



**IN THE COURT OF THE III ADDL. DISTRICT &
SESSIONS JUDGE, CHIKKABALLAPURA**

PRESENT

SHRI. SIDDANNA B. HANDRAL.
B.Sc.,LL.B.
III Addl. Dist. & Sessions Judge,
Chikkaballapura.

Dated this the 7th day of August 2026

SESSIONS CASE No.05/2024

Complainant : The State by P.I., Bagepalli P.S.
//VERSUS//

Accused

1. Shankarappa, S/o. Ashwathappa,
Aged about 47 years,
R/at 3rd Ward, Bagepalli Town,
Chikkaballapura District.
2. Eshwaramma W/o.Gangaraju,
Aged about 37 years,
R/at Yagavabandlakere village,
Bagepalli Taluk.
Permanent residing
Infront of MSIL Bar,
3rd Ward,
Bagepalli Town,
Chikkaballapura District.

1. Date of offense : 07.09.2021
2. Date of report of offense : 07.09.2021
3. Arrest of the accused : 04.09.2021

4. Date of release of : Accused No.1 - 03.01.2024
accused on bail. Accused No.2 - 05.10.2021
5. Name of the : Eshwarappa
complainant
6. Date of recording : 23.06.2023
evidence
7. Date of closing of : 26.03.2024
evidence
8. Offences : U/secs. 498(A) & 306 R/w
complained of Section 34 of IPC.
9. Opinion of judge : Accused are acquitted for
commission of the offence
punishable u/Sec. 498(A) and
306 R/w section 34 of IPC.
10. State-represented : Public Prosecutor,
by Chikkaballapura.
11. Accused defense : Sri.H.R.V. Advocate
by

J U D G M E N T

The Police Inspector of Bagepalli Police Station, has submitted the charge sheet against the accused No.1 to 4 in their P.S. Cr.No.66/2020 for the offences punishable under Section 120(B), 302, 201 of IPC.

2. Brief facts of the prosecution case are that :-

The complainant's parents by name Chinnayappa and Venkatamma had two children 1st is elder sister Niramala (deceased), 2nd is the complainant and her sister studied B.A., B.Ed., and she was going to private school, about 10 years ago she was married with their maternal uncle by name Srinivasa S/o. Venkataswamy of Shankham Varipalli Village, but one week after the

marriage her husband had left her company and went away along with another, since then she is staying in their home. Further, the accused whose wife was died since three years ago and he had two male children and three months ago the accused had come to their and talked to his parents and sister requesting to perform her marriage with him and also assured that he will look after her very well, but the complainant's family was not agreed for the same. In spite of that, the accused had forced for the marriage, hence they were agreed and performed marriage at Sri.Lakshminarasimha Swamy Temple, Somaghatta, Andhra Pradesh and after the marriage they lived happily for 10-15 days, but later found that the accused had illicit relationship with one Eshwaramma W/o Gangarajappa of Bandarlahalli Village i.e. accused no.2, and bought her to the home where his sister was living, since then there were quarrels between the husband and his sister.

3. It is further alleged that, the accused no.1 and 2 have not allowed her sister for anything and looked her as house maid and the accused No.1 was giving harassment by listening the words of accused No.2 and forced his sister to leave the house without providing food. The same was informed by her to him, in spite of advise of the parents and other relatives, the accused No.1 has not sent accused No.2 from the house and giving harassment to his sister. On 06.09.2021 at about 6.00 pm the accused No.1 and accused No.2 have picked up quarrel with his sister and made her to leave the house. The same was intimated to him and he told that, he will come at morning and on 07.09.2021 at

about 9.00 a.m. he came to her house by that time the accused No.1 and 2 had left the house by locking the doors by throwing the cloths and his sister from the house and thereafter he talked to his sister, she asked him to bring food and thereafter he went to bring food and told that they will go to their village, when he returned at about 9.15 am his sister had hanged herself with her veil to the window which is next to the door of the house, immediately he had cut the said veil with the knife, but his sister already dead, thereafter he has lodged the complaint against the accused No.1 and 2 to initiate legal action against them.

4. Based on the said complaint a case came to be registered against the accused No.1 & 2 in Cr.No.270/2021 of Bagepalli P.S. for the offence punishable under Section 498-A and 306 R/w section 34 of IPC, and after completion of the investigation charge sheet has been filed against the accused No.1 & 2 for the said offence and thereafter, the learned Civil Judge and JMFC, Bagepalli took cognizance of the offences and registered the case in C.C.No.763/2023 and committed the matter for trial as the offence punishable under Section 498(A) and 306 R/w. Sec. 34 of IPC is exclusively triable by the court of Sessions.

5. After receipt of the committal order and records, case was registered in S.C.No.05/2024 on the file of the Hon'ble Prl. District and Sessions Judge Court Chikkaballapur and has made over the case to this court for disposal in accordance with law.

6. Thereafter, summons were issued to the accused No.1 & 2 and they have appeared before this court and have been released on bail.

7. After perusal of the records and hearing the parties, as there are prima facie materials found against the accused to frame charges, accordingly, charges were framed, read over and explained to the accused No. 1 & 2 in the language known to them. The accused No.1 & 2 have pleaded not guilty and claims to be tried, therefore the case was posted for trial.

