



**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 27TH DAY OF MAY, 2026.

**S.C. NO.5204/2025
(OLD S.C. NO.41/2021)**

Complainant:

The State through Kembhavi P.S.

(By Sri. Public Prosecutor)

//Versus//

- ACCUSED:**
1. Shekhargouda S/o Sidannagouda
Age: 52 Years, Occ: Agri,R/o Amalihalla,
 2. Mahanatagouda S/o Siddanagouda
Occ: Agriculture, R/o Amalihalla,
 3. Rajugouda S/o Mahanatgouda Subhedar,
Age: 25 Years, Occ: Agriculture, R/o
Amalihalla,
 4. Prabhugouda S/o Basanagouda Subhedar,
Age: 28 Years, Occ: Agriculture, R/o
Amalihalla,
 5. Sahebagouda S/o Siddanagouda
Subhedar, Occ: Agriculture, R/o
Amalihalla,



6. Santhagouda S/o Shekargouda Subhedar,
Occ: Agriculture, R/o Amalihalla,
7. Somanagouda S/o Shankargouda
Subhedar, Occ: Agriculture, R/o
Amalihalla,
8. Mallanagouda S/o Amarappa Adiginami,
Occ: Agriculture, R/o Amalihalla,
9. Sangangouda S/o Sahebagouda
Subhedar, Occ: Agriculture, R/o
Amalihalla,
10. Appugouda S/o Gurunnagouda Subhedar,
Age: 30 Years, Occ: Agriculture,
R/o Pirapur, Tq: Talikotte.

**(A-1 to 6, 8 to 10 By Sri.JBK Adv.,)
(A-7 By Sri.SSP Adv.,)**

- | | |
|------------------------------|--|
| 1) Date of offence | : 29.05.2020 |
| 2) Date of report of offence | : 29.05.2020 |
| 3) Name of the complainant | : Sri.Shantagouda S/o
Bheemanagouda
Choudri. |
| 4) Commencement of trial | : 13.03.2026 |
| 5) Closing of trial | : 04.04.2026 |
| 6) Offences complained of | : P/U/Sec.143, 147,
148, 323, 324, 448,
427, 307, 504 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, 148, 323, 324, 448, 427, 307, 504 R/w 149 of IPC.

2. Brief facts of the prosecution case:

On 29.05.2020, the complainant lodged the complaint stating that, when complainant, was in front of his house situated at Amalihalla, accused persons formed unlawful assembly, holding sticks and rod in their hands came to his house and accused No.1 assaulted with stick on his head, back and waist, CW-9 to 15 came to rescue him, at that time, accused No.2 assaulted on head of CW-9 with rod and caused bleeding injury, accused No.3 assaulted on CW-11 with stone near left eye and caused bleeding injury, accused No.4 and 5 assaulted on CW-12 with stone on head and right knee and caused bleeding injury, and he assaulted on left elbow by forming fist, accused No.6 and 7 assaulted on CW-15 with hands on his back, accused



No.8 assaulted on CW-13 with hands on his back and on stomach and assaulted with stone on his head and caused bleeding injury, accused No.9 made CW-14 to lay on the ground and dragged him, on account of which, CW-14 sustained injuries, accused No.1 assaulted on head of CW-10 with road and caused bleeding injury, at that time, CW-6 to 8 came and rescued him, at that time, accused persons with a intention to commit offence and caused damage the properties belongs to complainant and to assault him, and and abused in filthy language, there after accused person gave a life threat to the complainant, hence he lodged the complaint. on basis of complaint crime has been registered, after investigation IO has filed charge sheet against accused persons,

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.143, 147, 148, 323, 324, 448, 427, 307, 504 R/w 149 of IPC, as required U/ Sec.228 of Cr.P.C, which reads thus;

1. *That, on 28.05.2020 at 07.00 p.m, when complainant, was in front of his house situated at Amalihalla, and constituting unlawful assembly, with common object to kill CW1 and his family members, and came to the house of the complainant, and being members of unlawful assembly came with holding deadly weapons to prosecute common object of unlawful assembly, and thereby you accused No.1 to 10 have committed offence P/U/Sec.143 R/w Sec.149 of IPC, within the cognizance of this Court.*

