



**IN THE COURT OF IInd ADDL.DISTRICT AND
SESSIONS JUDGE, YADGIR,
SITTING AT SHORAPUR.**

:PRESENT:

**Sri. Yamanappa Bammanagi, B.A.LL.B (Spl.)
IInd Addl. District & Sessions Judge, Yadgir,
sitting at Shorapur.**

DATED THIS THE 10TH DAY OF MARCH, 2026.

**S.C. NO.5199/2025
(OLD S.C. NO.89/2019)**

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

//Versus//

- ACCUSED:**
1. Bhimanna S/o Laxmanna Hugar,
Age: 44 Years, Occ:Agriculture,
R/o Mudanoor (B), Tq: Shorapur,
Dist:Yadgir.
 2. Devikamma W/o Laxmanna Hugar,
Age: 65 Years, Occ: House hold,
R/o Mudanoor (B), Tq: Shorapur,
Dist:Yadgir.
 3. Gangamma W/o Basavaraj Hugar,
Age: 40 Years, Occ: House hold,
R/o Mudanoor (B), Tq: Shorapur,
Dist:Yadgir.
 4. Shantamma W/o Shivanna Hugar,
Age: 38 Years, Occ:House hold,
R/o Banhatti, Tq: Sindagi, Dist: Vijayanar.



5. Mallamma W/o Mallanna Hugar,
Age: 36 Years, Occ:House hold,
R/o Harangera, Tq: Shahapur, Dist:Yadgir.
6. Basamma W/o Mallanna Hugar,
Age: 34 years, Occ: House hold,
R/o Balwat, Tq: Mudhebihal
7. Renuka W/o Veeresh Hugar,
Age: 32 years, Occ: House hold,
R/o Didige, Tq: Sindhanoor, Dist: Raichur.
8. Sharnamma W/o Mounesh Hugar,
Age: 30 years, Occ: House hold,
R/o Rampur, Tq: Shorapur, Dist:Yadgir.
9. Mounesh S/o Ramachandrappa Hugar,
Age: 25 years, Occ: Agriculture,
R/o Rampur, Tq:Shorapur, Dist:Yadgir.
10. Mallanna S/o Golappa Hugar,
Age: 35 years, Occ: Agriculture,
R/o Harangera, Tq: Shahapur, Dist:Yadgir.

(By Sri.S.S.K. Adv.,)

- | | |
|------------------------------|--|
| 1) Date of offence | : 28.03.2018 |
| 2) Date of report of offence | : 28.03.2018 |
| 3) Name of the complainant | : Smt. Basalingamma |
| 4) Commencement of trial | : 07.11.2025. |
| 5) Closing of trial | : 07.03.2026. |
| 6) Offences complained of | : P/U/Sec.143, 147,
323, 324, 307,
498(A), 504,
506 R/w 149 of IPC. |



7) Opinion of the Judge

: Accused No.1 to 10
are found not guilty,
hence acquitted.

JUDGMENT

The PSI Kembhavi PS, has filed charge sheet against accused No.1 to 10 for the offence P/U/Sec.143, 147, 323, 324, 307, 498(A), 504,506 R/w 149 of IPC.

2. Brief facts of the prosecution case:

On 28.03.2018, at 09.00 am, when complainant, is in her house, at that time, accused No.1 to 10, formed unlawful assembly committing riot, and accused No.1 to 10, from so many days given physical and mental torture to CW-1, but on the said date at about 09.00 am, being members of unlawful assembly, to commit murder, abused in filthy language and assaulted CW-1 with hands and accused No.1 assaulted on CW-1 with stone on her stomach and caused grievous injuries, accused persons to commit murder of CW-1 poured the red chilly powder and kirosine on body



of CW-1 and gave life threat to CW-1 after investigation IO has submitted charge sheet against accused persons.

