

KABG510014162016



Presented on : 28-04-2016

Registered on : 28-04-2016

Decided on : 25.06.2026

Duration : 10 yrs, 1 months, 28 days

IN THE COURT OF PRL CIVIL JUDGE & J.M.F.C.
AT GOKAK

PRESENT : SHRI. SAMPATTAKUMAR BALOLAGIDAD,
B.A., L.L.B. (Spl),
Prl. Civil Judge & JMFC,
Gokak

Dated: This 25th day of June 2026

C.C.No. 506/2016

Between:

Complainant : Gokak Town Police Station
(Rep by Assistant Public Prosecutor)

V/s

Accused : 1. Lagamanna Basavanni Talwar,
R/o M Mallapur,
Tal : Gokak.
(Split Up)

2. Laxman Kalmesh Talwar,
R/o Budihal,
Tal : Gokak.

(Rep by Sri.M.Y.J., Advocate)

1	Date of commission of offences	:	14-08-2015
2	Date of report of offences	:	14-08-2015
3	Presence of the accused (a) Before the Court (b) Released on bail		On 22.11.2019
4	Name of the complainant	:	Renuka W/o Lagamanna Irapanagol
5	Date of recording of evidence	:	17-11-2025
6	Date of closure of evidence	:	20-06-2026
7	Offences alleged	:	U/s.323, 498(A), 341, 504, 506 R/w 34 of IPC
8	Opinion of Judge	:	The accused found not guilty.

J U D G E M E N T

The PSI of Gokak Town Police Station has filed the charge sheet against the accused No.1 and 2 for the offences punishable U/Sec.323, 341, 498(A), 504, 506 R/w Sec 34 of IPC.

2. The case of the prosecution is as follows:

The complainant and accused No.1 are the husband and wife. They have two female child and 2 male children were born out of their wedlock. Thereafter accused No.1 has started assaulting under intoxication and used to abused the complainant in filthy language. Therefore, the complainant and her children were leaving in her parental house at Kulhalli village and she started coolie work for her livelihood. The accused No.1 has also came at her parental house and used to assault her and abused in filthy language. Therefore, she lodged complaint against the accused No.1 in Family Court, Belagavi. Accused No.2 is an advocate on behalf of accused No.1. Then accused No.2 used to abused her with filthy language over the phone and put her to life threat.

Further stated that on 12.08.2015 at 17.30 hours within limits of Gokak Town PS in the Court premises, accused No.1 and 2 used to abused her in filthy language. The accused No.1

has wrongfully restrained her and assaulted with hand and used to abused in filthy language. Thereby accused No.1 and 2 said to have committed the offences punishable U/secs.323, 341, 498-A, 504, 506 R/w 34 of I.P.C.

3. On the basis of the complaint lodged by CW-1, the PSI of Gokak Town Police have registered the case in Cr.No:167/2015 for the offence punishable U/s.323, 341, 498(A), 504 & 506 R/w Sec.34 of IPC against the accused No.1 and 2. Thereafter, the investigation officer visited the spot, drew up mahazar at the spot and recorded the statements of the witnesses. After completion of the investigation, the PSI submitted the final report against the accused No.1 and 2 for the alleged offence U/secs.323, 341, 498-A, 504, 506 R/w Sec.34 of I.P.C.

4. The accused No.1 and 2 appeared before the court and they were enlarged on bail. On receipt of the final report, the court took cognizance of the above offences and issued

summons to accused No.1 and 2. The copies of the charge sheet and other prosecution papers were supplied to accused No.1 and 2 as per Section 207 of Cr.P.C.

5. The charges for the above offences were read over and explained to the accused No.1 and 2. They pleaded not guilty, but claimed to be tried. Meantime the accused No.1 remained absent. Hence, case against accused No.1 was split up.

6. To substantiate the allegations made in the charge sheet and to prove the guilt of the accused No.1 and 2, the prosecution in all got examined 2 witnesses as P.W.1 and P.W.2 and got marked Ex.P.1 to Ex.P.3. Since P.W.1 and 2 are being the material witnesses who have turned hostile to the prosecution case, the prayer of learned APP to issue process to other witnesses was rejected.

7. Since, there was no incriminating evidence against the accused No.1 and 2, recording of statement of accused under section 313 Cr.P.C., was dispensed with.

