



**IN THE COURT OF I ADDITIONAL DISTRICT  
& SESSIONS JUDGE AT CHIKKAMAGALURU**

Dated this the 24<sup>th</sup> day of March, 2026

**: PRESENT :**

**Smt. BHANUMATHI. B.C., B.A.L.,L.L.B.**  
I Addl. District & Sessions Judge  
Chikkamagaluru

**Sessions Case No.77/2024**

Complainant:

State by Tarikere Police

(Represented by Special  
Public Prosecutor,  
Chikkamagaluru)

V/s

Accused:

1. Ramachandra,  
S/o Jayaram,  
Aged about 35 years,  
R/at Ambedkar Colony,  
M.C.Halli, Tarikere Taluk.
2. Shekhar,  
S/o Rajanna @ Narasimhaiah  
@ Narasaiah,  
Aged about 38 years,  
R/at Ramegowda's  
Thotadamane,  
M.C. Halli village,  
Tarikere Taluk,  
Presently residing at Kunigal.
3. Dhanaraj  
S/o Rajanna @ Narasimhaiah



@ Narasaiah,  
 Aged about 39 years,  
 R/at Ramegowda's  
 Thotadamane,  
 M.C. Halli village,  
 Tarikere Taluk,  
 Presently residing at Kunigal.  
 (Represented by Sri.HSR, Adv)

### **TABULATION OF THE EVENTS**

1	Date of commission of offence	22.02.2021
2	Date of report of offence	24.02.2021
3	Date of arrest of accused	A1 to A3 voluntarily surrendered before the committal court on 02.03.2021 and they were released on bail on the same day.
4	Date of release of accused	- -
5	Name of the complainant	Ranjitha Kumari, W/o Kotresh
6	Offences for which the accused have been charged	Sections 504, 354-B and 506 of Indian Penal Code r/w section 34 of said Code.
7	Date of registration of the case	27.07.2024
8	Date of commencement of recording evidence	30.01.2026



9	Date of closing of recording evidence	13.03.2026
10	Date of judgment	24.03.2026
11	Opinion of the Judge	The charges leveled against the accused are not established
12	Duration of the case	Year/s Month/s Day/s 01 07 28

Sd/-

**(BHANUMATHI. B.C.)**

I Addl. District & Sessions Judge  
Chikkamagaluru

### **JUDGMENT**

The present case arise out of the charge sheet submitted by the Deputy Superintendent of Police, Tarikere Sub-Division, Tarikere in Crime No.49/2021 on the file of Tarikere police station and having committed by learned Senior Civil Judge and Prl. JMFC, Tarikere, the accused herein are facing trial for the offences punishable under sections 504, 354-B and 506 of Indian Penal Code r/w section 34 of said Code (hereinafter referred as 'IPC' for brevity).

2. In a nutshell, case of the prosecution is that the mother of accused No.1 owned a site behind the house of CW.1-Ranjithakumari at M.C.halli village and on noticing that some arecanut saplings were kept in said vacant site, the accused No.1 to 3 went near the house of CW.1 on 22.02.2021 at about 4.30 p.m and asked CW.4-Meenakshamma, the mother-in-law of CW.1 to remove said saplings and at that time, she



went to her shop by saying that there was no male member in the house at that point of time and the same would be removed after their arrival and being enraged by the same, accused No.1 to 3 went near the shop of CW.4 situated at B.H.road, M.C.Halli, called her out and abused her in filthy language, dragged her saree and torn it and issued threat to her life and thereby they committed aforesaid offences.

