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**IN THE COURT OF THE PRL. DISTRICT AND SESSIONS
JUDGE AT CHIKKAMAGALURU**

Dated this the 5th day of August, 2026

PRESENT

Sri. RAVINDRA HEGDE, M.A., LL.M.,
Prl. District & Sessions Judge,
Chikkamagaluru

SESSIONS CASE No.2/2021

Complainant

State by Jayapura Police Station,
Chikkamagaluru District
(Represented by Public Prosecutor,
Chikkamagaluru.)

-Vs-

Accused

Sreeraja @ Annaiah
S/o. Dharmaiah
Aged about 26 years, Coolie
R/o. Matadagadde, Hedse Village
Koppa Taluk
(Represented by Sri. IST,
Advocate)

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| 1) Date of commence of offence | 18.02.2019 |
| 2) Date of report of offence | 18.02.2019 |
| 3) Date of arrest of accused | 20.02.2019 |
| 4) Date of release of accused | 22.03.2019 |
| 5) Name of the complainant | Suresha |
| 6) Date of commencement of the evidence | 05.09.2022 |

- 7) Date of closing of evidence 08.12.2025
8) Offences complained of: Section 314 of IPC
9) Opinion of the judge **Charge not proved
against the accused**

JUDGMENT

The Sub-Inspector of Police, Jayapura Police Station, Chikkamagaluru District has submitted the charge sheet against the accused for the offence punishable under Section 314 of IPC.

2. The case of the prosecution, as revealed in the charge sheet, is that accused and deceased, Kum. Nagarathna, who was the niece of CW-1 were in a love and intended to marry. It is alleged that they had established physical intimacy, as a result of which the deceased became pregnant. On coming to know of the pregnancy, accused allegedly intended to ensure that the matter did not become known to others in the village and with that intention, he allegedly decided to terminate the pregnancy and on 12.02.2019, despite knowing that abortion pills could endanger the life of the deceased and without taking any precautions, accused procured certain tablets from an

unknown place and gave them to deceased at her house, representing that consumption of the tablets would terminate the pregnancy. Believing the accused, the deceased consumed said tablets, following which she allegedly suffered a miscarriage, excessive bleeding and septic infection of the uterus. It is alleged that though deceased was provided medical treatment, she succumbed to the complications and died on 18.02.2019 at about 5.35 a.m. at Mc.Gann Hospital, Shivamogga and thereby accused has committed the aforesaid offence.

3. During the course of investigation, the I.O conducted spot mahazar, seizure mahazar, inquest mahazar, got conducted P.M examination of the dead body, recorded the statements of witnesses, secured the relevant documents, arrested the accused and on completion of investigation, filed charge sheet before the learned Civil Judge and JMFC, Koppa, against the accused for the offence punishable under Section 314 of IPC.

4. The learned Magistrate took cognizance of the aforesaid offence. The presence of the accused was secured and he was released on bail. All the prosecution papers were furnished to the accused as contemplated under Section 207 of Cr.P.C. As the offence under Section 314 of IPC is exclusively triable by the court of Sessions, learned Magistrate has committed the case to this Court for trial.

5. After committal of the case, presence of accused was secured and he was released on bail. After hearing both the sides, charge against accused for the offence punishable under section 314 of IPC was framed, read over and explained to the accused by my predecessor-in office. He pleaded not guilty and claimed to be tried.

6. In order to establish the guilt of the accused, prosecution examined in all 14 witnesses as P.Ws.1 to 14, got marked 30 documents as Exs.P.1 to P.30 and closed its side.

7. After completion of the evidence of prosecution witnesses, accused was examined under

section 313 Cr.P.C.. He denied all the incriminating circumstances against him which were found in the evidence of prosecution witnesses and his case is one of total denial. He has not let in any defence nor got marked any documents.

8. Heard arguments of learned P.P and learned counsel for accused. Perused the record.

9. Now, the points that arise for my consideration are:

(1) Whether the prosecution proves beyond all reasonable doubt that the accused was in love with Kum. Nagarathna and had physical intimacy with her, as a result of which she became pregnant, and that, with an intention to cause miscarriage and to prevent the pregnancy from becoming known to others in the village, on 12.02.2019 at Mathada Gadde, Hedde Village, he provided abortion tablets to her and convinced her to consume it, which caused miscarriage, excessive bleeding and septic infection of the uterus which resulted in her death on 18.02.2019 at about 5.35 a.m. at Mc.Gann Hospital, Shivamogga, and thereby accused has committed an offence punishable under Section 314 of IPC?

