

**IN THE COURT OF CIVIL JUDGE AND J.M.F.C.,
PONNAMPET**

-:Present:-

Sri. Shrinath A., B.A.L, L.L.B.,
Civil Judge and J.M.F.C.,
Ponnampet

Criminal Case No.729/2024

Dated this the 1st day of June 2026

Complainant: - State by Ponnampet Police,
(By: The Asst. Public Prosecutor)

-V/s -

Accused:- Sri.Noushad P.A,
S/o: Abdul Azeez P.M,
Aged: 33 years,
R/o: B-10, 3rd Cross,
Doctor Layout,
Electronic city, Bangalore.
Bengaluru City.

(By Sri.M.H.Navalgund)

- | | |
|------------------------------------|--------------------------------|
| 1. Date of commission of offence : | 07.05.2023 |
| 2. Date of report of offence: | 21.06.2023 |
| 3. Name of complainant | Smt.Pandikanda Dechamma, |
| 4. Date of recording evidence: | 16.10.2025 |
| 5. Date of closing evidence: | 27.05.2026 |
| 6. Offences complained of : | Sec.354(D), 506 and 509 of IPC |
| 7. Opinion of the Judge : | Accused is Convicted |



JUDGMENT

The Sub-Inspector of Police, Ponnampet police station have filed charge sheet against the accused person for the offences punishable under Sec.354(D), 506 and 509 of IPC.

2. The brief case of the prosecution is that within the jurisdiction of the Ponnampet police station, at Kanuru junction, Cw1 while in rented house at Kanoor junction, Ponnampet, the accused has sent whats app messages from his mobile numbers 971545477850, 971585798822 and 7022429041 to mobile number 9481690078 of Cw1 demanding for money from 07.05.2023 to 21.06.2023 and threatened of, if not paid money he would upload her photo by stating “your sex picture going to upload” including her video with intention to outrage her modesty and has further threatened Cw2 demanding for money by sending Cw2’s photo and message of “if u really born to single dad give police complaint your wife should give me money I have



proof and we stayed together two years, if you really born to single dad give complaint with proof I will come to station” creating fake facebook accounts with profile name Sharath Nellamakada and Sheelu Dechamma and has committed an offence punishable under Sec.354D, 506 and 509 of IPC.

3. This court perusing the materials took cognizance and thereafter issue summons to the accused person. The accused has appeared through his advocate and has been enlarged on bail. The copies of the final report in compliance of Sec.207 of Cr.P.C was furnished. After framing charges for the offences punishable under Sec.354(D), 506 and 509 of IPC against the accused person, the charge was read over and explained to him and he has pleaded not guilty and hence summons was issued to the prosecution witnesses.

4. The prosecution in support of their case has examined 15 witnesses as Pw1 to Pw15 and got marked Ex.P1 to Ex.P48. As there was incriminating evidence



appearing in prosecution witnesses against the accused person, the incriminating evidence was read over to the accused under Sec.313 of Cr.P.C and the accused has denied them as false. Thereafter the accused did not choose to lead any evidence.

5. Heard the learned APP and advocate for accused. Upon hearing the arguments and on perusal of the material on record, the following points that would arise for this Court's consideration are as under:-

- 1). Whether the prosecution beyond all reasonable doubt proves that within the jurisdiction of the Ponnampet police station, the accused has repeatedly harassed the complainant who works from home at Vishwanath's rented house, by sending whatsapp messages to her mobile number 9481690078 from his mobile number 97154577850 and from other mobile numbers 971585798822 and 7022429041 demanding her for money by making her severely distressed, thereby



committed the offence punishable under sec.354(D) of IPC?

2. Whether the prosecution further proves beyond reasonable doubt that, the accused has threatened to complainant if the money is not given, he will upload the photos and videos of the complainant in social media, thereby committed offence punishable under Sec.506 of IPC?

3. Whether the prosecution further proves beyond reasonable doubt that, the accused have also defamed the complainant by sending the photos and vulgar messages to Cw2 as “If your really born to single dad give complaint your wife should give me money, I have proof and we stayed together for two years if you really born to single dad give complaint with proof I will come to station” with the intention to insult the modesty of complainant, thereby committed offence punishable under Sec.509 of IPC?