2. *That, on the above said date, time and place, you accused No.1 to 10, constituting unlawful assembly, with common object to kill said CW1 and his family members, and came to the house of the complainant, and being members of unlawful assembly came with holding deadly weapons to prosecute common object of unlawful assembly, abused in filthy language and assaulted him and thereby you accused No.1 to 10 have committed offence P/U/Sec.147 R/w Sec.149 of IPC, within the cognizance of this Court.*

3. *That, on the above said date, time and place, you accused No.1 to 10, being resident of same village, and constituting unlawful*



assembly, with common object to kill said CW1 and his family members, and came to the house of the complainant, and being members of unlawful assembly came with holding deadly weapons to prosecute common object of unlawful assembly, came with stone, hammer, and iron rod and stick and abused in filthy language, by abusing so, you accused No.1 to 10 assaulted on complainant and his family members, and thereby you accused No.1 to 10 have committed offence, P/U/Sec.148 R/w Sec.149 of IPC, within the cognizance of this Court.

4. *That, on the above said date, time and place, you accused No.1 to 8, being member of unlawful assembly, constituted for common object to assault on the complainant and to cause death of complainant, and came to the house of the complainant, and abused in filth language to the complainant and you accused No.1 assaulted with hammer on head and back side, and stomach of the complainant and due to said head injury complainant fell on the ground, you accused persons with a intention to cause death of complainant and his family members, holding stone, iron rod, and hammer assaulted on the complainant and his family members, it was just missed and came in contact with head, and thereby you accused No.1 to 10 have committed offence of attempt to commit murder of complainant, P/U/Sec.307 R/w Sec.149 of IPC, within the cognizance of this Court.*

5. *That, on the above said date, time and place, you accused No.1 to 10, being member of*



unlawful assembly, constituted for common object to assault on the complainant and to cause death of complainant and his family members, and came to the house of the complainant, and with a intention to commit offence and caused damage the properties belongs to complainant and to assault him, and thereby you accused No.1 to 10 have committed offence of house trespass, P/U/Sec.448 R/w Sec.149 of IPC, within the cognizance of this Court.

6. *That, on the above said date, time and place, you accused No.1 to 10, being member of unlawful assembly, constituted for common object to assault on the complainant and to cause death of complainant, came to the house where complainant and assaulted and abused the complainant and thereby you accused No.1 to 10 have committed offence P/U/Sec.323 R/w Sec.149 of IPC, within the cognizance of this Court.*

7. *That, on the above said date, time and place, you accused No.1 to 10, being member of unlawful assembly, constituted for common object, in order to prosecute common object of unlawful assembly, you accused No.1 to 10 assaulted on CW-1 and his family members, with sword, and thereby you accused No.1 to 10 have committed offence P/U/Sec.324 R/w Sec.149 of IPC, within the cognizance of this Court.*

8. *That, on the above said date, time and place, you accused No.1 to 10, being member of unlawful assembly, constituted for common object*



to cause damaged knowingly that, to cause wrongful loss to the complainant, entered into his house and damaged the Bulero jeep, and thereby you accused No.1 to 10 have committed offence of mischief, P/U/Sec.427 R/w Sec.149 of IPC, within the cognizance of this Court.

9. *That, on the above said date, time and place, you accused No.1 to 10, being member of unlawful assembly, constituted for common object, and came to the house of the complainant and abused in filthy language stating that, “ಎನಲೇ ಚೌದ್ರಿ ಸೂಳೆ ಮಕ್ಕಳೆ ನಮಗೆ ಹೊಡೆಯುವಷ್ಟು ಸೊಕ್ಕು ಬಂದಿದಿಯಾ ಮಕ್ಕಳೇ”, with a intention to insult his, and thereby you accused No.1 to 10 have committed offence P/U/Sec.504 R/w Sec.149 of IPC, within the cognizance of this Court.*

10. *That, on the above said date, time and place, you accused No.1 to 10, being member of unlawful assembly, constituted for common object, and came to the house of the complainant, there after you accused person gave a life threat to the complainant, and thereby you accused No.1 to 10 have committed offence P/U/Sec.506 R/w Sec.149 of IPC, within the cognizance of this Court.*

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 08 witnesses as PW1 to 8, and got marked Ex.P1 to 8. 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 29.05.2020, at 07.00 pm, when complainant was in front of his house, situated at Amalihalli, accused persons, formed unlawful assembly with a common object to assault and kill complainant, the accused persons, being member of unlawful assembly, in order to prosecute the object of unlawful assembly accused No.1 to 10 have committed offence P/U/Sec.143, 147, 148 R/w Sec.149 of IPC ?

