



**IN THE COURT OF II<sup>nd</sup> ADDL.DISTRICT AND  
SESSIONS JUDGE, YADGIR,  
SITTING AT SHORAPUR.**

**:PRESENT:**

**Sri. Yamanappa Bammanagi, B.A.LL.B (Spl.)  
II<sup>nd</sup> Addl. District & Sessions Judge, Yadgir,  
sitting at Shorapur.**

**DATED THIS THE 29<sup>TH</sup> DAY OF APRIL, 2026.**

**S.C. NO.5089/2025  
(OLD S.C. NO.27/2021)**

**Complainant:** The State through Kembhavi P.S.  
**(By Sri. Public Prosecutor)**

**//Versus//**

**ACCUSED:** 1. Sharanagouda S/o Dyavayya Guttedar,  
Age: 39 Years, Occ: Drive, R/o  
Malagatti, Tq: Shorapur, Dist: Yadgiri.

2. Vithal S/o Dyavayya Guttedar,  
Age: 29 Years, Occ: Agri, R/o  
Malagatti, Tq: Shorapur, Dist: Yadgiri.

3. Prakash S/o Shivayya @ Shivaraj  
Guttedar, Age: 23 Years, Occ: Agri,  
R/o Malagatti, Tq: Shorapur, Dist:  
Yadgiri.

**(A1 & 2 By Sri.SAQ Adv.,)  
(A3 By Sri.SSP Adv.,)**



- 1) Date of offence : 25.11.2020
- 2) Date of report of offence : 25.11.2020
- 3) Name of the complainant : Savitri Guttedar S/o  
Rangayya Guttedar.
- 4) Commencement of trial : 06.12.2025
- 5) Closing of trial : 25.04.2026
- 6) Offences complained of : P/U/Sec.341, 302,  
109 R/w 34 of IPC.
- 7) Opinion of the Judge : Accused No.1 to 3  
are found not guilty,  
hence acquitted.

### **JUDGMENT**

The IPS Kembhavi PS, has filed charge sheet against accused No.1 to 3 for the offence P/U/Sec.341, 302, 109 R/w 34 of IPC.

#### **2. Brief facts of the prosecution case:**

On 25.11.2020, the complainant lodged the complaint stating that, the complainant and her husband purchased the land bearing Sy.No.387/2 adm 03 acres 03 guntas, situated within the limits of Malagatti village, belongs to accused No.1, since accused No.1 is younger brother of complainant, hence even after purchased of land accused No.1 continued



the possession and cultivation the said land, when her deceased husband gone and enquired with accused No.1 about the cultivation of land, at that time, accused No.1 to 3 abused and gave a life threat to her deceased husband and assaulted on him, on 25.11.2020 at 04.00 pm her husband was going towards Malagatti village on his scooty No.KA-32-EE-3673, he was near Nala, at that time, accused No.1 and 2 came in their Cruzer Jeep No.KA-15-M-2049 from opposite direction and dashed against the deceased scooty and he fell down, at that time, accused No.2 caught hold him and accused No.1 assaulted with Machete on his neck, head and face, due to which deceased died on the spot, she came to know about the said incident through phone from CW.8, the accused No.3 instigated accused No.1 and 2 to commit murder of deceased and at the instigation of accused No.3 the accused No.1 and 2 committed murder of deceased, on basis of complaint crime has been registered, after investigation IO has filed charge sheet



against accused persons, hence he lodged the complaint.

**3.** After hearing the learned counsel for the accused persons and on perusal of entire charge sheet, as there is sufficient material to proceed against accused persons, hence the accused persons were not discharged under Sec.227 of Cr.P.C, and framed charges for the offences P/U/Sec.341, 302, 109 R/w 34 of IPC, as required U/Sec.228 of Cr.P.C.

**4.** Charges read over and explained in the language known to the accused persons, they denied and claimed to be tried, the accused persons not plead guilty, so, the accused persons were not convicted U/Sec.229 of Cr.P.C. hence, fixed the date for recording of evidence of the prosecution witnesses, prosecution has examined as many as 09 witnesses as PW1 to 9, and got marked Ex.P1 to 30.

**5.** The statement of accused U/Sec.313 of Cr.P.C was recorded, due to availability of the evidence



against accused persons, the accused persons were not acquitted U/Sec.232 of Cr.P.C, thereafter accused persons were called upon to lead their defense evidence, accused submitted that, they have no defense evidence.