4. What order?

6. On hearing the arguments and on perusal of the materials placed on record, my answers to: -



Points No.1 to 3:- In the Affirmative
Point No.4:- As per final order
for the following:-

R E A S O N S

7. **Points No.1 to 3:** Cw1 victim got examined as Pw1 and states of knowing accused and deposes of Accused threatening her and her husband Cw2 of uploading her sex video and photo if money not paid as demanded, denying of having received any money from Accused. It is said that Accused has created fake accounts in the name of Sheelu Dechamma and Sharath Nellamakada and has threatened to post photo and sex video, by adding phone numbers of his friends depicting of she is posting in the name of such accounts by mentioning her and her husband phone numbers and of Accused posting abusing her husband on 07.05.2023 and on 21.06.2023. As per Ex.P1 she has given first information to Police and as per IP address, Accused shown of being in Dubai no action taken and hence has given first information to Police as per Ex.P2. It is further



said that spot mahazar as per Ex.P3 was drawn on 24.06.2023 and her statement was given to Magistrate on same day and identified spot mahazar photos as per Ex.P4 and P5.

8. The prosecution treating as partly hostile cross examines and elicits as true that after drawing of spot mahazar, she went to police station, seizure mahazar was drawn seizing Whats app messages and facebook screen shots and her Redmi mobile phone. She identified seizure mahazar which got marked as Ex.P6 and photos Ex.P7 and P8. Further said phone was switched on and screen shots of Whats app messages were shown, which got marked as Ex.P9 to P29. Advocate for Accused raised objection of there being no replies to said messages and is created, to which Pw1 answered that they have not replied to any of his messages. The Redmi phone got marked as Mo1.



9. Advocate for Accused cross examined admitting of knowing Pw1 by suggesting which was denied as false of they were in live-in relationship in BTM layout and of having borrowed six lakhs and one lakh that was transferred to her accounts from SBI and HDFC banks and having blocked his number and shifted to Ponnampet avoiding her marriage with him and with the intention to cheat has not repaid his money. It is further denied as false that she know Accused from her college days and had gone out to Mysore and Panjim resort staying together and that he was her facebook friend. She answers that she had no facebook account until 2018 and of fake accounts created she came to know from Cw2. She has answered that while she was in search of job, he introduced in one ITPL Techno park of knowing HR's so that she will be employed and that she was with her friend Muthamma in one PG at Marathalli and BTM Layout and that she do not remember of Accused also staying at BTM



Layout. She cannot answer who created such fake accounts naturally because she has no knowledge, but has said that it is done by Accused. It is denied as false that messages are created and was not sent by him. It is pertinent to note that suggestion is made and denied as false to the effect of Accused having demanded money through Whats app, for having borrowed from him.

10. The Cw2 husband of Pw1, got examined as Pw2 and states that after his marriage with her, after two days Accused demanded money or else of sending nude photos of his wife and demanded fifty thousand by sending message to his Whats App number. It is said that as per CEN police, Accused has got his phone number from one mechanic of his village. Prosecution treating this witness as partly hostile elicits as true that of Accused demanding money from his wife and him and of threatening to upload photos and sex video and of creating fake accounts tarnishing his



image by abusing him as discussed supra. He has identified mobile scree shots from Ex.P9 to P29.

11. Advocate for Accused cross examined and answers that from CEN police they learnt of Accused name is Noushad and that his friend Sharath Nellamakada has not taken any action for his account being faked and police have not questioned his friend in this regard. Denies as false that only upon accepting friend request, postings made in the account can be viewed and answered that when posted in public it can be viewed. Elicited that from Ex.P9 to P21 there are no replies from their end and has only messages of Accused. It is true that there is no details of when such message was sent with its time. Accused used to de-activate and therefore screen shots are taken or else such messages would vanish. Elicited that there is no chat messages sent to him by Accused and that he do not know of money transactions between Accused and Pw1. Denies as



false of any relationship of Accused and Pw1 and has not sent any messages to them. It is suggested and denied as false that the alleged phone numbers and facebook accounts are not created by Accused.

12. Cw3 is sister of Cw1 and Cw4 is the husband of Cw3 have got examined as Pw3 and Pw4. They have stated that upon the marriage of Cw1 with Cw2, accused have threatened to upload naked photos of Cw1 and that accused used to call Cw4 demanding for money and having done so would use to abuse with abusive language and has done so far more than three months. The prosecution treating these witnesses as partly hostile and elicited of accused having used whatsapp, Facebook and Instagram for sending such messages demanding for money and of accused having used the phone numbers 971545477850 and 971585798822 and has demanded for money and with whatsapp number and has threatened of uploading the sex picture. Another mobile



number 9722429041 accused has called Cw1 and has threatened to take divorce from her husband. It is further elicited as true that with the fake Facebook profiles the name of Sheelu Dechamma it is said that Cw1 has gone with one muslim youth for Goa trip and for money has married Cw2 and having known this how Cw2 is living with Cw1 was also messaged and of said of their illegal relationship having lived in BTM Layout and have got married to Cw2. Further from another fake facebook account Cw2 was also abused by stating that if he is born to single father has told him to go and give complaint and that his pross wife has to give money. Further has demanded for money or else her photos will be posted in social media. In this regard it is said that above statements are true and has identified the Ex.P9 to 29 mobile screen shots. Both these witnesses have answered such suggestions of the prosecution to be as true.