POINT NO.2: Whether prosecution proves beyond all reasonable doubt, that accused persons being member of unlawful assembly, in order to prosecute the common object of unlawful assembly accused No.1 to 10 assaulted on them with hands and legs 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, in order to prosecute the common object of unlawful assembly accused No.1 to 10 assaulted on CW1 and his family members, with stick, stone rod, 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, intention to cause of death of complainant and his family members, holding stone, iron rod, and stick assaulted on the complainant and his family members and accused No.1 to 10 have committed offence of attempt to commit murder of complainant punishable U/Sec.307 R/w Sec. 149 of IPC ?



POINT NO.5: Whether prosecution proves its case beyond all reasonable doubt that, the accused persons, formed unlawful assembly with a common object to assault on the complainant and to cause death of complainant and his family members and came to the house of the complainant and with a intention to commit offence and caused damage the properties belongs to complainant and to assaulted him, and thereby accused No.1 to 10 have committed offence of house trespass P/U/Sec.448 R/w 149 of IPC

POINT NO.6: Whether prosecution proves beyond all reasonable doubt that, accused persons, being member of unlawful assembly, constituted for common object to cause damage knowingly that, to cause wrongful loss to the complainant, entered into his house and damaged the Bulero Jeep, and thereby accused No.1 to 10 have



committed offence of mischief,
P/U/Sec.427 R/w Sec.149 of IPC ?

POINT NO.7: Whether prosecution proves beyond all reasonable doubt that, accused persons being member of unlawful assembly, abused in filthy language, with a intent to insult his, and thereby accused No.1 to 10 have committed offence P/U/Sec.504 R/w 149 of IPC?

POINT NO.8: Whether prosecution proves beyond all reasonable doubt that, accused persons being member of unlawful assembly and accused persons gave a life threat to the complainant and thereby accused No.1 to 10 have committed offence P/U/Sec.506 R/w 149 of IPC?

POINT NO.9: 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 : **in the Negative.**

Point No.9 : **As per the final order
for the following;**

REASONS

8. POINT NO.1 to 8 : 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 8, and got marked Ex.P1 to P8 and the CW-1 Shantagouda as PW1, CW-9 Ramesh as PW2, CW-11 Nagaraj as PW3, CW-13 Sahebgouda as PW4, CW15 Bapugouda as PW5, CW-10 Siddamma as PW6, CW-12 Suresh as PW7, CW-14 Gurunath as PW8 and got marked Ex.P1 to P8, Ex.P1 is the complaint, Ex.P1(a) is the signature of PW1, Ex.P2 is the written statement of PW2, Ex.P3 is the statement of PW2, Ex.P4 is the statement of PW3, Ex.P5 is the statement of PW4, Ex.P6



is the statement of PW5, Ex.P7 is the statement of PW6,
Ex.P8 is the statement of PW7.

9. In support of its case the prosecution examined PW1, he deposed that, CW-9, 11 and 12 are his children, CW-10 is his wife, he know CW-13 to 15 and he know accused persons who are present before the court, accused persons are belongs to his village and houses of accused persons and his house is situated in same area, about 6 years back there was scuffle between his family members and family members of accused persons, in connection with dispute of open site, on account of which, he went to police station, at that time, police took his signature on one paper, he do not know contents of Ex.P1, no incident took place between accused persons and he did not sustain any injury in any incident, he has not given any further statement before the police about the incident in question.



10. PW2 deposed that, CW-1 and 10 are his parents, CW-11 and 12 are his younger brother, he know Cw-13 to 15 and he know accused persons who are present before the court, he do not know anything about the incident in question, and he has not given any statement before the police, he did not sustain any injury in any incident, no incident took place between accused persons.

