

KAMS320076592023



Presented on : 23-12-2020
Registered on : 23-12-2020
Decided on : 02-04-2026
Duration : 5 years, 3 months, 10 days

**IN THE COURT OF THE VIII ADDL. DISTRICT & SESSIONS JUDGE
MYSURU, SITTING AT HUNSUR.**

:-PRESENT:-

Sri. T.GOVINDAIAH,

B.Com., LL.B.

VIII ADDL. DISTRICT & SESSIONS JUDGE,
MYSURU, SITTING AT HUNSUR

Dated this the 2nd day of April 2026

S.C No.185/2020

Complainant : State by H.D.Kote P.S.

(By Public Prosecutor)

// Vs //

Accused : **1. Manjunatha.T**
S/o Late Thammegowda
Aged about 36 years
Politician,
2. Beeramma
W/o Sannegowda
Aged about 38 years
Agriculturist,

3. Jyothi

W/o Raju
Aged about 26 years
Housewife,

4. Prakasha.S

S/o Sannegowda
Aged about 22 years
Agriculturist,

5. Satheesha.S

S/o Sannegowda
Aged about 19 years
Agriculturist,

6. Mahadevaswamy.J

S/o Javarashetty
Aged about 22 years
Agriculturist,

7. Manu.J

S/o Javarashetty
Aged about 19 years
Agriculturist,

8. Ningashetty @ Ninganna

S/o Siddashetty
Aged about 33 years
Agriculturist,

9. Ramaswamy

S/o Javarashetty
Aged about 32 years
Agriculturist,

10. Marigowda

S/o Thammannegowda
Aged about 40 years
Agriculturist,

11. Raju

S/o Thammannegowda
Aged about 31 years
Agriculturist,

12. Thammegowda

S/o Sannegowda
Aged about 72 years
Agriculturist,

All are R/at Chamalapura Village,
H.D.Kote Taluk,
Mysuru District.

TABULATION OF EVENTS

- | | | | |
|----|----------------------------------|---|--------------------------------|
| 1. | Date of commission of offence | : | 23.04.2016 |
| 2. | Date of complaint | : | 27.04.2016 |
| 3. | Apprehension | : | Accused no.1 to 12 are on bail |
| 4. | Name of the complainant | : | Thayamma |
| 5. | Date of commencement of evidence | : | 23.12.2024 |
| 6. | Date of closing of evidence | : | 29.12.2025 |

7. Offences complained : U/S 143, 306 r/w Sec.149 of IPC
8. Opinion of the Judge : Accused not found guilty.
9. State represented by : Public Prosecutor
10. Accused defended by : (Sri.Channabasappa, Advocate for A1 to 12)

JUDGMENT

The Sub-Inspector of H.D.Kote Police Station filed the charge-sheet against accused persons before trial court, in Cr.No.89/2016 of H.D.Kote Police station for trial of offences punishable U/S 143, 306 r/w Sec.149 of IPC.

2. The Brief facts of the case of the prosecution are as under:

That on 23.04.2016 in the evening around 6.30 p.m., there was a quarrel between member of gram panchayath Manjunatha and others with son of complainant. In the said quarrel, her son sustained injury and admitted to K.R.Hospital,

Mysuru for treatment. On the same day, around 7.30 p.m., her husband came to the house. At that time, accused with common object came near the house of complainant and formed unlawful assembly and started to abuse with filthy language saying that ನೀನು ಸಾಯದೆ ಬದುಕಿದ್ದೀಯಾ, ಬೇಗ ಸಾಯಿ ಮುಂಡೆ ಮಗನೆ. Accordingly, the accused have committed abetment of suicide. Thereafter, the complainant lodged the complaint against the accused persons for the offences punishable U/s 143, 306 r/w Sec.149 of IPC.

3. After completion of investigation, the Investigation Officer filed the charge-sheet against the accused persons before committal court.

4. After taking cognizance and securing the accused persons, the committal court committed the present case to this court.

5. The copies of charge-sheet and other prosecution papers were also furnished to accused persons as required U/S 207 of Cr.PC.