13. The advocate for accused cross examined Pw3 and is elicited that her phone was not collected by police and that there is no complaint from her hand. She do not know the phone numbers of the accused and denies as false that accused and Cw1 were living together in BTM Layout. She denies as false that accused has not committed any such offences and that the messages and the whatsapp call have been fabricated.

14. The advocate for accused having cross examined Pw4 has elicited that his phone has also not been seized by police and that he do not know of any money transactions between the accused and Cw1 and denies as false that Cw1 is supposed to give Rs.7,00,000/- to the accused.

15. Cw8 being the seizure mahazar witness of the mobile phone of the accused got examined as Pw5. He has identified the seizure mahazar Ex.P30 and the signature vide Ex.P30(a). It is said that on 04.11.2023 he signed it



while police had seized accused Oppo mobile phone in the police station. He identified the said phone which got marked as M.O.2 and similarly the photos taken at the time of mahazar got marked as Ex.P31 and Ex.P32. Advocate for accused cross examines and it is answered that M.O.2 mobile phone was seized in his presence has written in the mahazar and has again identified M.O.2 in the court. He answers that he do not know about the sim cards and denies as false there was no such seizure of mobile phone. The prosecution further has suggested that the police have seized two sim cards which have been marked M.O.3 and M.O.4. Advocate for accused elicits that he do not know the name of the company of the sim card.

16. Cw6 is the spot mahazar witness conducted at the house of Cw1 who got examined as Pw6. It is said that she has signed Ex.P3 and Ex.P6 mahazars for having conducted spot mahazar at the house of Cw1 and of



collecting the facebook, whatsapp messages and then in police station having collected the screen shots while giving it to the police. Prosecution treating this witness as partly cross examines and gets identified the Ex.P4 and Ex.P5 spot mahazar photos and of Ex.P7 and Ex.P8 seizure mahazar photos and also gets identified Ex.P9 to Ex.P29 screen shots. Further elicits with regard to the timings of the mahazars and of police seizing the Redmi mobile phone and identifies the M.O.1 phone. Advocate for accused cross examines and elicits of he not knowing the contents of the said mahazars, but was of facebook and whatsapp messages sent by accused to Cw1. He denies as false that he has not seen any of such messages and to help Cw1 he is deposing false before the court. Further elicits that he cannot identify the mobile phone with its colour and of which company it belongs to. Further he do not know to



whom M.O.1 mobile phone belongs to, but it was taken from Cw1.

17. Initially Cw11 being the expert witness got examined as Pw7 but her evidence was discarded noting that her opinion report is perse admissible in evidence. However, later she is again examined as Pw15.

18. Cw12 police who has attempting to retrieve from the M.O.1 phone got examined as Pw8. He states that by using ant analizer ufed 4 PC and of having retrieved 21 photos and has given report in this regard where mahazar was drawn having given to him by Cw22. He has identified Ex.P35 mahazar and the details of the 21 photos. Advocate for accused cross examines and denies as false that he has not done any such acts and has not applied the software for retrieving such photos.

19. Cw15 who arrested the accused got examined as Pw9. He states that on 03.11.2023 he was asked to trace



the accused and in Bathe Grama, Napoklu he was found and on 04.11.2023 at 1.30a.m he brought him to the police station. Advocate for accused cross examined by saying that he had not caught the accused which is denied as false.

20. Cw17 is the police who has written the Ex.P3 spot mahazar at the house of Cw1 and that she has taken the photo at the time of seizure and has given the electronic evidence certificate. She has identified Ex.P3 and the photos Ex.P4 and Ex.P5 and Ex.P7 and Ex.P8 and also identified Ex.P36 electronic evidence certificate. Advocate for accused cross examines and suggests which is denies as false that she has not written such mahazar and has not taken such photos and the electronic evidence certificate has not been issued by her.