3. According to prosecution on 24.02.2021, pursuant to complaint lodged by PW.1-Ranjitha Kumari, CW.10-C.M.Lingaraju, who then worked as Sub-Inspector of Police at Tarikere station registered case against accused in Crime No.49/2021 for the offences punishable under sections 354-B, 504 and 506 r/w section 34 of IPC. After completing investigation, CW.11-Y.S.Yegangouder, who then worked as Deputy Superintendent of police, Tarikere Sub-Division submitted charge sheet to this court against accused for aforesaid offences before the learned Senior Civil Judge and Prl. JMFC, Tarikere, who in turn took cognizance of the aforesaid offences, secured the presence of accused and furnished prosecution papers to them in compliance of section 207 of Cr.P.C. Though the offences alleged against the accused are triable by the Magistrate, the case has been committed to the Court of Sessions as the same is the counter case of the case in Spl.C No.138/2021, which is pending on the file this court. After registering the sessions case, the Hon'ble Prl. District and Sessions Judge, Chikkamagaluru has made over the case to this court for disposal in accordance with law.

4. It is seen from the record that during crime stage, the accused No.1 to 3 voluntarily surrendered before the committal court on 02.03.2021 and obtained



regular bail. They have been represented by the counsel of their choice.

5. By securing the presence of accused, the matter was heard before charge and as there were sufficient materials to presume that the accused might have committed the alleged offences, this court framed charge against them for the offences punishable under sections 504, 354-B and 506 of IPC and the accusation was read over and explained to the accused and they pleaded not guilty and claimed to be tried.

6. In order to prove the guilt of accused, the prosecution has examined five witnesses as PW.1 to PW.5 and got exhibited 09 documents as Ex.P1 to Ex.P9.

7. In the case on hand, the material witnesses, who are supposed to depose about the acts alleged on the part of the accused have turned hostile and not supported the case of prosecution. Hence, the examination of CW.2 and CW.3, who are cited as panch witnesses to the mahazar and CW.10 and CW.11, the police officials, who are supposed to depose about their formal acts regarding registration of FIR, drawing of mahazars, arrest of accused, collection of documents pertaining to the place of alleged occurrence etc., was dropped by rejecting the prayer of Public Prosecutor as no purpose would have been served by examining them.

9. The examination of accused as required under section 351 of BNSS is dispensed with as no incriminating material against the accused is brought out in the evidence of prosecution witnesses.



10. Heard arguments of both side and carefully analyzed the oral and documentary evidence placed on record.

11. The points that arise for the consideration of this court are:

### **POINTS**

- 1] Whether the prosecution proves beyond reasonable doubt that the mother of accused No.1 owned a site behind the house of CW.1- Ranjithakumari at M.C.halli village and on noticing that arecanut saplings were kept in said vacant site, the accused No.1 to 3 went near the house of CW.1 on 22.02.2021 at about 4.30 p.m and asked CW.4- Meenakshamma, the mother-in-law of CW.1 to remove said saplings and at that time, she went to her shop by saying that there was no male member in the house at that point of time and the same would be removed after their arrival and being enraged by the same, accused No.1 to 3 went near the shop of CW.4 situated at B.H.road, M.C.Halli within the jurisdiction of Tarikere police station and called her out and abused her in filthy language and gave provocation, knowing fully well that such provocation would cause her to break the public peace and thereby they committed an offence punishable under section 504 of IPC?
- 2] Whether the prosecution proves beyond reasonable doubt that on the aforesaid date, time and place, accused No.1 to 3 used



criminal force on CW.4 and torn her saree with intent to disrobe her and thereby they committed an offence punishable under section 354-B of IPC?

3] Whether the prosecution proves beyond reasonable doubt that on the aforesaid date, time and place, accused No.1 to 3 issued threat to the life of CW.4 and thereby they committed an offence of criminal intimidation punishable under section 506 of IPC?

4] What order?

12. My findings on the above points are as under:

Point No.1 to 3: In the negative,

Point No.4: As per final order  
for the following:

### **REASONS**

13. **Point No.1 to 3:** These points are taken together for discussion in order to avoid repetition of facts and evidence as these points are inter connected with each other.