6. After hearing, charges were framed against accused persons. The same is readover and explained to the accused persons, to which, the accused persons pleads not guilty and claims to be tried.

7. In order to prove the prosecution case, 13 witnesses have examined as PW's.1 to 13 and 11 documents as per Ex's.P1 to P11 got marked. Further Ex's.D1 to D3 have got marked on behalf of accused through confrontation.

8. On completion of evidence of prosecution side, this court examined the accused persons as required U/S 313 of Cr.PC, and recorded their statement by giving an opportunity for explaining the incriminating circumstances appearing in the evidence of the prosecution. Defence of accused persons is one of total denial of prosecution case. The accused persons have not chosen to lead their defence evidence.

9. Heard the arguments of both the sides.

10. **The brief points would arise for my consideration are as**

under:

1. Whether prosecution proved beyond all reasonable doubt that on 23.04.2016 around 7.30 p.m., husband of complainant came to the house. At that time, accused with common object came near the house of complainant and formed unlawful assembly and started to abuse with filthy language saying that ನೀನು ಸಾಯದೆ ಬದುಕಿದ್ದೀಯಾ, ಬೇಗ ಸಾಯಿ ಮುಂಡೆ ಮಗನೆ. Accordingly, accused persons abeted and instigated Dasashetty to commit suicide. Thereby accused persons committed the offences punishable u/sec.143 and 306 r/w sec.149 IPC?
2. What order ?

11. **My findings to the above points are as under:**

Point Nos.1 : In the **Negative.**

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

REASONS

12. **Point No.1** : In order to the prove the case of the prosecution, the prosecution have examined 13 witnesses as PW's-1 to 13 and 11 documents are got marked as per Ex's.P1 to

P11. Further Ex's.D1 to D3 have got marked on behalf of accused through confrontation.

CW.1/Thayamma, who is the complainant and wife of Dasashetty examined as PW.1. In her evidence she deposed that, about 8 years back her husband Dasashetty committed suicide by consuming poison. The accused have abused with filthy language by abeting her husband to commit suicide. Thereafter, she lodged the complaint as per Ex.P1 and her signature marked at Ex.P1(a). Therefore, she deposed about contents of Ex.P1.

13. During course of cross-examination on behalf of accused she clearly admits that, she don't the date when her husband consumed poison. When she was not in her house, she don't know what happen to her husband for consuming poison. She don't know the contents of complaint. These facts clearly goes to show that, someone have created the Ex.P1 and took her signature and lodged the same before police station. The evidence of this witness is to be consider along with other evidence available on record.

14. CW.2/Manjunatha, hearsay witness examined as PW.2. In his evidence he deposed that, about 8 years back Dasashetty committed suicide by consuming poison. Said fact came to know from CW.1. He further deposed that, police have conducted the panchanama on the spot and took his signature. The said panchanama marked as Ex.P2 and his signature marked at Ex.P2(a).

15. During course of cross-examination on behalf of accused this witness clearly admits that, he don't know the contents of panchanama. He don't know the boundaries of spot. He don't know who are all signed on Ex.P2. Therefore, the evidence of this witness is not helpful to the case of prosecution.

16. CW.4/Venkatesha, who is the son of deceased Dasashetty and hearsay witness examined as PW.3. In his evidence he deposed that, about 8 years back his father committed suicide by consuming poison. He also deposed that, accused have abused with filthy language to his father and

abeted to commit suicide. Due to harassment given by accused, his father consumed poison and died in the hospital.

17. During course of cross-examination on behalf of accused this witness clearly admits that, he was in the hospital of H.D.Kote, while his father consuming poison. He also admits that, accused no.1 also admitted to hospital at H.D.Kote. The evidence of this witness is not helpful to the case of prosecution.

18. CW.3/Ravindra, one of the panch witness to spot panchanama examined as PW.5. This witness deposed that, police have took his signature on 3 panchanama. The same is already marked as per Ex.P2 and his signature marked at Ex.P2(b). Other 2 panchanamas also marked as per Ex.P3 and Ex.P4 and his signature marked at Ex.P3(a) and Ex.P4(a). But, this witness turned hostile and not supported to the case of prosecution.

