

KACD020003262026



**IN THE COURT OF THE I ADDL. SENIOR CIVIL JUDGE
AND J.M.F.C., CHITRADURGA**

**Presided Over by Smt. Shakunthala S,
B.A. LL.B.**

I Addl. Senior Civil Judge and JMFC.,
Chitradurga.

C.C.No.62/2026

Dated: 3rd Day of June, 2026

Complainant: State by Women's Police Station,
Chitradurga.

(By Asst. Public Prosecutor)

V/s

Accused: Sri Rajappa S/o Late Jayappa,
Aged about 52 years,
Agriculturist,
R/o Sollapura Village,
Chitradurga Tq. & Dist.

(Accused - By Sri. C.M.S, Adv.)

Date of report of offence 18..11.2025

Accused person is On bail

Date of commencement of
recording of evidence 24.04.2026

Date of closing of evidence	24.04.2026
Offence complained of	Under Section 85, 352, 115(2) and 351(2) of BNS.
Opinion of judge	Acquittal
Date of judgment	03.06.2026

I Addl. Senior Civil Judge and JMFC.,
Chitradurga.

JUDGMENT

The Police Inspector of Women Police Station, Chitradurga has filed a charge sheet against the accused for the offenses punishable under Section 85, 352, 115(2) and 351(2) of BNS.

2. **Brief facts of the prosecution case is as under:**

The complainant has stated that her marriage with the accused was solemnized about 26 years ago, out of their wedlock, they begotten two children. The accused addicted to bad habits like consuming alcohol and used to abuse in a filthy language and assaulted her. Accordingly on 17.11.2025 at 8.30 p.m, her husband under the influence of alcohol, assaulted with a club and thrown out from the house by causing physical and mental harassment when her mother intervened to pacify the galata, but the accused threatened her life and thereby committed the offences. Thereafter, she lodged a complaint against the accused. Basing on the same,

the complainant police have registered a case in Crime No. 138/2025. The Investigation Officer took up investigation and after completion of investigation filed final report against the accused for the aforesaid offences.

3. Accused appeared before the court through his counsel and enlarged on bail. Prosecution papers supplied to the accused as contemplated under section 230 of B.N.S.S.

4. Charges have been framed and read over to the accused, which he pleaded not guilty and claimed to be tried.

5. The points that arose for my consideration are:-

Point No.1: Whether the prosecution proves beyond all reasonable doubt that the complainant married accused and accused used to assault and abusing in a filthy language under the influence of alcohol wherein he addicted and used to pick up quarrel and assaulted her with club and thrown out her from the house by causing physical and mental cruelty and thereby committed an offence punishable under section 85 of BNS?

Point No.2: Whether the prosecution proves beyond all reasonable doubt that on 17.11.2025 at about 8.30 p.m, the accused by consuming alcohol came to his house, abused the CW-1 in filthy language and thereby committed an offence punishable under section 352 of BNS?

Point No.3: Whether the prosecution proves beyond all reasonable doubt that on

the above said date, time and place the accused assaulted the CW-1 with his hands and leg and caused simple hurt to her thereby committed an offence punishable under section 115(2) of BNS?

Point No.4 Whether the prosecution further proves beyond all reasonable doubt that on the above said date, time and place the accused gave life threat to CW-1, thereby the accused has committed the offence punishable under section 351(2) of BNS ?

Point No.5 What order?

6. To substantiate the case of prosecution, CW-1 being the complainant got examined as PW-1 and through PW-1 got marked two documents at Ex.P-1 and 2 and closed the side of prosecution. Statement of accused under section 351 of B.N.S.S Act was dispensed as there was no incriminating evidence lead against the accused.

7. Heard arguments.

8. My answer to the above 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 interlinked, they are taken together for common discussion, in order to avoid repetition of facts. Prosecution in order to prove its burden got examined the complainant as PW-1 who stated

with respect to mental and physical harassment given by the accused as well as lodged the complaint against the accused and the accused according to PW-1 caused physical and mental cruelty as contended in Ex.P-1 complaint. But, in the examination in chief she denied the entire contents of Ex.P-1 complaint except identifying her signature found on complaint at Ex.P-1 as Ex.P-1(a), but according to PW-1 the accused being her husband and CW-2 her mother, CW-3 her daughter and CW-4 son in law. Accused being her husband not given nay mental and physical cruelty. Based on the complaint the police not at all visited the spot nor seized any property in pursuance to the complaint and identified her signature found on Ex.P-2 panchanama at Ex.P-2(a), but she specifically admitted in further in respect of relationship with accused as well as solemnization of marriage and out of their wedlock, they begotten two children and the children got married, but denied the contents of Ex.P-1 and 2 for the reasons that the matter settled between them but denied the suggestion that since the mater settled, accordingly deposing contrary to the contents of Ex.P-1.

10. Burden is heavily on the prosecution to prove the guilt of the accused beyond all reasonable doubt since the offences alleged against the accused for the offences punishable under section 85, 352, 115(2) and 351(2) of BNS. Therefore, prosecution shall have to prove with respect to physical and mental cruelty as well as assaulting as well as abusing in filthy language and giving life threat to PW-1. PW-1 being the complainant completely

turned hostile to the case of prosecution and except PW-1 admitted her signature found on Ex.P-1 complaint as well as Ex.P-2 panchanama nothing has been stated inspite of subjecting the PW-1 by treating as a hostile witness and though suggestions made with respect to contents of Ex.P-1, but PW-1 specifically denied the suggestions accordingly the evidence of PW-1 not in any way prove neither Ex.P-1 complaint nor the case of prosecution. Accordingly prosecution utterly failed to prove the ingredients of the provision alleged against accused and failed to prove with all reasonable doubt that the accused committed the aforesaid offences. By virtue of the same, I answer point No.1 to 4 in the **Negative**.

11. **Point No.5:-** In view of above discussion, I proceed to pass the following:-

ORDER

Acting under Section 271(1) of B.N.S.S. accused is acquitted of the offences punishable under Section 85, 352, 115(2) and 351(2) of BNS.

The accused is set at liberty.

His bail bond stands canceled.

(Dictated to the Stenographer directly on computer, corrected, revised by me and then pronounced in the open court today on **3rd day of June, 2026**)

(Shakunthala S.)
I Addl. Senior Civil Judge & JMFC,
Chitradurga.

ANNEXURE**List witnesses examined for the prosecution:**

PW-1 : Smt. Paramma,

List of documents marked for the prosecution:

Ex.P-1 : Complaint,

Ex.P-2 : Spot Panchanama,

List of witnesses examined for the accused.

NIL

List of documents marked for the accused:

NIL

I Addl. Senior Civil Judge & JMFC,
Chitradurga.