

KADW010013392025



Presented on : 26-04-2025
Registered on : 26-04-2025
Decided on : 13-08-2026
Duration : 01 years, 03 months, 18 days

**IN THE COURT OF III ADDITIONAL DISTRICT
AND SESSIONS JUDGE AND SPECIAL COURT
FOR CBI/ACB/KLA CASES, DHARWAD.**

PRESENT

SMT. ZAREENA.

B.Com., LL.B(Spl.)

III Addl. District & Sessions Judge, Dharwad.

DATED THIS THE 13th DAY OF AUGUST, 2026.

S.C.No.24/2025.

COMPLAINANT: The State of Karnataka,
Through P. I. Kalghatagi, P.S.
Dharwad.

(Rept by Public Prosecutor Dharwad).

//Vs.//

ACCUSED:

1. Mailari @ Mailarappa S/o. Mallappa
@ Mallanagouda Patil,
Age: 45 years, Occ: Agriculture,
2. Basappa @ Basavaraj @ Basanagouda
S/o. Mailari @ Mailarappa Patil,
Age: 21 years, Occ: Agriculture,
Both are residents of:
R/o: Kuruvinakoppa Village, Tq: Kalaghatagi,
Dist: Dharwad.

(By Sri. G. C. Badiger - Advocate)

Date of commencement of offence : 31.12.2024

Date of report of offence : 30.12.2024

Arrest of accused : 01/04/2021

Name of the complainant : Manjunath S/o. Dyamanagouda Patil.

Date of recording of evidence : 21.04.2026

Date of closing of evidence : 11.06.2026

Offences complained of : Under Sections 103(1), 109(1), 118(1), 352, 351(3), 3(5) of B.N.S.

Opinion of Judge : Accused found not guilty

Complainant represented by : Public Prosecutor, Dharwad.

Accused defense by : Sri. G. C. Badiger – Advocate

J U D G M E N T

1. Police Sub-Inspector, Kalghatagi police station has submitted this charge sheet against the Accused alleging that, they have committed the offences punishable under sections 103(1), 109(1), 118(1), 352, 351(3), 3(5) of B.N.S.

2. **The brief facts of the case of prosecution leading to filing of the charge sheet:** C.W-1/P.W-1 has filed complaint against the accused No.1 and 2 alleging that, on 30.12.2024 at about 04:00 PM at Kurvinkoppa village, there was dispute between the family of accused persons and complainant in respect of flowing of water to the land bearing Sy. Nos.47 and 41. Thus, the accused No.1 and 2 took quarrel with the complainant. Thereby accused No.1 assaulted the first informant with club and also assaulted CW.9 on his head with club and caused bleeding injuries. Thus, his wife (deceased Anusuya Patil) intervened to pacify the quarrel and at that time, accused No.2 abused her in filthy language and stabbed her with knife on her chest at the left side and left side of the abdomen. She succumbed to the injuries. Accordingly, a complaint was lodged, which led to the registration of an FIR and initiation of investigation. During the course of investigation, these petitioners were arrested by the respondent- police and in-turn they were remanded to judicial custody. Hence, the complaint.

3. On the basis of the said information, SI Kalaghatagi PS. got registered the case at their P.S. Crime No.315/2024 for the offences punishable U/Secs. 103(1), 109(1), 118(1), 352, 351, 3(5) of BNS, 2023 and sent the FIR/Ex.P-17 and complaint/Ex.P-1 to the Jurisdictional Magistrate through P.C 472.
4. On finding sufficient materials, he has filed the Charge Sheet against the accused for the offences Punishable U/s. 103(1), 109(1), 118(1), 352, 351(3) of B.N.S. before the Prl. Civil Judge and JMFC Dharwad.
5. The Committal Court after securing the presence of the accused No.1 and 2 upon supplying the prosecution papers to the accused persons as required U/Sec.230 of BNSS (U/Sec.207 of Cr.P.C) has committed this Case U/ Sec.232 of BNSS (U/Sec.209 of Cr.P.C) as one of the offence alleged against the accused persons is exclusively triable by the Sessions Court as per Order dated 05.04.2025 passed in C.C.No.373/2025 on the file of the Committal Court.
6. On committal of the case to this Court, the same was registered as S.C. No.24/2025. The accused No.1 and 2

were secured through VC as they were in Judicial custody.

