

KAMS010092382022



SC/435/2022

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

Dated this the 9th day of July 2026

**Present: Smt. Sandhya Rao.P., B.Sc., LL.B.
I Addl. District & Sessions Judge,
Mysuru**

SC.No.435/2022

Complainant : State by Vijayanagara Police
(By learned PP)

Versus

Accused : Smt.Jayasheela,
w/o Nataraju,
Age: 35 years,
r/o Hosa Mudlapura
Village, Akki Hebbalu
Hobli, KR Pete Taluk,
Mandya District.

(By Sri AGS, Advocate)

Date of commission of offence	01.02.2022
Date of filing complaint	01.02.2022
Arrest of accused	01.02.2022
Release of accused	24.03.2022
Period of custody	1 month 22 days
Name of complainant	Smt.Mani
Date of commencement of recording of evidence	07.08.2025
Date of closing of recording of evidence	17.06.2026
Offences complained of	307 IPC
Opinion of Judge	Found not guilty

J U D G M E N T

The Police Sub-Inspector, Vijayangara Police has filed charge sheet against the accused for the offence punishable under Section 307 of I.P.C.

2. Brief facts of the case emanating from the charge sheet; CW-3 Nataraj.N. and the accused-Jayasheela are husband and wife. CW-2-Priyanka was in love with CW-3. Despite being married to someone else CW-2 continued to love CW-3 and subsequently left her husband and on 01.03.2021, got married to CW-3 and started to live with him in the house at first floor, No.359, 5th Cross, 3rd Main Road, Water Tank Road, Hootagalli Village- a property rented from CW-12, Priyanka.J. Thereafter, CW-3 started spending most of his time with CW-2. Consequently, the accused harboured a grudge against CW-2. Driven by this

animosity and carrying the intent to murder CW-2, the accused waited incognito near the Hootagalli Water Tank wearing a *burkha* on 01.02.2022. At approximately 6:30 PM, as CW-2 was walking past the water tank, the accused stalked her. While CW-2 was climbing the stairs to her first-floor residence, the accused intercepted her, abused her in filthy language, caught hold of her ponytail, and dragged her upstairs. As CW-2 unlocked her door, the accused dragged CW-2 inside, drew a steel knife from her *burkha* pocket, and shouted that CW-2 had stolen her husband and property, declaring she would kill both CW-2 and CW-3. The accused then grabbed CW-2 by her hair, forced her down, pierced her neck and launched a fatal attack—inflicting severe, random stab wounds to the back of CW-2's head, neck, and cheeks. At that moment, CW-1 pushed open the door, dragged the accused out of the house, and with the assistance of the public, rushed CW-2 to the hospital for emergency medical treatment.

3. On the basis of the FIS, given by the informant CW-1, Smt.Mani, Vijayanagara Police registered a case in Crime No.13/22 and transmitted the FIS to the jurisdictional police. Subsequently, during the course of investigation, the accused was apprehended on 01.02.2022 and latter was enlarged on bail on 24.03.2022, vide orders in CrI.Misc.No. 522/22.

4. After receipt of Challan; V JMFC Court, Mysuru took cognizance; complied Section 207 of CrPC and committed the case to this Court vide order dated 21.11.2022.

5. On receipt of case file, Sessions Case was registered. After issuance of summons the accused appeared before the Court through her learned counsel and was granted regular bail on 10.01.2023. After hearing the accused and prosecution, charge was framed; accused pleaded not guilty and claims to be tried; trial was held.

6. To bring home the charges leveled against the accused; prosecution examined 4 witnesses as PW-1 to PW-4 and got marked documents Exhibits P-1 to P-6. Since, the material witnesses including the victim have not supported the prosecution case, the prayer of the learned Public Prosecutor to issue process to the remaining witnesses was rejected, as no purpose would be served by examining the said witnesses. Further more, since there are no incriminating circumstances appearing against the accused in the evidence on record, the recording of the statement of the accused under Section 313 of CrPC was dispensed with.

7. Heard arguments; Perused records.

8. Following points arise for consideration:

1. Whether the prosecution proves beyond reasonable doubt that—against the backdrop of a grudge arising from the second marriage of the victim (CW-2) with the husband of the accused (CW-3)—the accused, with the intention of committing murder, had on 01.02.2022, at about 6:30 PM, entered the house of CW-2, at No. 359, 5th Cross, 3rd Main Road, Water Tank Road, Hootagalli, Mysuru, and launched a fatal attack on CW-2 by holding her hair, bending her over, piercing and randomly cutting the back of her neck, head, and cheeks with a steel knife and thereby committed an offence punishable under Section 307 of the Indian Penal Code?

2. What order?

9. Answer to the above points is as under;

Point-1 : Negative.

Point-2 : As per the final order for the following;

REASONS

10. **Point No.1:** The case of the prosecution is that in the light of the second marriage (illicit relationship) of CW-2 with CW-3 (husband of the accused), on 01.02.2022, the accused attempted to

commit the murder of CW-2 by fatally attacking her with a steel knife.