8. In order to prove its case, the prosecution has examined 9 witnesses out of 20 witnesses cited in the charge sheet as PW-1 to PW-9 and prosecution got marked 16 documents as Ex.P-1 to P-16 documents and the learned Public Prosecutor has failed to secure the presence of C.W. 5 to 7, 9, 10 14 to 16 dropped by the prosecution, M.O.1 is identified on behalf of the prosecution and closed its side.

9. Thereafter, closure of the evidence of the prosecution, the statement of the accused as required under Section 313 of Cr.P.C was recorded and the accused No.1 & 2 have denied the incriminating evidence appearing against them from the evidence of prosecution witnesses and they have not chosen to lead their evidence or examine any witnesses in support of their defence.

10. The arguments by the learned Public Prosecutor and the learned counsels for the accused No.1 & 2 were heard.

11. After hearing both sides and perusal of the records the following points that arise for consideration in this case are:

1. Whether the prosecution proves its case beyond all reasonable doubt that, the accused no.1 after the death of his first wife, married complainant's elder sister, i.e. the deceased Nirmala and settled in 3rd ward at Bagepalli and accused no.1 had an illicit relationship with the 2nd accused Eshwaramma who was living in his house on the left side of the Patbageoakku road. Then accused no.1 took the accused no.2 to his house and kept her with deceased Nirmala and both the accused no.1 and 2 have harassed the deceased Nirmala both physically and mentally, thereby the accused have committed the offence punishable U/Sec.498(A) R/w. Sec.34 of I.P.C?
2. Whether the prosecution proves beyond all reasonable doubt that on 6.9.2021 at about 6.00 p.m. accused persons picked up quarrel with deceased Nirmala and abused her to leave the house. And on 7.9.2021 at about 9.00 a.m. accused persons had left the house by locking the doors by throwing the clothes of deceased Nirmala, and driven her out of the house, by the said act of the accused persons Nirmala became distressed and she committed suicide around 9.15 a.m. by hanging herself with a veil to the window next to the door of her house and thereby accused have committed the offence punishable U/Sec.306 R/w. Sec.34 of I.P.C?
3. What order?

12. On careful scrutiny of the oral and documentary evidence of the prosecution and having heard the arguments by learned counsel for the accused and learned Public Prosecutor, the above points are answered as under:

Point No.1 & 2: In the Negative

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

::REASONS::

13. **POINT NO.1 & 2**: Since these points are inter connected to each other, hence, in order to avoid repetitions of facts and evidence, they are taken together for common discussion.

14. Case of the prosecution is stated in detail in the above paras and role of each witnesses is also mentioned, therefore there is no need to repeat the same.

15. In order to bring home the guilt of the accused No.1 and 2, the prosecution has examined PW.1- Sri.Eshwarappa who is the informant and the brother of the deceased who in his evidence deposed that, the deceased Nirmala was his elder sister and he knows CW.5 and CW.8 and 9 are his parents and accused No.1 is husband of his deceased sister and accused No.2 is the daughter of his elder paternal uncle. He further deposed that, the deceased Nirmala was a B.Ed graduate and working as a school teacher and initially she married to one Srinivasa of his maternal uncle, however within a week of their marriage, the said Srinivasa left her sister and did not returned and his whereabouts not known. He further deposed that, accused No.1 is a lorry driver and resident of

Bagepalli and initially he got married the younger sister of the accused No.2 and after her death, accused No.2 requested to perform marriage of his sister with him by assuring that, he will look after well and subsequently they performed marriage of his sister with the accused no.1 and the accused No.1 had two children from his first wife, after marriage of the accused No.2 with his sister resided in Bagepalli along with two children, they were studying in Bagepalli and few days the accused No.1 and deceased lead their happy life, but in the month of September 2021 his sister Nirmala died in the house of accused No.1.

16. PW.1 further deposed that, he did not know the exact cause or manner of her death, upon receiving the information regarding death of his sister he visited her house where the police have took his signature and identified his signature on Ex.P-1. He also identified his signature on the Ex.P-2 panchanama, but he deposed that, he do not know where and when he affixed his signature on Ex.P-2 and he did not know the contents of the Ex.P-2. He identified photographs which are at Ex.P-2 to P-6.

17. The learned Public Prosecutor treated the PW.1 as hostile witness and cross examined in length, but all the suggestions made to him were denied as not true. PW.1 has admitted that, on 7.9.2021 in between 1.30 to 2.30 p.m. the police have came to the spot and he had shown the spot where they conducted the mahazar as per Ex.P-2 and also seized the veil on the spot and CW.12 and 13 have also put their signatures to the Ex.P-2, but he further volunteers that, he do not know CWs.12 and 13 and identified the two parts of the veil which are marked as

MO.1 and 2, but PW.1 in the cross examination made on behalf of the accused has categorically admitted that, except him no other persons have signed to the Ex.P-2 in front of him and the police have not made any writing in front of him and he do not know the exact time of police visited the house of his sister. He also admitted that, he had no information or knowledge regarding this incident other than knowing that the police requested him to attend the court on this day. He also admitted that, he came to know about the MO.1 veil only because it was shown to him by the police.

