

KADG010002602023



Presented on : 01-02-2023
Registered on : 01-02-2023
Decided on : 30-04-2026
Duration : 3 years, 2 months, 29 days

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

**PRESENT:- SRI. SHRIRAM NARAYAN HEGDE, B.A, LL.M.
ADDL. DISTRICT & SESSIONS JUDGE, FTSC-I, DAVANAGERE
C/C I ADDL. DISTRICT & SESSIONS COURT, DAVANAGERE**

DATED THIS THE 30th DAY OF APRIL, 2026

SC.No.9/2023

COMPLAINANT:-

State by Rural Police, Davanagere.

(By Public Prosecutor, Davanagere)

// Vs //

ACCUSED:-

Siddesha P.M. S/o Mallikarjunappa, 37 years, Farmer, R/o Pavadarangavvanahalli Village, Davanagere Taluk and District.

(By Sri L.U., Advocate)

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1. Date of commission of offence: 23.02.2022 to 24.02.2022
2. Date of report of occurrence: 24.02.2022
3. Name of the complainant : Nagaraja H. S/o Hanumanthappa, 30 years, R/o Shivapura Village, Davanagere Taluk.
4. Arrest & release of accused : Accused is on bail.
5. Date of commencement of trial : 06.11.2023
6. Date on which the evidence was closed : 26.03.2024
7. Offences alleged : U/s.306 and 506 of IPC.
8. Opinion of the judge : Accused is found not guilty of the aforesaid offences, and as per final order.

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:- J U D G M E N T :-

The Sub-Inspector of Police, Davanagere Rural Police Station, has filed the charge sheet against the accused for the offences punishable U/s.306 and 506 of IPC, in connection with Davanagere Rural Police Station Cr.No.63/2022.

2. The case of the prosecution in brief is as follows :-

This accused was in contact with CW.15 Usha of Shivapura Village, Davanagere Taluk. Often the deceased Yuvaraj was also going to the house of Usha. On 23.02.2022 deceased Yuvaraj was in the house of Usha. At that time, this accused went to that house and abused Yuvaraj and told him to go and die. He also gave threat to his life by stating that, he will kill him. Being upset by this incident and also due to the threat given by this accused, Yuvaraj committed suicide by hanging in his house on 23.02.2022 at about 10.00 p.m. Before his death, he made the video in his mobile and stated that, this accused is responsible for his death. Then the complainant filed the complaint.

3. The Station House Officer (PW.12) received the complaint and registered the case in Cr.No.63/2022 and sent

the FIR to the court and then seized the mobile in the presence of witnesses and then conducted inquest and then went to the spot, drew the spot mahazar and then handed over the case file to PSI for further investigation. Then the PSI conducted further investigation and finally filed the charge sheet against the accused for the aforesaid offences.

4. This accused is not arrested in this case. He obtained anticipatory bail order in CrI.Misc.1068/2022 dated 19.10.2022. Subsequently, he is released on regular bail. Now, he is on bail.

5. After filing of the charge sheet, the learned PrI.Senior Civil Judge and CJM, Davanagere took cognizance of the offences, registered the case in CC.No.2549/2022 and secured the presence of accused. Then prosecution papers were made available to the accused as required U/s.207 of Cr.P.C. He is represented by his advocate. Since, the offence U/s.306 of IPC is exclusively triable by the Court of Sessions, learned Magistrate committed this case to the court of Hon'ble PrI.District and Sessions Judge, Davanagere as per the committal order dated 18.01.2023. Then, this case was

registered in SC.No.9/2023 and was made over to this court for disposal.

6. After receipt of the records, the accused was secured. This accused is represented by his advocate. Then arguments were heard before framing charge and charges were framed, read over and explained to the accused in the language known to him. The accused denied the charges and claimed for trial. Then the case was posted for prosecution evidence.

7. In order to prove the guilt of the accused, the prosecution in all examined 16 witnesses as PW.1 to 16 and got marked 19 documents as Ex.P.1 to 19 and one material object as MO.1. Then the statement of accused was recorded as required U/s.313 of Cr.P.C., to enable him to answer the incriminating materials available in the evidence of prosecution witnesses. The accused denied all the incriminating materials and did not choose to lead the defense evidence. Then the case was posted for arguments.