21. Cw22 is the Investigation Officer got examined as Pw11. She has received the first information and has registered the Ex.P37 FIR, and Cw1 statement before



Magistrate was recorded and with regard to drawing of Ex.P3 mahazar and of correcting the screen shots through mahazars. Cw1's mobile phone was received and was sent to CEN police station for retrieving the data. Facebook screen shots was received from Cw1 and of sending Redmi mobile phone to FSL and further of having seized the Oppo mobile phone from the accused on 04.11.2023 and of having send the accused to the court. It is said that from Oppo mobile phone no data was retrieved and then Oppo mobile phone was sent to FSL and she has received the FSL reports and has identified the said documents. She has also received the CD's of the data stored by the expert witnesses, which got marked as Ex.P48 and has identified the M.O.1 to M.O.4. Advocate for accused cross examines and it is answered that Cw1 alone had given the first information and it is said that the address in the first information was that of her husband, but the spot mahazar was drawn in



the house of her father. It is elicited that IO has not received the IMEI numbers of the phones of accused and Cw1 and there is no investigation as to from which e-mail ID fake face book accounts were created. It is said in the voluntary statement of accused that he was in live-in-relationship with Cw1 which Cw1 denies. It is suggested and denied as false that during such living accused has given money to Cw1. It is answered that Ex.P9 to Ex.P29 screen shots and its phone numbers belong to the accused, but no investigation of such phone numbers being in the name of the accused. It is denied as false that no mobile phone was seized from the custody of accused and denies that accused has not created any fake accounts. There is no proof of the Oppo mobile phone belonging to the accused, but from his custody such phone was seized.

22. Cw18 police got examined as Pw12. He has take Ex.P31 and Ex.P32 photos and has given Ex.P43 electronic



evidence certificate for having taken such print out of the photos from Canon printer on 04.11.2023. Advocate for accused cross examines and denies as false that he has not taken such photographs and that those photos are created.

23. Cw13 from CEN Police station got examined as Pw13 and he using ant analyzer software UFED 4 PC, tried to retrieve the data from Oppo mobile phone and that no data was extracted and in this regard Ex.P41 mahazar was said to have been drawn. Advocate for accused cross examined and denies as false that there was no such attempt to extract the data.

24. Cw7 being the another seizure mahazar witness of the phone of accused got examined as Pw14. He states that with regard to the vulgar video being uploaded in the facebook mahazar was drawn in the police station and he signed it and identified Ex.30 mahazar. Prosecution cross examined and elicited that Oppo mobile phone was seized



from accused and identified the M.O.2 phone and the accused and that Cw8 was present during the mahazar and police has taken his statement. Advocate for accused cross examined and elicited that he do not know the contents of mahazar and denies that no mobile was seized from accused.

25. Cw11 is the expert witness got examined as Pw15 upon recall by the prosecution. It is stated that she has examined Redmi and Oppo mobile phones and with the help of software she could extract only partial data and the registered mobile number of Redmi mobile was 9481690078 and that she has given Ex.P14 expert report and that because of partial data being extracted it is said that she cannot say whether screen shots were taken from the Redmi mobile phone or whether it was a transferred data, she has put the extracted data in Ex.P48 CD and has given the electronic evidence certificate vide Ex.P44. It is said that



there was whatsapp chat from 9481690078 and 971545477850 and also text messages and similarly whatsapp messages have happened between 9481690078 and 971585798822, but no text messages and that there was whatsapp chats and two text messages between 9481690078 and 7022429041 and that these data is stored in Ex.P48 CD. Similarly between the Redmi mobile phone whatsapp number and 971545477850 there are 301 whatsapp call logs and that with another number 971585798822 and the Redmi whatsapp number there were 17 whatsapp call logs and that between the same number with 70224229041 there was eight call logs. In the Oppo mobile phone, the whatsapp business chat mobile number is 971585798822 and that there was no whatsapp conversation from this number to 9481690078 mobile number, but there was whatsapp business call logs of 315 number. Also there was normal telephone calls without



internet between the said numbers. It is further said that due to partial data extraction, she cannot answer of screen shots in Oppo mobile phone of the data found in Redmi mobile phone and in this regard she has stored the data of the Oppo mobile phone in Ex.P34 CD and of Ex.P45 report. Prosecution treating the witness as partly hostile cross examines in the point that because the accused would have deleted, there are no details of whatsapp conversations with the Redmi whatsapp number, for which it is answered that because of partial extraction she cannot answer such question. Further with regard to facebook account from which mobile number it was created cannot be said from the data found in Oppo mobile phone. Advocate for accused cross examined and it is elicited that she has not ascertained the sim in the Oppo mobile phone and that she cannot say that above mobile phone belongs to the accused.