(2) What order ?

10. My findings on the above points are:

Point No.1 : In the negative

Point No.2:As per final order for following:

R E A S O N S

11. **Point No.1:** In the backdrop of the facts narrated supra, in order to prove the charge, prosecution is required to prove that accused was in love with Kum. Nagarathna and had physical intimacy with her, as a result of which she became pregnant, and that, with an intention to cause miscarriage and to prevent the pregnancy from becoming known to others in the village, he provided abortion tablets to her and convinced her to consume it, which caused miscarriage, excessive bleeding and septic infection of the uterus which resulted in her death at Mc.Gann Hospital, Shivamogga.

12. The prosecution, in support of its case, got examined PWs.1 to 14, got marked the documents at Exs.P1 to P30. I have carefully perused the oral and documentary evidence adduced by the

prosecution. For the sake of better appreciation of the case, the particulars of the prosecution witnesses and the gist of their evidence are set out as under.

13. PW.1-Suresh is the complainant and deceased Nagarathna is his sister's daughter. He has stated that his sister Shanta along with her two daughters is also residing in his village. He has stated that on 12.02.2019, Nagarathna had stomach pain and was taken to the hospital and after subsiding of the pain they came back and on 13.02.2019 they had gone to the temple and after pooja, while they were coming back she again had stomach pain and she was taken to Kappa Hospital wherein medicine was given and the pain subsided. He has stated that on 14.02.2019, as she was having bleeding and stomach pain, she was taken to Jayapura Hospital, from there they went to Koppa Govt. Hospital and on advise, scanning was done at Prashamani Hospital where they came to know that Nayarathna is pregnant by three months and abortion has taken place. He has stated that they were in Koppa Hospital for one day and

then, Doctor asked them to take her to higher hospital and accordingly she was shifted to Mc.Gann Hospital, Shivamogga on 16.02.2019. He has stated that in the said hospital she died on 18.02.2019 morning. The witness has stated that they were informed that Nagarathna was pregnant and some tablet was given for abortion due to which, abortion took place. The witness has stated that he came to know that from 3 to 4 years Nagarathna and accused were loving each other and had physical contacts by which she became pregnant and he had given tablet for abortion, by which she had stomach pain and bleeding and died in the hospital. He has stated that the accused is responsible for this miscarriage and also death of Nagarathna. He has stated that regarding this, he has given complaint as per Ex.P1. He has identified the photographs of dead body of Nagarathna as Ex.P2.

14. In the cross-examination, he has stated that the house of accused is at a little distance from his house. He has stated that Nagarathna was working

in a factory Mangaluru Port. He has stated that she was having mobile phone and during holiday she used to come to Jayapura and she used to talk to them regularly over phone. He has stated that at the time of the incident, she had come to the village by taking leave. He has stated that she was residing in a room in Mangaluru and he do not know who were her friends. He has stated that only after her death, he was informed by his sister about her relationship with the accused. He has stated that he came to know that she was pregnant only when doctor told. He has stated that doctor has told that some tablet was given 4 hours back on 14.02.2019. He has stated that as Nagarathna was not in a talking condition, her statement was not recorded by anyone and even they could not get any information from her. Witness denied the suggestion that, their family is not in talking terms with family of accused. The witness has stated that he has not checked the mobile of the deceased and stated that messages between accused and the deceased were in the mobile and they have given the mobile to the police. He has stated that he

has not seen such messages in the mobile as he has not opened it.

