code 1860.

Bail bond executed by the accused No.1 to 4 and surety enforced till 6 months as per section 437(A) of the Cr.P.C.

(Typed by me on the laptop, corrected, signed and then pronounced by me in the open court on this the 20th day of June - 2026)

(Balasaheb wadavade)
Senior Civil Judge & CJM,
Yadgir.

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**ANNEXURE****LIST OF WITNESS EXAMINED ON BEHALF OF PROSECUTION :**

PW-1 : Basalingamma W/o Yesumitra.

LIST OF WITNESS EXAMINED ON BEHALF OF ACCUSED :**Nil****LIST OF DOCUMENTS MARKED ON BEHALF OF PROSECUTION :**

Ex.P-1 : First information statement.

Ex.P-2 & 3 : Photos.

LIST OF M.O.'s MARKED ON BEHALF OF PROSECUTION :**Nil****LIST OF M.O.'S MARKED ON BEHALF OF ACCUSED :****Nil**

(Balasaheb wadavade)
**Senior Civil Judge, & CJM.,
Yadgir.**