

KAYG210023682023



**IN THE COURT OF THE SENIOR CIVIL JUDGE
AND JMFC., SHAHAPUR.**

**Present: Smt. Hema Pastapur, B.A., LL.B
SENIOR CIVIL JUDGE AND JMFC., SHAHAPUR.**

C.C.No.1568/2023

Dated this 11th day of August-2026

Complainant:- State represented by Bheemarayana
Gudi Police Station.

(By Learned APP)

Versus

- Accused:-** 1. Goudappagouda S/o Basavantray
Malipatil, Age: 73 years, Occ: Agri.,
2. Amaresh S/o Goudappagouda
Malipatil, Age: 40 years, Occ: Agri.,
3. Keshavarai S/o Ogappa Pujari,
Age: 52 years, Occ: Agriculture,
All are R/o: Kudalagi, Tq: Jewargi.

(By Sri.S.N.D. Advocate)

Name of the : Shri Shashidhar S/o
complainant Shivasharanappa Malipatil

Date of commission of offence : 30.11.2006

Offences complained : Under Sections 416, 419, 463, 420, 464 and 465 R/W Section 34 of Indian Penal Code.

Date of commencement of evidence. : 07.06.2026

Date of closing of evidence : 10.08.2026

Date of Judgment : 11.08.2026

Opinion of the Judge : Accused are not found guilty

J U D G M E N T

1. That, the PSI of the Bheemarayanagudi police station, has submitted the Final report against the accused for the offences punishable under Sections 420, 416, 419, 463, 464 and 465 R/W Section 34 of Indian Penal Code.

2. It is the case of the prosecution that, the CW1, his father and brother are owning the land bearing Sy.No.4/1A/1Aa/1e measuring 02 acres 10 guntas at Kudalagi village, Jewargi taluk and all the accused with their common intention to deceive the CWs1, 4

and 5 and the Government, on 30.11.2006 went to the SLAO office Bheemarayanagudi and have made false representation that they are the owners of the said land and affixed their photos in the compensation register and by forging the signatures of the CW1 and his father and the CW5 and have received the compensation amount of Rs.1,71,113/-.

3. That, the CW1 had lodged the Private Complaint before this Court and the same was registered as P.C. No.01/2023 and this Court had referred the matter for investigation. That, the Investigating officer after completion of Investigation has submitted the Final report against the accused for the alleged offences.

4. That, this Court after taking the cognizance of alleged offences, has issued the summons to the accused. That, the accused in pursuance of alleged summons have appeared before this Court through their learned counsel. That, the accused have obtained the anticipatory bail from the High Court of Karnataka Kalaburagi Bench.

5. That, the provisions of Section 207 of the Code of Criminal Procedure, have been complied with. That, the charge of the accused has recorded and read over to them in language known to them and they have not pleaded guilty and claimed to be tried.

6. That, the prosecution to prove its case has got examined the PWs.1 and 2 and got marked the documents at Exs.P.1 to 6 and closed its side. That, as the PWs.1 and 2 have turned to hostile, summons to other witnesses has not issued and they are dropped and recording the statement of the accused as contemplated under Section 313 of the Code of Criminal Procedure, has dispensed with.

7. That, I have heard the arguments and perused the materials placed on record. That, the following points arise for My consideration and determination :-

1. Whether the prosecution has proved beyond all reasonable doubt that, all the accused in order to deceive the CWs1, 4 and 5 and the Government,

on 30.11.2006 by making false representation that they are the owners of the said land have affixed their photos in compensation register in SLAO office Bheemarayanagudi and by forging the signatures of the CW1 and his father and the CW5 have received the compensation amount and thereby have committed the offence punishable under Sections 416, 419, 420, 463, 464 and 465 R/W Section 34 of the Indian Penal Code ?

2. What order ?

8. That, My answer to the aforesaid points are as under :-

Point No.1:- In the **NEGATIVE**

Point No.2:- As per the final order for the following :-

REASONS

9. Point No.1:- That, the prosecution to prove its case has got examined the Complainant – CW1 as PW1

and his mother - CW5 as PW2. That, the PWs1 and 2 in their chief examination have denied the every allegation made against the accused persons. That, from the entire evidence of the PWs1 and 2 it clearly appears that they have got compromised the matter with the accused persons and in view of the same have turned hostile and not supported the case of the prosecution. That, the prosecution though, has cross – examined the PWs1 and 2 but, nothing has been elicited from them. That, in this case the benefit of doubt goes infavour of the accused. That, the prosecution has failed to prove the guilt of the accused. Accordingly, point No.1 is answered in the **NEGATIVE**.

10. Point No.2:- That, as discussed on point No.1, I proceed to pass the following :-

ORDER

That, acting under Section 248 (1) of the Code of Criminal Procedure, the accused No.1 to 3 are acquitted for the offences punishable under Sections 416,

419, 420, 463, 464 and 465 R/W Section 34 of the Indian Penal Code.

That, the bail and surety bonds of the accused No.1 to 3 shall remain in force for six months in compliance of Section 437(A) of the Code of Criminal Procedure.

(Directly dictated to the stenographer, typed by him, corrected by me and then pronounced in the open Court on this 11th day of August – 2026).

(Hema Pastapur)
Sr. Civil Judge and JMFC,
Shahapur.

A N N E X U R E

List of witnesses examined on behalf of prosecution :-

PW.1 : Shashidhar S/o Shivasharanappa.

PW.2 : Drakshayini W/o Shivasharanappa Malipatil.

List of documents marked on behalf of Prosecution:-

Ex.P1 : Complaint.

Ex.P2 : Crime details form.

Ex.P2(a) : Signature of PW1.

Exs.P3 to 5 : Photos.

Ex.P6 : Statement of PW2.

List of witnesses examined on behalf of the accused:-

--NIL--

List of documents marked on behalf of the accused:-

--NIL--

List of MOs marked on behalf of the prosecution :-

--NIL--

(Hema Pastapur)
Sr. Civil Judge and JMFC,
Shahapur.