14. The case of prosecution is that the mother of accused No.1 owned a site behind the house of CW.1-Ranjithakumari at M.C.halli village and on noticing that some arecanut saplings were kept in said vacant site, the accused No.1 to 3 went near the house of CW.1 on 22.02.2021 at about 4.30 p.m and asked CW.4-Meenakshamma, the mother-in-law of CW.1 to remove said saplings and at that time, she went to her shop by saying that there was no male member in the house at that point of time and the same would be



removed after their arrival and being enraged by the same, accused No.1 to 3 went near the shop of CW.4 situated at B.H.road, M.C.Halli, called her out and abused her in filthy language, dragged her saree and torn it and issued threat to her life and thereby they committed aforesaid offences.

15. As stated above, in order to bring home the guilt of accused for the aforesaid offences, the prosecution has examined five witnesses as PW.1 to PW.5 and got exhibited 09 documents as Ex.P1 to Ex.P9.

16. Ex.P1 is complaint, Ex.P2 is FIR, Ex.P3 is mahazar, Ex.P4 is photograph, Ex.P5 is statement of PW.2, Ex.P6 is statement of PW.2 under section 164 of Cr.P.C, Ex.P7 to Ex.P9 are statements of PW.3 to PW.5 respectively.

17. As stated above, the criminal law was set into motion on the basis of first information reported by CW.1-Ranjitha Kumari as per Ex.P1 and she is examined as PW.1. PW.1 deposed that no harm was caused to her mother-in-law i.e., CW.4 by the accused and she had not lodged any complaint against the accused at any point of time. As PW.1 admitted her signatures in the complaint, FIR and the spot cum seizure mahazar said to have been conducted by the police at the place of alleged occurrence as shown by her by which saree of CW.4 is said to have been seized, those documents came to be marked as Ex.P1 to Ex.P3 respectively for the sake of convenience, but she has stated that she had affixed those signatures at Tarikere police station at the say of police. She further stated that she is not aware of the contents of those documents and the purpose for which her signatures were taken. As PW.1 admitted her presence in the



photograph said to have been taken by the police during aforesaid mahazar, said photograph came to be marked as Ex.P4, but she has stated that she is not aware of the purpose for which it was taken.

18. From the perusal of evidence of PW.1 given in her examination-in-chief, it is clear that she had given a clear go bye to the case of prosecution and not supported its case to any extent. Hence, PW.1 has been subjected to detailed cross-examination by the learned Special Public Prosecutor by declaring her as hostile, but nothing favourable to the case of prosecution could be elicited in her cross-examination as she has denied all the allegations made against the accused and asserted that she did not give any complaint as per Ex.P1 against them. Thus, PW.1 has not supported any of the allegations leveled against the accused. Hence, the evidence of PW.1 is not available for the prosecution to establish its case.

19. PW.2-Meenakshamma, who is the mother-in-law of PW.1 is cited as the victim of alleged incident, but she too totally retracted from her previous version and not supported any of the allegations leveled against the accused. PW.2 has been declared hostile and subjected to detailed cross-examination by the learned Special Public Prosecutor, but nothing favourable to the case of prosecution could be elicited from her. Per contra, she has denied all the allegations leveled against the accused and asserted that she did not give any statement to the police as per Ex.P5 and she also denied that she gave statement to the magistrate under section 164 of Cr.P.C as per Ex.P6. Hence, the evidence of PW.2 is also not available for the prosecution to establish its case.



20. PW.3-Channabasavaiah, PW.4-Damodar and PW.5-Kumar are cited as eyewitnesses to the incident in question. They too turned hostile and not supported the case of prosecution to any extent. PW.3 to PW.5 have been subjected to detailed cross-examination by the learned Special Public Prosecutor by treating them hostile, but nothing favourable to the case of prosecution could be elicited from them. Per contra, they denied all the allegations leveled against accused and asserted that they did not give any statement to the police as per Ex.P7 to Ex.P9 regarding the incident in question. Hence, the evidence of PW.3 to PW.5 is also not available to the prosecution to bring home the guilt of accused.