7. The learned P.P. has opened the case of the Prosecution by describing the Charge brought against the accused persons, as required U/Sec.249 of BNSS (U/Sec.226 of Cr.P.C).
8. After hearing the accused persons, Charges were framed for the offences punishable U/s.103(1), 109(1), 118(1), 352, 351(3) of B.N.S. and was read over and explained to the accused persons in Kannada language known to them. Accused persons pleaded not guilty and claimed to be tried.
9. The learned P.P. has opened the case of Prosecution by describing the Charge, brought against the Accused persons, as required U/Sec.249 of BNSS (U/Sec.226 of Cr.P.C).
10. Since there were sufficient grounds put-forth by the Prosecution against the Accused persons to proceed against them, so the Accused persons were not discharged, as required U/Sec.250 of BNSS (U/Sec.227 of

Cr.P.C) and this Court has framed the Charge against the Accused persons, for the offences punishable under Sec.103(1), 109(1), 118(1), 352, 351(3) of B.N.S. as required U/Sec.228 of Cr.P.C/ U.Sec.251 of BNSS., which reads as under:

- (1) ದಿನಾಂಕದಿಃ 30/12/2024 ರಂದು ಸಾಯಂಕಾಲ 4.00 ಗಂಟೆ ಸುಮಾರಿಗೆ ಕುರುವಿನಕೊಪ್ಪ ಗ್ರಾಮದ ಜಮೀನು ರಿ.ಸ. ನಂ.47 ರಲ್ಲಿ, ಚಾಸಾ.13 ಈರಪ್ಪ @ ಈರಣ್ಣ ಕುರುಬಗಟ್ಟಿ ರವರ ರಿ.ಸ. ನಂ.41 ನೇ ಜಮೀನಿನಲ್ಲಿ ಹಾಯಿಸಿದ ನೀರು, 1 ಮತ್ತು 2 ನೇ ಆರೋಪಿತರಾದ ನೀವು ಹಾದಾಡಲು ಅಂತ ಬಿಟ್ಟ ದಾರಿಯಲ್ಲಿ ಬಂದು ನಿಂತಿದ್ದರ ವಿಷಯವಾಗಿ 1 ಮತ್ತು 2 ನೇ ಆರೋಪಿತರಾದ ನೀವು ಇಬ್ಬರೂ ಕೂಡಿಕೊಂಡು, ಫಿರ್ಯಾದಿ ಮಂಜುನಾಥ ಪಾಟೀಲ ರವರಿಗೆ 1 ನೇ ಆರೋಪಿಯಾದ ನೀನು ಬಡಿಗೆಯಿಂದ ಹೊಡೆ ಬಡೆ ಮಾಡಿ, ಚಾಸಾ.13 ಈರಪ್ಪ @ ಈರಣ್ಣ ಕುರುಬಗಟ್ಟಿ ಇತನಿಗೆ ಕೊಲೆ ಮಾಡುವ ಉದ್ದೇಶದಿಂದ ಬಡಿಗೆಯಿಂದ ತಲೆಗೆ ಹೊಡೆ ಬಡೆ ಮಾಡಿ ರಕ್ತಗಾಯಪಡಿಸಿ ಕೊಲೆ ಮಾಡಲು ಪ್ರಯತ್ನಿಸಿದ್ದು, ಭಾರತೀಯ ನ್ಯಾಯ ಸಂಹಿತಾ ಕಲಂ.109(1) ಸಹವಾಚಕ ಕಲಂ 3(5) ರಡಿಯಲ್ಲಿ ಶಿಕ್ಷಾರ್ಹ ಅಪರಾಧವನ್ನು ಈ ನ್ಯಾಯಾಲಯದ ಸಂಜ್ಞಾನದೊಳಗೆ ಎಸಗಿರುತ್ತಿರಿ.
- (2) ಎರಡನೆಯದಾಗಿ, ಮೇಲೆ ಹೇಳಿದ ದಿನಾಂಕ, ಸಮಯ ಮತ್ತು ಸ್ಥಳದಲ್ಲಿ, ಆರೋಪಿತರಾದ ನೀವು ಜಗಳ ಬಿಡಿಸಿಕೊಳ್ಳಲು ಹೋದ

ಫಿರ್ಯಾದಿ ಮಂಜುನಾಥ ಪಾಟೀಲ ರವರ ಹೆಂಡತಿ ಅನಸೂಯಾ ಪಾಟೀಲ ಇವಳಿಗೆ ಕೊಲೆ ಮಾಡುವ ಉದ್ದೇಶದಿಂದ 2 ನೇ ಆರೋಪಿಯಾದ ನೀನು ಬಿಡಸಾಕ ಬರತಿ ಹಾದರಗಿತ್ತಿ ಅಂತಾ ಅವಾಚ್ಛವಾಗಿ ಬೈದು, ಜೀವ ಬೆದರಿಕೆ ಹಾಕಿ ನಿನ್ನ ಹತ್ತಿರ ಇದ್ದ ಚಾಕುವಿನಿಂದ ಎದೆಯ ಎಡಭಾಗಕ್ಕೆ ಹಾಗೂ ಹೊಟ್ಟೆಯ ಎಡಭಾಗಕ್ಕೆ ಚುಚ್ಚಿ ಭಾರಿಗಾಯಪಡಿಸಿ ಕೊಲೆ ಮಾಡಿದ್ದು, ಭಾರತೀಯ ನ್ಯಾಯ ಸಂಹಿತಾ ಕಲಂ.103(1) ಸಹವಾಚಕ ಕಲಂ 3(5) ರಡಿಯಲ್ಲಿ ಶಿಕ್ಷಾರ್ಹ ಅಪರಾಧವನ್ನು ಈ ನ್ಯಾಯಾಲಯದ ಸಂಜ್ಞಾನದೊಳಗೆ ಎಸಗಿರುತ್ತಿರಿ.