3. After hearing the learned counsel for the accused persons and on perusal of entire charge sheet, as their is sufficient material to proceed against accused persons, hence the accused persons were not discharged under Sec.227 of Cr.P.C, my Ld predisicer framed charges for the offences P/U/Sec.143, 147, 323, 324, 307, 498(A), 504, 506 R/w 149 of IPC, as required U/Sec.228 of Cr.P.C. which are as follows;

1 ನೇಯದಾಗಿ ಕೆಂಭಾವಿ ಪೋಲೀಸ ರಾಣಾ ಹದ್ದಿಯ ಪೈಕಿ ಮುದನೂರ ಗ್ರಾಮದ ಫಿರ್ಯಾದಿಯ ಮನೆಯಲ್ಲಿ ದಿನಾಂಕ: 28.03.2018 ರಂದು ಬೆಳಗ್ಗೆ 9.00 ಗಂಟೆಗೆ ಚಾಸಾ-1 ಬಸಲಿಂಗಮ್ಮ ತಮ್ಮ ಮನೆಯಲ್ಲಿದ್ದಾಗ ನಿವೇಲ್ಲಾ ಆರೋಪಿತರು ಅಕ್ರಮ ಕೂಟ ರಚಿಸಿಕೊಂಡು ಬಂದು ಅಕ್ರಮಕೂಟದಲ್ಲಿ ಭಾಗಿಯಾಗಿ ತನ್ನೂಲಕ ನೀವು ಭಾರತೀಯ ದಂಡ ಸಂಹಿತೆ ಕಲಂ, 143 ಸಂಗಡ ಕಲಂ 149 ರಡಿಯಲ್ಲಿ ದಂಡನೀಯವಾದ ಅಪರಾಧಗಳನ್ನು ಈ ನ್ಯಾಯಾಲಯದ ಸಂಜ್ಞೆಯತೆಯ ಪರಿಧಿಯಲ್ಲಿ ಎಸಗಿರುವಿರಿ.

2 ನೇಯದಾಗಿ ಮೇಲೆ ಹೇಳಿದ ದಿನಾಂಕ, ಸಮಯ ಮತ್ತು ಸ್ಥಳದಲ್ಲಿ ನಿವೇಲ್ಲಾ ಆರೋಪಿತರು ಅಕ್ರಮಕೂಟ ರಚಿಸಿಕೊಂಡು ಬಂದು



ದೊಂಬಿ ಮಾಡಿ ತನ್ನೂಲಕ ನೀವು ಭಾರತೀಯ ದಂಡ ಸಂಹಿತೆ ಕಲಂ.
147 ಸಂಗಡ ಕಲಂ 149 ರಡಿಯಲ್ಲಿ ದಂಡನೀಯವಾದ
ಅಪರಾಧಗಳನ್ನು ಈ ನ್ಯಾಯಾಲಯದ ಸಂಜ್ಞೆಯತೆಯ ಪರಿಧಿಯಲ್ಲಿ
ಎಸಗಿರುವಿರಿ.

3 ನೇಯದಾಗಿ ಮೇಲೆ ಹೇಳಿದ ದಿನಾಂಕ, ಸಮಯ ಮತ್ತು
ಸ್ಥಳದಲ್ಲಿ ನಿವೇಲ್ಲಾ ಆರೋಪಿತರು ಅಕ್ರಮಕೂಟ ರಚಿಸಿಕೊಂಡು ಬಂದು
ಚಾಸಾ-1 ರವರಿಗೆ ಕೊಲೆ ಮಾಡುವ ಉದ್ದೇಶದಿಂದ ಮೈಯೆಲ್ಲಾ ಖಾರದ
ಪುಡಿ ಎರಚಿ, ಸೀಮೆ ಎಣ್ಣೆ ಸುರಿದು, ಕೈಯಿಂದ ಹೊಡೆಯುತ್ತಾ ನೆಲಕ್ಕೆ
ಒಗೆದು ಮನಸ್ಸಿಗೆ ಬಂದ ಹಾಗೆ ಕಾಲಿನಿಂದ ಒದ್ದಿರಿ, ನಿಮ್ಮ ಪೈಕಿ 1 ನೇ
ಆರೋಪಿ ನೀವು ಒಂದು ಕಲ್ಲನ್ನು ತೆಗೆದುಕೊಂಡು ಚಾಸಾ-1 ರವರ
ಹೊಟ್ಟೆಗೆ ಬಲವಾಗಿ ಗುದ್ದಿ ಕೊಲೆ ಮಾಡಲು ಪ್ರಯತ್ನ ಮಾಡಿದಿರಿ
ತನ್ನೂಲಕ ನೀವು ಭಾರತೀಯ ದಂಡ ಸಂಹಿತೆ ಕಲಂ. 307 ಸಂಗಡ ಕಲಂ
149 ರಡಿಯಲ್ಲಿ ದಂಡನೀಯವಾದ ಅಪರಾಧಗಳನ್ನು ಈ
ನ್ಯಾಯಾಲಯದ ಸಂಜ್ಞೆಯತೆಯ ಪರಿಧಿಯಲ್ಲಿ ಎಸಗಿರುವಿರಿ,