21. As recapitulated in the proceeding paragraphs, PW.1 to PW.5, the informant, victim and eyewitnesses to the alleged incident are the material witnesses to depose about the acts alleged on the part of the accused, but they have totally retracted from their previous version and not supported any of the allegations leveled against accused. Under these circumstances, a question that crops up for consideration is whether the evidence of CW.2 and CW.3, who are cited as panch witnesses to the mahazar and CW.10 and CW.11, the police officers, who are supposed to depose about the formal acts regarding registration of FIR, drawing of mahazars, arrest of accused, collections of documents pertaining to the place of alleged occurrence etc., per se would be sufficient to believe the case of prosecution and to hold the accused guilty of alleged offences.



24. In this context, in my humble opinion, this court has to fall back on the provision laid down in section 55 of Bharatiya Sakshya Adhinyam 2023, which makes it very clear that the oral evidence must be direct. In other words, if the evidence refers to a fact, which could be seen, it must be evidence of a witness who says he saw it and if the fact refers to a fact which could be heard, then it must be the evidence of a witness who says he heard it, then only it becomes direct evidence.

25. By keeping in mind the scope of section 55 of Bharatiya Sakshya Adhinyam 2023, I have carefully perused the material placed on record and what CW.2, CW.3, CW.10 and CW.11 are supposed to depose, but they are not supposed to say anything that they were present at the spot when the incident took place and witnessed the same. Therefore it becomes clear that they are not eyewitnesses to incident and their evidence is not direct with regard to the acts alleged on the part of accused. Hence their evidence would not have helped the prosecution to connect the accused with the charges leveled by it.

26. Thus in the instant case, PW.1 to PW.5, who are cited as informant, victim and eyewitnesses are the material witnesses to depose about the allegations leveled against accused, but they have completely retracted from their previous version and not supported the theory of prosecution to any extent. The evidence made available on record is not sufficient to connect the accused with the charges leveled by the prosecution. Hence, this court is constrained to hold that the prosecution has miserably failed to bring home the guilt of accused. Accordingly, I answer **point No.1 to 3 in the negative.**



28. In the facts and circumstances of the case, it is to be noted that PW.2, who is cited as victim has not supported the case of prosecution as required under Clause 6(3) and Clause 7 (10) of Karnataka Victim Compensation Scheme, 2011 and therefore she is not entitled to any compensation.

27. **Point No.5:** In the light of above findings, I proceed to pass the following:

**ORDER**

By acting under section 258(1) of BNSS, accused No.1 to 3 are acquitted of the offences punishable under sections 504, 354-B and 506 of Indian Penal Code and they are set at liberty.

Bail bonds executed by the accused and their sureties stand canceled. However, the bail bonds secured in compliance of section 481 of BNSS shall be in force for a period of six months from today.

The property subjected in PF No.22/2021 being worthless is ordered to be destroyed after the expiry of period prescribed for filing appeal, if no such appeal is preferred.

No order as to compensation.

(Dictated to Stenographer Grade-III directly on computer and computerized by her, script corrected and then signed by me on this the 24<sup>th</sup> day of March, 2026)

Sd/-

**(BHANUMATHI. B.C.,)**

I Addl. District & Sessions Judge  
Chikkamagaluru



**ANNEXURE**

**List of witnesses examined on behalf of prosecution:**

PW.1      Ranjitha Kumari  
PW.2      Meenakshamma  
PW.3      Channabasavaiah  
PW.4      Damodar  
PW.5      Kumar

**List of documents exhibited on behalf of prosecution:**

Ex.P1      Complaint  
Ex.P1(a)   Signature  
Ex.P2      FIR  
Ex.P2(a)   Signature  
Ex.P3      Mahazar  
Ex.P3(a)   Signature  
Ex.P4      Photograph  
Ex.P5      Statement of PW.2  
Ex.P6      Statement of PW.2 under section 164 of  
                 Cr.P.C.  
Ex.P7-9    Statements of PW.3 to PW.5

**List of witness examined on behalf of defence:  
Nil**

**List of documents marked on behalf of defence:  
Nil**



**List of material objects:**  
**Nil**

Sd/-  
**(BHANUMATHI. B.C.)**  
**I Addl. District & Sessions Judge**  
**Chikkamagaluru**