(3) ಮೂರನೆಯದಾಗಿ, ಮೇಲೆ ಹೇಳಿದ ದಿನಾಂಕ, ಸಮಯ ಮತ್ತು ಸ್ಥಳದಲ್ಲಿ ಆರೋಪಿತರಾದ ನೀವು ಹಾದರಗಿತ್ತಿ ಮಕ್ಕಳಾ, ಬೋಸಡಿ ಮಕ್ಕಳಾ ಅಂತ ಅವಾಚ್ಛ ಬೈದಾಡಿದ್ದು, ಭಾರತೀಯ ನ್ಯಾಯ ಸಂಹಿತಾ ಕಲಂ.352 ಸಹವಾಚಕ ಕಲಂ 3(5) ರಡಿಯಲ್ಲಿ ಶಿಕ್ಷಾರ್ಹ ಅಪರಾಧವನ್ನು ಈ ನ್ಯಾಯಾಲಯದ ಸಂಜ್ಞಾನದೊಳಗೆ ಎಸಗಿರುತ್ತಿರಿ.

(4) ನಾಲ್ಕನೆಯದಾಗಿ, ಮೇಲೆ ಹೇಳಿದ ದಿನಾಂಕ, ಸಮಯ ಮತ್ತು ಸ್ಥಳದಲ್ಲಿ ಆರೋಪಿತರಾದ ನೀವು ಜೀವ ಬೆದರಿಕೆ ಹಾಕಿದ್ದು, ಭಾರತೀಯ ನ್ಯಾಯ ಸಂಹಿತಾ ಕಲಂ.351(3) ಸಹವಾಚಕ ಕಲಂ 3(5) ರಡಿಯಲ್ಲಿ ಶಿಕ್ಷಾರ್ಹ ಅಪರಾಧವನ್ನು ಈ ನ್ಯಾಯಾಲಯದ ಸಂಜ್ಞಾನದೊಳಗೆ ಎಸಗಿರುತ್ತಿರಿ.

(5) ಕೊನೆಯದಾಗಿ, ಮೇಲೆ ಹೇಳಿದ ದಿನಾಂಕ, ಸಮಯ ಮತ್ತು ಸ್ಥಳದಲ್ಲಿ 1 ಮತ್ತು 2 ನೇ ಆರೋಪಿತರಾದ ನೀವು ಇಬ್ಬರೂ

ಕೂಡಿಕೊಂಡು ಫಿರ್ಯಾದಿ ಮಂಜುನಾಥ ಪಾಟೀಲ ರವರಿಗೆ 1 ನೇ ಆರೋಪಿಯಾದ ನೀನು ಬಡಿಗೆಯಿಂದ ಹೊಡೆ ಬಡೆ ಮಾಡಿ, ಚಾಸಾ.13 ಈರಪ್ಪ @ ಈರಣ್ಣ ಕುರುಬಗಟ್ಟಿ ಇತನಿಗೆ ಕೊಲೆ ಮಾಡುವ ಉದ್ದೇಶದಿಂದ ಬಡಿಗೆಯಿಂದ ತಲೆಗೆ ಹೊಡೆ ಬಡೆ ಮಾಡಿ ರಕ್ತಗಾಯಪಡಿಸಿ ಸಾಮಾನ್ಯ ಸ್ವರೂಪದ ಗಾಯಗಳನ್ನುಂಟು ಮಾಡಿದ್ದು, ಭಾರತೀಯ ನ್ಯಾಯ ಸಂಹಿತಾ ಕಲಂ.118(1) ಸಹವಾಚಕ ಕಲಂ 3(5) ರಡಿಯಲ್ಲಿ ಶಿಕ್ಷಾರ್ಹ ಅಪರಾಧವನ್ನು ಈ ನ್ಯಾಯಾಲಯದ ಸಂಜ್ಞಾನದೊಳಗೆ ಎಸಗಿರುತ್ತಿರಿ.

(6) ಏನು ಆದೇಶ ?

11. The Accused persons did not plead guilty and they claim to be tried, so they were not Convicted for the said offences, as required U/Sec.252 of BNSS (U/Sec.229 of Cr.P.C).
12. Date for Prosecution evidence was fixed. Though the Prosecution has cited 37 witnesses, but it has examined 08 witnesses as P.W-1 to P.W-8, got marked 37 documents as Ex.P-1 to Ex.P-37, and 15 Material Objects are marked.
13. The learned Counsel for the Accused persons has cross-examined the witnesses of the Prosecution except those

who have been termed as Hostile Witnesses, to the case of the Prosecution.