18. Hence on careful analyzing the evidence of PW.1 it appears that, the complainant in his examination in chief completely disowned the prosecution case regarding alleged cruelty and harassment given by the accused No.1 and 2 to his deceased sister. PW.1 has categorically admitted that, the accused No.1 was taking good care of his deceased sister. He also stated that, he does not know the cause or manner of death of his deceased sister and during the cross examination he has categorically denied the specific suggestions or events suggested by the learned Public Prosecutor to the PW.1 i.e. on the evening of 6.9.2021 and morning of 7.9.2021 the accused assaulted the deceased and thrown her clothes outside the house and driven her out of the house and left the house by locking the door and when PW.1 went to bring the food and returned to house find his sister hanging herself, in such circumstances the evidence of PW.1 is not helpful to the prosecution. PW.1 though he admitted the signature on Ex.P-1- complaint and P-2-mahazar, but he categorically admitted that, he is not aware of the contents written in

Ex.P-1 and he do not know when or where he affixed signature to Ex.P-2 and he is not aware of the contents written in Ex.P-2, in such circumstances it can be held that, a document whose contents are unknown to the signatory cannot be used to prove the truth of those contents. Therefore, looking to the evidence of PW.1 from any angle his evidence is not helpful to the prosecution to prove that, the accused No.1 and 2 had given harassment and due to the cruelty the deceased committed suicide as alleged by the prosecution.

19. CW.2/ PW.8 - Sri. Hyder valli who is the eye witness to the incident in question. He has not supported the case of prosecution and turned hostile. He in his evidence stated that, he do not know the accused No.1 and 2 and deceased Nirmala and 1st and 2nd wife of the accused No.1 and he is not acquainted with the accused persons. He do not know whom the accused No.1 married and relationship between the accused No.1 and deceased Nirmala and death of the deceased Nirmala and the reason for her death and he has not given any statement before the police.

20. CW.3/ PW.3- Sri.Subhan Sab is also eye witness to the alleged incident in question. He also not supported the case of prosecution and turned hostile. He in his evidence stated that, he do not know the deceased Nirmala and her husband Shankarappa and CW.1 & 5. PW.3 though he admits that, he knows the accused persons who are residing in the street behind his house, He do not know whom the accused No.1 married and relationship between the accused No.1 and deceased

Nirmala and death of the deceased Nirmala and the reason for her death and he has not given any statement before the police.

21. CW.4/ PW.5 Sri. Chandrappa is also an eye witness to the alleged incident in question. He also not supported the case of prosecution and turned hostile. He in his evidence stated that, he do not know the deceased Nirmala and her husband Shankarappa and CW.1 to 3 & 5 to 13 and also accused persons. He do not know whom the accused No.1 married and relationship between the accused No.1 and deceased Nirmala and death of the deceased Nirmala and the reason for her death and he has not given any statement before the police.

22. The learned Public Prosecutor treated the PW.3, 5 and 8 as hostile witnesses and cross examined them in length by suggesting the entire case of the prosecution and statement given by them before the I.O., but PW.3, 5 and 8 have stoutly denied all the suggestions made to them as false, hence nothing has been elicited from PW.3, 5 and 8 to believe their evidence to connect the guilt of the accused to the alleged offences. PW.3, 5 and 8 have specifically denied that, in their presence the death note of the deceased was found and which was in the hand writing of the deceased and it was seized by the police and they had given statement before the police as per Ex.P-9, 11 and 13 respectively before the I.O. Hence on careful perusal of the evidence of PW.3, 5 and 8 is not helpful for the prosecution in any angle.

23. CW.8/ PW.2 - Sri.Chinnayappa who is the father of the deceased and pancha to the inquest panchanama deposed that, deceased Nirmala is his daughter and he knows CW.1 to CW.7, 11, 13 and CW.1 is his son, CW.9 is his wife, CW.10 is his brother and he knows the accused No.1 and 2. He further deposed that, initially his deceased daughter was married to a groom from Vanamalapalli village. After the marriage, he went away somewhere due to this his daughter was residing with them at their house. The accused No. 1 used to visit their house frequently and expressed his intention to marry his daughter Nirmala, at that time he told him that, he did not want perform her marriage with him, despite this, Accused No.1 took his daughter away and married her at the Lakshminarasimha Temple in Somaghatta village. After the marriage, his daughter Nirmala lived with Accused No. 1 in Ward No. 3 at Bagepalli.

24. He further deposed that, before marrying his daughter, accused No.2 was staying at the house of accused No.1 and both the accused used to pickup quarrel and assault his daughter constantly and there was an illicit relationship between accused No. 1 and 2 for the said reasons, both of them used to quarrel and assault his daughter. Subsequently he went and gave ₹20,000 to the accused persons and requested them to take care of his daughter, thereafter within 4 days the incident in question took place and both the accused threw his daughter's clothes out of the house, and his daughter died near the doorstep of the house. He further deposed that a person from Bagepalli informed him over the phone about his daughter's death and immediately he rushed to the spot

where he found his daughter was dead and he do not know how his daughter Nirmala died.

25. The learned Public Prosecutor treated PW.2 as hostile witness and in the cross-examination he admitted all the suggestions made to him, are all true and correct.

26. PW.2 in his cross-examination conducted by defence has categorically admitted that, after his daughter's marriage, he never visited the house of Accused No. 1 and he came to know about his daughter's death, later he has not filed any complaint with the police and has never visited the police station at any point. He further admitted that, he had not filed any complaint with the police alleging that Accused No. 1 and 2 used to quarrel continuously with his daughter and after his daughter's marriage, his wife and PW-1 never visited the house of the accused.