15. PW.13-Shantha is the mother of the deceased and is the main witness for the prosecution. She has stated that from 5 to 6 years her daughter Nagarathna and accused were loving each other and were moving here and there. She has stated that once she told that she is having a stomach pain and thereafter they went to a temple and after puja, while they were coming back she was still having stomach pain and then she was taken to Jayapura Hospital and thereafter she was taken to Koppa Hospital and in Koppa Hospital after scanning it was informed that Nagarathna is 3 months pregnant and doctor asked them to conduct abortion. She has stated that when she asked her daughter as to why she has done like this, she has informed that the accused stating that his reputation will be lost if villagers come to know that she has become pregnant, he brought some tablets for abortion and she has consumed the same. Witness has stated that Dr. Balakrishna of Koppa

Hospital asked them to go to Shivamogga Hospital. She has stated that because of consuming abortion tablets given by the accused, her daughter has died. She has stated about the mahazar drawn by the police and also identified her daughter in the photograph Ex.P2. In the cross-examination, she has stated that from 2 to 3 years her daughter was going to a company in Mangaluru for work and she do not know the name of the company. She has stated that the company has given her quarters and she was residing in the quarters with her friends and she do not know, who are her friends. She has stated that her daughter used to come 2-3 times in a year and used to stay there for 15 days. She has stated that when she is having leave, her daughter used to visit relatives hosue in Mangaluru. The witness has stated that her daughter has not told the cause for the stomach pain. She has stated that in Jayapura Hospital there was little bleeding and they asked them to take her to Koppa Hospital. She has stated in Koppa Hospital after scanning, it was told that she is pregnant and Dr. Balakrishna has told that abortion is to be done

and has taken the signature of herself and her daughter for the abortion and thereafter she was taken to delivery ward wherein by giving drip, injection was given. She has stated that her daughter was having heavy bleeding but the doctor or nurse have not told that blood is to be given. She has stated that on the next day, she was taken from Koppa Hospital to Shivamogga Hospital and while going to said hospital, her daughter was in good condition. She has stated that she does not know when the health of her daughter became serious. She has stated that when she went to Koppa Hospital she came to know that her daughter became pregnant from accused. She has stated that Dr. Balakrishna has told that her daughter has consumed abortion tablet and even her daughter has told the same. She has stated that the talks between accused and her daughter were there in her mobile and the mobile is taken by the police.

16. PW.2-Nagaraj, is the husband of sister of PW.13. He has stated that he was present at the

time of Inquest and has signed the inquest. He has stated that he came to know that accused had given tablets to Nagarathna for abortion due to which she had bleeding and died while taking treatment. The witness has stated in the cross-examination that even prior to he visiting the hospital in Shivamogga, he has heard from the people that deceased and accused were loving each other. He has stated that before he going to the hospital she had died. The witness has stated that he was knowing that deceased and accused were loving each other.

17. PW.3 Annapurna and PW.4 Sunil are witnesses to inquest mahazar have turned hostile and stated that they do not know about any relationship between the accused and the deceased and they do not know why Nagarathna died. Both these witnesses have stated that they have not given any statement before the police at the time of inquest.

18. PW.5-Srinivas and PW.6-Shivamurthy are the witnesses to the spot mahazar Ex.P8 and both these witnesses have only admitted their signatures

in the mahazar but denied drawing of mahazar in their presence and have stated that in the house of Shantha her signature was taken and they do not know the contents of the same. They have denied drawing of mahazar and explaining the contents of mahazar and drawing mahazar in their presence and have also denied their knowledge about the physical contact between the deceased and the accused, which led to deceased becoming pregnant and then accused giving abortion tablet due to which the deceased suffered health complications and has died.

19. PW.11-Dharmaraj is the constable who has taken the photographs at the time of mahazar as per the instructions of the I.O and has stated about the same in his evidence and also stated about giving 65-B certificate in respect of the photos taken by him.

20. PW.8- Dr. Shivkumar of Koppa Government Hospital has stated that on 14.02.2019 at about 11.30 p.m. when he was on duty, Nagarathna, with a history of stomach pain and vomiting, was brought to the hospital and it was informed that on the same day, in

the morning she had come to their hospital and drip was put and as the pain has not subsided she again come to the hospital. He has stated that the girl was under shock and after examining her, he suspected that she is pregnant and to confirm that she is pregnant he called Dr. Udayashankar (PW7) over phone and requested him for scanning and gave a reference letter as per Ex.P10. He has stated that on the same day night at 12.30 am, scanning report was produced before him and it was confirmed that she was pregnant of 15 weeks and then he has referred the patient to Gynaecologist. In the cross-examination, witnesses has stated that generally in the early pregnancy there will be vomiting, but there will not be stomach pain in all the cases. He has stated that except that her BP was low and she was in the shock, there was no abnormalities in the patient.