14. That, as P.W-1 to 4 being the material witnesses for the Prosecution did not support the case of the Prosecution, except official witnesses this Court felt that, no better purpose will be served by examination of remaining Prosecution Witnesses, as prayed by the learned P.P, in pursuance of which, the prayer of the learned P.P in seeking for issuance of witness summons to the other witnesses was rejected and they were dropped and the side of the Prosecution was taken as closed, as evident from the Order Sheet dated 11.06.2025 of this Case.

15. That statement of the accused persons as required U/Sec.351 of BNSS (U/Sec.313 of Cr.P.C) is recorded on 04.08.2026, as evident from the Order Sheet dated 04.08.2026 of this Case.

16. Heard the Arguments of the learned P.P. for the State, and the learned Counsel for the accused persons.

17. Following Points arise for consideration which reads as under:

1. **Whether the Prosecution proves beyond all reasonable doubt that, on 30.12.2024 at about 04:00 PM at Kurvinkoppa village, there was dispute between the family of accused persons and complainant in respect of flowing of water to the land bearing Sy. Nos.47 and 41. Thus, the accused took quarrel with the complainant, thereby accused No.1 assaulted the first informant with club and also assaulted CW.9 on his head with club and caused bleeding injuries. Thus, his wife (deceased Anusuya Patil) intervened to pacify the quarrel and at that time, accused No.2 abused her in filthy language and stabbed her with knife on her chest at the left side and left side of the abdomen, she succumbed to the injuries and thereby committed the offences punishable U/Secs. 103(1), 109(1), 118(1), 352, 351, 3(5) of BNS, 2023 ?**

2. **What Order?**

18. The answers to the above Points are:

Point No.1 : In the Negative,

Point No. 2 : As per final order,

for following reasons;

: R E A S O N S :

19. **POINT NO.1:** It is the case of prosecution that, C.W-1/ P.W-1 has filed complaint against the accused No.1 and 2 alleging that, on 30.12.2024 at about 04:00 PM at Kurvinkoppa village, there was dispute between the family of accused persons and complainant in respect of flowing of water to the land bearing Sy. Nos.47 and 41. Thus, the accused No.1 and 2 took quarrel with the complainant. Thereby accused No.1 assaulted the first informant with club and also assaulted CW.9 on his head with club and caused bleeding injuries. Thus, his wife (deceased Anusuya Patil) intervened to pacify the quarrel and at that time, accused No.2 abused her in filthy language and stabbed her with knife on her chest at the left side and left side of the abdomen. She succumbed to the injuries. Accordingly, a complaint was lodged, which led to the registration of an FIR and initiation of investigation. During the course of investigation, these petitioners were arrested by the respondent- police and in-turn they were remanded to judicial custody.

20. In bringing home the guilt of the accused for the above said offences beyond all reasonable doubt, the Prosecution in proof of its above said Case, has got examined P.W-1 to 8 and has got marked Ex.P-1 to P-37 and 15 Material Objects as M.O.1 and M.O.15 identified.
21. Further in bringing home the guilt of the accused No.1 and 2, for the above said offences beyond all reasonable doubt, the prosecution has examined complainant/ CW.1 as P.W-1. This witness has not supported the case of prosecution by stating that, he does not know the contents of complaint (Ex.P-1). Further he has stated that, he has put his signature on Ex.P-1/complaint on the say of the police. He has denied that, he has given statement to the police and also not identified the material objects. Further he has stated that, there is no nexus with the accused persons and death of his wife deceased Anasuya Patil. Further he has not supported the case of the prosecution by stating that, he does not know the contents of Ex.P-4 Spot Panchanama. Further he has denied the contents of seizure panchanama marked at Ex.P-7.

22. Now at this stage it is just and necessary to reproduce the chief examination of P.W-1 appearing at Page No.1 in Para No.1 from the 5th line which runs as follows:

"ನನ್ನ ಹೆಂಡತಿ ಅನುಸೂಯ ಜಮೀನಿನಲ್ಲಿ ನೀರು ಹರಿದಿದ್ದರಿಂದ ಕಾಲು ಜಾರಿ ಬಿದ್ದಿದ್ದಳು."

