

KAMS310030762022



**IN THE COURT OF I ADDL. CIVIL JUDGE & JMFC,  
HUNSUR**

**-:PRESENT:-**

**SMT. NAMRATA S HOSMATH, B.A., LL.B.,  
I ADDL. CIVIL JUDGE & JMFC,  
HUNSUR.**

**DATED THIS THE 7<sup>TH</sup> DAY OF MAY, 2026**

**C.C.No.2400/2022**

**COMPLAINANT:** State by Bilikere Police Station,  
Bilikere, Hunsur Taluk,  
Mysuru District.

**(By Asst. Public Prosecutor)**

**// Versus //**

**ACCUSED  
PERSONS:**

1. **Eranna nayaka**  
S/o Late Chowda nayaka,  
Aged about 40 years,  
R/at Madalli Koppalu Village,  
Hunsur Taluk,  
Mysuru District.
2. **Chamamma**  
W/o Late. Chowda nayaka,  
Aged about 60 years,  
R/at Madalli Koppalu Village,  
Hunsur Taluk,  
Mysuru District.

**(By Sri. D.A., Adv.)**

Date of commission of offence : 02.01.2022  
Date of report of offence : 04.01.2022  
Name of the complainant : Saraswathi  
Date of recording evidence : 17.03.2026  
Date of Judgment : 07.05.2026  
Offences complained of : Sec.498(A), 323, 504 R/w 34 of IPC.  
Opinion of the Judge : Accused persons found not guilty.

**(Namrata S Hosmath)**  
**I Addl. Civil Judge & JMFC.,**  
**Hunsur.**

**-:: J U D G M E N T :-**

The Circle Inspector of Police, Hunsur Circle, Hunsur has submitted the charge sheet against the Accused No.1 and 2 for the offences punishable Under Section 498(A), 323, 504 R/w 34 of IPC.

**2. The brief version of the prosecution case as unfolded during the trial as hereunder;**

It is the case of the prosecution that, the marriage of CW-1 and accused No.1 was solemnized, as per their customs. After the marriage, CW-1 and

accused No.1 were residing together. They were happily together, however, she was subjected physical and mental cruelty as accused persons used to abuse CW-1 in filthy language. On 02.01.2022 the accused No.2 had abused CW-1. It is stated that, accused No.1 assaulted CW-1 using his hands thereby the accused persons have committed an offences punishable under Sec.498(A), 323, 504 R/w 34 of IPC.

3. The informant CW-1 has set the law into motion by filing first information statement before the concerned SHO of Bilikere Police Station on 04.01.2022 at 9.30 a.m. Upon which Cr.No.3/2022 was registered. After registering the case, CW- 14 took up investigation of the case and visited spot of the offence on 05.01.2022 and drew two spot mahazar in the presence of panch witnesses and recorded the statement of the witnesses and after completion of the investigation, he has submitted the charge-sheet against the accused No.1 and 2 for the offences punishable under Sec.498(A), 323, 504 R/w 34 of IPC.

4. As there were sufficient materials in the charge-sheet to proceed against the accused No.1 and 2, cognizance for the offences punishable under Sec.498(A), 323, 504 R/w 34 of IPC was taken. Accused No.1 and 2 have appeared before the court

and they were enlarged on bail. They were was supplied with the prosecution papers in compliance with the mandatory requirements as envisaged under Sec.207 of Cr.P.C.

5. Since no grounds were made out to discharge the accused No.1 and 2 before framing of charge and prima-facie case being made out the charge against accused No.1 and 2 for the offences punishable under Sec.498(A), 323, 504 R/w 34 of IPC was framed. Same was read over and explained to the accused No.1 and 2 in the vernacular language known to them, for which the accused No.1 and 2 pleaded not guilty and claimed to be tried. Then the case was set down for prosecution evidence.

6. To prove the guilt of the accused No.1 and 2, the prosecution got examined one witness as PW-1 and got marked Ex.P-1 and Ex.P-2. Ex.P-1 is the Complaint, Ex.P-1(a) is the signature of PW-1, Ex.P-2 is the Spot mahazar, Ex.P-2(a) is the signature of PW-1.

7. As there were no incriminating circumstances appearing against the accused No.1 and 2, the statement of accused No.1 and 2 as required under Sec.313 of Cr.P.C. was dispensed with.

8. Heard the arguments canvassed by the learned APP appearing for the State and learned counsel appearing on behalf of the accused No.1 and 2 and perused the materials available on record.