27. He further admitted that, he had no hindrance for filing a complaint against accused No.1 and 2 regarding their illicit connection and accused No.1 and his daughter never visited his house together at any time. He had no hurdle for filing a complaint against him for not taking care of his daughter and also admits that himself and his family members did not happy about the accused No. 1 marrying his daughter Nirmala.

28. On entire perusal of the evidence of PW-2 it appears that, during his chief-examination only has failed to support case of the prosecution and the learned Public Prosecutor declared him as hostile hence, his evidence is not helpful for the prosecution to prove the

allegations made against the accused persons and is wholly unreliable. PW-2 specifically admitted that, he do not know how Nirmala died, when the father of deceased cannot testify to any direct act or cause linking the accused to the death, the foundational link of homicidal/culpable death of deceased has not been proved by the prosecution through this witness.

29. PW-2 further admits that, after his daughter's marriage, he never visited the house of Accused No. 1 and his wife and son (PW-1) also never visited the house, such being the true facts then the allegations with regard to physical abuse, assaults are entirely based on hearsay and are inadmissible to prove cruelty as alleged against the accused persons.

30. The alleged motive for suicidal death of the deceased was an illicit relationship between Accused No. 1 and 2. However, in the cross-examination, PW-2 completely demolishes by admitting that, he never lodged any complaint with the police regarding the alleged continuous quarrel, assaults, or the illicit relationship during his daughter's lifetime, hence, his normal human conduct should have been to report domestic abuse, but his inaction indicates these allegations were an afterthought.

31. PW-2 further admits that himself and his family members did not happy about Accused No. 1 marrying his daughter Nirmala and he also denied the defense suggestions that, the complaint is entirely false, is his clear admission of absolute hostility towards the marriage provides a strong, proven motive for the family to falsely

implicate the accused persons out of anger and grief following sudden death of deceased Nirmala.

32. Hence the testimony of PW-2 is wholly unreliable as he has no personal or direct knowledge of the alleged harassment or the motive i.e. the illicit relationship and his statements are based on assumptions and he has been declared hostile and he carries an admitted bias or grudge against the Accused No. 1 due to the unapproved marriage, therefore, his evidence is not reliable to prove the allegations made against the accused persons.

33. CW.11/ PW.4- Sri. Eerappa S/o. Late Gurmurthy who is pancha to the inquest panchanama i.e. Ex.P-7 who has not supported the case of prosecution and turned hostile. PW.4 has stated that, he has not know the deceased Nirmala, CW.2, 3, 12 and 13 and other witnesses and accused persons. He had not seen the dead body of the deceased and do not know the relationship of the accused persons with the deceased Nirmala and he do not know the cause of death and manner of death and who are responsible for death of deceased Nirmala and he has not given any statement before the police.

34. The learned Public Prosecutor has treated PW.4 as hostile witness and cross examined in length, nothing has been elicited from him to believe the case of the prosecution. PW.4 was specifically denied all the suggestions made to him and also denied that in his presence the police have conducted the inquest panchanama on the dead body of the deceased Nirmala and he had given the statement before the police as per

Ex.P-10. Therefore, his evidence is not helpful for the prosecution in any manner.

35. The prosecution has examined the I.O. i.e. CW.11 as PW. 09 who in his evidence deposed that, on 07.09.2021 at around 1:00 PM, while he was in charge of the station, CW.1 approached and submitted a written complaint and same is received by him and registered a case in their P.S. Cr.No. 270/2021 for offenses under Sections 498(A), 306 R/w. Section 34 of IPC and submitted First Information Report to the court along with complaint and identified the complaint is at Ex.P-1 and FIR is at Ex.P-14. Thereafter on the same day at 1.30 p.m. he visited the spot of the incident, i.e. house of Accused No. 1 situated in Ward No.3 of Bagepalli Town, where the deceased had committed suicide by hanging herself, and secured the panchas i.e. CW/12 and 13 to the spot and in the presence of CW-1 and the panchas, he inspected the body of the deceased and the spot and also examined the veil (dupatta) used by the deceased to hang herself i.e. 3 feet long and blue in color and same was seized on the spot by drawing the panchanama as per Ex.P-2 and identified the said veil is at MO.1. He also instructed CW-18 to take photographs of the deceased's body, accordingly, they took the photographs and identified the said photographs are at Ex.P-3 to Ex.P-6.

36. He further deposed that, he handed over the dead body to Women Police Constable CW-17 to handover it to the Government Hospital, Bagepalli, for an inquest and post-mortem examination and also made an oral request to the Taluk Magistrate to conduct the inquest,

later, the Taluk Magistrate arrived at the government hospital and conducted the inquest from 3.00 p.m. to 5.00 p.m. and drawn the inquest panchanama as per Ex.P-10 and during inquest mahazar he had recorded the statements of CW-8 to CW-11. Thereafter the Taluk Magistrate handed over the body of the deceased to medical officers for a post-mortem examination after the doctors completed the post-mortem, they handed over the body to CW-8, who is the father of the deceased and he had obtained an acknowledgment receipt from the father of the deceased regarding the handover of the body.