23. Further relevant portion of chief examination of P.W-1 appearing at Page No.2 in Para No.2 from the 1st line to 5th line which runs as follows:

“ನಿಪಿ-1 ದೂರಿನ ವಿಷಯ ಯಾರು ಬರೆದಿದ್ದಾರೆ ಎಂದು ನನಗೆ ಗೊತ್ತಿಲ್ಲ. ನಿಪಿ-1 ರಲ್ಲಿ ಪೊಲೀಸರು ಸಹಿ ಮಾಡಲು ತಿಳಿಸಿದರು ನಾನು ಸಹಿ ಮಾಡಿದ್ದೇನೆ. ಸಾಕ್ಷಿಯು ನ್ಯಾಯಾದಲ್ಲಿ ಇರುವ ಸೀಲು ಮಾಡಲಾದ ವಸ್ತುಗಳನ್ನು ತೆರೆದು ತೋರಿಸಲಾಗಿ ಅವುಗಳು ಚಾಕು, ಬಡಿಗೆ, ರಕ್ತ ಹತ್ತಿದ ಮಣ್ಣು ಮತ್ತು ರಕ್ತ ಹತ್ತದೇ ಇರುವ ಮಣ್ಣನ್ನು ಆಗಿದ್ದು ಅವುಗಳನ್ನು ನೋಡಿ ಗುರುತಿಸಿರುವುದಿಲ್ಲ. ಪೊಲೀಸರು ನನಗೆ ತಾಣೆಗೆ ಕರೆಸಿರಲಿಲ್ಲ ಮರು ಹೇಳಿಕೆಯನ್ನು ಪಡೆದಿರಲಿಲ್ಲ.”

24. Further relevant portion of chief examination of P.W-1 appearing at Page No.3 in Para No.3 from the last line which runs as follows:

“ನನಗೆ ಈ ಪ್ರಕರಣದ ಮಾಹಿತಿ ಇಲ್ಲ ದೂರಿನಲ್ಲಿ ನನ್ನ ಹೆಂಡತಿಯ ಸಾವಿನ ಕುರಿತು ನಾನು ಬರೆಸಿಲ್ಲ. ನನ್ನ ಹೆಂಡತಿಯ ಸಾವಿಗೆ ಹಾಗೂ ಆರೋಪಿತರಿಗೆ ಯಾವುದೇ ಸಂಬಂಧ ಇಲ್ಲ.”

25. The learned P.P though has treated this P.W-1 as hostile witness and has cross-examined him in detail, but nothing worth could be elicited in the cross-examination of P.W-1 except the denial of the Complaint at Ex.P-1 and Ex.P-4 Spot Panchanama and seizure panchanama Ex.P-7. The efforts of learned P.P in the cross-examination of P.W-1 did not serve any fruitful purpose in eliciting anything in proof of the aforesaid Prosecution case, as P.W-1 has denied the aforesaid Prosecution Case in entirety in his evidence.
26. The prosecution has examined C.W-9 as P.W-2, who is stated to be the injured witness. This witness has not supported the case of prosecution by stating that the accused persons have not assaulted on him there was no quarrel between him and accused persons. He got injuries to his hand and head as he fell on the ground. Further he denied that, the accused persons have stabbed deceased Anasuya Patil. He denied the contents of complaint/ Ex.P-1.
27. Now at this stage it is just and necessary to reproduce the chief examination of P.W-2 appearing at Page No.1

in Para No.1 from 5th line to 7th line which runs as follows:

“ಅನುಸೂಯ ನನ್ನ ಅತ್ತಿಗೆ ಜಮೀನಿನಲ್ಲಿ ನೀರು ಹರಿದಿದ್ದರಿಂದ
ಕಾಲು ಜಾರಿ ಬಿದ್ದಿದ್ದಳು ಎಂದು ಕೇಳಿ ತಿಳಿದುಕೊಂಡಿದ್ದೆ. ನಾನು
ಜಮೀನಿನಲ್ಲಿ ಜಾರಿ ಬಿದ್ದು ಕೈ ಹಾಗೂ ತಲೆಗೆ ಪೆಟ್ಟು ಆಗಿತ್ತು.”

28. Further relevant portion of chief examination of P.W-2 appearing at Page No.2 in Para No.2 which runs as follows:

“2. ನಿಪಿ-1 ದೂರಿನ ವಿಷಯ ಯಾರು ಬರೆದಿದ್ದಾರೆ ಎಂದು ನನಗೆ
ಗೊತ್ತಿಲ್ಲ. ಪೊಲೀಸರು ನನಗೆ ಕಾಣೆಗೆ ಕರೆಸಿರಲಿಲ್ಲ ಯಾವುದೇ
ಹೇಳಿಕೆಯನ್ನು ಪಡೆದಿರಲಿಲ್ಲ. ನನ್ನನ್ನು ಕಿಪ್ಪು ಆಸ್ಪತ್ರೆಗೆ ಕರೆದುಕೊಂಡು
ಹೋಗಲಾಯಿತು. ನನಗೆ ಈ ಪ್ರಕರಣದ ಮಾಹಿತಿ ಇಲ್ಲ ನನ್ನ ಅತ್ತಿಗೆಯ
ಸಾವಿಗೆ ಹಾಗೂ ಆರೋಪಿತರಿಗೆ ಯಾವುದೇ ಸಂಬಂಧ ಇಲ್ಲ.”