4 ನೇಯದಾಗಿ ಮೇಲೆ ಹೇಳಿದ ದಿನಾಂಕ, ಸಮಯ ಮತ್ತು
ಸ್ಥಳದಲ್ಲಿ ನಿವೇಲ್ಲಾ ಆರೋಪಿತರು ಅಕ್ರಮಕೂಟ ರಚಿಸಿಕೊಂಡು ಬಂದು
ನಿಮ್ಮ ಪೈಕಿ 1 ನೇ. ಅರೋಪಿ ನೀವು ಕಲ್ಲನ್ನು ತೆಗೆದುಕೊಂಡು ಚಾಸಾ-1
ರವರ ಹೊಟ್ಟೆಗೆ ಬಲವಾಗಿ ಗುದ್ದಿ ಗುಪ್ತಗಾಯ ಮಾಡಿದಿರಿ ತನ್ನೂಲಕ
ನೀವು ಭಾರತೀಯ ದಂಡ ಸಂಹಿತೆ ಕಲಂ, 324 ಸಂಗಡ ಕಲಂ 149
ರಡಿಯಲ್ಲಿ ದಂಡನೀಯವಾದ ಅಪರಾಧಗಳನ್ನು ಈ ನ್ಯಾಯಾಲಯದ
ಸಂಜ್ಞೆಯತೆಯ ಪರಿಧಿಯಲ್ಲಿ ಎಸಗಿರುವಿರಿ.

5 ನೇಯದಾಗಿ ಮೇಲೆ ಹೇಳಿದ ದಿನಾಂಕ, ಸಮಯ ಮತ್ತು
ಸ್ಥಳದಲ್ಲಿ ನಿವೇಲ್ಲಾ ಆರೋಪಿತರು ಅಕ್ರಮಕೂಟ ರಚಿಸಿಕೊಂಡು ಬಂದು



ಚಾಸಾ-1 ರವರಿಗೆ ಮೈಯೆಲ್ಲಾ ಖಾರದ ಪುಡಿ ಎರಚಿ, ಸೀಮೆ ಎಣ್ಣೆ ಸುರಿದು, ಕೈಯಿಂದ ಹೊಡೆಯುತ್ತಾ ನೆಲಕ್ಕೆ ಒಗೆದು ಮನಸ್ಸಿಗೆ ಬಂದ ಹಾಗೆ ಕಾಲಿನಿಂದ ಒದ್ದಿರಿ ತನ್ಮೂಲಕ ನೀವು ಭಾರತೀಯ ದಂಡ ಸಂಹಿತೆ ಕಲಂ, 323 ಸಂಗಡ ಕಲಂ 149 ರಡಿಯಲ್ಲಿ ದಂಡನೀಯವಾದ ಅಪರಾಧಗಳನ್ನು ಈ ನ್ಯಾಯಾಲಯದ ಸಂಜ್ಞೆಯತೆಯ ಪರಿಧಿಯಲ್ಲಿ ಎಸಗಿರುವಿರಿ.

6 ನೇಯದಾಗಿ ಮೇಲೆ ಹೇಳಿದ ದಿನಾಂಕ, ಸಮಯ ಮತ್ತು ಸ್ಥಳದಲ್ಲಿ ನಿವೇಲ್ಲಾ ಆರೋಪಿತರು ಅಕ್ರಮಕೂಟ ರಚಿಸಿಕೊಂಡು ಬಂದು ಚಾಸಾ-1 ರವರಿಗೆ ಸೂಳೆ ಅಂತಾ ಅವಾಚ್ಯವಾಗಿ ಬೈದು ಶಾಂತಿ ಭಂಗವನ್ನು ಮಾಡಲು ಉದ್ದೇಶಿಸುವುದಕ್ಕಾಗಿ ಉದ್ದೇಶಪೂರ್ವಕವಾಗಿ ಅವಮಾನ ಮಾಡಿ ತನ್ಮೂಲಕ ನೀವು ಭಾರತೀಯ ದಂಡ ಸಂಹಿತೆ ಕಲಂ. 504 ಸಂಗಡ 149 ರಡಿಯಲ್ಲಿ ದಂಡನೀಯವಾದ ಅಪರಾಧಗಳನ್ನು ಈ ನ್ಯಾಯಾಲಯದ ಸಂಜ್ಞೆಯತೆಯ ಪರಿಧಿಯಲ್ಲಿ ಎಸಗಿರುವಿರಿ.

