

KABK200020842021



IN THE COURT OF THE ADDL. SENIOR CIVIL JUDGE & J.M.F.C.,

AT:- MUDHOL

:: PRESENT ::

SRI.VIVEK GRAMOPADHYE.,B.S.L., L.L.B.
Addl. Senior Civil Judge & JMFC,
MUDHOL.

Dated this the 6th day of March 2026

C.C. No.591/2021

Complainant :: Lokapur Police Station

(Rep. by A.P.P)

Accused :: V/s

1. **Shri.Rangappa S/o Mallappa Kuri**
Age: 45 years, Occ: Farmer,
R/o: Dadanatti farm house,
Tq: Mudhol, Dist: Bagalkot.

2. **Shri.Vittal S/o Mallappa Kuri**
Age: 47 years, Occ: Farmer,
R/o: Dadanatti farm house,
Tq: Mudhol, Dist: Bagalkot.

3. **Shri.Mallappa S/o Pandappa Kuri**
Age: 74 years, Occ: Farmer,
R/o: Dadanatti farm house,
Tq: Mudhol, Dist: Bagalkot.

4. Shri.Yallowwa W/o Mallappa Kuri

Age: 71 years, Occ: Housewife,
R/o: Dadanatti farm house,
Tq: Mudhol, Dist: Bagalkot.

**(Accused.No.1 to 4 Shri.A.S.Y
Advocate)**

Date of Offence : 16.07.2021
Offence : U/s. 498A, 323, 326, ,
504, 506(2) R/w Section
34 of I.P.C
Plea of the accused : Pleaded not guilty
Final order : Acquitted
Date of Order : 06.03.2026

(VIVEK GRAMOPADHYE)
Addl. Senior Civil Judge & JMFC
Mudhol.

J U D G M E N T

The accused No.1 to 4 are facing trial for alleged commission of offence punishable under Section 498A, 323, 326, 504, 506(2) R/w 34 of I.P.C. On the basis of charge sheet filed by P.S.I, Lokapur Police Station.

2. The case of the prosecution in brief can be seen as under:-

It is the case of the prosecution that the marriage of the sister of the complainant, Dundappa, namely C.W.4 Balavva, was solemnized with accused No.1, Rangappa, about 18 years ago, and for about three years she was treated properly at her matrimonial home. Out of the marital relationship between accused No.1 Rangappa and Balavva, a son by name Siddappa and a daughter by name Renuka were born. But thereafter, at the behest of the mother-in-law and other family members, accused No.1 started giving mental and physical torture to C.W.4 and therefore, C.W.4 along with her son Siddappa came and started residing in her parental home. The daughter born in the marriage Renuka was residing in the house of accused Rangappa. Some time back, Rangappa came and requested C.W.4 to continue lead marital life assuring that he will treat her properly and accordingly, the C.W.4 started residing in her marital home.

2.1. After some time, a relative of the complainant and C.W.4 suffered a miscarriage. In order to console the said lady, the complainant came to the house of the accused persons and, with their permission, took C.W.4 to his house.

Thereafter, at about 06:30 P.M., he escorted C.W.4 back and dropped her at her matrimonial home. Along with the complainant and C.W.4, C.W.5 Siddappa was also present. Accused No.1, who is the father of Siddappa, saw Siddappa and remarked that Siddappa should not attend school for education and instead should start working on the farm by looking after the cows.

2.2. When the complainant and C.W.4 questioned as to why Siddappa's education should be discontinued, the accused persons became enraged. Accused Nos.1 and 2, holding axes in their hands, began abusing them in filthy language. Accused No.1 assaulted C.W.4 Balavva with the said axe on her neck and caused grievous injuries. He also assaulted the complainant with the same axe and caused injuries on his forehead. Accused No.2, who was also holding an axe, attacked both the complainant and C.W.4 and caused injuries to them. Thereafter, accused Nos.1 to 4 criminally intimidated the complainant and C.W.4 with threats to their lives and continued to abuse them in filthy language. Thus, the accused persons have committed offences punishable under Sections 498A, 323, 326, 504 and 506(2) read with Section 34 of the I.P.C.

3. At the crime stage itself, the accused persons are released on bail and after filing of the charge sheet, cognizance of the offence is punishable under Section 498A, 323, 326, 504, 506 (2) R/w Section 34 of I.P.C was taken and summons was issued to the accused. In lieu of the summons, the accused persons appeared and in compliance of Section 207 of Cr.P.C, copy of the charge sheet is furnished to the accused.