29. The learned P.P though has treated this P.W-2 as hostile witness and has cross-examined him in detail, but nothing worth could be elicited in the cross-examination of P.W-2 except the denial of his statement marked at Ex.P-9. The efforts of learned P.P in the cross-examination of P.W-2 did not serve any fruitful purpose in eliciting anything in proof of the aforesaid Prosecution case, as P.W-2 has denied the aforesaid Prosecution Case in entirety in his evidence.

30. The prosecution examined C.W-8 as P.W-3, who is stated to be the eye witness to the incident. This witness in the evidence has clearly stated that, he is not aware of the incident as alleged the accused persons. Further he has denied the suggestion of the learned prosecutor that, he has witnessed the incident as alleged against the accused persons, wherein the accused No.1 assaulted him on his head with club and caused bleeding injuries. Thus, deceased Anusuya Patil intervened to pacify the quarrel and at that time, accused No.2 abused her in filthy language and stabbed her with knife on her chest at the left side and left side of the abdomen. She succumbed to the injuries. Further he has denied that, he has given statement. His statement is marked as Ex.P-10. Further this witness has not supported the case of prosecution during the cross-examination.

31. Now at this stage it is just and necessary to reproduce the chief examination of P.W-3 appearing at Page No.1 para No.1 which runs as follows:

“ಆರೋಪಿ-1 ಮತ್ತು ಆರೋಪಿ-2 ರವರು ಪರಿಚಯ. ನಮ್ಮ ಊರಿನ ಅನುಸೂಯ ಈಗ ತೀರಿಕೊಂಡಿದ್ದಾಳೆ. ಸದರಿ ಅನುಸೂಯ ಹೇಗೆ ಮೃತಪಟ್ಟಿರುತ್ತಾಳೆ ನನಗೆ ಗೊತ್ತಿಲ್ಲ. ಅನುಸೂಯಳ ಸಾವಿಗೆ ಹಾಗೂ ಆರೋಪಿತರಿಗೆ ಯಾವುದೇ ಸಂಬಂಧ ಇಲ್ಲ. ಪೊಲೀಸರು ನನಗೆ ತಾಣೆಗೆ ಕರೆಸಿರಲಿಲ್ಲ ಯಾವುದೇ ಹೇಳಿಕೆಯನ್ನು ಪಡೆದಿರಲಿಲ್ಲ.”

32. The learned P.P by treating P.W-3 as a hostile witness has cross-examined P.W-3 in detail at length with reference to Ex.P-10 by suggesting the contents of Ex.P-10 which have all been denied by P.W-3 therein. The efforts of learned P.P in the cross-examination of P.W-3 did not serve any fruitful purpose in eliciting anything in proof of the aforesaid Prosecution case, as P.W-3 has denied the aforesaid Prosecution Case in entirety in his evidence.

33. The prosecution has examined CW.15 as P.W-4 who is stated to be the scribe of the complaint/Ex.P-1. This witness has not supported the case of prosecution. He has stated in the evidence that, he has no knowledge about the incident as alleged against the accused persons. Further he has stated that, the has not written any complaint/Ex.P-1 on the say of CW.1/ complainant.

34. Now at this stage it is just and necessary to reproduce the chief examination of P.W-4 appearing at Page No.1 from 5th line in Para No.1 which runs as follows:

“ಪೊಲೀಸರು ಹೇಳಿದಂತೆ ನಿಪಿ-1 ರ ವಿಷಯವನ್ನು ನಾನು ಬರೆದಿದ್ದೆ. ನಮ್ಮ ಊರಿನ ಅನುಸೂಯ ಈಗ ತೀರಿಕೊಂಡಿದ್ದಾಳೆ. ಸದರಿ ಅನುಸೂಯ ಹೇಗೆ ಮೃತಪಟ್ಟಿರುತ್ತಾಳೆ ನನಗೆ ಗೊತ್ತಿಲ್ಲ. ಅನುಸೂಯಳ ಸಾವಿಗೆ ಹಾಗೂ ಆರೋಪಿತರಿಗೆ ಯಾವುದೇ ಸಂಬಂಧ ಇಲ್ಲ. ಪೊಲೀಸರು ನನಗೆ ರಾಣಿಗೆ ಕರೆಸಿರಲಿಲ್ಲ ಯಾವುದೇ ಹೇಳಿಕೆಯನ್ನು ಪಡೆದಿರಲಿಲ್ಲ.”

35. The learned P.P though has treated this witness P.W-4 as hostile witness and has cross-examined him in detail, but nothing worth could be elicited in the cross-examination of P.W-4 except the denial of contents of Ex.P-1/ complaint.

36. Point to be noted is that P.W-1 who is the complainant and P.W-2 who is the injured alleged by the prosecution and CW.8/P.W-3 is the eye witness wherein these P.W-1 and 2 are related to each other, as aforesaid have not adduced evidence in consonance with the case of the Prosecution against the Accused No.1 and 2. Further the alleged eye witness also not adduced evidence in

consonance with the case of the Prosecution against the Accused No.1 and 2.