21. PW.7-Dr. Udayashankar H.G, is the doctor who has done scanning and he has stated about the scanning done by him and further stated that as per scanning report, Nagarathna was pregnant of 15

weeks and 2 days and accordingly he has given the scanning report as per Ex.P12.

22. PW.9-Dr.Balakrishna, Gynaecologist in Koppa Hospital has stated that on 16.02.2019 at 09.00 a.m. when he was on duty in the hospital, along with scanning report Nagarathna was brought to the hospital with history of stomach pain and bleeding. He has stated that as per scanning report she was 3 months pregnant and when asked about the history, it was told that she was loving a person and was having physical contact with him by which she became pregnant and about 3 days back that boy had given some tablet to her and she has consumed the same and thereafter she had stomach pain and bleeding and she was taken to Jayapura Hospital and then she was brought to Koppa Hospital. The witness has stated that this patient was taken to delivery ward and on examination, he found that the foetus has come out and she was having bleeding and he has given treatment to stop bleeding and to reduce the pain. He has stated that in the hospital, there was

only one bottle of blood and the same was given to her and she improved and her BP was normal. He has stated that till next day, the patient was fine and again bleeding started, BP came down and then he referred the patient to Shivamogga Hospital and has produced the case sheet extract as per Ex.P18. He has stated that he has given Ex.P19 by informing the condition of the patient and the nature of the treatment given on the date of patient being admitted in the hospital. Witness has stated in his further chief examination that this patient was treated in OPD and there is no case sheet and has stated that he has produced two copies of OPD documents which are marked as Ex.P21. He has stated that in Exhibit P3 he has produced the register of admitted patients as per Ex.P23 in which name of Nagarathna is not appearing as an inpatient admitted in the hospital. He has stated that there is possibility of suffering such abortion if tablets are taken without medical advice and supervision.

23. In the cross-examination, he has stated that Septicaemia means septic in the blood. He has stated that if there is shortage of blood in the body, septicaemia will not take place. He has stated that Ex.P19 is given on the basis of the document which the patient was having as a outpatient. The witness has denied that for out-patient, they do not give glucose or blood and has stated that to save life in emergency, they give even glucose and also blood. The witness has admitted that earlier there was strike against him by the public. The witness has denied that he had given abortion injection in IVF and has gone to the house and though the nurse has called him, he has not come to the hospital and denied that due to the effect of injunction, Septicaemia started and then after coming to know about this, he has sent the patient to Mc.Gann Hospital. He has stated that when he has seen the patient, abortion had happened. He has stated that a patient cannot be kept in the hospital as outpatient for 4 days. The witness has denied that he is also responsible for the death of the patient. He has denied that he has informed the

relatives of the patient that the patient has loved someone and her lover has given the tablet .

24. PW.10-Dr. Chidananda of Mc.Gann Hospital , Shivamogga has stated about the PM done and further stated that after PM, final opinion on the cause of death was reserved in Ex.P24-PM report and subsequent to FSL report and other treatment reports, he has given final opinion that the death is due to Septicaemia and gave his opinion as per Ex.P25. The witness has stated that he has mentioned in the report Ex.P26, that he cannot say in the facts of the case and the documents produced that whether Septicaemia took place due to abortion or whether abortion led to Septicaemia. He has admitted in the cross examination that Septicaemia may be caused due to several medical reasons. He has stated that Septicaemia means serious blood infection. He has admitted that due to differences in the medicine, septicaemia does not take place. He has admitted that unhygienic abortion may lead to Septicaemia. He has also admitted the possibility of Septicaemia due to

medical negligence at the time of doing abortion process.

25. PW.12 is the I.O who has received the complaint Ex.P1 and registered the case, deputed police officials for conducting inquest. This witness has stated about the investigation done by him and stated about arrest of accused and also drawing of mahazar at the spot, recording statement of some of the witnesses and receiving treatment records from the doctor etc. In the cross-examination, he has stated that he has not taken the referral order of Koppa Hospital, referring the patient to Shivamogga. The witness has stated that when he visited the house of the deceased, he has not found any medicine slip and he has not found any information as to what tablet was purchased, where it was taken and whether the accused has given that tablet to deceased etc. The witness has stated that Ex.P18 is a duplicate document and he was informed by the medical officer, that the original cannot be given. The witness has admitted that no voluntary statement of the accused

was taken. He has denied that the death of the deceased is due to medical negligence.