8. I have heard the arguments addressed by the Learned Asst. Public Prosecutor and Learned Counsel for the accused.

9. The following points arise for my consideration:

1. Whether the prosecution proves beyond all reasonable doubts that on 12.08.2015, the accused No.2 has used filthy language to commit the breach of peace against complainant and thereby the accused No.2 was alleged to said to have committed the offence punishable U/s.504 R/w Sec.34 of I.P.C.?
2. Whether the prosecution further proves beyond all reasonable doubt that on above said date, place and time, and also on earlier occasion, the accused No.2 put the life of complainant into criminal intimidation and thereby he alleged to have committed the offence punishable U/s.506 R/w Sec.34 of I.P.C.?
3. What order or sentence?

10. My answers to the above points are as here under:

Point No.1 and 2 : In the Negative

Point No.3 : As per the final order
for the following;

REASONS

11. Point No.1 and 2 :- These points are inter related to each other and involve common appreciation of evidence and facts. Finding on Point No.1 will have bearing on others. Hence, to avoid repetition, all these points are taken together for common consideration.

12. To substantiate the accusation levelled against the accused persons, prosecution examined 2 witnesses. P.W.1 is the pancha and P.W.2 is the complainant. They got marked documents at Ex.P.1 to 3.

13. P.W.2 Renuka W/o. Lagamanna Irappannagol who is the First informant deposed that accused No.1 is her husband, Accused No.2 is known to her, C.W.4 is her sister, C.W.5 is her father. She further deposed that the accused No.2 did not abused in filthy language and not gave life threat and also the

police have not conducted any panchanama in her presence. Further she placed her ignorance about contents of Ex.P.2 and 3, however, identified her signature on Ex.P.2/complaint and Ex.P.3/Re-statement. P.W.2 being the material witness has completely turned hostile. Though she was subjected to cross-examination by the learned A.P.P., she has denied and not supported the prosecution case. The supplementary statement given by P.W.2 before police marked as Ex.P.3. Therefore, the evidence of P.W.2 will not be helpful to the prosecution case, as she was fully turned hostile.

14. P.W.1 Bhimappa Ramappa Bagayi who is the spot pancha deposed that he did not know CW-1 and accused persons, accused No.2 is not known. The police have not conducted any panchanama in his presence. Further he placed his ignorance about contents of Ex.P.1, however identified his signature on Ex.P.1/Spot Panchanama. P.W.1 being the material witness has completely turned hostile. Though he was subjected to cross-

examination by the learned A.P.P., he has denied and not supported the prosecution case. Therefore, the evidence of P.W.1 will not be helpful to the prosecution case, as he was fully turned hostile.

15. Since, P.W.1 and 2 the material witnesses to the prosecution case, have completely turned hostile, the prayer of learned A.P.P. to issue witness summons to other witnesses was rejected by this Court. As there was no incriminating evidence from the evidence of the prosecution witness, the recording of accused No.2 statement U/s.313(1)(b) of Cr.P.C., was dispensed with.

16. Looking into any angle, the prosecution has utterly failed to prove the ingredients of Sections 323, 341, 498-A, 504, 506 R/w Sec.34 of I.P.C., the benefit of doubt shall go to the accused No.2. The prosecution has not placed any believable, cogent, acceptable and material evidence before the Court. Therefore, it

is a fit case for acquittal. Accordingly, **Points No.1 and 2** are answered in the '**Negative**'.

17. Point No.3 :- In view of the above discussion, I hold the accused No. 2 is not guilty of the alleged offence. Accordingly, I pass the following;

ORDER

The accused No. 2 is not found guilty for the offences punishable under Sections 498-A, 323, 341, 504 and 506 R/W Sec 34 of I.P.C. Hence, acting under Sec.248(1) of Cr.P.C., They are acquitted of the above offences.

The bail bond and surety bond of the accused No.2 shall stand cancelled.

The bail bonds of the accused No.2 and surety taken as per Sec. 437-A of Cr.P.C. will exist for a period of six months.

(Dictated to the Stenographer, directly on computer, computerized by her, corrected and then pronounced by me in the open Court on this 25th day of June, 2026)

(Sampattakumar Balolagidad)
Prl.Civil Judge and JMFC
Gokak

ANNEXURE**1. List of witnesses examined for the Prosecution:**

P.W.1 : Bhimappa Ramappa Bagayi,
P.W.2 : Renuka Lagamanna Irappannagol.

2. List of witnesses examined for the accused:

-Nil-

3. List of documents marked for the Prosecution:

Ex.P-1 : Spot Panchanama,
Ex.P-1(a) : Signature,
Ex.P-2 : Complaint,
Ex.P-2(a) : Signature,
Ex.P-3 : Re-Statement of P.W.2.

4. List of documents marked for the accused:

-Nil-

5. List of material object marked for the Prosecution:

-Nil-

(Sampattakumar Balolagidad)

Prl.Civil Judge and JMFC
Gokak