37. He further deposed that, after returning to the police station, he entered the seized veil into the PF and forwarded it to the court and thereafter CW-17 brought a Death Note found near the deceased's body and handed over to him and thereafter he examined the death note it consists of 3 pages, and identified it as per Ex.P-15 and thereafter he collected the certificate under Section 65(B) of the Indian Evidence Act as per Ex.P-16.

38. He further deposed that, he had deputed Head Constable HC-164 and Police Constable PC-134 to search and arrest the accused, subsequently in the evening, at around 4:30 PM, he has produced Accused No. 2 before him and he took her into custody, interrogated and arrested her and informed to the younger uncle of the accused no.2 and thereafter the accused no.2 was produced before the court along with remand application. Thereafter he has recorded the statements of eyewitnesses CW-2, CW-3, and CW-4. CW-2 gave a statement before him as per Ex./P-13, CW-3 gave a

statement before him as per Ex.P-11. CW-4 gave a statement before him as per Ex.P-9 and on 27.10.2021, the Accused No. 1 obtained anticipatory bail from the court and appeared before him and thereafter he released him on bail as per the order of the court by taking bail bonds and thereafter he handed over the further investigation to the CW.2 and also identified the accused No.1 and 2 before the court.

39. PW.9 in his cross examination has admitted that, prior to 7 years of death the deceased was married to the accused no.1 and within said 7 year period of marriage, the deceased had not filed any complaint against the accused at their station prior to the incident in question. He also admits that, he did not investigate whether Accused No. 2 was residing at the address mentioned in the remand application or not and he did not interrogate accused No.2's husband to investigate where accused No. 2 resides. He also admits that, when he visited the spot, the house was locked, and this fact has not been mentioned in Ex.P-2 and at the time of his investigation, he did not find any clothes belonging to the deceased in front of the house. He also admitted that, he did not investigate when, where, or who have conducted the panchayath in respect of the marital disputes between the deceased and the accused No.1.

40. He further admitted that, he had conducted the investigation in respect of death note i.e. Ex.P-15 and during his investigation he informed the father of the deceased that documents containing the handwriting of the deceased needed to be produced to send them to the

FSL, but during his period of investigation, the father of the deceased did not produce any such handwriting documents.

41. He further admitted that, during his investigation he came to know that the deceased, her husband, their son, and Accused No. 2 used to frequently visit the house where the deceased resided, and accused No. 1 used to bring them there and in Ex.P-15 it is written about her husband and children do not listen to her words, but he did not investigate who those children and he do not know when Ex.P-15 was written.

42. On careful reading of the entire evidence of PW.9 makes it clear that, in order to ascertain the authenticity of death note i.e. Ex.P-15 though the PW.9 I.O. specifically stated that, he requested the deceased's father to provide handwriting samples of the deceased to send to the Forensic Science Laboratory (FSL) for verification, however, the father failed to produce any documents, and the handwriting was never forensically compared which creates serious doubt about the suicide note whose authorship is not proved by the prosecution, when the author of the Ex.P-15 death note is not proved, certainly Ex.P-15 alleged death note holds no evidentiary value. In cases involving Section 306 IPC, the failure of the police to secure an FSL handwriting expert report creates a serious doubt with regard to authenticity and author of the Ex.P-15 death note, therefore, the prosecution has fails to prove that the alleged death note i.e Ex.P-15 was written by the deceased Nirmala prior to her death and the allegations

made in the Ex.P-15 are made by the deceased against the accused persons.

43. So far as concern to the alleged harassment and cruelty given by the accused persons to the deceased prior to the incident in question, the evidence of PW.9 is not helpful to prove the said allegations since he has admitted during cross-examination that during the entire 7 years of marriage prior to the incident, the deceased had never filed a single complaint regarding domestic violence, harassment, or cruelty at the police station which suffice to say that, admittedly there are no complaints prior to the alleged death of the deceased with regard to cruelty rendering the allegations made against the accused persons remains uncorroborated. In addition to that, it is specifically alleged that, the matrimonial disputes between the deceased and the accused no.1 have been settled through the elders by conducting the panchayath, but the PW.9 admitted that he did not investigate when the panchayath was conducted and where it was conducted and who were participated in the said panchayath, hence failure to examine the independent members of the alleged panchayath, the prosecution failed to secure vital material witnesses regarding alleged cruelty made by the accused persons against the deceased appears to be not proved by the prosecution.

44. The prosecution has examined another I.O. i.e. CW.20 as PW.6 who deposed that, he had taken further investigation from CW.19 along with case files and on 25.07.2022, he received the electricity bill of the house where the deceased Nirmala resided from KEB, Bagepalli.

Which is at Ex.P-12 and thereafter on 9.9.2022 he received the post-mortem examination report from the doctor of Bagepalli Government Hospital produced by the CW.17 which is at ExP-8 and after completion of the investigation he has filed the charge sheet against the accused persons for the offences punishable U/S.498-A and 306 of IPC R/w. Sec. 34 of IPC,

45. PW.6 in his cross examination admitted that, he had not conducted investigation about one Lakshmidevi as mentioned in Ex,P-12 and also admitted that, regarding the death note of the deceased, an FSL (Forensics) report has been received stating that the handwriting and signatures in the death note belong to the deceased, but during the course of his investigation he has not obtained any other documents containing the handwriting of the deceased but the previous investigating officer obtained them and he has not produced other documents obtained by the previous I.O. along with the charge sheet and also admitted that, there was no impediment to producing the documents obtained by CW-19 before the court. He further admits that, he had not conducted investigation about one Shekar whose name is mentioned in death note and he also not conducted the investigation about the children and their details mentioned in the death note.