26. PW.14 is also the IO who has conducted part of the investigation and has stated that after receiving FSL report and also the final opinion from the doctor regarding the cause of death of the deceased and on completion of investigation, he has submitted the charge sheet. In the cross examination, he has stated that during the investigation he has not investigated as to from which shop accused has brought the tablet and which tablet and when he had brought it and gave it to the deceased.

27. The complaint is marked as Ex.P1. The photograph showing the deceased is marked as Ex.P2. The inquest mahazar is marked as Ex.P4. Ex.P8 is the spot mahazar and Ex.P9 is the photograph. The referral letter from the hospital is marked as Ex.P10 and scanning report is marked as Ex.P12. Requisition letter is marked as Ex.P14. The certificate issued by the PDO regarding the house of the deceased is marked as Ex.P15. Two FSL reports are marked as

Ex.P16 and Ex.P17. Ex.P18 is the case sheet and Ex.P19 is the letter of the doctor/PW.8. Ex.P20 is the letter of the hospital, Koppa along with statements of staff of the hospital. Ex.P21 is the copy of OPD record and Ex.p22 is the document regarding blood given to the patient during treatment. The inpatient register is marked as Ex.P23. PM report is Ex.P24 and Ex.P25 is the final opinion and Ex.P26 is the further opinion. The FIR is marked as Ex.P29 and requisition given is marked as Ex.P30.

28. The offence alleged against the accused, is under Section 314 of IPC. As per this section, if a person with intent to cause the miscarriage of a woman with the child, does any act which causes the death of such woman, he is liable for punishment and if such act is done without woman's consent, that is much more severe offence for which imprisonment for life can be imposed. Therefore, to prove that accused did some act with intent to cause miscarriage which ultimately resulted in death of Nagarathna,

prosecution has to prove the connection between the accused and the deceased and also her death.

29. It is the case of the prosecution that accused and deceased Nagarathna were loving each other and they had physical contact by which Nagarathna became pregnant. It is also the case of the prosecution that after knowing that Nagarathna became pregnant, accused by considering that his reputation would be damaged in the village, has bought some tablet and gave it to her and on his instigation, she consumed the same due to which the miscarriage was caused and she was having bleeding and then she was admitted to the hospital, wherein, she has died and thus death of Nagarathna is caused due to the act of accused giving her the tablet with intent to cause miscarriage.

30. Among the witnesses examined for the prosecution, the main witness is PW13 -Shantha, who is the mother of the deceased. She has stated that from 5-6 years, accused and the deceased were loving each other and were moving here and there. Even,

PW1 has stated that they were loving each other. But as per the evidence of PW1, though he is staying in the same village and is the nearest relative of the deceased and also PW13, he came to know about their love affair only after his sister PW13 told him after admitting her to the hospital. Even the uncle of the deceased, PW2 has stated that he came to know that they were loving each other. Evidence of PW1 and PW13 also show that the deceased Nagarathna was working in a factory in Mangaluru and she was also provided with a quarters by the employer and she was residing in the said quarters with her co-workers who are her friends. It is stated by PW13 that Nagarathna used to come to her native place only 2 -3 times in a year. The accused is resident of the same village as of PW13 and PW1. There is no evidence showing as to from which year they were loving each other and were moving here and there. Since, her daughter used to come to the village, only 2-3 times in a year, knowledge of PW13 may be very limited. When her daughter, who was working in Mangaluru used to meet accused, who is residing in Matadgadde and where

they were meeting and where they were moving etc is not stated by this witness. It is not the case of the prosecution that accused was also working or staying in Mangaluru or that he was visiting Mangaluru and he was meeting the deceased there. There is no evidence of independent witnesses stating that they have seen the accused and Nagarathna moving together at some place. Till this Nagarathna was admitted in the hospital, it appears that they were not even aware of the love affair and even she becoming pregnant was not known to anyone.