26. As per the first information given to CEN police on 19.06.2023, it is alleged that, when she was working in Bangalore, Accused had introduced to her as Nucchimaniyanda Rahul Chinnappa who were friends and later learnt of Accused name is Noushad and after her marriage from 07.05.2023 using her photo and creating fake facebook accounts in the names of Sheelu Dechamma, dechammasheelu, sheelupandicanda has used her husband photo and has posted abusing against her husband and of having demanded money repeatedly and on 16.06.2023 Accused creating another fake account in name of Sharath Nellamakada and has posted abusing against her husband and has called over phone from numbers as mentioned above demanding money. Having no action taken has given first information to Police narrating the above facts, upon which FIR got registered.



27. As per suggestions put forth to Pw1 by advocate for accused, is that he alleges of live-in relationship having intention to marry and of she having borrowed money. Even as per first information Ex.P1, it is said that it is after marriage with Cw2, accused has sent such messages, which he himself proves the case of prosecution of his motive to send such messages. There is no proof of Accused having lent such money having suggested of made directly through bank accounts. There is also no proof of such affair of her with him prior to her marriage. Therefore, case of prosecution coincides with the defence of accused made without any proof. There is also admission in cross examination of Accused sending Whats App messages demanding for return of money and further of alleging of early relationship of Accused with Pw1, which gives the motive and intention to send such messages.



28. From perusal of the above evidence the case of the accused is that there is no evidence to show that the Oppo mobile and the sim cards belongs to the accused, which is his primary defense. There is evidence of the Pw15 that she has not examined the sim cards as to its phone numbers and she has not ascertained whether it belongs to the accused. There is no evidence even with regard to IMEI number. Therefore the burden of the prosecution is in proving that the said Oppo mobile phone M.O.2 belongs to the accused. The main prime witnesses are the seizure mahazar witnesses Pw5 and Pw14 who have identified their signatures in Ex.P30 seizure mahazar of Oppo mobile phone. Both these witnesses have deposed with regard to the presence of accused from whose custody the Oppo mobile phone M.O.2 was taken from the police and that the said phone was seized in their presence. Both these witnesses have identified the said Oppo mobile phone but



not by its colour but by the name of the company. Even in cross examination Pw5 has stated that with regard to seizure of said mobile phone mahazar has been drawn and that denies as false that no such mobile phone was seized in his presence. With regard to sim he has been questioned but there is no analysis from the expert Pw15 because there was no such instruction. From the evidence of Pw14 it is said that said mobile phone was seized from the accused in the police station with regard to vulgar videos in the facebook. Though Pw14 has stated that he do not know the contents of mahazar he denies as false that no mobile was seized in his presence, but has identified the accused and has stated the reason and purpose for which such mobile was seized. Therefore from the evidence of Pw5 and Pw14, it is evident that such Oppo mobile phone was in the custody of the accused.



29. Though still there is no proof of such mobile phone belonged to the accused by its phone numbers in whose name it was registered, the fact that such mobile phone was in his custody shows that such mobile phone was under his control and in such circumstance it becomes immaterial for the prosecution to prove that such M.O.3 and M.O.4 sim cards were in the name of accused and that such mobile phone was purchased by the accused. By proving such facts that it was in the custody of the accused from the evidence of Pw5 and Pw14, the defense of the accused that it is not proved that such sim cards were in the name of accused and that mobile phone not linking with its IMEI number do not hold good. It is like in whose custody money currency notes exist, such money belongs to them unless contrary is proved. In this case of mobile phone such analogy is applicable, until the accused proves that he had no such Oppo mobile phone and such sim cards.



30. Further from the suggestions made out by the advocate for accused it is his case that Pw1 had borrowed money from him and to avoid such repayments such false evidence has been created by her. On the other hand suggestions have been made further that Pw1 and the accused were in live-in-relationship having lived in BTM Layout, Bangalore and that they had such relationship of Pw1 willing to marry him and that she has now married Pw2. The Pw1 has denied such suggestions as false and has stated that she had lent money to him, which has not been repaid by the accused and he is now threatening her, Pw2 demanding for money or else her pictures with him will be uploaded thus affecting her marital relationship with Pw2. Noting the suggestions put forth and the intention of the accused in causing trouble to Pw1 in order to affect her marital life with Pw2 is clearly evident. Further Pw1 to Pw4 have clearly stated that accused only after Pw1's marriage



with Pw2 is causing such problem demanding for money or else uploading her photos and alleged videos of Pw1 and accused being together. Therefore the actus reus and mens rea shows the clear object of tarnishing the image of Pw1 and Pw2 so that they may break their relationship.