**6.** Heard argument of the Ld PP and argument of Ld counsel for the accused persons.

**7.** I have perusal the oral and documentary evidence, material placed before the court by the prosecution and considered the argument of learned PP, and learned counsel for the accused persons, on perusal of the same, the points that would arise for my consideration are as follows:-

**POINT NO.1:** Whether prosecution proves beyond all reasonable doubt that, on 25.11.2020, at 04.00 pm, the accused persons with a common intention to kill Rangayya, when he was coming towards Malagathi on his scooty bearing No.KA-32-EE-3673 near Sagargatti Nalla, accused No.1 and 2 came on thier crozer jeep bearing No.KA-15-M-2049 dashed to



scooty and restrained him, and thereby accused No.1 and 2 have committed offence of wrongfully restrained, P/U/Sec. 341 R/w Sec.34 of IPC ?

**POINT NO.2:** Whether prosecution proves beyond all reasonable doubt that, the accused persons restrained deceased Rangayya when he was coming from Shorapur on his scooty and accused No.1 took machete, and accused No.1 assaulted with machete on neck of deceased Rangayya and on occipital repetidedly for 02 to 3 times, and assaulted on face of deceased with machete with a intention to kill him and due to assault the deceased died and thereby accused No.1 and 2 have committed murder of Rangayya punishable U/Sec. 302 R/w Sec. 34 of IPC ?

**POINT NO.3:** Whether prosecution proves beyond all reasonable doubt that, the accused No.3 has instigated accused



No.1 and 2 to commit murder of deceased Rangayya and thereby accused No.3 has committed offence punishable U/Sec. 109 R/w Sec.34 of IPC ?

**POINT NO.4:** What order ?

8. My answer to the above points are as follows;

Point No.1 : **in the Negative.**

Point No.2 : **in the Negative.**

Point No.3 : **in the Negative.**

Point No.4 : **As per the final order  
for the following;**

**REASONS**

9. **POINT NO.1 to 3 :** These points are inter connected to each other, in order to avoid repetition these points are taken for common discussion. In order to prove its case the prosecution has examined PW1 to 9, and got marked Ex.P1 to P30 and the CW-1 Savitri as PW1, CW-8 Hanamayya as PW2, CW-9 Ullasa as PW3, CW-13 Mareppa as PW4, CW15 Mareppa as PW5, CW-10 Dasappa as PW6, CW-11 Badesab as PW7, CW-12



Shanmukappa as PW8, CW35 Sudarshanreddy as PW9, and got marked Ex.P1 to P30, Ex.P1 is the complaint, Ex.P1(a) is the signature of PW9, Ex.P2 to 11 are the photos, Ex.P12 to 21 photos, Ex.P22 is written statement of PW1, Ex.P23 is the statement of PW2, Ex.P24 is the statement of PW3, Ex.P25 is the statement of PW4, Ex.P26 is the statement of PW5, Ex.P27 is the statement of PW6, Ex.P28 is the statement of PW7, Ex.P29 is the statement of PW8, Ex.P30 is the FIR, Ex.P30(1) is the signature of PW9.

**10.** In support of its case the prosecution examined PW1, she deposed that, the deceased Rangayya is her husband, CW.19 to 22 are her children, she know CW.8 to 14, she know accused No.1 to 3, about 5 years back her husband died in the accident which took place near Malagatti village, when accident took place she was in Shahapur hospital as her daughter was admitted, soon after receipt of message of accident she had been to the spot and by the time she



reached the spot her husband died on the spot and she found his dead body on the spot, thereafter police had come to the spot, police took her thumb mark on paper, she do not know contents of Ex.P1, she has not given any further statement before the police about the incident in question, accused No.1 and 2 are her own younger brothers, accused No.3 is son of her younger sister. the photos are reflects photos of her deceased husband, she can identified the scooty belongs to her husband, the photos reflects scooty of her husband.

**11.** PW2 deposed that, CW.1 is his mother-in-law, CW.20 and 22 are his wives, he accused No.1 to 3 who are present before the Court, about 5 years back, his father in law died in the accident, on hearing the same he has been to spot, by the time when he reached the spot his deceased father in law was died already on the spot, and police took the dead body of deceased from the spot, except this he do not know anything



about incident in quistion, he has not given any statement before the police.

**12.** PW3 deposed that, CW.1 is his aunt, deceased Rangayya is his uncle, he know CW8, he knows CW9 to 22 and accused persons, about 5 years back his uncle died in the accident, on hearing the same he has been to spot, by the time when he reached the spot his deceased uncle was died already on the spot, and police took the dead body of deceased from the spot, except this he do not know anything about incident in question, he has not given any statement before the police, no panchanama conducted in his presence by the police, no articles seized in their presence.

**13.** PW4 deposed that, he know CW.1, 8 to 12 and deceased Rangayya, and accused person, he do not know anything about the incident, he has not given any statement before the police about incident in question.