19. During course of cross-examination on behalf of prosecution nothing is elicited about his presence at the time of

drawing of Ex's.P2 to 4. Therefore, the evidence of this witness is not helpful to the case of prosecution.

20. CW.5/Mahadevaswamy, one of the panch witness to spot panchanama examined as PW.6. This witness deposed that, police have took his signature on 2 panchanamas. The same is already marked as per Ex.P2 and his signature marked at Ex.P2(c). Other panchanama also marked as per Ex.P3 and his signature marked at Ex.P3(b). But, this witness turned hostile and not supported to the case of prosecution.

21. During course of cross-examination on behalf of prosecution nothing is elicited about his presence at the time of drawing of Ex's.P2 and 3. Therefore, the evidence of this witness is not helpful to the case of prosecution.

22. CW.9/Shiva, who is the eye witness to the alleged incident examined as PW.7. This witness turned hostile and not supported to the case of prosecution.

23. During course of cross-examination on behalf of prosecution nothing is elicited about his presence at the time of incident. Therefore, the evidence of this witness is not helpful to the case of prosecution.

24. CW.8/Jayasheela, who is the eye witness to the earlier incident examined as PW.8. She deposed that, she is working as a Anganawadi worker since 18 years. On 23.04.2016 her father-in-law committed suicide by consuming poison and died on 27.04.2016 in the hospital. Accused no.1 is the gram panchanath member and he also working as President of Bala Vikas Samithi of Anganawadi. There are 26 children are there in her centre. She used to distribute nutritious food to the children. They used to allow the President to distribution of nutritious food, but accused no.1 remained absent to that function.

25. On 23.04.2016 between 9.30 to 11.00 p.m., they called ward meeting, accused no.1 present at that meeting. Accused no.1 intentionally took quarrel having old grudge and abused in

filthy language. To which she called her husband to the spot. Accused no.1 also abused in filthy language to her husband.

26. On the same day at about 6.30 p.m., when she was in her house, all the accused came near her house and started quarrel and assaulted with hand on her back and other parts of the body and the accused have intentionally plucked her cloths and slapped her cheeks. Other accused also assaulted with club and pipe and caused injury.

27. On the same day at about 7.00 p.m., when CW.1 and Dasashetty were in their house, accused no.1 and others have abused in filthy language and gave abetment to commit suicide of her father-in-law of Dasashetty. To which, her father-in-law Dasashetty committed suicide by consuming poison. Thereafter, Dasashetty shifted to K.R.Hospital and after 5 days he died in the hospital. Thereafter, she lodged the complaint.

28. During course of cross-examination on behalf of accused this witness clearly admits that, on 23.04.2016 the

members and PDO were present in the meeting. She don't know how much time took in the quarrel. They are all took medical treatment as inpatient and discharged on the next day. In that regard, criminal case registered against members of her family.

29. Learned counsel for the accused suggested so many suggestions by denying the incident. But this witness denied the said suggestions as false.

30. CW.13/D.Ramaswamy who is the son of Dasashetty examined as PW.9. This witness deposed about the incident took in Anganawadi Centre. This witness also deposed about incident took place on 23.04.2016. Further he also deposed about incident took place near his house. He further, deposed that on the same day at about 7.00 p.m., his father committed suicide by consuming poison due to the harassment given by the accused and died in the hospital.

31. During course of cross-examination on behalf of accused this witness clearly admits that, accused no.1 being the

President of Bala Vikas Samithi, he is having right to enquire about the day-to-day business of Anganawadi Centre. He also admits that, President and members of Bala Vikas Samithi have lodged complaint about irregular work of his wife. He also admits about registration of counter case against his family members. This witness is the hearsay witness about the abetment of suicide by his father. Therefore, the evidence of this witness is to be consider with the other evidence available on record.

32. CW.15/Dr.Anand P.Raymane, Associate Professor Forensic Department, MMC, Mysuru who conducted the postmortem on the dead body of Dasashetty, examined as PW.10. This witness deposed that, as per the request of H.D.Kote Police, he conducted postmortem on the dead body of Dasashetty on 27.04.2016 between 11.45 a.m., to 12.45 p.m. At the time of postmortem he collected 6 articles from the dead body of Dasashetty. Said postmortem report is marked at Ex.P6 and his signature marked at Ex.P6(a) and also gave opinion report as per Ex.P7 and his signature marked at Ex.P7(a).