11. PW3 deposed that, CW-1 and 10 are his parents, CW-9 and 12 are his elders brothers, CW-13 to 15 and he know accused persons who are present before the court, he do not know any thing about the incident, he has not given any statement before the police, he did not sustain any injury in any incident, no incident took place between accused persons.

12. PW4 deposed that, he know CW-9 to 12, and he know CW-14, 15 and he know accused persons who are present before the court, he do not know any thing about the incident, he has not given any



statement before the police, he did not sustain any injury in any incident, no incident took place between accused persons.

13. PW5 deposed that, he know CW-1, 9 to 14, and he know accused persons who are present before the court, he do not know any thing about the incident, he has not given any statement before the police, he did not sustain any injury in any incident, no incident took place between accused persons.

14. PW6 deposed that, CW1 husband of PW6, CW9,11,12 are children, he know CW.13 to 15, he know accused persons who are present before the court, he do not know any thing about the incident, he has not given any statement before the police, he did not sustain any injury in any incident, no incident took place between accused persons.

15. PW7 deposed that, CW.1 and 10 are his parents, CW.9 is his elder brother, CW.11 is his younger brother, he know CW.13 to 15, he know



accused persons who are present before the court, he do not know any thing about the incident, he has not given any statement before the police, he did not sustain any injury in any incident, no incident took place between accused persons.

16. PW8 deposed that, he know CW.1, 9 to 13, 15 and he know accused persons who are present before the court, he do not know any thing about the incident, he has not given any statement before the police, he did not sustain any injury in any incident, no incident took place between accused persons.

17. 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 deposed that, he do not know contents of his complaint, PW2 to 8 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.

18. On careful scrutiny of evidence of PW1 to 8 as extracted supra, it is clear that, prosecution examined eye witnesses, injured witnesses and independent witnesses, they deposed that, no incident took place between them and accused and accused never assaulted to them, thus, the prosecution failed to prove its case beyond all reasonable doubt, because the complainant who is PW1 and PW2 to 8 have specifically deposed that, they do not know any thing about the incident, further PW2 to 8 are the independent witnesses 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, 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.

19. 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.

20. 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.

21. 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.

22. 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 8 in the **Negative.**

23. POINT NO.9: In view of the findings on point No.1 to 8, 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, 148, 323, 324, 448, 427, 307, 504 R/w 149 of IPC.

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

As per the PF No.74/2020, dated 24.07.2024, Sl.No.1 05 stones



worth Rs.00/-, Sl.No.2 one stick

worth Rs.00/-, Sl.No.3 two iron rods

worth Rs.00/-, Sl.No.4 blood stained

mud worth Rs.00/-, Sl.No.5 unblood

stained mud worth Rs.00/-, Sl.No.6

one blood blue colour night pant

worth Rs.00/-, Sl.No.7 one weight

colour blood stained Baniyan worth

Rs.00/-, Sl.No.8 one yellow colour

blood stained shirt worth Rs.00/-

are worthless, hence order to be

destroyed after expiry of the appeal

period.

As per the PF No.74(A)/2020,

dated 24.07.2024, Sl.No.1 one

Bolero jeep No.KA-20-B-9966 worth

Rs.1 lakhs, IO has already released

the vehicle in favour of the owner

with permission of the court dated



29.07.2020 and owner has executed

indemnity bond before the IO and

taken possession of vehicle same the

made absolute.

(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 27th day of May - 2026)

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

ANNEXURE

Witnesses examined on behalf of prosecution:

PW1 : Shantagouda S/o Bhimannagouda
PW2 : Ramesh S/o Shantagouda
PW3 : Nagaraj S/o Shantagouda
PW4 : Sahebgouda S/o Shekargouda
PW5 : Bapugouda S/o Ningannagouda
PW6 : Siddamma W/o Shantagouda
PW7 : Suresh S/o Shantagouda
PW8 : Gurunath S/o Shekharagouda

Documents marked on behalf of prosecution:

Ex.P1 : Complaint
Ex.P1(a) : Signature of PW1



Ex.P2 : Written statement of PW2
Ex.P3 : Statement of PW2
Ex.P4 : Statement of PW3
Ex.P5 : Statement of PW4
Ex.P6 : Statement of PW5
Ex.P7 : Statement of PW6
Ex.P8 : Statement of PW7

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)