**14.** PW5 deposed that, he know CW.1, 8 to 13, he know deceased and accused person, he do not know anything about the incident, he has not given any statement before the police about incident in question.

**15.** PW6 deposed that, he know CW.1, 8, 9, 11 to 14 and he do not no accused No.1 to 3, he do not know deceased Rangayya, he do not know anything about the incident, he has not given any statement before the police about incident in question.

**16.** PW7 deposed that, he do not no CW.1, he know CW8, 10, 12 to 14 and he do not no accused No.1 to 3, he do not know deceased Rangayya, he do not know anything about the incident, he has not given any statement before the police about incident in question.

**17.** PW8 deposed that, he do not know CW.1, he know CW8 to 11, 13 and 14 and he do not no accused No.1 to 3, he do not know deceased Rangayya, he do not know anything about the incident, he has not given any statement before the police about incident in question.



**18.** PW9 deposed that, on 25.11.2021 at 07.00 pm when he was in the Police station on duty, CW.1 came to police station with typed complaint and lodged the same, on receipt of the same he registered Cr.No.176/2020, for the offence 341, 302 R/w Sec 34 of IPC, registered FIR, he sent FIR and Complaint to the Court through our staff, thereafter he handed over further investigation to CW.36,

**19.** On careful scrutiny of oral and documentary evidence led by the prosecution, it is clear that, no prosecution witnesses have supported the prosecution case, except PW9, PW1 deposed that, he do not know contents of his complaint, PW2 and 3 deposed that, they know accused, about 05 years back, his father in law died in the accident, on hearing the same they had been to spot, by that time, deceased already died on the spot, thereafter, police came to spot and took the deadbody from the spot, except this they do not know anything. PW4 and 5 deposed that, they know accused



persons, they do not know anything about the incident, they have not given any statement before the police about the incident in question, PW6 deposed that, he do not know CW1, he knows CW8, 9, 11 to 14, he do not know deceased, he do not no anything about the incident, he has not given any statement before the police.

**20.** On careful scrutiny of evidence of PW1 to 9 as extracted supra, it is clear that, prosecution failed to prove its case beyond all reasonable doubt, because the complainant who is PW1 and PW2 to 9 have specifically deposed that, deceased died in the accident, they do not know any thing about the incident, further PW2 to 8 are the relative and independent witnesses and panch witness they deposed before the court that, they do not know any thing about the incident and they have not given any statement before the police, further it is clear that, deceased died in the accident, thus, it is clear that, no case has been made out by the prosecution against



the accused persons as all the prosecution witnesses have turned hostile and they have not supported the prosecution case.

**21.** When complainant and witnesses are examined as PW1 to 8, have not supported the prosecution case, and they went on to depose that, they have not given any statement before the police. Thus, it is clear from the evidence of prosecution witnesses itself, that the prosecution failed to prove beyond all reasonable doubt that, accused persons have committed offences as alleged against them, it is clear that, the prosecution utterly failed to prove its case beyond all reasonable doubts, and accused persons are entitle for benefit of doubt. PW9 is official witness, without corroborative evidence the evidence of PW9 can not be relied upon.

**22.** On careful scrutiny of entire prosecution evidence, it is clear that, no single ingredients of offences alleged against accused persons are proved by



the prosecution beyond all reasonable doubt. It is well settle law that, even though court, if convinced that a particular part of the testimony of hostile witness, whether it forms part of examination in chief or cross-examination is true, can act. Mere fact that he was declared as hostile and allowed to be cross-examined, does not make him unreliable, so exclude his evidence from consideration altogether.

**23.** The correct rule is that either side may rely upon the evidence of a hostile witness and that the whole of the evidence, in so far it affects both parties favorable or not, must be considered for what its worth. But testimony is found to be wholly or thoroughly unreliable the whole of it has to be discarded.

**24.** In the case on hand, PW1 complainant, deposed before the court that no incident as alleged in the complaint took place, and deceased died in the accident, accused persons never committed any act as alleged in the complainant, such evidence are not



proves the case of the prosecution beyond all reasonable doubt, no single ingredients of offences alleged against accused persons are proved by the prosecution beyond all reasonable doubts and accused persons are entitle for benefit of doubts. Hence, I constrained to answer these point No.1 to 3 in the **Negative.**

**25. POINT NO.4:** In view of the findings on point No.1 to 3, I proceed to pass the following;

**ORDER**

Acting U/Sec.235(1) of Code of Criminal Procedure, the accused No.1 to 3 is hereby acquitted for the offences P/U/Sec.341, 302, 109 R/w 34 of IPC.