4. Heard Learned APP and Learned advocate for the accused persons before framing charges. As sufficient material was available against the accused persons, charges are framed read over and explained to the accused. The accused No.1 to 4 pleaded not guilty and claimed to be tried.

5. To substantiate the case of the prosecution, the prosecution has examined the C.W.1 to C.W.7 as P.W.1 to P.W.7 and have got marked Ex.P.1 to Ex.P.14. All the 7 witnesses have entirely turned hostile to the case of the prosecution and as the rest of the witnesses are official witnesses and not eye witnesses to the incidence, no purpose would have been served by examining the rest of the witnesses and hence, evidence of rest of the witnesses is dropped. As there was no incriminatory evidence appearing

against the accused persons, Section 313 Statement of the accused persons is dispensed with.

6. After compliance of Section 437A of Cr.P.C, heard arguments of Learned A.P.P and Learned advocate for the accused.

7. The following points arise for my consideration,

1. Whether the prosecution proves beyond all reasonable doubt that accused No.1 and C.W.4 Balavva Kuri were married 18 years back and for 3 years Balavva Kuri was treated properly at her marital home and thereafter at the behest of accused No.2 to 4, accused No.1 started giving mental and physical torture to C.W.4 and therefore, she started residing in her parental home and one month back accused asked C.W.4 to accompany him to lead marital life and accordingly when they started residing the marital life again the accused No.1 to 4 in furtherance of the common intentions have started harassing C.W.4 and thereby they have committed offence punishable under Section 498A R/w Section 34 of I.P.C?

2. Whether the prosecution proves beyond all reasonable doubt that in furtherance of the common intentions on 16.07.2021 at 06-30 P.M., the accused No.1 commented that C.W.5 who is his son should be asked to look after the cows and he should not go to the school and when the complainant and C.W.4 asked as to why he was

behaving like that the accused persons have assaulted the complainant with the axe on his forehead and thereby have committed offence punishable under Section 323 R/w Section 34 of I.P.C?

3. Whether the prosecution proves beyond all reasonable doubt that the accused persons in furtherance of the common intentions, the accused persons in furtherance of the common intentions on the above said date, time and place, the accused No.1 and 2 with the axe assaulted the C.W.4 Balavva on her neck and have caused grievous injuries to her and thereby, they have committed offence punishable under Section 326 R/w Section 34 of I.P.C?

4. Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place the accused persons in furtherance of the common intentions have abused the complainant and C.W.4 in filthy language and thereby they have committed offence punishable under Section 504 R/w Section 34 of I.P.C?

5. Whether the prosecution proves beyond our reasonable doubt that on the above said date, time and place the accused persons in furtherance of the common intentions the accused persons were abused the complainant and C.W.4 in filthy language and gave life threat to them and thereby they have committed offence punishable under Section 506(2) R/w Section 34 of I.P.C?

6. What order?

8. My answers to the above points are as under:

Point No.1 to 5 : In the **Negative**,
Point No.6 : As per final order
for the following

REASONS

9. **Point No.1 to 5:-** To substantiate the case of the prosecution, the prosecution has examined the complainant Dundappa Shivappa Kullur/C.W.1 as P.W.1. The witness recognizes his thumb impression on the complaint and the complaint is marked at Ex.P.1. The witness deposes that C.W.4 is his sister and accused No.1 is his sister's husband. Their marriage took place 20 years back and there was a verbal altercation between the accused persons and C.W.4 and with respect to that he got upset and went to the station and gave complaint. However, he deposes that the accused persons have never abused C.W.4 in filthy language nor have they given mental or physical torture to her, never abused him or C.W.4 in filthy language, given life threat to them and have never assaulted him or C.W.4. The witness deposes that when he was working in the agricultural field, he suffered certain injuries and with respect to that he has taken treatment. The witness was shown one jacket, but he

does not recognize it and though he recognizes the thumb impression on the cloth Seizer Panchanama, he states that he does not know the contents of it. The said Panchanama is marked at Ex.P.2.

10. Learned A.P.P has treated P.W.1 as hostile and has cross-examined him and during the course of his cross-examination, entire case of the prosecution as per the complaint averments was put to him and apart from admitting the marital relationship between the accused No.1 and CW4, he denies each and every suggestions made by learned A.P.P. Learned advocate for the accused has not cross-examined P.W.1.