7 ನೇಯದಾಗಿ ಮೇಲೆ ಹೇಳಿದ ದಿನಾಂಕ, ಸಮಯ ಮತ್ತು ಸ್ಥಳದಲ್ಲಿ ನಿವೇಲ್ಲಾ ಆರೋಪಿತರು ಅಕ್ರಮಕೂಟ ರಚಿಸಿಕೊಂಡು ಬಂದು ಚಾಸಾ-1 ರವರಿಗೆ ಸದ್ಯ ಇಷ್ಟಕ್ಕೆ ಬಿಟ್ಟಿದ್ದೇವೆ ಮುಂದೆ ನಿನ್ನ ಜೀವ ನಮ್ಮ ಕೈಯಲ್ಲಿದೆ ಅಂತಾ ಜೀವದ ಬೆದರಿಕೆ ತನ್ಮೂಲಕ ನೀವು ಭಾರತೀಯ ದಂಡ ಸಂಹಿತೆ ಕಲಂ, 508 ಸಂಗಡ 149 ರಡಿಯಲ್ಲಿ ದಂಡನೀಯವಾದ ಅಪರಾಧಗಳನ್ನು ಈ ನ್ಯಾಯಾಲಯದ ಸಂಜ್ಞೆಯತೆಯ ಪರಿಧಿಯಲ್ಲಿ ಎಸಗಿರುವಿರಿ.

8 ನೇಯದಾಗಿ ಮೇಲೆ ಹೇಳಿದ ದಿನಾಂಕ, ಸಮಯ ಮತ್ತು ಸ್ಥಳದಲ್ಲಿ, ನೀವೆಲ್ಲಾ ಆರೋಪಿತರು ನೀವು. ಚಾಸಾ-1 ರವರಿಗೆ ಅಡಿಗೆ ಮಾಡಲು ಬರುವುದಿಲ್ಲ. ಅವರ ಇವರ ಜೊತೆ ಮಾತನಾಡುತ್ತಿ ಅಂತಾ ದಿನಾಲು ಮಾನಸಿಕ ಮತ್ತು ದೈಹಿಕ ಕಿರುಕುಳ ನೀಡಿದಿರಿ ತನ್ಮೂಲಕ ನೀವು



ಭಾರತೀಯ ದಂಡ ಸಂಹಿತೆ ಕಲಂ.498(ಎ)ರಡಿಯಲ್ಲಿ
ದಂಡನೀಯವಾದ ಅಪರಾಧಗಳನ್ನು ಈ ನ್ಯಾಯಾಲಯದ ಸಂಜ್ಞಯತೆಯ
ಪರಿಧಿಯಲ್ಲಿ ಎಸಗಿರುವಿರಿ.

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 02 witnesses as PW1 & 2, and got marked Ex.P1 & 2. Since there is no incrementing evidence appeared against accused hence recording of statement of accused U/sec.313 of Cr.P.C is dispensed with. Thereafter accused No.1 to 10 have called upon to lead their defence evidence, accused No.1 to 10 submitted that, they have no defense evidence.

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



6. 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 28.03.2018, at 09.00 am, when complainant was in her house, accused persons, formed unlawful assembly by committing riot accused No.1 to 10 have committed offence P/U/Sec.143, 147 R/w Sec.149 of IPC ?

POINT NO.2: Whether prosecution proves beyond all reasonable doubt, that accused persons being member of unlawful assemble, in order to prosecute the common object of unlawful assembly accused No.1 to 10 assaulted CW-1 with hands and accused No.1 to 10 have



committed offence punishable U/Sec. 323
R/w Sec. 149 of IPC ?

POINT NO.3: Whether prosecution proves beyond all reasonable doubt, that accused persons being member of unlawful assemble, on order to prosecute the common object of unlawful assembly accused No.1 assaulted complainant/ CW-1 with stone and caused grievous injuries and accused No.1 to 10 have committed offence punishable U/Sec. 324 R/w Sec. 149 of IPC ?

