

KAYG210006702025



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

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

C.C.No. 278/2025

Dated this 27th day of May-2026

Complainant:- State represented by Bheemarayana
Gudi Police Station.

(By Learned APP)

Versus

Accused:- Saibanna S/o Mareappa Gosi,
Age: 45 years, Occ: Coolie, R/o Itaga
(S), Tq: Shahapur.

(By Sri. B.M.K. Advocate)

Name of the : Smt. Mallamma W/o Bhimaraya
complainant Gosi.

Date of commission : 25.10.2024
of offence.

Offences complained : Under Sections 118(1), 118(2),
329(4), 352 and 351 (3) of
Bharatiya Nyaya Sanhita.

Date of release of : 06.10.2025

the accused on bail

Date of commencement : 25.05.2026
of evidence

Date of closing of : 27.04.2026
evidence

Date of Judgment : 27.05.2026

Opinion of the : Accused not found guilty.
Judge

J U D G M E N T

1. That, the H.C.No.176 of Bheemarayanagudi Police Station, has submitted the Final report against the accused for the offences punishable under Sections 118(1), 118(2), 329(4), 352 and 351 (3) of Bharatiya Nyaya Sanhita.

2. It is the case of the prosecution that, the accused on 25.10.2024 at about 11.30 a.m., had criminally trespassed into the house of the CWs-1 and 6 at Itaga (S) village and stabbed the CW-6 with the knife and caused hurt to him.

3. It is further case of the prosecution that, on alleged date, time and place the accused with his intention to insult the CWs-1 and 6 had abused them

in a foul words and also threatened them with dire consequences.

4. That, on complaint being lodged by the CW-1, the Bheearayanagudi Police have registered the case against the accused in Crime No.97/2024. That, the Investigating officer after completion of investigation has submitted the Final report against the accused for the alleged offences.

5. 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 has appeared before this Court through his learned counsel and he is enlarged on bail. That, the provisions of Section 230 of the Bharatiya Nagarik Suraksha Sanhita, have been complied with. That, the charge of the accused has recorded and read over to him in language known to him and he has 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.P1 to 5 and closed its side. That, as the PWs-1 and 2 have turned hostile summons to other witnesses has not been issued and they are dropped and recording the statement of the accused as contemplated under Section 351 of Bharatiya Nagarik Suraksha Sanhita, has been 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, on 25.10.2024 at about 11.30 a.m, the accused had criminally trespassed into the house of the CWs-1 and 6 at Itaga (S) village and thereby has committed the offence punishable under Section 329(4) of Bharatiya Nyaya Sanhita ?

2. Whether the prosecution has further proved beyond all reasonable doubt that,

on alleged date, time and place the accused had stabbed the CW-1 with the knife and caused hurt to him and thereby has committed the offence punishable under Sections 118(1) and 118(2) of Bharatiya Nyaya Sanhita ?

3. Whether the prosecution has further proved beyond all reasonable doubt that, on alleged date, time and place the accused with an intention to insult the the CWs-1 and 6 had abused them in a foul words and thereby has committed the offence punishable under Section 352 of Bharatiya Nyaya Sanhita ?

4. Whether the prosecution has further proved beyond all reasonable doubt that, on alleged date, time and place the accused had threatened the CWs-1 and 6 with dire consequences and thereby has committed the offence punishable under

Section 351(3) of Bharatiya Nyaya
Sanhita ?

5. What order ?

8. That, My answer to the aforesaid points are 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:- As per the final order for the
following :-

REASONS

9. **Points No.1 to 4:-** That, as these points are connected together, I have taken them for joint discussion to avoid repetition of facts. That, the prosecution to prove its case has got examined the Complainant- CW-1 as PW-1 and Injured witness- CW-6 as PW-2. That, the PWs-1 and 2 have turned hostile and not supported the case of the prosecution. That, the prosecution though, has cross- examined

these witnesses but, nothing has been elicited from them. That, from the entire evidence of the PWs-1 and 2 it appears that they have got compromised the matter with the accused and in view of the said compromise have not supported the case of the prosecution. That, accused gets the benefit of doubt. That, the prosecution has failed to prove the guilt of the accused. Accordingly, points No.1 to 4 are answered in the **NEGATIVE**.

10. **Point No.5**:- That, as discussed on points No.1 to 4, I proceed to pass the following :-

ORDER

That, acting under Section 271(1) of Bharatiya Nagarik Suraksha Sanhita, the accused is acquitted for the offences punishable under Sections 118(1), 118(2), 329(4), 352 and 351 (3) of Bharatiya Nyaya Sanhita.

That, the bail bonds of the accused shall remain in force for six months in compliance of Section 481 of Bharatiya Nagarik Suraksha Sanhita.

That, the item No.1- Knife mentioned in P.F.No. 05/2025 and P.R.No. 11/2026 shall be destroyed after appeal period.

(Directly dictated to the stenographer, typed by him, corrected by me and then pronounced in the open Court on this 27th day of May- 2026).

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

A N N E X U R E

List of witnesses examined on behalf of prosecution :-

PW-1 : Mallamma W/o Bhimaraya.
PW-2 : Bhimaraya S/o Muniyappa.

List of documents marked on behalf of Prosecution:-

Ex.P1 : Complaint.
Ex.P2 : Further statement of PW-1.
Ex.P3 : Spot panchanama.
Ex.P4 : Photo
Ex.P5 : Statement of PW-2.

List of witnesses examined on behalf of the accused:-

--NIL--

List of documents marked on behalf of the accused:-

--NIL--

List of MO's marked on behalf of the prosecution :-

--NIL--

**(Hema Pastapur)
Senior Civil Judge and JMFC,
Shahapur.**