

KAKB420006252022



Presented on : 04-03-2022  
Registered on : 04-03-2022  
Decided on : 26-03-2026  
Duration :4 years 0 months 22 days

**IN THE COURT OF THE PRL CIVIL JUDGE & J.M.F.C.,**  
**CHINCHOLI**

**Present**

**SRI. BALU,**  
**B.A., LL.B.**  
**C/c Prl Civil Judge & JMFC,**  
**Chicholi.**

**DATE: ON THIS THE 26<sup>th</sup> DAY OF MARCH 2026**

**CRIMINAL CASE No.451/2022**

**COMPLAINANT:**

The State through Chincholi P.S  
**(By Asst. Public Prosecutor)**

**//Versus//**

**ACCUSED:**

1. Veerareddy S/o Ramreddy  
Madda, Age: 48 years, Occ:  
Agriculture, R/o Ainapur.
2. Gangareddy S/o Veerareddy, Age:  
23 years, Occ: Agriculture, R/o  
Ainapur.

(Accused by Sri. N.H.R Advocate)

1.	Date of commission of offence	05.10.2021
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2.	Date of report of offence	05.10.2021
3.	Name of the complainant	Smt. Kalavathi W/o Sangareddy
5.	Date of recording evidence	04.09.2024
6.	Date of closing evidence	24.07.2025
7.	Offences complained of	Sec. 354(C) R/w 34 of IPC
8.	Opinion of the Judge	As per final order

Sd/-  
**(Balu)**  
**C/c Prl Civil Judge & JMFC.,**  
**Chincholi**

### **J U D G M E N T**

The accused No.1 and 2 have faced the trial for the offence punishable U/sec. 354(C) R/w 34 of Indian Penal Code upon charge sheet submitted by the PSI, of Chincholi P.S.

2. **Brief facts of the prosecution case are that;**

The criminal law has set into motion based on the first information statement of Smt. Kalavathi W/o Sangareddy. The averments made in the first information statement discloses that on 05-10-2021 morning at about 09-00 AM when CW-1 went to the stream situated backside of the house of Veerareddy for toilet/defecation and at that time the



Accused No.1 and 2 by standing on the top of their house and looked at CW-1 with evil eyes which is witnessed by CW-4 to CW-7. The accused also caused trouble to the CW-4 to CW-7. Thereafter, the informant went to the Police station and lodged the first information statement against the Accused No.1 and 2.

3. On the basis of first information statement the SHO of Chicholi Police Station has registered the case against the accused No.1 and 2 in Crime No.120/2021 for the offences punishable U/sec. 354(C) of IPC R/w Section 34 of IPC and forwarded FIR to the court. The accused No.1 and 2 voluntarily appeared before the Court during the crime stage and got enlarged on bail. After completion of investigation, the investigating officer has filed charge against the accused No.1 and 2 for the offences punishable U/sec. 354(C) R/w Section 34 of IPC. Thereafter, this court took the cognizance and issued process against the accused No.1 and 2.
4. The Accused No.1 and 2 appeared before the Court through their counsel. Thereafter, prosecution papers were supplied to the accused No.1 and 2 as per sec. 207 of Cr.P.C. As there are sufficient evidence available against the accused No.1 and 2 my learned predecessor in office have framed the charge for the offences punishable U/sec. 354(C) R/w Section 34 of IPC and same is read over and explained to the accused No.1 and 2 in language known to them. The accused No.1 and 2



pleaded not guilty and claims to be tried. Therefore, case is posted for prosecution evidence.

5. The prosecution in order to bring home the guilt of the accused have examined total 5 witnesses as PW.1 to 5. In addition to that the prosecution has also produced 3 documents which are marked at Ex.P.1 to 3 along with its sub-markings.
6. After closure of prosecution evidence, statement of accused No.1 and 2 recorded as required under Section 313 of Cr.P.C. Accused No.1 and 2 denied incriminating circumstance appearing against them in prosecution evidence and accused No.1 has been examined DW-1 and another two witnesses as DW-2 and DW-3 and got marked Ex.D-1 document.
7. I have heard the arguments of learned APP for state and learned counsel for accused No.1 and 2.
8. After hearing both side and after going through the oral and documentary evidence placed on record in the case on hand and also on hearing of the arguments by the both side the following points arise for determination:

**P O I N T S**

1. Whether the prosecution proves beyond all reasonable doubt, on 05-10-2021 in the morning at about 09-00 AM when CW-1 went



to the stream situated backside of the house of Veerereddy for toilet/defecation and at that time the Accused No.1 and 2 with a common intention by standing on the top of their house looked at CW-1 with evil eyes and thereby committed an offence punishable U/s 354(C) R/w 34 of IPC?

2. What order or sentence ?

9. My answers to the points are as under:

Point No.1 : In the Negative.