31. Except the evidence of PW13, wherein she has stated that she was knowing that accused and her daughter were loving each other from 5 to 6 years and were moving here and there, there is no evidence to connect the accused with the daughter of PW13. There is no evidence to show that they were having love affair or that they were jointly moving here and there or that they had physical contact or that out of such contact, Nagarathna became pregnant as alleged by the prosecution. Entire evidence of the

prosecution regarding relationship between the accused and the deceased is only hearsay evidence. Even the evidence of PW13 do not totally support the prosecution case and it do not give any details as to their relationship or physical contacts. In the evidence of PW13 and also PW1, it is stated that deceased used to talk with the accused frequently and they used to share messages which is in the mobile. However PW1 has clearly stated that he has not opened the Mobile of the deceased and even PW13 has not stated that she has seen such messages shared between accused and her daughter. Moreover PW1 and PW13 have stated that the mobile of the deceased was given to the police and, that mobile contains messages that are shared and the call details that are shared between the accused and the deceased. However, such Mobile has not seen the light of the day. No call details, no such mobile or the messages that are exchanged between accused and deceased are brought to light in the charge sheet. There is absolutely no evidence found in respect of the mobile of the deceased. Since deceased was

staying in Mangaluru and the accused was in Matadgadde. If they had such love affair, it is natural that they had some contact over phone. Such important evidence appear to have not been collected in this case. Even there are no other witnesses before the court to say that they have seen both of them moving together. Only for the first time when it was revealed in the scanning report about the pregnancy of Nagarathna by 15 weeks, this PW13 also appears to have come to know about the pregnancy. Even thereafter, immediately no complaint has been given against the accused. Only after the death of Nagarathna in Shivamogga Hospital, PW1 has given complaint against the accused. Till complaint is given against the accused on 18.02.2019 at 07.30 p.m. the name of the accused is nowhere in picture. Even in the treatment records, there is no reference to the accused.

32. Apart from this, as mentioned in the complaint and also as stated by PW1 and 13, on 12.02.2019, this Nagarathna was having stomach

pain and she was taken to Koppa Government Hospital wherein treatment was given and she came back. On 13.02.19 they all went to the temple and after pooja, while they were coming back again she had stomach pain and then she was taken to Koppa Government Hospital and the pain subsided to some extent. Thereafter on 14.02.2019 again she was having pain and then she was taken to Jayapura Hospital and from there, as per the advice of the doctor, she was taken to Koppa Hospital and on 14.02.2019 scanning was done in Prashamani Hospital and then they came to know about the pregnancy and it was also informed that there is an abortion and she was having bleeding. Thereafter she was treated in Koppa Hospital and then on 16.02.2019 as per the advice of the doctor she was taken to MC.Gann Hospital, Shivamogga.

33. PW1, in the cross-examination has stated that Nagarathna has not given any statement before the police or the doctor as she was not in talking condition. In his cross-examination, he has stated

that they could not get any information from her as she was not in talking condition. It is stated by PW1 that the doctor has informed that the tablet was given 4 hours before examination. This doctor who has suspected pregnancy has examined her only on 14.02.2019. Since initial stomach pain has come on 12.02.2019 and the doctor has informed only on 14.02.2019 that 4 hours prior to examination, the tablet is given, naturally it cannot be accused, who has given such tablet, because from 12.02.2019 till her death Nagarathna was with the PW13 and PW1 and during this period she was in the hospital. There is absolutely no evidence to show that the accused met her either in her house or when they went to the temple or in the hospital and talked to her and gave the tablet. If the tablet was given before 12.02.2019, the effect of such tablet could have come earlier and the abortion could have taken place earlier than on 12.02.2019 or earlier and not after 14.02.2019. Even as per the evidence, after taking initial treatment from the hospital for the stomach pain, the pain had reduced and she even went to the temple and

thereafter again she went to the hospital and took treatment and then she was fine and only thereafter on 14.02.2019, major complication and treatment started.

34. The evidence of PW13 show that her daughter had not informed her as to why she is having stomach pain. She has stated that only after scanning she was informed that Nagarathna is 3 months pregnant. She has stated that Dr. Balakrishna has told that abortion is to be done and then signature of herself and her daughter were taken and then the patient was taken to the delivery ward. Even , PW9 Dr. Balakrishna who has treated this patient has stated that there was bleeding and even foetus had come out and then he had taken her to delivery ward and has given treatment. This Dr. Balakrishna has treated this patient only on 16.2.2019. Therefore, the prosecution case that accused had given tablet for abortion and due to said tablet, on 16.02.2019 abortion took place is not acceptable. Moreover, most of the time upto

16.02.2019, condition of the patient was fine, except that she was having stomach pain.