POINT NO.4: Whether prosecution proves beyond all reasonable doubt, that accused persons being member of unlawful assemble, on order to prosecute the common object of unlawful assembly accused No.1 to 10 assaulted with hands and stone to the CW-1 and poured the red chilly powder and kerosine on the body of CW-1 with intention to kill her and accused No.1 to 10 have committed offence of attempt to commit murder of



CW-1 punishable U/Sec.307 R/w Sec.
149 of IPC ?

POINT NO.5: Whether prosecution proves beyond all reasonable doubt that, accused persons being member of unlawful assembly, accused persons gave physical and mental torture to CW-1 and thereby accused No.1 to 10 have committed offence P/U/Sec.498(A) R/w 149 of IPC?

POINT NO.6: Whether prosecution proves beyond all reasonable doubt that, accused persons being member of unlawful assembly, abused in filthy language, with a intent to insult her, and thereby accused No.1 to 10 have committed offence P/U/Sec.504 R/w 149 of IPC?

POINT NO.7: Whether prosecution proves beyond all reasonable doubt that, accused persons being member of unlawful assembly and accused persons gave a life threat to the CW-1, and thereby accused



No.1 to 10 have committed offence
P/U/Sec.506 R/w 149 of IPC?

POINT NO.8: What order ?

7. 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 : **in the Negative.**

Point No.5 : **in the Negative.**

Point No.6 : **in the Negative.**

Point No.7 : **in the Negative.**

Point No.8 : **As per the final order
for the following;**

REASONS

8. **POINT NO.1 to 7 :** 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 & 2, and got marked Ex.P1 & 2 and the CW-1 Basalingamma as PW1, CW-4 Bhimareddy as PW2 and



got marked Ex.P1 & 2, Ex.P1 is the complaint, Ex.P2 is the statement of PW2.

9. In support of its case the prosecution examined PW1, she deposed that, she know CW-4 & 5, she know accused persons who are present before the court, about 7 years back there was dispute between her and accused persons in connection with landed properties, on account of which she went to police station, at that time police took her signature on one paper, she identified her signature on Ex.P1 and same is marked at Ex.P1(a) and no incident took place as stated in Ex.P1. She do not know the contents of Ex.P1, no panchanama was conducted by the police in her presence, accused never assaulted and abused her and never harassed her, except this she do not anything.

10. PW2 has deposed that, he know CW-1, 5 and accused persons, he do not know anything about incident and he have not given any statement before the police about the incident in question.



11. On careful scrutiny of oral and documentary evidence led by the prosecution, it is clear that, no prosecution witnesses have supported the prosecution case. PW1 & 2 deposed that, he do not know contents of his complaint, PW1 & 2 deposed that, they knows accused, they do not know incident, thus, they have not supported prosecution case, they deposed that, they do not know any thing about incident and they have not given any statement before the police, even PW1 being complainant went on to depose that, he do not know the contents of compliant. Further the prosecution has examined independent witnesses to prove its case but, no independent witnesses have supported the prosecution case.

13. On careful scrutiny of evidence of PW1 & 2 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 have specifically deposed that, they do not know any thing about the



incident, further PW2 is the independent witnesses they deposited before the court that, they do not know any thing about the incident and they have not given any statement before the police, 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.

14. When complainant and witnesses are examined as PW1 & 2, 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.



15. 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.

16. 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.

17. In the case on hand, PW1 complainant, deposed before the court that no incident as alleged in



the complaint took place, 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 7 in the **Negative.**

18. POINT NO.8: In view of the findings on point No.1 to 7, I proceed to pass the following;

ORDER

Acting U/Sec.235(1) of Code of Criminal Procedure, the accused No.1 to 10 is hereby acquitted for the offences P/U/Sec.143, 147, 323, 324, 307, 498(A), 504, 506 R/w 149 of IPC.



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

As per PF No.45/2018 dated:
29.03.2018 the IO seized one hand
stone and same is worth Rs.00/- so
same is worthless and ordered to be
destroy after 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 10th day of March- 2026)

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

ANNEXURE

Witnesses examined on behalf of prosecution:

PW1 : Basalingamma W/o Bhimanna

PW2 : Bhimareddy S/o Channappagouda

Documents marked on behalf of prosecution:

Ex.P1 : Complaint

KAYG320005032025



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SC.No.5199/2025
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Ex.P2 : Statement of PW2

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)