11. To prove the guilt of the accused, the prosecution examined the complainant and eyewitness, Smt. Mani, as PW-1. She deposed that, apart from CW-8 Sowmya, she is not acquainted with the rest of the witnesses or the accused. She further denied witnessing the accused, clad in a burqa, barging into the house of CW-2 situated on the first floor, assaulting her fatally with a knife, and threatening her with dire consequences. She stated that she is unaware of the injuries sustained by CW-2 in the assault. Furthermore, she is not aware of the relationship between CW-2 and CW-3. She maintained that she has not filed any complaint with regard to the said incident and is unaware of both the contents and the author of the complaint Ex.P1. She is also unaware of the contents of the spot mahazar Ex.P2. Although the police had obtained her signatures on Ex.P-1 and Ex.P-2, she is unaware of the reason for doing so. PW-1 further stated that she had not shown any place to the police, and the police had not seized any objects in her presence by drawing a mahazar. The police took her photograph Ex.P3 in front of her house;

however, she does not know the reason for the same.

The learned Public Prosecutor treated PW-1 as hostile and subjected her to cross-examination. During the course of cross-examination, despite the entire case of the prosecution being put to PW-1, she denied the suggestions in toto and failed to support the prosecution's case.

12. The prosecution further examined the husband of the accused, Nataraj, as PW-2. In his evidence, PW-2 deposed that the accused is his first wife and CW-2 is his second wife. He has two children from his first wife, and his second wife gave birth to a girl child about a week prior. The accused was well aware of his marriage to CW-2, as well as the property given to CW-2. He has given one acre of land to the accused and has also decided to provide her with further necessities in the future. He further stated that there is no dispute between his two families with regard to his second marriage or the properties, and no complaint was ever lodged in this regard. Neither he nor the accused had ever contemplated committing suicide regarding his association with CW-2. He maintains that he is living harmoniously with both the accused and CW-2. After marrying CW-2, they resided in a rented house in Bengaluru for a period of two months, and thereafter, in

view of his second wife's job, they shifted to a rented house in Hootagalli, Mysuru. PW-2 further deposed that about three years ago, he received a phone call from K.R. Hospital one day at about 8:30 PM. When he went to the hospital, he saw CW-2 injured, having sustained a cut injury to the back of her neck. However, he is unaware as to how she sustained the injuries. He is further unaware of the accused having attempted to murder CW-2, and stated that he has not given any statement before the police.

13. The prosecution examined Krishnegowda, the father of the victim (CW-2), as PW-3. In his evidence, PW-3 deposed that he decided to marry his daughter, Priyanka (CW-2), to one Sridhara, son of Rajegowda of Somanahalli Village, and that both families, as well as his daughter, agreed to the alliance. The marriage of Priyanka and Sridhara was performed at Chamundeshwari Kalyana Mantapa, Bairya Village, and after the wedding, the couple remained on cordial terms for a period of 20 days. He further stated that thereafter, his son-in-law called him over the phone, invited him to their house, and informed him that his daughter was in a relationship with Nataraj and used to speak to him over the phone. Consequently, he visited Sridhara's house along with two elders. Despite talks, the matter could not be settled, and therefore, they approached the K.R. Pet Police Station. At

the station, his daughter stated that she did not want to lead a marital life with Sridhara and wished to live with Nataraj. Sridhara then took back the Thali from CW-2 and left. Upon inquiry, PW-3 came to know that Nataraj was already married to the accused and had two children. Nataraj stated before the police that he would look after both the accused and CW-2. Thereafter, his daughter Priyanka's marriage to Nataraj was performed at the Chunchanakatte Ramdevvara Temple. He further stated that he is unaware of any dispute between Nataraj and his first wife, or of any grudge between the accused and his daughter. He had no idea where Nataraj and CW-2 were residing. PW-3 further deposed that someone called him over the phone and informed him that his daughter had been stabbed in the neck with a knife by the accused. However, he did not visit his daughter or see the injuries sustained by her. He admitted to giving a statement before the police. He stated that the incident took place because Nataraj had transferred 25 guntas of land in their favour. He has not produced any documents before the police.

14. The prosecution examined the victim, Smt. Priyanka, as PW-4. In her evidence, she stated that PW-2 is her husband and the accused is the first wife of PW-2. She admitted that she was in love with PW-2 despite being aware of his marital status and children. Her

parents, however, were not aware of their relationship. Meanwhile, on 17.02.2021, her parents performed her marriage to one Sridhara, son of Rajegowda. Thereafter, she began residing at her matrimonial home. Despite her marriage, she continued her relationship with PW-2. Upon discovering this, Sridhara summoned her parents to Somanahalli and subsequently took her, along with PW-2, to the K.R. Pet Police Station. At the police station, she declared that she wished to live with PW-2. Her family members acceded to her request, and her parents demanded financial security from PW-2 before sending her with him. PW-2 agreed to register 24 guntas of land in her father's name. Accordingly, the following day, he executed and registered a sale deed for 24 guntas of land in favour of her father. On 01.03.2021, her marriage to PW-2 was solemnised at the Doddamma-Kariyamma Temple. Thereafter, PW-2 took her to Bengaluru, where they resided in a rented house for six months. Later, they left Bengaluru and shifted to Hootagalli, where they occupied a rented house on the second floor. She then began working in event management. She further asserted that the accused did not harbour any grudge against her, despite coming to know of her marriage to PW-2 and the execution of the sale deed for the 24 guntas of land by PW-2 in favour of her father.