37. The cross-examination by the learned P.P to P.W-1 to 4 has not yielded any favourable answers in favour of the Prosecution. That, when P.W-1/complainant, and the injured/CW.9/P.W-2 themselves and other material witnesses/ Eye witness have not adduced evidence on material particulars, then where could be the question of the examination of other witnesses to adduce evidence in favour of the Prosecution. Even, if they had adduced evidence, the case of the Prosecution would not have improved in any way.

38. Though the prosecution has examined CW.16 as P.W-5 and C.W-19 as P.W-6 who are stated to be the Doctors. Further CW.36 examined as P.W-7 and CW.37 examined as P.W-8 who are stated to be the police witnesses. The evidence of P.W-5 to 8 are formal in nature.

39. In view of the reason that, P.W-1 to 4 being the material witnesses have not adduced evidence against the Accused No.1 and 2 on material particulars as per Ex.P-

1/complaint and Ex.P-4/spot panchanama by identifying material object seized in the above case, in favour of the Prosecution by turning hostile to the case, of the Prosecution, this Court felt that, the examination of the rest of the Prosecution Witnesses would not serve any better purpose for the Prosecution Case. Hence, the prayer of the learned P.P in seeking for issuance of process to the aforesaid remaining Prosecution Witnesses was rejected by this Court, as the same would not serve any better purpose, as above said and were dropped by closing the side of the Prosecution.

40. That, in view of the aforesaid hostile attitude adopted by the material witnesses i.e., P.W-1 to P.W-4 it has become impossible to base a conviction as there is no cogent Oral/ Documentary evidence available against the Accused No.1 and 2. Therefore, there is no other option left to this Court, except to pronounce a judgment of acquittal as could be seen from the decision reported in; **(1996) 9 SCC 766 (Satish Mehra –Vs- Delhi Admn and Another)** - wherein it is held at **Para 15** of the said decision as under;

"But when the Judge is fairly certain that there is no prospect of the case ending in conviction the valuable time of the court should not be wasted for holding a trial only for the purpose of formally completing the procedure to pronounce the conclusion on a future date. We are under heavy pressure of workload. If the Sessions Judge is almost certain that the trial would only be an exercise in futility or a sheer waste of time it is advisable to truncate or snip the proceedings at the stage of Section 227 of the Code itself."

41. By looking into the aforesaid Oral/Documentary Evidence placed by the Prosecution on record, this Court is of the view that, though several allegations are made against the Accused No.1 and 2, the Prosecution has failed to establish the above said Charges levelled against the Accused No.1 and 2 through cogent Oral/Documentary evidence beyond all reasonable doubt. Hence, the above said **Points No.1 is answered in the Negative.**

42. **POINT NO.2:** In the absence of effective, efficient and believable evidence from the side of the Prosecution, it

is concluded that, the accused has not committed the acts, amounting to the offences punishable U/Sec. 103(1), 109(1), 118(1), 352, 351(3), 3(5) of B.N.S. and for having answered Point No.1 in the Negative, I proceed to pass the following;

ORDER

**Acting U/Sec.258(1) of BNSS
(U/Sec.235(1) of Cr.P.C) Accused No.1
and 2 are hereby acquitted for offences
punishable U/Sec. 103(1), 109(1),
118(1), 352, 351(3), 3(5) of B.N.S**

**The Bail Bond and surety bond
executed by the accused No.1 and 2 and
their sureties stands cancelled after 6
months from the date of this judgment as
required U/Sec.437A of Cr.P.C.**

**The seized articles M.O-1 One T-shirt,
M.O-2 One knife, M.O-3 Black colour
Saree, M.O-4 Blouse, M.O-5 Petty coat,
M.O-6 One wooden stick, M.O-7 Blood
stained soil, M.O-8 Sample of soil, M.O-9**

**Chocolate colour Sando Baniyan, M.O-10
Blue colour Jeans Pant, M.O-11 Blue Black
Yellow colour Sando Baniyan, M.O-12
Black Track Pant, M.O-13 Ash & light
yellow lines with Black & Orange Colour
Lungi, M.O-14 Pink & light Blue colour
checks design Towel and M.O-15 Red
colour underwear are now being
worthless, are ordered to be destroyed,
after the appeal period is over.**

**Office is directed to issue Intimation to
the concerned Jail Authorities to release
the Accused No.2, due to his Acquittal in
this case, provided that the Accused No.2
is not required in any other case.**

(Dictated to the Stenographer directly on the Computer, the same is revised, edited and corrected by me and then pronounced in the Open Court on this the **13th day of August, 2026**).