The bail bond and surety bond of accused persons shall stands canceled.

As per the PF No.128/2020, dated 15.02.2021, in Sl.No.1



Mahedra RZ scooty No.KA-32-EE-3673 front side fully damaged worth Rs.3,000/-, Sl.No.2 one scooty light cover worth Rs.00/-, Sl.No.3 one small peace of front side mudguard of scooty red colour worth Rs.00/-, Sl.No.4 one peace of front side mudguard iron bumper of scooty worth Rs.00/-, Sl.No.5 one black and red colour mobile cover worth Rs.00/-, Sl.No.6 blood stained wight colour glass bead chine of deceased worth Rs.00/-, Sl.No.7 one mobile phone display cover worth Rs.00/-,Sl.No.8 one Vive company mobile phone display broken worth Rs.500/-, Sl.No.9 one pair black colour paragon chapel of deceased worth Rs.00/-, Sl.No.10 black color



chasm worth Rs.00/-, Sl.No.1 light  
brown chocolate cover bag worth  
Rs.00/-, Sl.No.12 blood stained  
mud worth Rs.00/-, Sl.No.13 non  
blood stained mud worth Rs.00/-,  
Sl.No.14 red and wight colour  
broken number plat of Crozer jeep  
worth Rs.00/-, Sl.No.15 one 05  
rupees fine, Sl.No.16 one wight  
colour full shirt blood stained worth  
Rs.00/-, Sl.No.17 one chocolate  
blood stained pant worth Rs.00/-,  
Sl.No.18 one wight colour blood  
stained banion worth Rs.00/-,  
Sl.No.19 waist tread of deceased  
worth Rs.00/-, Sl.No.20 one yellow  
and red colour neck tread with one  
like silver blood stained Amulet  
worth Rs.00/-, Sl.No.21 one wight



colour bracelet worth Rs.00/-,

Sl.No.22 one gray colour broken pen

blood stained worth Rs.00/-,

Sl.No.23 light blue and wight colour

with lines full shirt blood stained

worth Rs.00/-, Sl.No.24 one blue

colour pant blood stained worth

Rs.00/-, Sl.No.25 one gray colour

with blue lines full shirt blood

stained worth Rs.00/-, Sl.No.26 one

black colour blood stained pant

worth Rs.00/-, Sl.No.27 one iron

machete 14 inch length, wood stick

4 ½ inch length blood stained

worth Rs.00/-, Sl.No.28 one silver

colour Crozer jeep No.KA-15-M-

2049 worth Rs.2 lakhs.

Sl No.1 and 28 are vehicles  
order to be released to the owner or



possessor on proper identification if  
apply after appeal period, if no  
owner or possessor applied for the  
release, in that event office is  
directed to sale the same in auction  
sale.

SL.No.2 to 27 all are  
worthless, hence order to be  
destroyed after expiry of the appeal  
period.

(Dictated to the Stenographer-III directly on computer, transcript  
computerized by her, corrected, initialed and then pronounced by me in  
the open court, on this the 29<sup>th</sup> day of April - 2026)

**(Yamanappa Bammanagi)**  
**(II nd Addl. District and Sessions Judge**  
**Yadgir, Sitting at Shorapur)**

**ANNEXURE**

**Witnesses examined on behalf of prosecution:**

PW1 : Savitri W/o Rangayya  
PW2 : Hanamayya S/o Bhimayya Guttedar  
PW3 : Ullasa S/o Madivalappa Guttedar



- PW4 : Chandapasha S/o Allabaskha  
PW5 : Mareppa S/o Devindrappa  
PW6 : Dasappa S/o Gududappa  
PW7 : Badesab S/o Basumiya  
PW8 : Shanmukappa S/o Shantagouda  
PW9 : Sudarshanreddy S/o Dharmareddy

**Documents marked on behalf of prosecution:**

- Ex.P1 : Complaint  
Ex.P1(a) : Signature of PW9  
Ex.P2 to 11: Photos  
Ex.P12to21: Photos  
Ex.P22 : Written statement of PW1  
Ex.P23 : Statement of PW2  
Ex.P24 : Statement of PW3  
Ex.P25 : Statement of PW4  
Ex.P26 : Statement of PW5  
Ex.P27 : Statement of PW6  
Ex.P28 : Statement of PW7  
Ex.P29 : Statement of PW8  
Ex.P30 : FIR  
Ex.P30(1) : Signature of PW9

**Witnesses examined on behalf of accused:**

NIL

**Documents marked on behalf of accused:**

NIL

**(Yamanappa Bammanagi)**  
**(II nd Addl. District and Sessions Judge**  
**Yadgir, Sitting at Shorapur)**