33. CW.17/Ravikumar.M, PDO of Hadaguru Gram Panchayath examined as PW.11. This witness deposed that, as per the request of H.D.Kote police he furnished demand register extract of house belongs to CW.1. The same is marked as Ex.P8 and his signature marked at Ex.P8(a). The evidence of this witness is formal one.

34. CW.21/Ashoka V.C. Police Inspector, CW.20/H.N.Balakrishna, Police Inspector are the Investigation Officers examined as PW's.12 and 13. In their evidence they deposed about registration and investigation of the case. They also deposed about detailed investigation conducted by them.

35. Herein this case, the allegation of the prosecution is, that on 23.04.2016 in the evening around 6.30 p.m., there was a quarrel between member of gram panchayath Manjunatha and others with son of complainant. In the said quarrel, her son sustained injury and admitted to K.R.Hospital, Mysuru for treatment. On the same day, around 7.30 p.m., her husband came to the house. At that time, accused with common object

came near the house of complainant and formed unlawful assembly and started to abuse with filthy language saying that ನೀನು ಸಾಯದೆ ಬದುಕಿದ್ದೀಯಾ, ಬೇಗ ಸಾಯಿ ಮುಂಡೆ ಮಗನೆ. Accordingly, the accused have committed abetment of suicide.

36. Herein this case, PW.1/Thayamma is the complainant and husband of Dasashetty. PW.2/Manjunatha, neighbour of Dasashetty, PW.3/Venkatesha is son of deceased Dasashetty. These 3 witnesses have deposed that, due to harassment of accused, Dasashetty committed suicide by consuming poison. But, PW.5 and 6 being the panch witnesses to spot and seizure panchanama, they turned hostile. PW.7 being the independent eye witness, he also turned hostile. Therefore, the evidence of PW.5 to 7 are not helpful to the case of prosecution.

37. PW.8 being the close relative of PW.1, she also deposed about the incident. PW.9 gave first-aid and referred to higher treatment. PW.10 Dr.Anand P.Raymane who conducted

the postmortem on the dead body of Dasashetty and issued Ex's.P6 and 7.

38. PW's.1 to 3 are the close relative and they are interested witnesses. It is settled principles of law that, the evidence of interested witnesses cannot be base for conviction of the accused. Herein this case, prosecution have not examined the independent witnesses to prove their case.

39. Herein this case, the prosecution has to prove ingredients of Sec.306 IPC.

Sec.306 IPC reads as follows: "306. Abetment of Suicide:

If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to 10 years, and shall also be liable to fine".

40. The prosecution has to prove the ingredients of Sec.306 IPC, in order to prove the guilt of the accused. The prosecution has to prove that, the accused had abetted and

forced the deceased/ Dasashetty to commit suicide due to the ill-treatment meted out by them.

41. The prosecution must further prove that, the accused have intention to aid or instigate or abet the deceased/ Dasashetty to commit suicide.

42. In this regard, I would like to rely upon the decision of the Hon'ble Supreme Court reported in **(2019) 3 Supreme court cases 315** in case of **M.Arjunan V/s State, represented by its Inspector of Police.**

Penal Code,1860- S.306- Abetment of suicide- Essential ingredients of offence U/S 306 IPC are abetment and intention of accused to aid or instigate or abet deceased to commit suicide- However, insulting deceased by using abusive language will not, by itself, constitute abetment of suicide – there should be evidence capable of suggesting that accused intended by such act(s) to instigate deceased to commit suicide- Unless ingredients of instigation/abetment to commit suicide are satisfied, accused cannot be convicted U/S 306 IPC- ingredients of offence against accused from whom deceased had borrowed money, not made out in present case.

43. I have carefully gone-through the ratio laid down and I am of the opinion that, the facts of the case are not applicable to this case.

44. However, the Hon'ble Supreme Court has held that, the prosecution has failed to prove the ingredients of Sec.306 IPC.