8. Heard arguments and perused the records.

9. Now the points for determination are as follows :

1. Whether the prosecution proves beyond all reasonable doubt that, on 23.02.2022 when the deceased Yuvaraj was in the house of CW.15 Usha, at Shivapura Village, Davanagere Taluk, this accused came to her house and abused the deceased and told him to go somewhere and die and thereby this accused abetted the deceased to commit suicide and then on the same day, at about 10.00 p.m., deceased Yuvaraj committed suicide by hanging and thereby this accused has committed an offence punishable U/s.306 of IPC ?
2. Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date and place, this accused gave threat to the life of the deceased Yuvaraj by stating that, he will kill him and thereby this accused has committed an offence punishable U/s.506 of IPC ?
3. What Order ?

10. On the basis of the materials available on record, findings on the aforesaid points are as follows :-

Point No.1 : In the Negative,

Point No.2 : In the Negative,

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

-: R E A S O N S :-

11. **Points 1 and 2 :-** To avoid repetition in the discussion, these two points are taken up together at a time.

12. The case of the prosecution is that, on 23.02.2022 when the accused had been to the house of CW.15 Usha, he had seen the deceased Yuvaraj and abused him and gave threat to his life and told him to go and die. Being upset, on the same day, in the night at about 10.00 p.m., Yuvaraj committed suicide by hanging and thereby this accused has committed the offences. On the other hand, the defense of the accused is total denial. Under such circumstances, the burden is on the prosecution to prove the guilt of the accused beyond reasonable doubt.

13. In order to prove the guilt of the accused, the prosecution is relying upon the evidence of PW.1 to 16 and the

documents which are marked as Ex.P.1 to 19 and also the material object, which is marked as MO.1. Among the witnesses, the complainant is examined as PW.1. Circumstantial witnesses are examined as PW.2 to 5, 9 and 14. Mahazar witnesses are examined as PW.6 to 8. RFSL experts are examined as PW.15 and 16. Police officials and officers are examined as PW.10 to 13. Among them, PW.2 and 5 have totally turned hostile to the case of prosecution. PW.3 and 4 have partly turned hostile to the case of prosecution. Remaining witnesses have supported the prosecution case.

14. In his evidence before the court, PW.1 Nagaraj deposed before this court that, deceased Yuvaraj is his younger brother. He was doing painting work. Himself and deceased were residing at Holalkere. In the year 2022, one day, CW.14 called him over phone and told that, his brother is died. He immediately went to Shivapura Village. He saw the dead body of his brother. He came to know that, this accused is responsible for the death of his brother. He had verified the mobile phone of his brother and found that, there was a video. In that video, the deceased had stated that, this accused is responsible for his death. He has further stated that, there was quarrel between this accused and his brother. He has

also stated that, on the basis of video, he filed complaint in the police station. Then the mobile was seized by the police as per Ex.P.2 mahazar. He has identified that video, which was played in this court. In his cross examination by the learned counsel for the accused, he has stated that, he do not know the details of quarrel between his brother and this accused. According to him, his evidence is based on the video. He has denied the suggestion that, there was illicit relationship between his brother and CW.15 Usha.

15. PW.2 - Anjinappa is a circumstantial witness. But, he has stated that, he do not know about the quarrel between the accused and the deceased. He do not know why the deceased committed suicide by hanging. He has turned hostile to the case of prosecution.

16. PW.3 - Manjunath is also a circumstantial witness. He has stated that, as per the video, the deceased committed suicide by hanging. In that video, the deceased has stated that, this accused is responsible for his death. Further, this witness has stated relating to Ex.P.6 mahazar, which was conducted to recover the cloth used by the deceased to commit suicide. In his cross examination, he has admitted

that, deceased was unmarried and he had illicit relationship with CW.15 Usha. According to him, he had not seen the quarrel between the deceased and the accused.

17. PW.4 - Yashodamma is the relative of the deceased. She has deposed before this court that, deceased was often going to the house of CW.15 Usha. Relating to that aspect, this accused was ill-treating the deceased. One day she came to know that, the deceased Yuvaraj committed suicide by hanging. She has informed this matter to the complainant. She had seen the video recorded by the deceased. In her cross examination by the learned Public Prosecutor, she has admitted that, there was illicit relationship with this accused and CW.15 Usha.

18. PW.5 - Usha is an important witness of this case. But, she has turned hostile to the case of prosecution. According to her, since the deceased had no family, he was coming to her house for lunch and dinner. She has stated that, there was no quarrel between the deceased and the accused.