**(SMT. ZAREENA)
III Addl. Dist., & Sessions Judge,
(SPL. JUDGE FOR KLA/ACB & CBI CASES)
DHARWAD.**

ANNEXURE**LIST OF WITNESSES ON BEHALF OF PROSECUTION:-**

- P.W-1 Shri. Manjunath S/o. Dyamangouda Patil.
P.W-2 Shri. Sachin S/o. Veerupakshgouda Patil.
P.W-3 Shri. Siddappa S/o. Mahadevappa Hubballi.
P.W-4 Shri. Mahesh S/o. Channappa Sharawad.
P.W-5 Dr. Maheshwari W/o. Praveen Gurikar.
P.W-6 Dr. Nitesh S/o. Danmal Jain.
P.W-7 Shri. Basavaraj S/o. Basavanni Yeddalagudda.
P.W-8 Shri. Shrishail S/o. Shivappa Koujalagi.

**WITNESSES EXAMINED ON BEHALF OF DEFENCE
SIDE:-**

-NIL-

**LIST OF EXHIBITS GOT MARKED ON BEHALF OF THE
PROSECUTION:-**

- | | |
|-----------------|------------------------------|
| Ex.P-1 | Complaint. |
| Ex.P-1(a) & (b) | Signatures. |
| Ex.P-2 | Pawati Besmi. |
| Ex.P-2(a) | Signature. |
| Ex.P-3 | Phtotos (02) |
| Ex.P-3(a) | Signature. |
| Ex.P-4 | Spot and Seizure Panchanama. |
| Ex.P-4(a) | Signature. |
| Ex.P-5 | Hand Sketch. |
| Ex.P-5(a) | Signature. |
| Ex.P-6 | Photo (01). |
| Ex.P-7 | Cloth seizure panchanama. |
| Ex.P-7(a) | Signature. |
| Ex.P-8 | Further Statement of P.W-1. |

Ex.P-9	Statement of P.W-2.
Ex.P-10	Statement of P.W-3.
Ex.P-11	Statement of P.W-4.
Ex.P-12	Postmortem report.
Ex.P-12(a)	Signature of P.W-5.
Ex.P-13	Specimen collected requisition.
Ex.P-13(a)	Signature of P.W-5.
Ex-P-14	Final opinion.
Ex.P-14(a)	Signature of P.W-5.
Ex.P-15	Wound certificate.
Ex.P-15(a)	Signature of P.W-6.
Ex.P-16	Examination of article.
Ex.P-16(a) & (b)	Signature of P.W-6.
Ex.P-17	F.I.R.
Ex.P-17(a)	signature of P.W-7.
Ex.P-18	Inquest Panchanama.
Ex.P-18(a)	Signature of P.W-8.
Ex.P-19	Photos (02).
Ex.P-20	One CD.
Ex.P-21	Certificate U/s.63(4)(c) of Indian Evidence Act.
Ex.P-21(a)	Signature of P.W-8.
Ex.P-22	Photo.
Ex.P-23	One CD/Floppy Disk.
Ex.P-24	Panchanama regarding collection of Articles by Medical officer.
Ex.P-25	One Photo.
Ex.P-26	CD/Floppy Disk.
Ex.P-27	Viscera & Cloth Seizure Panchanama.
Ex.P-27(a)	Signature of P.W-8.
Ex.P-28	Photo.
Ex.P-29	CD/ Mailer/Floppy Disk.
Ex.P-30	CDR Details (05 page).
Ex.P-30(a)	Signature of P.W-8.

Ex.P-31	RFSL Test Report dt: 17.01.2025.
Ex.P-31(a)	signature of P.W-8.
Ex.P-32	RFSL Test Report dt: 17.02.2025.
Ex.P-32(a)	signature of P.W-8.
Ex.P-33	Hand sketch.
Ex.P-33(a)	Signature of P.W-8.
Ex.P-34	Discharge summary.
Ex.P-34(a)	Signature of P.W-8.
Ex.P-35	RTC Extracts.
Ex.P-35(a)	Signature of P.W-8.
Ex.P-36	Airtel Part-A Certificate dt:04.04.2025.
Ex.P-36(a)	Signature of P.W-8.
Ex.P-37	JIO Part-A Certificate dt:04.04.2025.
Ex.P-37(a)	Signature of P.W-8.

**LIST OF DOCUMENTS GOT EXHIBITED ON BEHALF OF
DEFENCE SIDE:-**

- N I L -

**LIST OF MATERIAL OBJECTS GOT MARKED ON
BEHALF OF THE PROSECUTION:**

M.O-1	One T-shirt.
M.O-2	One knife.
M.O-3	Black colour Saree.
M.O-4	Blouse.
M.O-5	Petty coat.
M.O-6	One wooden stick.
M.O-7	Blood stained soil.
M.O-8	Sample of soil.
M.O-9	Chocolate colour Sando Baniyan.
M.O-10	Blue colour Jeans Pant.
M.O-11	Blue Black Yellow colour Sando Baniyan.

M.O-12	Black Track Pant.
M.O-13	Ash & light yellow lines with Black & Orange Colour Lungi.
M.O-14	Pink & light Blue colour checks design Towel.
M.O-15	Red colour underwear.

**III Addl. Dist. & Sessions & Spl. Judge,
Dharwad.**

sps*