46. On careful perusal of the evidence of PW.6 makes it clear that, he did not personally collect and verify any alternative hand writing samples of the deceased and blindly relied on the documents collected by the previous I.O. that too the said documents have not been produced by him along with charge sheet and also admitted that,

there was no impediment from producing them hence, it clearly goes to show that, neither the PW.6 nor the previous I.O. have collected the documents for comparing the hand writings in the alleged death note and the said hand writings never verified or seized under the proper panchanama by the I.Os and there was no forensic Science Laboratory Report produced by the I.O. which also creates serious doubt regarding sending of the death note to the FSL for ascertaining the hand writings contained in the alleged death note. The conduct of the I.O. in non production of the alleged documents collected by them during the course of investigation may leads to draw an adverse inference that, the prosecution has withheld the material documents and deliberately suppressed the comparison of hand writing samples because, if the said documents produced they might have shown that, the hand writings contained in the death note written by the deceased, but the prosecution has fails to prove that, the hand writings found in the alleged death note i.e. Ex.P-15 are the hand writings of the deceased and prior to the death of the deceased, she had written the suicide note as alleged by the prosecution.

47. PW.6 also admits that, he has not conducted an investigation regarding the person named Shekar written in the death note, and also children mentioned in the death note, failing to investigate the said person and children create a serious doubt and fatal to the case of the prosecution i.e. the I.O. deliberately ignored to ascertain the persons who may have abated the deceased to commit suicide. PW.6 has also admitted that, a person named Lakshmidevi in Ex.P-12 i.e. electricity bill has not

been examined or summoned by him, failure to examine a material witness who allegedly residing in the said house creates a serious doubt to prove that the said Lakshmidevi also residing in the said house. Hence, on entire perusal of the evidence of PW.6, his evidence is not satisfactory to prove that, the alleged death note i.e. Ex.P-15 written by the deceased Nirmala prior to her death and the I.O. deliberately ignored to identify the persons who may have abated the deceased to commit suicide and have not examined the material persons named in the alleged death note.

48. Thus, on scrutinizing the oral and documentary evidence placed by the prosecution, the prosecution has failed to prove its case since the complainant/PW.1, witnesses who alleged to be seen the incident in question and lodged the complaint against the accused persons and the alleged eye witnesses i.e. PW.3, 5 and 8 and panchas to the inquest panchanama i.e. PW.4 examined by the prosecution, but all the said material witnesses have turned hostile to the prosecution case. It is also important here to mention that the learned Public Prosecutor has cross examined the Pws.3, 4, 5, 8 in length by making suggestions to them, but all the witnesses have denied the suggestions made on behalf of the prosecution.

49. PW.2 who is the father of the deceased Nirmala, but in his evidence he has admitted that he do not know how his deceased daughter died and also did not file any complaint against the accused persons during the life time of his daughter regarding alleged cruelty and harassment made by the accused and even during the life time of his

daughter neither himself nor his wife and son never visited the house of accused No.1 and he is an hearsay witness and he also not supported the case of prosecution, in such circumstances his evidence is not acceptable one to connect the guilt with the accused.

50. P.Ws.1, 3, 4, 5 and 8 have specifically denied the suggestions made to them in respect of incident in question and the accused No.1 and 2 who are cause for death of the deceased Nirmala. The P.W.1 who is complainant has denied the lodging of complaint as per Ex.P.1 against the accused persons and the eye witnesses P.Ws. 3, 5 and 8 also denied the suggestion that they have given statements before the police. The P.W.4 is the panchas to the inquest, but he has also turned hostile and has not supported the case of prosecution and also denied the suggestions made to him. The alleged eye witnesses of the prosecution case i.e. P.Ws.1, 3, 5 and 8 have also turned hostile and did not supported the case of the prosecution and have denied each and every suggestion made by the learned Public Prosecutor and have also denied that they have given statements before the Police. The evidence of PW. 6 and 9 who are the I.Os, deposed about conducting of investigation, but their evidence is not corroborated with the rest of the witnesses of the prosecution and their evidence is also not satisfactory to prove the alleged death note/ suicide note written by the deceased and they have not examined the material persons named in the Ex.P-15 death note, who might have abated the deceased to commit suicide and have also fails to secure the documents containing the hand writings of the deceased for comparison of the writings found in Ex.P-

15 death note, and have also fails to secure the report from the FSL by sending the hand writings found in Ex.P15 to the FSL, therefore, their evidence is also not satisfactory to prove the allegations, in such circumstances it cannot be held that the accused No.1 and 2 have committed the alleged offences in question. Therefore, on perusal of entire evidence of prosecution witnesses i.e. P.Ws. 1 to 9, the prosecution has utterly failed to prove that the accused No.1 and 2 have committed the offences alleged by the prosecution against them.