45. It has been held that, the essential ingredients of offence U/S 306 IPC are (i) the abetment (ii) the intention of the accused to aid or instigate or abet the deceased to commit suicide. The act of the accused, however, insulting the deceased by using abusive language will not, by itself, constitute the abetment of suicide. There should be evidence capable of suggesting that the accused intended by such act to instigate the deceased to commit suicide. Unless the ingredients of instigation/ abetment to commit suicide are satisfied the accused cannot be convicted U/S 306 IPC.

46. On perusal of the entire evidence available on record, there is no clear evidence regarding abetment of commission of

offence. The essential ingredients of offence u/sec.306 IPC i.e., abetment and intention of the accused to aid or instigate or abet the deceased to commit suicide is not made out. Therefore, this court is of the opinion that, the prosecution has fails to prove and establish the guilt of accused beyond reasonable doubt.

47. Therefore, there is no materials to connect the accused with the case of prosecution and accused are entitled for benefit of doubt. Hence, the prosecution has fails to prove the guilt of accused by producing consistent and cogent evidence.

Accordingly this point No.1 is answered in the 'Negative'.

48. Point No.2 : In view of the above discussions and conclusion to Point No.1, this court proceed to pass the following:-

ORDER

Accused No's.1 to 12 are acquitted under section 235(1) of Cr.P.C. of charges for offences punishable U/S.143 and 306 r/w sec.149 IPC.

The bail bonds and surety bonds of Accused No's.1 to 12 shall stand cancelled.

However, Accused No's.1 to 12 are hereby directed to execute fresh personal bail bond for Rs.50,000/- each, as required U/S 437-A of Cr.PC, which shall be in force for a period of 6 months from this day.

Further office is directed to send certified copy of this judgment to the District Magistrate, Mysuru as required U/S 365 of Cr.PC.

(Dictated to the stenographer directly on the computer, revised and corrected by me and then pronounced in the open court on this the 2nd day of April 2026)

(T.GOVINDAIAH),
VIII ADDL. DISTRICT & SESSIONS JUDGE,
MYSURU, SITTING AT HUNSUR

APPENDIX

List of witness examined in favour of Prosecution:

PW.1	Thayamma
PW.2	Manjunatha
PW.3	Venkatesha
PW.5	Ravindra
PW.6	Mahadevaswamy
PW.7	Shiva
PW.8	Jayasheela

PW.9	D.Ramaswamy
PW.10	Dr.Anand P Rayamane
PW.11	Ravikumar M
PW.12	Ashoka V.C
PW.13	H.N.Balakrishna

List of witness examined in favour of Accused :

- Nil -

List of documents exhibited in favour of Prosecution:

Ex.P1	:	Complaint
Ex.P1(a)	:	Signature
Ex.P2	:	Spot panchanama
Ex.P2(a)to(d)	:	Signatures
Ex.P3	:	Inquest panchanama
Ex.P3(a)to(c)	:	Signatures
Ex.P4	:	Seizure panchanama
Ex.P4(a) and (b)	:	Signatures
Ex.P5	:	Statement of PW.7
Ex.P6	:	Postmortem report
Ex.P6(a) and (b)	:	Signatures
Ex.P7	:	Further opinion

Ex.P7(a) and (b)	:	Signatures
Ex.P8	:	Demand Register Extract
Ex.P8(a) and (b)	:	Signatures
Ex.P9	:	RFSL report
Ex.P9(a)	:	Signature
Ex.P10	:	Further opinion by FSL
Ex.P10(a)	:	Signature
Ex.P11	:	FIR
Ex.P11(a)	:	Signature

List of documents exhibited in favour of Accused:

NIL

List of Material objects:

NIL

Confronted documents :

Ex.D1	:	Certified copy of Charge sheet in Cr.88/2016 dated 24.04.2016
Ex.D2	:	Certified copy of Judgment in CC.247/2017
Ex.D3	:	Certified copy of FIR in Cr.87/2016 dated 24.04.2016

(T.GOVINDAIAH),
VIII ADDL. DISTRICT & SESSIONS JUDGE,
MYSURU, SITTING AT HUNSUR