9. Having gone through the facts and circumstances of the prosecution case, the points that would arise for consideration of this court are as follows;

**POINTS FOR CONSIDERATION**

- 1. Whether the prosecution proves beyond all reasonable doubt that the accused No.1 and 2 subjected CW-1 to both mental and physical cruelty and thereby committed an offence punishable under Sec.498(A) R/w 34 of IPC?**
- 2. Whether the prosecution proves beyond all reasonable doubt that the accused No.1 and 2 have abuse CW-1 in filthy language and thereby committed an offence punishable under Sec.504 R/w 34 of IPC?**
- 3. Whether the prosecution proves beyond all reasonable doubt that the accused No.1 has assaulted CW-1 using his hands and thereby committed an offence punishable under Sec.323 R/w 34 of IPC??**

#### **4. What order?**

10. On appreciation of both oral and documentary evidence placed on record, and having heard the arguments canvassed by the learned counsel appearing for the accused No.1 and 2 and the learned APP, the findings of this court on the above points are as follows;

**Point No.1 : In the Negative**  
**Point No.2 : In the Negative**  
**Point No.3 : In the Negative**  
**Point No.4 : As per final order  
for the following;**

#### **:: R E A S O N S ::**

11. **Point Nos.1 to 3:** These points are taken up together for common discussion as they are inter-related to each other and to avoid repetition of facts for the sake of convenience and brevity.

12. CW-1 is examined as PW-1 by name Saraswathi, who is the complainant and victim. She has deposed that, there was a verbal exchange of words between her and accused persons. She has further stated, that regarding the verbal exchange of words she had given information before police, at that time police had obtained her signatures on two writings. She has identified signed

writings, they are complaint and spot mahazar. Complaint is marked as Ex.P-1, her signature on the complaint is marked as Ex.P-1(a), spot mahazar is marked as Ex.P-2, her signature on the mahazar is marked as Ex.P-2(a). She has further deposed that, she does not know the contents written in Ex.P-1 to Ex.P-2.

13. The prosecution treated PW-1 as hostile. In the cross-examination by the learned APP, all the suggestions were put to PW-1 are denied and nothing worthwhile is elicited in support of the prosecution case. She has stated that, she has compromised the matter with accused persons.

14. The informant of the crime i.e., PW-1 being the main, material and star witness of the prosecution who should have deposed as per the projection made by the prosecution. But she has not supported her own case. When material witness has turned hostile to the case of the prosecution denying its entire version, substratum of the case of the prosecution is shaken. In view of the evidence of PW-1, there is no evidence on record to show that the accused No.1 and 2 have committed offences punishable under Sec.498(A), 323, 504 R/w 34 of IPC.

15. This court is of the opinion that if other witnesses were examined by the prosecution and even if they support the prosecution case that would not be

helpful as PW-1, she herself did not support the case of the prosecution. This court has dispensed with the examination of other witnesses, which could be only formal in nature. Hence, prosecution evidence is taken as closed. Therefore, the prayer of learned APP to examine other witnesses is rejected and CW-2 to CW-14 were dropped.

16. It is for the prosecution to prove the ingredients of the offences alleged against the accused No.1 and 2 beyond all reasonable doubt by leading cogent evidence. On overall assessment of the oral evidence, adduced on behalf of the prosecution it reveals that the prosecution has miserably failed to prove the offences as alleged against the accused No.1 and 2 beyond reasonable doubt. Hence, as per the well settled principle of law, whenever doubt arises in the mind of the court, the benefit of doubt should be given in favour of the accused No.1 and 2. Thus, the accused person is entitled for the benefit of acquittal as nothing on record inspires this court to bring home the guilt of the accused No.1 and 2. Accordingly, this court answers **Point No.1 to 3** in the **Negative**.

17. **Point No.4:-** In view of the discussion made and conclusion arrived at Point Nos.1 to 3, this court proceeds to pass the following;

**ORDER**

**In exercise of powers conferred under Section 248 (1) of Cr.P.C, the Accused No.1 and 2 are hereby acquitted for the offences punishable Under Section 498(A), 323, 504 R/w 34 of IPC.**

**Accused No.1 and 2 shall be set at liberty forthwith.**

**The bail bonds executed by the Accused No.1 and 2 and their surety shall remain in force till the expiry of appeal period as per Sec.437-A of Cr.P.C.**

*(Dictated to the Stenographer Grade-III, transcribed & computerized by her, transcript revised, corrected, signed and then pronounced by me in the open Court on this the 07<sup>th</sup> day of May, 2026)*

**(NAMRATA S HOSMATH)  
I Addl. Civil Judge & JMFC.,  
Hunsur.**

**ANNEXURE****Witnesses examined for the prosecution:**

PW-1 : Saraswathi

**Documents exhibited for the prosecution:**

Ex.P-1 : Complaint  
Ex.P-1(a) : Signature of PW-1  
Ex.P-2 : Spot Mahazar  
Ex.P-2(a) : Signatures of PW-1

**Witnesses examined for the Accused persons:**

- Nil -

**Documents exhibited for the Accused persons:**

- Nil -

**Material Objects marked for the prosecution:**

- Nil -

**Material Objects marked for the Accused persons:**

- Nil -

**(NAMRATA S HOSMATH)**  
I Addl. Civil Judge & JMFC.,  
Hunsur.