

KAHV300020882024



IN THE COURT OF PRIL.SENIOR CIVIL JUDGE,
AND JMFC HANGAL, AT: HANGAL

-. PRESENT :-

Sri. MAHESH S. PATIL,
Bsc. LL.B.,
Pril. Senior Civil Judge and JMFC.,
Hangal

Dated this the 1st day of August, 2026

C.C.No.1067/2024

1. The Karnataka State,
Represented by Police Station,
Hangal.

.....COMPLAINANT

(By learned Sr. APP, Adv.)

-/Versus/-

Raju Basappa Talavar
Age: 35 Years, Occ: Farmer,
R/o. Chikkeri Hosahalli village,
Hangal Taluk, Haveri District.

....ACCUSED

(By Sri.S.I.H., Adv.)

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Date of commission of alleged offence	23.05.2023		
Date of report of alleged offence	27.05.2023		
Date of arrest of accused persons:	--		
Date of release of accused persons on bail:	17.06.2023		
Name of the informant	Smt.Anitha Nagammanavar		
Nature of offences complained	Section 323, 325, 498A, 504, 506 of IPC		
Date of commencement of recording of evidence	01.07.2026		
Date of closing of recording evidence	01.07.2026		
Date of Judgment	18.07.2026		
Opinion of the Judge	Accused is not held guilty		
Duration of the case	Year	Month	Days
	01	10	26

:- JUDGEMENT :-

The Hangal Police has submitted this charge sheet against the accused for the offences punishable U/Ss.,323, 325, 498A, 504, 506 of IPC.

2. The case of the prosecution in brief is as under;

The sister of CW.1 i.e., CW4 was given in marriage to the accused and their marriage took place since 9 years back. At the time of marriage an amount of Rs.50,000/-, 40 grams gold was given to the accused and the accused started to give mental and physical harassment to the CW4. On 23.05.2023 at 10 a.m. when the CW1 and her relatives came to the house of the CW4 situated at Chikkeri Hosahalli village, at that time the accused picked up quarrel with the CW.4 and abused her in filthy language, assaulted her with hands and legs and caused simple and grievous injuries and gave life threat to them. Thereafter on 27.05.2023 at 7.00 p.m. the CW.1 went to the police station and lodged her police complaint against the accused who have committed the aforesaid offences.

3. On the basis of first information statement of CW.1, the Complainant Police have registered case in Crime No.128/2023 against the accused and submitted F.I.R. After completion of investigation, the complainant police have submitted Charge Sheet. Thereafter, the

cognizance of the aforesaid offences against the accused was taken and the case is registered in criminal case register and process came to be issued against the accused. In furtherance of the service of process, the accused appeared and obtained bail. The prosecution papers were furnished to the accused as contemplated under Section 207 of Cr.P.C.

4. The charges are framed against accused for the aforesaid offences. The accused denied the said charges and claimed to be tried.

5. During trial, the prosecution has examined the CW.4 as PW.1. Since the PW.1 is the victims and eye witness in this case has turned hostile and not deposed to support the case of prosecution. Hence, no useful purpose would be served by securing the presence of other charge sheet witnesses. Hence, the prayer of Learned A.P.P. is rejected and remaining Cws are dropped. Since there are no incriminating materials against the accused, the recording of the

statement of the accused as contemplated U/Sec.313 of Cr.P.C. is dispensed.

6. Heard the arguments on both the sides and perused the materials on record.

7. The following points arise for my consideration:

POINTS

1. Whether the prosecution proves beyond all reasonable doubt that, since 9 years back the accused married CW4 and gave physical and mental torture to CW-4 and thereby the accused committed offence punishable under Section 498A of IPC?
2. Whether the prosecution proves beyond all reasonable doubt that on 23.05.2023 at about 10 am when the CW1 came to the house of the CW4, at that time the accused picked up quarrel with CW-4 and abused her in filthy language and thereby accused has committed offence punishable under Section 504 of IPC?
3. Whether the prosecution proves beyond all reasonable doubt that on the aforesaid date, time and place accused assaulted with hands to the CW-4 and caused hurt and thereby the accused

committed offence punishable under Section 323 of IPC?

4. Whether the prosecution proves beyond all reasonable doubt that on the aforesaid date and place the accused assaulted with hand to the CW-4 and caused grievous hurt and thereby the accused committed offence punishable under Section 325 of IPC?
 5. Whether the prosecution proves beyond all reasonable doubt that on the aforesaid date, time and place the accused gave life threat to CW.4 and thereby committed an offence punishable under Section 506 of IPC?
 6. What Order ?
8. My findings to the above points are as under:

Point Nos.1 to 5: In the Negative,

Point No.6: As per final order for the following:

REASONS

9. **Point No.1 to 5:** All these Points are interlinked to each other, hence they are taken up together for common discussion in order to avoid repetition of facts and evidence.

10. The gist of the prosecution case is that the CW.1 is the sister of CW4 and CW4 is the wife of the accused. The accused started to give mental and physical harassment to the CW4. When CW1 and her family members came to the house of the CW4 at that time the accused started to assault CW4 and abused her and gave life threat to her. Hence, the CW.1 lodged the complaint against the accused for the aforesaid offences.

11. In order to prove the case of the prosecution, it has examined the CW.4 as PW.1 who is the victim and eye witness to the incident and got marked the document at ExP.1.

12. The CW.4 has been examined as PW.1. But the PW.1 has fully turned hostile by deposing that accused has not assaulted to her and not caused any simple or grievous hurt to CW4 and not given any life threat.

13. Thus P.W.1 who is the victim witness to the incident are main and material witness for prosecution, has fully turned hostile and she has not supported the case of prosecution. Though P.W.1 has been cross examined by learned APP by treating her as hostile witnesses, but no useful materials are brought out from their mouth to support the case of the prosecution. Thus, evidence of P.W.1 is of no use to the prosecution.

14. By considering these materials on record and hostile evidence of PW.1, who is main and material witness for the prosecution, examination of rest of witnesses for prosecution was dropped by observing that no purpose will be served by examining them. Since there are no incriminating circumstances appearing against the accused, recording of his statement U/Sec. 313 of Cr.P.C. was dispensed with. For the above discussed reasons, prosecution has failed to prove the guilt of accused beyond all reasonable doubts. Hence, left with no other alternative, this Court is constrained to answer Point Nos.1 to 5 in the Negative.

15. **Point No.6:** For the aforesaid discussions on Point Nos.1 to 5, I proceed to pass the following:

ORDER

Acting under Section 248(1) of Cr.P.C, the accused is hereby acquitted of the offences punishable under Sections. 323, 325, 498A, 504 and 506 of IPC.

The bail bond executed by the accused will be in force for a period of six months as per Section 437A of Cr.P.C.

(Dictated to the stenographer on computer, computerized by him corrected by me and then pronounced the judgment in the open court on 01st day of August, 2026)

(Sri.Mahesh S. Patil)
Pril.Senior Civil Judge & JMFC,
Hangal

A N N E X U R E

The witnesses examined for the prosecution:

PW-1 Yashoda Talavar

The documents exhibited for the prosecution:

ExP.1 Statement of CW4

List of material objects marked for the prosecution:

- NIL -

The witnesses and documents exhibited for the defense:

- NIL -

(Sri.Mahesh S. Patil)
Pril.Senior Civil Judge & JMFC,
Hangal