35. Apart from all this, main important connection which is required to be established by the prosecution is the relationship between the accused and the deceased, the alleged love affair, alleged physical contacts and alleged pregnancy of deceased Nagarathna. For establishing these facts, there is absolutely no evidence placed by the prosecution. The important evidence of mobile recordings in the mobile, alleged messages shared which may be available in the mobile are not even collected in the case and the investigation do not say anything about the same. Even there are no evidence to show that the accused has purchased some tablets and then gave it to her. Where exactly accused has given the tablet is also not clear. Since this Nagarathna was residing in Mangaluru and it is not the case of the prosecution that accused used to go to Mangaluru and meet her and move around and he had such physical contact with her in Mangaluru and had given the

tablet in Mangaluru before she coming to the village, such tablet could be given only in the house of the deceased or at some other place in the same village. Even there are no evidence to show that the accused had met her in this village either in the house of PW13 or at some other place and they have talked to each other and then the accused brought the tablet and gave it to her, which has finally resulted in unfortunate death. In the absence of any such evidence before the court, prosecution has utterly failed to connect the accused to the death of Nagarathna.

36. The Post-Mortem Report and the opinion of PW10-Doctor, marked at Ex.P24 to Ex.P26, clearly disclose that the cause of death was Septicaemia. PW10 has explained that Septicaemia is a severe infection of the blood. He has specifically admitted that Septicaemia would not ordinarily occur merely due to an error in taking or administering a tablet or medicine. He has further stated that an unhygienic abortion procedure may be a cause for septicaemia.

Thus, the evidence of PW10 does not establish that the alleged tablet said to have been given by the accused was the cause of septicaemia or that there was any direct causal connection between the alleged consumption of the tablet and the death of Nagarathna.

37. The opinion of PW10 at Ex.P25, therefore, establishes only that the deceased died due to Septicaemia, but it does not establish that such Septicaemia was caused by the alleged tablet stated to have been brought and given by the accused. On the contrary, the evidence of PW10 indicates the possibility of Septicaemia resulting from an unhygienic abortion procedure. Therefore, the medical evidence does not support the prosecution theory that the alleged tablet given by the accused resulted in the death of the deceased.

38. Further, on a careful appreciation of the evidence of PW9, certain inconsistencies are apparent between his oral evidence, the documents relied upon by him and the treatment said to have

been given to the deceased. The medical records produced before the Court also do not establish any nexus between the alleged tablet and the death of Nagarathna. At the most, the medical evidence and the treatment records indicate the possibility of complications arising during or following the treatment/procedure undergone by the deceased. They do not, in any manner, establish that the accused had given any tablet with an intention to cause miscarriage or that the alleged act of the accused was the cause of the subsequent Septicaemia and death.

39. Thus, the evidence of PW9 and PW10, coupled with the medical records produced before the Court, does not assist the prosecution in connecting the accused with the death of deceased Nagarathna. When the medical evidence itself fails to establish the necessary link between the alleged act of the accused and the death of the deceased, the accused is entitle for acquittal.

40. In the present case, from the beginning till the end, prosecution has failed to establish that the accused had administered or caused the deceased to consume any tablet with an intention to cause miscarriage. There is absolutely no cogent and reliable evidence to establish such an act or intention on the part of the accused. When the very allegation that the accused caused or intended to cause the miscarriage is not proved beyond reasonable doubt, the subsequent death of Nagarathna due to Septicaemia cannot, merely on that basis, be connected with the accused. It cannot therefore be held that the accused had committed any act with the intention of causing miscarriage and that, in consequence of such act, Nagarathna died. Accordingly, the prosecution has failed to establish the essential ingredients of the alleged offence beyond reasonable doubt.

41. Even the villagers examined as PW3 and PW4 have not stated anything regarding any relationship between the accused and the deceased.

Further, the prosecution has not examined any other material witnesses, such as friends or close acquaintances of the deceased, who would have been the most natural and competent persons to speak about the alleged relationship between the accused and the deceased. It is also forthcoming from the evidence of PW13 that one of her sister is residing at Mangaluru and that the deceased used to visit their house. However, even the said sister of PW13 has not been cited as witness or examined by the prosecution.