31. The evidence placed before the court is of digital evidence, wherein the original mobile phones being the primary source of evidence have been seized. With regard to seizure of Redmi mobile phone, there is no dispute as per the evidence of Pw1 and also from the evidence of Investigation officer of having seized both mobile phones. From cross examination Pw1, there is no cross examination with regard to the seizure of Redmi mobile phone and has disputed only with regard to the Oppo mobile phone contending that it is not that of the accused. Therefore the above evidence co-relating with the evidence of Pw15 who is an expert who has extracted the data from the said phones



to know whether there was any communication between the accused and Pw1 and also so by the Pw2 to Pw4. It is elicited from cross examination of Pw2 to Pw4 that their mobile phones have not been seized and therefore the case of the prosecution is limited only between the Pw1 and accused communication. Pw15 has given evidence of having stored the partial data found in both their mobile phones in the Ex.P34 and Ex.P48 CD's. Ex.P48 is pertaining to the data found in Redmi mobile phone and another CD is of Oppo mobile phone. Pw15 has given reports of Ex.P40 pertaining to Redmi mobile phone and of Ex.P33 of that of Oppo mobile phone and that she has given electronic evidence certificates as per Ex.P44 and Ex.P45 identifying her signatures therefore the said reports are per sae admissible.

32. With regard to the screen shots Pw15 answers that there is no meta data, which means there is no source



referred in the Redmi mobile phone pertaining to such screen shots as to from where its origin is. Having viewed from the report of Oppo mobile phone vide Ex.P33, it is said that the whatsapp conversations are not found with respect of whatsapp business chat mobile number of Redmi mobile phone. However from the FSL report of Ex.P40 pertaining to Redmi mobile phone, it is said that there has been whatsapp chats from the Redmi whatsapp registered mobile number with that of 971545477850 and of another number 971585798822. Therefore the Oppo mobile phone consisting of such two whatsapp numbers when co-related with the registered whatsapp mobile number of Redmi it is evident that there was such whatsapp chats between the Oppo mobile phone and Redmi mobile phone. The Redmi mobile phone contained such screen shots where no meta data was found, however the fact is that there was whatsapp chats between the said mobile numbers and also the fact is that



the accused is disputing of he not knowing Pw1 and on the other hand the suggestions made by the advocate for accused evidents the fact that he was not happy of Pw1 marrying Pw2 and had malafide intention of tarnishing her image as per the prosecution case. Because of partial extraction of data from both the mobile phones expert is unable to answer as to such screen shot images are of the whatsapp chats taken from the Redmi mobile phone or was it transferred data. The software application for extraction of data has its own limitations and not that the entire data was extracted, such benefit cannot be given to the accused and going by the fact of Pw1 and accused known each other for some years and of Pw1 marriage with Pw2 having not been able to digest by the accused has made him to send such messages through whatsapp, which is evident of such whatsapp chats being communicated between the two mobile phones.



33. As per the prosecution case the accused is using the fake facebook accounts, having whatsapp chats with Pw1 demanding for money or else her pictures and of Pw1 and accused having gone out to Goa such photos will be uploaded and also abusing Pw2 as to how he is living with Pw1 knowing all this and abating by using abusive language and instigating to file complaint against him. It is also evident there has been around 301 call logs between the two mobile phones which is deposed by Pw1 to Pw4 that he keeps calling Pw1 to Pw4 demanding for money and that in this regard they had given complaint to the CEN police station.

34. Those screen shots from Ex.P9 to Ex.P29 cannot be relied because of no meta data being found, there is evidence by the expert Pw15 wherein it is said that there has been whatsapp chats and also of whatsapp call logs between the numbers so found in the said mobile phones



that co-relates with the first information Ex.P1 evidents the fact that the accused has such malafide intention to tarnish the family of Pw1 publicly. Because of partial extraction the expert is unable to say with regard to the details of the whatsapp chats. With regard to the seizure of Ex.P9 to Ex.P29, Pw1 has identified such screen shots. The fact that there is whatsapp chats between both the mobile phones and from the Ex.P40 and Ex.P33 FSL reports there is evidence of existence of such screen shots with the image file name in the end linking to whatsapp, it is evident that such screen shots have been taken from the whatsapp directly and further the Ex.P33 report that few screen shots contents are matching from the registered whatsapp numbers of both the phones. Because of partial extraction, there is missing of some data with regard to the some lines of video being uploaded message, good luck Goa with Dechamma, hello and your FB account are not matching in



