



**IN THE COURT OF III ADDL. SENIOR CIVIL JUDGE & JMFC.,  
AT : HUBBALLI**

Present

**Smt. DEEPA G. MANERKAR**  
**B.Com., LL.B.,**  
**III Addl. Senior Civil Judge. & J.M.F.C.,**  
**Hubballi**

**DATED THIS THE 5<sup>th</sup> DAY OF AUGUST 2024**

**C.C.No.3256/2023**

**COMPLAINANT:** State represented by PSI APMC  
Navanagar Police Station.

**(By Assistant Public Prosecutor)**

**-V/s-**

- ACCUSED:**
1. Mahammad Sadik S/o Gousapak  
Melinmani Age:18 years,  
Occ:Centring work, R/o:Chikkeri  
Plot, Amaragol, Hubballi
  2. Mohammad Shayid S/o Gousapak  
Melinmani Age:15 years,  
Occ:Student, R/o:Chikkeri  
Plot, Amaragol, Hubballi (Juvenal)
  3. Sameer S/o Mahammad Rafiksab  
Naduvinamani Age:19 years,  
Occ:Vegetable business,  
R/o:Amaragol, Near Masidi

(A.1 to 3 by Sri. S.S.K. Advocate)



### **JUDGMENT**

The A.S.I. of APMC Navanagar Police Station, has filed charge sheet against the accused No.1 to 3 for the offences punishable under Sections 323, 324, 504 & 506 R/w 34 of IPC.

2. **The case of the prosecution in brief is :**

There is an enmity between accused and complainant in connection marrying a girl. Keeping the said grudge in mind on 29.07.2023 at about 6.00 p.m at Gate No.1 APMC Amaragol , the accused No.1 abused CW.1 in filthy language, slapped on ear by holding his collar . The accused No.2 slapped CW.1 with hands on his head. The accused no.1 assaulted CW.1 with bear bottle and caused simple injury. They also gave life threat to CW.1. Hence the accused No.1 and 3 are charge sheeted for the above said offences.



3. In this connection C.W.1 reported the incident to the Police as per Ex.P.1. It is on the basis of Ex.P.1 case came to be registered in Cr. No.30/2023 against the accused persons for the offences punishable under Section 323, 324, 504 and 506 R/w Section 34 of IPC. Investigation Officer visited the place of incident and drew spot panchanama. After completion of investigation, charge sheet came to be filed for the above said offences. After taking cognizance, summons came to be issued to the accused persons. In pursuance of summons accused No.1 and 3 appeared before the court and enlarged on bail. Accused No.2 reported juvenile. Charge sheet copy as required U/s.207 of Cr.P.C was furnished. That after hearing the prosecution and the defense counsel and on perusal of the investigation papers, the Court noticed that there are prima-facie materials to frame the charge. As such charges framed for the offences punishable U/sec. 323, 324, 504 and 506 R/w Section 34 of IPC, read over to accused No.1



and 3, they denied the charges leveled against them and claimed to be tried. Hence, they were put on trial.

4. Consequently, to bring home the guilt of the accused persons the prosecution has examined 2 witnesses as P.W.1 and 2 and got marked 4 documents at Ex.P.1 to 4. Statement of accused U/sec.313 of Cr.P.C. is recorded is dispensed as there is no incrementing evidence against accused.

5. Based upon the above, the following points arise for my consideration :

- 1 Whether the prosecution proves beyond all the reasonable doubt that on 29.07.2023 at about 6.00 p.m. near Gate No.1 APMC Amaragol, the accused No.1 and 3 along with one Mahammad Shayid S/o Gouspak Melinamani, picked up quarrel with CW.1, the accused No.2 slapped CW.1 with hands on his head, caused injury. and thereby committed offence punishable U/sec.323 R/w Sec.34 of I.P.C.
2. Whether the prosecution proves beyond all the reasonable doubt that on the aforesaid date, place and time, with the common object of unlawful assembly accused No.1 and 3 along with one Mahammad Shayid S/o Gouspak Melinamani, picked up quarrel



with CW.1, the The accused no.1 assaulted CW.1 with bear bottle and caused simple injury. and and thereby committed offence punishable U/s.324 R/w 34 of IPC?