42. Thus, on an overall appreciation of the entire evidence on record, this Court is of the considered view that the prosecution has failed to establish any credible nexus or connection between the accused and the unfortunate death of deceased Nagarathna, the daughter of PW13. The evidence adduced by the prosecution is insufficient to establish the alleged relationship between the accused and the deceased or to connect the accused with the circumstances leading to her death. Thus, prosecution has failed to establish the guilt of the accused

beyond reasonable doubt. Accordingly, Point No.1 is answered in the Negative.

43. **Point No.2:** For the discussions made on the above point, following order is passed:

O R D E R

**Acting under Section 235(1)
Cr.P.C., accused is acquitted of the
offence punishable under section 314
of IPC.**

**The bail bond and surety bond
executed earlier by the accused is
ordered to be cancelled, however, the
bail bond and surety bond executed
by the accused in compliance of
section 437-A of Cr.P.C shall be in
force for a period of six months from
today.**

(Typed to my dictation by Stenographer Grade-I directly on the computer, after corrections, signed and then pronounced by me in the open Court on this the 5th day of August, 2026).

(RAVINDRA HEGDE)
Prl. District & Sessions Judge,
Chikkamagaluru.

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

PW.1	:	Suresha	CW.1
PW.2	:	Nagaraja	CW.2
PW.3	:	Annapurna	CW.7
PW.4	:	Sunil	CW.8
PW.5	:	Srinivasa	CW.9
PW.6	:	Shivamurthy	CW.10
PW.7	:	Udayashankar H.G	CW.14
PW.8	:	Dr. Shivakumar	CW.08
PW.9	:	Dr. Balakrishna	CW.09
PW.10	:	Dr. Chidananda P S	CW.19
PW.11	:	Dharmaraj	CW.20
PW.12	:	Soorappa S N	CW.22
PW.13	:	Shantha	CW.13
PW.14	:	K Sathish	CW.23

List of witnesses examined for the accused: Nil**List of documents marked for the prosecution:**

Ex.P.1	:	Complaint
Ex.P.1(a- b)	:	Signatures of PW.1 and 12
Ex.P.2	:	Photo
Ex.P.3	:	Police notice
Ex.P3(a)	:	Signature of PW2
Ex.P4	:	Inquest mahazar
Ex.P4(a)	:	Signature of PW2
Ex.P5	:	Statement of PW3
Ex.P6	:	Statement of PW4
Ex.P7	:	Police notice
Ex.P7(a-b)	:	Signature of PW5 and 6
Ex.P8	:	Spot mahazar
Ex.P8(a-c)	:	Signature of PW5, 6 and 12
Ex.P9	:	Photo
Ex.P10	:	Original referral letter dt:14.2.2019
Ex.P10(a)	:	Signature of PW8
Ex.P11	:	Copy of referral letter Ex.P10
Ex.P11(a)	:	Signature of PW7

Ex.P12	:	Original scanning report
Ex.P12(a)	:	Signature of PW.7
Ex.P13	:	Copy of scanning report
Ex.P14	:	Requisition letter
Ex.P14(a)	:	Signature of PW.7
Ex.P15	:	Certificate issued by PDO
Ex.P16-17	:	FSL reports
Ex.P18	:	Case sheet extract
Ex.P19	:	Letter of Dr. Balakrishna
Ex.P19(a)	:	Signature of PW8
Ex.P20	:	Letter of Koppa Govt. Hospital doctor with statements.
Ex.P21	:	Certified copies of OPD documents
Ex.P22	:	Document regarding blood supply
Ex.P23	:	Admission register copy
Ex.P24	:	PM report issued by Mc.Gann Hospital
Ex.P24(a)	:	Signature
Ex.P25	:	Final opinion of Mc.Gann Hospital
Ex.P25(a)	:	Signature
Ex.P26	:	Further opinion of Mc.Gann Hospital
Ex.P26(a)	:	Signature
Ex.P27	:	Certificate issued by CPC 670
Ex.P28	:	CD
Ex.P29	:	FIR in Crime No.6/2019
Ex.P29(a)	:	Signature
Ex.P30	:	Letter

List of documents marked for the accused:

Nil

List of material objects marked:

Nil

(RAVINDRA HEGDE)

Prl. District & Sessions Judge,
Chikkamagaluru.

Rag/-