both the mobile phones in the overall the screen shots so found in Redmi mobile phone have been sent from the Oppo mobile phone matching with the numbers so referred and also having been also sent from Redmi mobile phone to the other mobile phones not belonging to the accused. However there is whatsapp chats from the accused Oppo mobile phone to the Redmi mobile phone as per page no.10 to 14 of Ex.P40 FSL report. Even from Ex.P33 FSL report as discussed supra there is communication between two through whatsapp business call logs and that there were two facebook messenger user accounts present with their facebook ID's with the details as enclosed in annexure A1(e). This fortifies the fact of accused having the facebook accounts in the name of Sheelu Dechamma and Nellamakkada Sharath. There is reference of muslim guy with whom Pw1 had gone to Goa for a trip and this correlates with the accused who is also a muslim. The accused



has not provided the proof of having given money to Pw1 though suggested of having given through banks. Therefore from the suggestions put forth by the advocate for accused and knowing the fact of Pw1 and accused each other and the case of prosecution of accused having threatened of sending messages of uploading photos and the alleged videos threatening for money is clearly evident from the evidence of Pw15 which links the conversation between accused and Pw1 and that to where there is clear evidence of such messages being sent only after marriage between Pw1 and Pw2.

35. The alleged offences are under Sec.354D, 506 and 509 of IPC. Sec.354D of IPC pertains to stalking where the accused follows not only physically but also through electronic communication even where such woman shows disinterest in the accused. In this case the Pw1 has married Pw2 showing disinterest, but the accused has made



whatsapp chats, whatsapp call logs of 301 times and because of only partial extraction of data the exact communication has not been extracted. But the fact is there is a reference of such screen shots referring to the dates on which it was taken being dated 16.06.2023, 19.06.2023, 12.06.2023, 20.06.2023 as seen in the reports which is after the marriage and between the dates 07.05.2023 to 21.06.2023 as noted in the first information and the prosecution case. These communications corroborates with the electronic evidence as alleged by the prosecution to show that accused had such intention as alleged to tarnish the image of Pw1 through electronic means, which attracts the ingredients of Sec.354D of IPC.

36. With regard to Sec.506 of IPC, threat need not be to cause death or grievous hurt and it even includes of imputing unchastity to woman. Therefore the intention of accused showing interest with Pw1 through suggestions put



forth in cross examination and not liking of Pw1 marrying Pw2 is a clear case of displeasure and therefore trying to tarnish her image alleging of earlier relationship between is a clear threat and demanding for money and if not paid uploading such pictures with him is a clear case of gesture intending to insult the modesty of woman with intention to upload through electronic means in electronic media is a clear case of Sec.506 and 509 of IPC. Therefore for the above reasons the accused has committed the said offences and accordingly points no.1 to 3 are answered in the Affirmative.

37. **Point No.4:** On the foregoing reasons, this court proceeds to pass the following:-

O R D E R

Acting under Sec.248(2) of Cr.P.C., 1973, the accused is convicted for the offences punishable under Sec.354(D), 506 and 509 of IPC.

The property reported in P.F.No.50/2023 and P.F.No.132/2023 in



P.R.No.130/2025 that is Redmi mobile phone and Oppo mobile phone to be kept along with the file.

The M.O.3 and M.O.4 sim cards are also to be kept along with the file.

The bail bond and surety bond of accused stands cancelled.

To hear on sentence.

(Dictated to the stenographer directly on my computer, after clerical additions by him, script revised, corrected and pronounced by me in the Open Court on this the 1st day of June 2026)

- sd -
(Shrinath A)
Civil Judge and J.M.F.C.
Ponnampet.

ORDERS ON SENTENCE

38. Heard learned APP and advocate for accused. APP submitted to impose maximum punishment, but on the other hand accused submits that he would not commit any such offences hereafter and that he is having family who are dependent on his livelihood and has aged parents and that they have health problem and prays for lesser sentence.



39. From perusal of the facts, the aggravating circumstance is that even during the trial, the bail of the accused got canceled for committing similar such offences and that the offences is against married woman. The mitigating circumstance is that he only having threatened of uploading, has not uploaded any such alleged photos and messages.

40. The victim Pw1 being married and that PW 2 husband having supported during her hard times, the PW 1 has undergone mental torture from the conduct of the accused and therefore is ordered for compensation of Rs.5,000/- to be paid to the complainant.