3. Whether the prosecution proves beyond all the reasonable doubt that on the aforesaid date, place and time, the accused No.1 and 3 abused Cw.1, in filthy language and thereby committed offence punishable U/s.504 R/w 34 of IPC?

4. Whether the prosecution proves beyond all the reasonable doubt that on the aforesaid date, place and time, the accused No.1 and 3 gave life threat to Cw.1, and thereby committed offence punishable U/s.506 R/w 34 of IPC?

5. What Order ?

6. Heard the arguments from both sides.

7. I have perused the evidence laid by the prosecution in the backdrop of documentary evidence.

8. My findings to the aforesaid points are as under:

Point No. 1 to 4 : In the Negative

Point No. 5 : As per final order,  
for the following :

**REASONS**

9. **POINT NO.1 TO 4** : Since these points are interconnected, they are taken up together for common discussion in order to avoid repetition of facts and reasoning.

It is the case of the prosecution that there is an enmity between accused and complainant in connection marrying a girl. Keeping the said grudge in mind on 29.07.2023 at about 6.00 p.m at Gate No.1 APMC Amaragol , the accused No.1 abused CW.1 in filthy language, slapped on ear by holding his collar. The accused No.2 slapped CW.1 with hands on his head. The accused no.1 assaulted CW.1 with bear bottle and caused injury. They also gave life threat to CW.1.

**10.** In the present case, in order to prove the case of the prosecution it got examined the CW-1 as PW.1 who is the injured and complainant. He in his examination in chieft deposed that , he lodged FIS in connection with one small incident. He does not know



what is written in Ex.P.1 . He also deposed that the accused persons did not abuse him in filthy language. They also did not give life threat to him or assaulted him with hands or any object. Though the said witness identified his thumb mark on Ex.P.1 and 2 and also identified Ex.P.3 photo, he stated that he does not know what is written in Ex.P.1 and 2 and why Ex.P.3 photograph was taken. In deed the said witness turned hostile and not supported the case of the prosecution any angle.

**11.** Prosecution also got examined the other injured CW.4 as PW.4 . The said witness in his examination in chief deposed that , the accused persons did not abuse him or PW.1 in filthy language. They also did not give life threat to PW.1 or assaulted him or PW.1 with hands or any object. Indeed, the said witnesses turned hostile and despite of cross-examination by learned APP, they have not supported the case of prosecution in any angle and denied the



theory of prosecution. Though learned APP prayed for issuance of summons to other witnesses, no purpose would have been served since material witnesses turned hostile and it appears from evidence of PW.1 and 2 that the accused and PW.1 and 2 have compromised the matter.

**12.** It is well established principle of criminal jurisprudence that the prosecution has to prove the guilt of the accused persons beyond all reasonable doubt. But in the present case there is nothing on record to bring home the guilt of accused persons. The prosecution utterly failed to prove point No.1 to 4, hence, I answer points No.1 to **4** in the **Negative**.

**13. POINT NO.5:-** In the result, I proceed to pass the following:-

### **ORDER**

Acting U/sec. 248(1) Cr.P.C. the accused persons are hereby acquitted of the offences punishable U/sec.323, 324, 504 and 506 R/w Section 34 of IPC.





The bail bonds of the accused persons  
and their surety bonds stand cancelled.

The property at PF.No.50/2023 Sl.No.1  
and 2 are ordered to be destroyed after appeal  
period is over.

(Dictated to the Stenographer, transcript typed by her, corrected and  
then pronounced by me in the Open Court on this the 5<sup>th</sup> day August  
2024)

(DEEPA G. MANERKAR)  
III Addl. Senior Civil Judge and JMFC.,  
Hubballi.

**ANNEXURE**

**List of witnesses examined on behalf of the Prosecution**

P.W.1 : Mehaboobsab S/o Najerahammad Miltrivale

P.W.2 : Aseef S/o Maktumsab Badekhan

**List of documents marked on behalf of the**

**Prosecution:-**

Ex.P.1 : Complaint  
Ex.P.2 : Spot Panchanama  
Ex.P.3 : Photo  
Ex.P.4 : Statement of witness



**List of witnesses examined on behalf of the accused :-**

NIL

**List of documents marked on behalf of the accused**

**-NIL-**

(DEEPA G. MANERKAR)  
III Addl. Senior Civil Judge and JMFC.,  
Hubballi.

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