51. It is significant to note that the abetment to commit suicide as required u/Sec.306 of I.P.C involved the intention of the accused. When it is stated that an abetment has been committed, it invariably involved the intention to drive a person to commit suicide. Therefore, for the abetment as defined u/Sec.306 of IPC essential requirement is that it is a proximate to the suicide and as direct consequences of the instigation. There is no evidence on record which shows that accused No.1 and 2 have instigated or aided the deceased to commit suicide. They had no intention of driving the deceased to commit suicide and there is absolutely no evidence from Pws. 1, 3, 4, 5 and 8 that at any time the accused have instigated the deceased to commit suicide and all along it is the evidence of prosecution that the accused were giving physical and mental torture to the deceased and due to their harassment, the deceased being not tolerated and committed the suicide.

52. In this regard it is relevant here to refer the decision of Hon'ble Apex Court of India reported in **(2002)**

5 SCC 371 in the case of Sanju @ Sanjay Singh Sengar Vs. State of M.P wherein the Hon'ble Apex Court held as under:

A. Penal Code 1860-S.107 Firstly-Ingredients-instigating a person to do a thing-held -"Instigate" -denotes incitement or urging to do some drastic or inadvisable action or to stimulate or incite-presence of mensrea is the necessary concomitant for instigation - words uttered in a quarrel or on the spur of moment, such as "to go and die" cannot be taken to the uttered with mensrea.

B. Penal Code 1860-S.306 r/wS.107-abetment of suicide-quarrel taking place appellant and deceased in which appellant was said to have told to the deceased "to go and die" - deceased found dead two days later - held suicide was not proximate to the quarrel though the deceased was named in the suicide note - hence suicide was not the direct result of the quarrel when the appellant used abusive language and told the deceased to go and die.

C. Penal Code 1860- Sec.306 - Suicide note- Appellant specifically named in suicide note which was otherwise not coherent and reflected disturbed state of mind - there was also evidence on record that deceased always indulged in drinking

and was not doing any work- suicide note, taken with other circumstances held deserved no credence.

53. Hence, on careful reading of the above principles of law laid down by Hon'ble Apex Court it is held that quarrel taking place between the appellant and deceased in which the appellant was said to have been used abusive language and told the deceased to go and die cannot be construed as the words uttered in the quarrel taken to be uttered with mensrea and suicide was not the direct result of quarrel. In the present case though it is alleged that due to the physical and mental torture given by the accused persons the deceased being not tolerated by their torture and committed the suicide, but none of the witnesses have supported the case of the prosecution, therefore in view of the principles of law laid down by the Hon'ble Apex Court it cannot be held that there is presence of mensrea which instigates the deceased Nirmala to commit suicide. Therefore, the above principles of law laid down by the Hon'ble Apex Court are aptly applicable to the case on hand.

54. In another decision of ***Hon'ble High Court of Karnataka reported in 2010 LawSuit (Kar.) 1140 in the case of State by Sub Inspector of Police, Sullya Police Vs. C.V. Vyas Sharma wherein it is held that "Sec.306 of IPC, requires abetment for commission of suicide. Merely because there used to be quarrel frequently earlier to the incident, that does not by itself could become an abetment . Assuming that the accused used to frequently quarrel for several***

years and the deceased was used it such quarrel and petty disputes, cannot be become reason for suicide.” Hence, the above principles of law laid down by the Hon'ble High Court are aptly applicable to the case on hand since in this case also it is alleged against the accused persons that they were harassing the deceased by giving mental and physical torture. No doubt the prosecution has failed to establish the alleged incident even otherwise in view of the principles of law laid down by the Hon'ble Apex Court and High Court of Karnataka merely because they used to insist the deceased Nirmala by picking up quarrel and accused No.1 having illicit connection with the accused No.2, that does not by itself could become an abetment or reason for suicide.

55. In another decision of ***Hon'ble High Court of Karnataka at Dharwad Bench reported in 2021 (3) KCCR 2620 in the case of Mallavva and others Vs. The State of Karnataka wherein it is held that “trial court proceeded to convict the accused holding that the burden was on accused to explain circumstances which led deceased to commit suicide - Erroneous”***. Hence, the principles of law laid down by the Hon'ble High Court it is not for the accused to explain the circumstances which led deceased to commit suicide, however in the present case all the witnesses examined by the prosecution did not supported the case of the prosecution. In such circumstances, in the light of principles of law laid down in the above decision the court cannot proceed to convict the accused holding that burden of proof is on the accused to explain the circumstances which led deceased to commit suicide.

56. In another decision of Hon'ble High Court of Karnataka decided in **Criminal Appeal No.100163/2014 decided on 31.03.2023** in the case of **Santosh Vs. State of Karnataka**, wherein the Hon'ble High Court held that “ **In order to convict the accused for the offence punishable under Section 306 of IPC accused must have committed the harassment or abetment to commit the suicide soon before her death. The Hon'ble Apex Court once again reiterated the above position of law in respect of section 306 of IPC in the recent judgment reported in the case of Mariano Anto Bruno and another Vs. The Inspector of Police reported in 2022 Live Law (SC) 834 relevant paragraph Nos.36 & 38 are extracted below;**

“36. To convict a person under Section 306 IPC, there has to be mens rea to commit offence. It also required an active act or direct act which leads to deceased to commit suicide finding no other option and the act must be such reflecting intention of the accused to push deceased into such a position that he commits suicide.