41. By taking into consideration the submission made by accused person, this court proceed to pass the following:

ORDER

For the offence punishable
under Sec.354(D) of IPC, accused



shall undergo simple imprisonment for a period of one year and pay fine amount of Rs.3,000/-. In default of payment of fine amount, the accused shall undergo simple imprisonment for a period of one month.

For the offence punishable under Sec. 506 of IPC, accused shall undergo simple imprisonment for a period of one year.

For the offence punishable under Sec. 509 of IPC, accused shall undergo simple imprisonment for a period of one year and pay fine amount of Rs.3,000/-. In default of payment of fine amount, the accused shall undergo simple imprisonment for a period of one month.

The above simple imprisonment of one year shall run concurrently.

Acting under Sec.357(A) of Cr.P.C the fine amount of Rs.5,000/- is ordered as compensation to be paid to the victim being the Pw1. Remaining fine amount of Rs. 1,000/- shall be payable to state.



Period of imprisonment undergone during trial shall be set off against the sentence of imprisonment awarded. Accused is in J.C since 04.12.2024 to 19.12.2024 and from 31.07.2025 till today

Office to provide free copy to the accused.

- sd -

Civil Judge and J.M.F.C.
Ponnampet.

ANNEXURES

1) List of Witnesses examined on behalf of prosecution:-

Pw1	:	Smt.Dechamma,
Pw2	:	Sri.Milan,
Pw3	:	Smt.Leelvathi P,
PW4	:	Sri.Yashu P,
Pw5	:	Sri.Sashikumar,
Pw6	:	Sri.Chandrashekar,
Pw7	:	Smt.Rashmi C,
Pw8	:	Sri.Manjunath P.S,
Pw9	:	Sri.Manjunath B,
Pw10	:	Smt.Ramya R,
Pw11	:	Smt.Pramila V.R,
Pw12	:	Sri.Rupith B.D,
Pw13	:	Sri.Deepak,
Pw14	:	Sri.Shivaraju,
Pw15	:	Smt.Rashki C,

2) List of documents marked on behalf of prosecution:-

Ex.P1	:	C.E.N complaint,
-------	---	------------------



Ex.P2 : Complaint,
Ex.P2(a) : Signature of Pw1,
Ex.P1(b) : Signature of Pw4,
Ex.P3 : Spot mahazar,
Ex.P3(a) : Signature of Pw1,
Ex.P3(b) : Signature of Pw6,
Ex.P3(c) : Signature of Pw10,
Ex.P3(d) : Signature of Pw11,
Ex.P4 & 5 : Photos,
Ex.P6 : Property seizure mahazar,
Ex.P6(a) : Signature of Pw6,,
Ex.P6(b) : Signature of Pw10,
Ex.P7 & 8 : Photos,
Ex.P9-29 : Mobile screen shots,
Ex.P30 : Seizure mahazar,
Ex.P30(a) : Signature of Pw5,
Ex.P30(b) : Signature of Pw11,
Ex.P30(c) : Signature of Pw14,
Ex.P31 & 32: FIR,
Ex.P33 : FSL report,
Ex.P34 : CD,
Ex.P35 : CEN mahazar,
Ex.35(a) : Signature of Pw8,
Ex.P36 : Certificate under Sec.65(B) of Evidence Act,
Ex.P36(a) : Signature of Pw10,
Ex.P37 : FIR,
Ex.P37(a) : Signature of Pw11,
Ex.P38 & 39: FSL acknowledgments,
Ex.P38(a) 39(a):Signature of Pw11,
Ex.P40 : FSL report,
Ex.P40(a) : Signature of Pw11,
Ex.P41 : CEN Mahazar,
Ex.P41(a) : Signature of Pw11,



Ex.P41(b) : Signature of Pw13,
Ex.P42 to 45: Certificates under Sec.65(B) of
Evidence Act,
Ex.P42(a) to 45(a):Signature of Pw11,
Ex.P42(b) to 45(b):Signature of Pw13,
Ex.P46 & 47: Photos,
Ex.P48 : C.D,

3) List of M.O. marked on behalf of prosecution:-

M.O.1 : Redmi mobile,
M.O.2 : Oppo mobile,
M.O.3 & 4: Sim cards,

4) List of witness examined on behalf of Accused:-

- Nil -

5) List of documents marked on behalf of Accused:-

- Nil -

- sd -

Civil Judge and J.M.F.C.
Ponnampet.