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

### **REASONS**

10. **POINTS No.1:** The prosecution, in order to bring home guilt of accused have examined 5 witnesses as PW.1 to 5. PW-1 is the eye witness, PW-2 and 3 are the investigating officers, PW-4 is the informant, PW.5 is the pancha witness to Ex.P-3 spot panchanama, Ex.P-1 is the First information Statement, Ex.P-2 is the First Information report, Ex.P-3 is the Spot panchanama. On the other hand in order to disprove the case of prosecution the accused No.1 himself examined as DW-1 and another two witnesses as DW-2 and DW-3 and got marked Ex.D-1.

12. The criminal law set into motion based on the first information statement lodged by CW-1/PW-4 Smt. Kalavathi W/o Sangareddy. PW-4 in her examination in chief deposed



that, about 5 to 6 years ago in the morning she along CW-2, 4 to 9 were going to the toilet to the stream situated backside of the house of Accused. The Accused were looking them by standing on the top of their house. Therefore, she filed the Complaint against the Accused No.1 and 2 as per Ex.P-1. It is worth to mention here that, PW-4 being the informant and victim as not deposed anything about the accused looking at them with evil eyes.

13. PW-4 during the course of cross examination by the counsel for accused admitted that her son married with the daughter of Manikreddy who is none other than the brother of accused No.1. Further, she admitted that there is a dispute between the Manikreddy and accused No.1 in respect of landed property. Further, she admitted that on 05-10-2021 the police compromised the quarrel between Manikreddy and accused No.1. On 05-10-2021 said Manikreddy and Veerareddy were at police station till afternoon. This categorically admission by CW-1 makes it clear that there is a dispute between accused No.1 and one Manikreddy who is none other than the father-in-law of her son.
14. CW-1 during the course of cross examination admitted that there is a space for toilet backside the house of one Shankrayya and which is nearest to her house. This fact creates doubt as to why the CW-1 went for toilet in the space



situated backside the house of accused No.1 instead of at the place which is near her house. Apart from this on perusal of Ex.D-1 it is discloses that CW-1 is having toilet in her house. Therefore, it creates doubt.

15. It is worth to mention here that the PW-4 in her cross examination admitted that there are lot of trees in the backside house of the accused and thereafter there is a nala. This admission goes to show that there are lot of trees situated backside of house of the accused No.1. Therefore, it cannot be said that the accused are able to watch them from their house. Apart from this when counsel for accused suggested to PW-4 that generally father and son together cannot look with evil eyes for that the PW-4 answered when she went for toilet only accused No.1 was looking at her. On careful scrutiny of testimony of PW-1 one thing is clear that there is a dispute about the land in between the Manikreddy and accused No.1. Therefore, there may be a chance of filing false complaint against these accused.

16. Now let me examined the testimony of eyewitness by name Smt. Narsamma W/o Sharnappa who is examined as PW-1. In his examination in chief she deposed that about 3 year ago in the morning she along with CW-1 to 3 and CW-5 to CW-9 were going to toilet and the accused were going on the top of their house. Further, she deposed that the accused neither to



her nor CW-1 damaged in any manner. The testimony of PW-1 make it clear that neither the accused looking to CW-1 nor other womens accompanied with CW-1 with an evil eyes. PW-1 during the course of cross examination deposed that "ಆರೋಪಿತರು ಯಾವುದೇ ಕೆಟ್ಟ ದೃಷ್ಟಿಯಿಂದ ನೋಡುವುದಿಲ್ಲ ಎಂದರೆ ಸಾಕ್ಷಿ ಆದರೆ ಬಗ್ಗೆ ನನಗೆ ಗೊತ್ತಿಲ್ಲ, ಆದರೆ ಅವರು ತಮ್ಮ ಮನೆಯ ಮೇಲೆ ಹೋಗುತ್ತಾರೆ ಎಂದು ನುಡಿಯುತ್ತಾರೆ". This admission of PW-1 make it clear that the accused were not looking to CW-1 with evil eyes.

17. PW-5 being pancha witness to the case of prosecution. She deposed that about 1-2 years back when she was going to the toilet near the stream backside of the accused house then the accused went on the top of their house and they do this always. PW-5 in her cross examination deposed that ಬಿಳಿ ಕಾಗದ ಮೇಲೆ ಪೋಲಿಸರು ನನ್ನ ಸಹಿ ಪಡೆದಿದ್ದಾರೆ ಎಂದರೆ ಸರಿ. Apart from this PW-5 deposed that ನಾವು ಮಾಣಿಕರೆಡ್ಡಿರವರ ಹೊಲದಲ್ಲಿ ನಾವು ಕೆಲಸ ಮಾಡಲು ಹೋಗುತ್ತೇವೆ ಎಂದರೆ ಸರಿ. This admission of PW-5 makes it clear that she don't know what has been written in the spot panchanama which is marked as Ex.P-3 and she is working at the land of Manikreddy. Therefore, testimony of PW-5 is not reliable and untrustworthy.