19. PW.6 - Ajay is a witness for Ex.P.6 mahazar. He has stated that, about 2 years back, Rural Police had called him to the house of Yuvaraj in Shivapura Village. Police had

recovered one towel, which was used by the deceased to commit suicide.

20. PW.7 - Manjappa is a witness for Ex.P.10 mahazar. He has stated that, on 24.02.2022 he was called to the police station and in his presence, mobile was extracted and DVDs were made, which were containing video of the deceased.

21. PW.8 - M.S.Krishnamurthy is a witness for Ex.P.2 mahazar. According to him, in his presence, the complainant had produced the mobile of the deceased before the police and then it was seized by the police.

22. PW.9 - Huligesh is a circumstantial witness. He is the relative of the deceased. He has stated that, this accused had threatened the deceased since the deceased was going to the house of Usha. He has further stated relating to Ex.P.13 mahazar.

23. PW.10 - Umesh, PC - 10 of CEN Police Station, deposed relating to the mobile extract. According to him, on 11.03.2022 as per the instruction of CW.22, he had extracted the mobile and transferred the video to DVDs.

24. PW.11 - Jovith Raj, PSI, has also deposed relating to the mobile extract. According to him, on 11.03.2022 in the presence of mahazar witnesses, the mobile was extracted and video was shown to them. Further, he has stated relating to Ex.P.10 mobile.

25. PW.12 - Gurushanthaiah B.M. the then ASI deposed before this court that, on 24.02.2022 when he was in the police station, the complainant came to the police station and submitted his complaint as per Ex.P.1. He received the complaint and registered the case in Cr.No.63/2022. At the time of filing the complaint, the complainant had produced the mobile. Then that mobile was seized as per Ex.P.2. In that mobile, there was a video and in that video, the deceased had stated that, this accused is responsible for his death. Further, he has stated relating to inquest and also spot mahazar. He has also stated relating to mobile extract.

26. PW.14 - Arun Kumar is also a circumstantial witness. He has stated before the court that, since the accused gave threat to the life of the deceased in the house of Usha, the deceased committed suicide by hanging. According to him, he

wrote the complaint as per the instruction given by the complainant.

27. PW.15 - Dr. Siddaramappa, Scientific officer, Mobile Forensic Section, RFSL Hubballi, has deposed before this court that, on 17.03.2022 their office had received a sealed article from Davanagere Rural Police Station. On verification, he found VIVO mobile phone. The said mobile phone was subjected to forensic examination. On examination, it is revealed that, that mobile contains 3 videos. The said videos were extracted and transferred to pen-drive. Among 3 videos, two were visible and one was not visible. Relating to that, videos, he has furnished his report as per Ex.P.18. In his cross examination, he has admitted that, videos can be edited.

28. PW.16 - Dr. Venkatesh G.N. Scientific Officer, Audio and Video Section, RFSL Hubballi, has stated that, the aforesaid mobile was subjected to forensic examination and it is found that, video files are continuous and genuine. According to him, he gave his report as per Ex.P.19.

29. PW.13 - Harun Akthar, PSI, deposed before this court that, he conducted further investigation of this case and

obtained the RFSL report and finally filed the charge sheet against the accused for the aforesaid offences.

30. On going through the entire materials available on record, it revealed that, before committing suicide, deceased Yuvaraj had made video by stating that, this accused is responsible for his death. In that video, there are no details. Only stray sentences are there. What was the reason for committing suicide is not stated in that video. The deceased has only stated that, this accused is responsible for his death. Whether single sentence is sufficient to hold that, there was an abetment by this accused is the question before this court.

31. What is abetment is stated in Sec.107 of IPC. That section is as follows :

“107. Abetment of a thing - A person abets the doing of a thing, who—

First.—Instigates any person to do that thing; or

Secondly.—Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or

illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

Thirdly.—Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1.—A person who, by willful misrepresentation, or by willful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

Illustration

A, a public officer, is authorised by a warrant from a Court of Justice to apprehend Z, B, knowing that fact and also that C is not Z, willfully represents to A that C is Z, and thereby intentionally causes A to apprehend C. Here B abets by instigation the apprehension of C.

Explanation 2.—Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.”

32. It is well settled principle of law that, a single sentence does not amount to an abetment. An abetment is nothing but an instigation. Instigation involves statement coupled with pressure with an intention. In the case in hand, the alleged statement of the deceased, does not involve the pressure on the part of the accused to the deceased to commit suicide. As such, the contention of the prosecution is not acceptable one.