15. PW-4 further deposed that on 01.02.2022, at about 6:30 PM, while she was walking down the stairs, she slipped, fell, and sustained a bleeding injury to the back of her neck because one of the steps had been left unplastered. She claimed that she lost consciousness due to the fall and found herself in the hospital upon regaining consciousness. She explicitly denied that the accused had assaulted her with a knife on the day of the incident. She further denied any link between the accused and the injuries she sustained. Furthermore, she deposed that she had not given any statement to the police.

16. As the victim resiled from her previous statements, the learned Public Prosecutor treated PW-4 as hostile and subjected her to cross-examination. During the cross-examination, the learned Public Prosecutor confronted the witness with her purported statement recorded under Section 161 of CrPC. However, PW-4 stoutly denied all suggestions put to her, refuted the contents of the said statements *in toto*, and asserted that she was never assaulted by the accused. She firmly denied that she was deposing falsely.

17. A comprehensive review of the aforesaid evidence extracted reveals that the prosecution's case has suffered a fatal blow, as all its material witnesses—including the star witness PW-4 have turned hostile. PW-1, the

purported independent eyewitness, completely disowned the initial complaint Ex.P1 and the spot mahazar Ex.P2 and denied having any knowledge of the alleged knife assault on the injured victim PW-4. Similarly, PW-2, the husband of both the accused and the victim, refused to support the prosecution's theory of matrimonial malice or an attempt on the victim's life by the accused. Most detrimental to the prosecution version was the evidence of PW-4 the injured victim, who has turned completely hostile. She not only exonerated the accused of any wrongdoing or grudge but also introduced an entirely alternative, accidental explanation for her wounds, attributing the injuries to a slip-and-fall incident on an unplastered staircase. Despite being subjected to cross-examination by the learned Public Prosecutor, the aforesaid material witnesses denied all incriminating suggestions *in toto*. Consequently, in the absolute absence of any credible ocular support from the victim or eyewitnesses linking the accused to the alleged offense, the foundational elements of Section 307 of the Indian Penal Code remain completely unproven. Consequently, there is an absolute vacuum of ocular evidence to connect the accused with the alleged offences.

18. Thus, on a holistic appreciation of the entire materials on record, this court is of the considered opinion that the prosecution has miserably failed to prove

that, due marital discord, marriage of PW-2 with PW-4 and transfer of property, the accused harboured an ill-will towards PW-4 and accordingly on 01.02.2022, assaulted PW-4 with a knife, thereby inflicting cut injuries on the back of the neck of PW-4. In light of the aforesaid discussion, this Court is of the considered view that the prosecution has miserably failed to prove the guilt of the accused beyond all reasonable doubt. The entire foundation of the prosecution's case under Section 307 of the Indian Penal Code stands completely dismantled. Therefore, extending the benefit of the doubt to the accused, this court answer's the point for consideration in the ***Negative***.

19. Point-2: By virtue of findings supra, this Court proceeds to pass the following;

ORDER

Acting U/s.235(1) of Cr.P.C., accused is acquitted for the offence punishable under Section 307 of IPC.

Bail and surety bonds executed under Section 437A of CrPC shall be in force for a period of six months.

Properties seized under PF.No.12/22 being worthless are ordered to be destroyed after expiry of appeal period.

(Dictated to the stenographer directly on computer, typed by her, revised & corrected and pronounced by me in the open Court, this the 9th day of July, 2026)

sd/-

(Sandhya Rao.P)
I Addl. Dist. & Sessions Judge,
Mysuru.

ANNEXURE

Witnesses examined by prosecution:

Pw.1 : Smt.Mani
Pw.2 : Sri.Nataraju
Pw.3 : Sri.Krishnegowda
Pw.4 : Smt.Priyanka

Documents marked for the Prosecution:

Ex.P1 : Complaint
Ex.P1(a) : Signature of Pw1
Ex.P2 : Spot mahazar
Ex.P2(a to c) : Signatures of Pw1
Ex.P3 : Photograph
Ex.P4 : Statement of Pw2
Ex.P5 : Statement of Pw3
Ex.P6 : Statement of Pw4

Witnesses examined for the accused: -Nil-

Documents marked for the accused: - Nil-

MOs identified on behalf of prosecution: -Nil

sd/-

I Addl. Dist. & Sessions Judge,
Mysuru.