18. PW-2 and 3 being the investigating officers have deposed about the duty done by them during the course of investigation. PW-2 A.S Patel S/o Sukur Patel is the investigating Officer. He deposed in his examination in chief about registration of first informant report in crime



NO.120/2021 as per Ex.P-2. Further, he deposed that he filed the FIR as per Ex.P-2 and about conducting the spot panchanama in the presence of CW-2 and 3 as per Ex.P-3. PW-3 only recorded stated of CW-6 and 7 and filed the final report.

19. On the other hand, the defence denied the case of prosecution and taken the defence that there is a dispute between Manikreddy and accused with respect of land. DW-2 and DW-3 deposed that the accused No.1 at the land at the time of alleged date and time of incident. Therefore, as stated above the PW-4 admitted in her cross examination that there is a dispute between Manikreddy and Accused No.1 with respect of land. Hence, the testimony of these witnesses become more reliable and more trustworthy.
20. The allegation made by prosecution against accused is for voyeurism. In order to prove the voyeurism the prosecution must prove the specific expectation of privacy. If a person in a public place where there are visible to any passer-by the recording of such a person does not necessarily meet the high threshold of criminal voyeurism under the Indian Penal Code.
21. At this juncture it is worth to refer a decision of Hon'ble Supreme Court of Indian in case of **Tuhian Kumar Biswas @**



***Bumba V/s The State of West Bengal reported in 2025***  
***Livelaw (SC) 1159.*** Wherein the held as under:

The FIR and chargesheet did not disclose an offence under Section 354C of the IPC- Voyeurism is defined as an act of a man watching or capturing the image of a woman engaging in a private act in circumstances where she would usually have the expectation of not being observed – A private act includes an act of watching carried out in a place reasonably expected or covered only in underwear, or the victim's genitals, posterior or breasts are exposed or covered only in underwear, or the victim is using a lavatory, or the victim is doing a sexual act not ordinarily done in public – Since there was no allegation in the FIR and charge sheet that the the complainant was watched or captured while engaging in a 'private act', the offence was not disclosed.

22. By applying the principle laid down by the Hon'ble Supreme Court in the aforesaid decision. In the present case on hand, the CW-1 know that the passer-by can look into them if they seat for toilet in the open place. Therefore, Section 354(c) of IPC does not attract.
23. The Court must ensure that, the miscarriage justice avoided and it facts and circumstance of the case so demand, then the benefit of keeping in the mind is given to the accused. In this regard this court has relaid upon the discussion given by



the Hon'ble Supreme Court in **Sujit Biswas V/s State of Assam reported in 2013 CRI.L.J. 3140( SC).**

24. On over all assessments of the orally evidence adduced on behalf of prosecution one thing is clear that the prosecution has failed in establishing the offence as alleged against the accused. The evidence produced by the prosecution is insufficient and can't be accepted as in their evidence there are lot of material contradiction, inconsistencies. Therefore a reasonable doubt arises in the mind of court as stated supra it is well settled principle of law that whenever the doubt arises in the mind of court, the benefit of such doubt should ever goes infavor of accused. Therefore by extending doubt benefit of doubt in favour of accused I answered point No.1 **in Negative.**

25. **POINT No.2:-** In view of my finding on point NO.1, I proceed to pass the following:-

### **ORDER**

Acting Under Section 248(1) of Cr.P.C., the accused No.1 and 2 is hereby acquitted for the offences punishable U/Sec. 354(C) R/w 34 of IPC.



Bail bond and surety bond of the accused  
No.1 and 2 is hereby stands cancelled after  
completion of appeal period.

(Dictated to the Stenographer directly on the computer, computerized by her,  
corrected, and pronounced by me in the Open Court on this the 26<sup>th</sup> day of  
March-2026)

Sd/-  
**(Balu)**  
**C/c Prl Civil Judge & JMFC.,**  
**Chincholi**

**ANNEXURE**

**LIST OF WITNESSES EXAMINED FOR PROSECUTION:**

PW.1 : Narasamma W/o Sharanappa  
PW.2 : A.S. Patel S/o Sukur Patel  
PW.3 : Hanmanth S/o Basappa  
PW.4 : Kalavathi W/o Sangareddy  
PW.5 : Sunitha W/o Hanmanth

**LIST OF WITNESSES EXAMINED FOR DEFENSE:**

DW-1 : Veerareddy S/o Ramreddy  
DW-2 : Avinath S/o Dayanand  
DW-3 : Padmakar S/o Sangappa

**LIST OF DOCUMENTS MARKED FOR PROSECUTION:**

Ex.P-1 : First Information Statement  
Ex.P-2 : First information Report  
Ex.P.2(a) : Signature of CW-10



- Ex.P-3 : Spot panchanama  
Ex.P.3(a) : Signature of CW-10

**LIST OF DOCUMENTS MARKED FOR DEFENSE:**

- Ex.D-1 : Letter from Gram Panchayat, Ainapur

**LIST OF MATERIAL OBJECTS:**

-NIL-

Sd/-  
(Balu)  
C/c Prl Civil Judge & JMFC.,  
Chincholi.

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