11. To further substantiate the case of the prosecution, the prosecution has examined the wife of accused No.1 and the victim of the alleged incidence Balavva Rangappa Kuri/C.W.4 as P.W.2. During the course of her examination-in-chief, she deposes that 20 years back her marriage took place with accused No.1 and there was verbal altercation between herself and the accused persons and she informed C.W.1 with respect to it and being upset, he has given a complaint to the station. However, the accused persons have never abused her in filthy language nor have they given any mental or physical torture, abused her in filthy language or

given life threat to her. Further, she deposes that when she was working in the agricultural field she has sustained injuries and with respect to that she has taken treatment. The witness recognizes a thumb impression on the second cloth seizure panchanama and the said cloth seizure panchanama is marked at Ex.P.4.

12. Learned A.P.P has treated P.W.2 as hostile and has cross examined P.W.2 and during the course of cross-examination, she denies the suggestions made by learned A.P.P with respect to the physical and mental torture given to her during marriage and also the specific suggestions made with respect to the alleged incidents on 16.07.2021. Further, she denies that she has given a statement to Police and the said statement is read over to her and it is marked at Ex.P.6. The witness states that she doesn't know why the panchanama was conducted on 18.07.2021 and further, she denies the suggestions made by Learned A.P.P.

13. To further substantiate the case of the prosecution, the prosecution has examined the son of C.W.4 and accused No.1 Siddappa Kuri/C.W.5 as P.W.3. The witness states that there was verbal altercation between the accused persons and C.W.4 and the accused persons have never given any physical or mental torture to his mother and have never

abused her or have never assaulted her and they have never given life threat to them. Further, the witness recognises his signature on the Panchanama dated 18.07.2021 and it is marked at Ex.P.7 and the witness's signature is marked at Ex.P.7(a). However, the witness deposes that he does not know why the Panchanama was conducted.

14. Learned A.P.P has treated the said witness as hostile and has cross-examined him and during the course of his cross examination, he denies the suggestion that on 16.07.2021 at 06-30 P.M., with respect to him going to the school there was altercation and the accused persons have assaulted the complainant and his mother C.W.4 and also have caused grievous injuries to them and have given life threat to them and have abused them in filthy language. The witness states that he has not given any statement to the police and the relevant portion was read over to him and he denies it and the relevant portion is marked at Ex.P.8. Further, he denies that on 18.07.2021, panchanama was conducted as place was shown by him between 11-00 A.M to 12-00 noon and two axes were shown to him and he does not recognize them. The witness recognizes four photographs and states that he is present and however, states that he does not know why the said photographs were

taken. The said photographs are marked at Ex.P.9 to Ex.P.12. The witness denies the suggestions made by Learned A.P.P.

15. To further substantiate the case of the prosecution, the prosecution has examined the eye witnesses to the incidence Gopal Kuri and Kallawwa Kuri/C.W.7 and C.W.6 as P.W.4 and P.W.7. Both the witnesses state that they know the accused persons and C.W.1, C.W.4 and C.W.5. However, no altercation has taken place between the accused persons and C.W.1. The accused persons have never assaulted C.W.1 and C.W.4 and have never given any physical or mental torture to C.W.4 and abused them in filthy language and they have not given life threat to them. They further depose that they have not given any statement to the police.

16. Learned A.P.P has treated both the witnesses as hostile and has cross-examined them and has suggested the entire case of the prosecution and they have denied each and every suggestion made by Learned A.P.P. The witnesses state that they have never given any statement to the police and the relevant portion of the statement was read over to them and they deny it and the relevant portions are marked at Ex.P.13 and Ex.P.14.

17. To further substantiate the case of the prosecution, the prosecution has examined the pancha witnesses Bhagappa Pujer and dundappa Kulur/C.W.2 and C.W.3 as P.W.5 and P.W.6. Both the witnesses recognize their signature on Ex.P.2, Ex.P.4 and Ex.P.7 panchanama and their signatures are marked at Ex.P.2(a), Ex.P.4(a) and Ex.P.7(b) and Ex.P.2(b), Ex.P.4(c) and Ex.P.7(c). They state that they do not know why the said panchanamas were written and though state that they are present in Ex.P.3, Ex.P.5 and Ex.P.9 to Ex.P.12 photographs. They do not know why the said photographs were taken and taken.

18. Learned A.P.P has treated both the witnesses as hostile and has cross-examined them and during the course of cross-examination, they denied the suggestion that on 18.07.2021 the panchanama was conducted as place was shown by C.W.5 between 11-00 A.M to 12-00 noon and as jacket was given by C.W.1 and on the same day panchanama was conducted between 01-15 P.M to 02-00 P.M and on the same day between 02-15 P.M to 03-15 P.M three clothes belonging to C.W.4 were confiscated in their presence and panchanama was conducted. Further, they deny each and every suggestions made by Learned A.P.P.