33. In this regard, in the judgment reported in (2019) 10 SC 188 (State of West Bengal V/s Indrajit Kundu and others), Hon'ble Supreme Court held as follows :

“A stray sentence does not amount to abetment in the absence of pressure and intention on the part of the accused.”

34. In this case, CW.15 Usha has turned hostile to the case of prosecution. Except Usha, nobody seen the quarrel between the accused and the deceased. The evidence of other circumstantial witnesses is based on the video. But, as already stated, a single sentence is not sufficient to hold that, the deceased had no other option but to commit suicide. The deceased might have committed suicide for some other reason also. In this regard, the arguments of learned counsel for the accused is acceptable one. Hence, it is accepted. Hence, without much discussion, I hold that, the prosecution has failed to prove the guilt of the accused beyond reasonable doubt. Hence, aforesaid Points 1 and 2 are answered in the Negative.

35. **Point No.3 :-** For the reasons stated in the aforesaid paragraphs, I have come to the conclusion that, the allegation against this accused are not proved. Under such circumstances, the accused is entitle for an order of acquittal. In this case, the deceased was unmarried and no other dependents to him. Under such circumstances, there is no question of awarding compensation to the victim of an offence. With this observation, proceed to pass the following :-

:- ORDER :-

Accused is found not guilty of the offences punishable U/s.306 and 506 of IPC. Hence, acting U/Sec.235(1) of Cr.P.C., accused is acquitted for the aforesaid offences.

Bail bond and surety bond executed by the accused and his surety in this case will be in force for a period of six months.

MO.1 being worthless property, be destroyed after appeal period is over.

(Dictated to the Stenographer, after transcription computerized by her, corrected, signed and then pronounced by me in the open court on this the 30th day of April 2026)

(Shriram Narayan Hegde)
C/c I ADDL. DISTRICT & SESSIONS JUDGE,
DAVANAGERE.

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:- ANNEXURE :-

<u>LIST OF WITNESSES EXAMINED FOR PROSECUTION :</u>		
<u>Prosecution Witness No.</u>	<u>Name of Witness</u>	<u>Description</u>
PW.1	Nagaraja	Complainant
PW.2	Anjinappa	Circumstantial witness
PW.3	Manjunath	Circumstantial witness
PW.4	Yashodamma	Aunt of deceased
PW.5	Usha	Sister-in-law of deceased
PW.6	Ajay	Mahazar witness
PW.7	Manjappa	Mahazar witness
PW.8	M.S.Krishnamurthy	Mahazar witness
PW.9	Huligesh	Circumstantial witness
PW.10	Umesh	PC
PW.11	Jovith Raj	ASI
PW.12	Gurushanthaiah B.M.	ASI
PW.13	Haroon Akthar	PSI
PW.14	Arun Kumar	Circumstantial witness
PW.15	Dr. Siddaramappa	Scientific Officer, RFSL, Hubballi
PW.16	Dr. Venkatesh G.N.	Scientific Officer, RFSL, Hubballi

LIST OF EXHIBITS MARKED FOR PROSECUTION :		
Exhibit No.	Description of the Exhibit	Proved by / Attested by
Ex.P.1	Complaint	PW.1
Ex.P.2	Seizure mahazar	-do-
Ex.P.3	One photo	-do-
Ex.P.4	One mobile	-do-
Ex.P.5	Statement of PW.2	-do-
Ex.P.6	Spot mahazar	-do-
Ex.P.7 & 8	2 photos	-do-
Ex.P.9	Statement of PW.5	-do-
Ex.P.10	Mobile extract mahazar	-do-
Ex.P.11 & 12	2 photos	PW.4
Ex.P.13	Inquest report	PW.5
Ex.P.14	One photo	PW.7
Ex.P.15	One pen-drive	-do-
Ex.P.16	FIR	-do-
Ex.P.17	Postmortem report	PW.8
Ex.P.18	FSL report	-do-
Ex.P.19	FSL report	PW.9

LIST OF WITNESSES EXAMINED FOR DEFENSE :
.....NIL.....

LIST OF EXHIBITS MARKED FOR DEFENSE :

.....NIL.....

LIST OF MATERIAL OBJECTS :

<u>Material Object No.</u>	<u>Description of the Exhibit</u>	<u>Proved by / Attested by</u>
MO.1	One shirt cloth	PW.1

(Shriram Narayan Hegde)
C/c I ADDL. DISTRICT & SESSIONS JUDGE,
DAVANAGERE.