38. This Court has time and again reiterated that before convicting an accused under Section 306 IPC, the Court must scrupulously examine the facts and circumstances of the case and also assess the evidence adduced before it in order to find out whether cruelty and harassment meted out to the victim had left the victim with no other alternative, but to an end to her life. It is also to be borne in

mind that in such cases of alleged abetment of suicide, there must be proof of direct or indirect acts of incitement to the commission of suicide. Merely on the allegation of harassment without being any positive action proximate to the time of occurrence on the part of the accused which lead or compelled the person to commit suicide, conviction in terms of 306 IPC is not sustainable". Hence, in the light of principles of law laid down by the High Court in the above referred decision the present facts are examined, in the case on hand there is no such evidence is forthcoming that the accused persons played an active role by their acts instigated or provoked the deceased to commit suicide and have done any act which could be said to have facilitated the commission of suicide by the deceased. Thus, by perusal of the dictum laid down by the Hon'ble High Court it is clear that in order to convict an accused under Section 306 of IPC, the state of mind to commit the crime must be visible with regard to determining the culpability. It also requires an active act or direct act which lead the deceased to commit suicide, seeing no option and that act must have been intending to push the deceased in to such a position that he committed suicide".

57. Therefore, on careful perusal of the oral and documentary evidence produced by the prosecution and in view of the discussions made by the court while considering the oral and documentary evidence of the prosecution, it cannot be said that the alleged acts of the accused persons made the deceased Nirmala to took extreme step of committing suicide by hanging herself to the window by tying a veil as alleged by the prosecution

and in the absence of any evidence to show that the depression and frustration of the deceased was known to the accused prior to commission of suicide, it is not possible to hold that the conduct of the accused amounted to abetment of suicide. Therefore, there is paucity of evidence to show that the accused have harassed and instigated the deceased Nimralla which made her to go for depression and frustration and as such no intention of abetment for suicide can be attributed to them.

58. Therefore, for the above said reasons this court is of the considered opinion that, the prosecution is not able to establish its case that the accused had abetted the commission of suicide and there was no instigation or aiding the suicide of the deceased and the deceased was under no obligations to the accused to succumb their pressurizing tactics, therefore, this court cannot accept the evidence of prosecution witnesses that the accused had committed the offence of abetment of suicide of deceased Nirmala, consequently, these points raised are answered in the **NEGATIVE**.

59. **Point No.3:** In the light of discussions made above and answer to the above Point, the accused No.1 and 2 are liable to be acquitted, hence, it is just and necessary to proceed to pass the following:

:: ORDER ::

By acting under Section 235(1) of Cr.P.C, the accused No.1 & 2 are acquitted for the offence punishable under Section 498(A) and 306 R/w section 34 of IPC.

Bail bonds and surety bonds executed by the accused No.1 & 2 and surety are stands canceled after expiry of the appeal period.

The MO.1 & 2 parts of the veil is ordered to be destroyed after expiry of appeal period since it is shown as worthless.

(Dictated to Stenographer Grade-III directly on the computer, printout corrected, signed and then pronounced by me on this 7th day of August, 2026)

(Siddanna B. Handral)
III-Addl. District & Sessions Judge,
Chikkaballapur.

ANNEXURES

LIST OF WITNESSES EXAMINED ON BEHALF OF THE PROSECUTION:

P.W-1 : Eshwarappa
P.W-2 : Chinnayappa
P.W-3 : Subhan Sab
P.W-4 : Eerappa
P.W-5 : Chandrappa
P.W-6 : Narayanaswamy
P.W-7 : Suresh
P.W-8 : Hyderwali
P.W-9 : Gopala Reddy.

LIST OF WITNESSES EXAMINED ON BEHALF OF THE ACCUSED:

: NIL

LIST OF DOCUMENTS MARKED ON BEHALF OF THE PROSECUTION:

Ex.P.1 : Complaint
Ex.P.1(a) : Signature of P.W.1

Ex.P.2	:	Spot mahazar
Ex.P.2(a)	:	Signature of P.W.1
Ex.P.2(a)	:	Signature of C.W.1
Ex.P.3 to 6	:	Photographs
Ex.P.7	:	Inquest marked with consent
Ex.P.8	:	PM report marked with consent
Ex.P.9 to 11	:	Statements of PW.3, 4 and 5
Ex.P.12	:	Electricity bill
Ex.P.12(a)	:	Signature of P.W.6
Ex.P.8(a)	:	Signature of P.W.6
Ex.P.2(b)	:	Signature of P.W.7
Ex.P.13	:	Statement of PW.8
Ex.P.1(b)	:	Signature of P.W.9
Ex.P.14	:	FIR
Ex.P.14(a)	:	Signature of P.W.9
Ex.P.15	:	Death note
Ex.P.15(a)	:	Signature of P.W.9
Ex.P.16	:	65-b certificate
Ex.P.16(a),2(c)	:	Signatures of P.W.9.

LIST OF DOCUMENTS MARKED ON BEHALF OF THE ACCUSED:

: N I L.

LIST OF MATERIAL OBJECTS MARKED ON BEHALF OF PROSECUTION:

M.O.1 & 2 : Parts of the veil.

(Siddanna B. Handral)
III-Addl. District & Sessions Judge,
Chikkaballapur.