19. It is relevant to note that the complainant, victim of the incidence, the eye witnesses to the incidence and the pancha witnesses to the incidents have entirely turned hostile to the case of the prosecution and therefore, no fruitful purpose would have been served by examining the official witnesses and hear say witnesses and therefore, the evidence of rest of the witnesses is dropped.

20. It is relevant to note that in criminal cases, it is the prosecution which is saddled with the burden to substantiate its case beyond all reasonable doubt. In the said prism if we assess the evidence, it can be seen that the complainant and C.W.4 who are the alleged victims of the incidence have entirely turned hostile to the case of the prosecution and they have denied the physical and mental torture as alleged by the prosecution and they have also denied the alleged incidence as per the case of the prosecution. Further, they have also denied any incidence having taken place and any cloth being handed over to the police and panchanama being drawn. Further, the eye witnesses to the incidents i.e. the son of C.W.4, the victim and the other two eye witnesses who are examined have also turned hostile to the case of the prosecution and moreover, the pancha witnesses have also turned hostile to the case of

the prosecution. Therefore, it is very much clear that the prosecution has failed to substantiate its case beyond all reasonable doubt and hence, as the very nexus between the accused persons and the alleged incidence is not substantiated by the prosecution beyond all reasonable doubt. Hence, I am of the opinion that the prosecution has failed to substantiate its case beyond all reasonable doubt and therefore, I answer **Point No.1 to 5 in the Negative** against the prosecution.

21. **Point No.6:-** Therefore, I proceed to pass the following:

:O R D E R:

Acting U/Sec. 248(2) of Cr.P.C., the accused No.1 to 4 are hereby acquitted for the alleged offenses punishable under Section U/s. 498A, 323, 326, 504, 506(2) R/w Section 34 of I.P.C.

Bail bond executed by the accused persons stands cancelled.

The bail bound executed U/sec 437A
of the Cr.P.C shall be valid till conclusion of
appellate period.

(Dictated to Stenographer, typed by him to computer, revised,
corrected and then pronounced by me in open court, on this the
6th day of March 2026).

(VIVEK GRAMOPADHYE)
**Addl. Senior Civil Judge & JMFC
Mudhol.**

A N N E X U R E

LIST OF WITNESSES EXAMINED ON BEHALF OF PROSECUTION:

- P.W.1 : Shri. Dundappa S/o Shivappa Kullur
P.W.2 : Smt.Balawwa W/o Rangappa Kuri
P.W.3 : Shri.Siddappa S/o Rangappa Kuri
P.W.4 : Shri.Gopal S/o Arjunappa Kuri
P.W.5 : Shri.Bhagappa S/o Hanamantappa Pujer
P.W.6 : Shri.Dundappa S/o Laxmappa Kullur
P.W.7 : Smt.Kallavva W/o Vittal Kuri

LIST OF DOCUMENTS MARKED ON BEHALF OF PROSECUTION:

- Ex.P.1 : Complaint
Ex.P.2 : Cloth seizure panchanama

| | | |
|--------------|---|-------------------------------|
| Ex.P.2(a) | : | Signature of P.W.5 |
| Ex.P.2(b) | : | Signature of P.W.6 |
| Ex.P.3 | : | Photograph |
| Ex.P.4 | : | Cloth seizure panchanama |
| Ex.P.4(a) | : | Signature of P.W.5 |
| Ex.P.4(b) | : | Signature of P.W.6 |
| Ex.P.5 | : | Photograph |
| Ex.P.6 | : | Portion of statement of P.W.2 |
| Ex.P.7 | : | Spot panchanama |
| Ex.P.7(a) | : | Signature of P.W.3 |
| Ex.P.7(b) | : | Signature of P.W.5 |
| Ex.P.7(c) | : | Signature of P.W.6 |
| Ex.P.8 | : | Portion of statement of P.W.3 |
| Ex.P.9 to 12 | : | Photographs |
| Ex.P.13 | : | Portion of statement of P.W.4 |
| Ex.P.14 | : | Portion of statement of P.W.7 |

LIST OF MATERIAL OBJECTS MARKED:

- Nil -

(VIVEK GRAMOPADHYE)
Addl. Senior Civil Judge & JMFC
Mudhol.

