

KARC010038652023



IN THE COURT OF II ADDL DISTRICT & SESSIONS JUDGE
AT : RAICHUR

S.C. No.118 / 2023

PRESENT

Sri B.B. Jakati,
B.A. LL.M,
Principal District & Sessions Judge &
C/C of II Additional Dist & Sessions Judge,
Raichur.

Dated this the 23rd day of July 2026

COMPLAINANT:

The State of Karnataka, represented
by Devadurga Police Station.
(Through learned PP)

// Versus //

ACCUSED:

Satish Patil S/o Bheemaraya, age: 29
years, Occ: Private Engineer, R/o
Mahantesh Nagar, Muddebhihal.

(By Sri. S.G.K. Advocate)

Particulars regarding date of Commission of offence, date of report of the
occurrence, etc.,

- | | | |
|--------------------------------------|---|-------------------|
| 1. Date of Commission of the offence | : | 08.04.2015 |
| 2. Date of Report of Occurrence | : | 10.04.2015 |
| 3. Name of the Informant | : | Kashim Sab Chukki |
| 4. Date of commencement of trial | : | 18.02.2026 |

5. Date of closing of trial : 13.03.2026
6. Offence complained of : 498(A), 323, 504, 306 of IPC.
7. Opinion of the Judge : As per final order.

JUDGMENT

The Sub-Inspector of Police, Devadurga Police station, has laid a charge sheet against the accused for the offences punishable under Sections 498(A), 323, 504 and 306 of IPC.

2. The case of the prosecution in brief is as follows;

PW7 Shahabadi, is the mother of the deceased, Naseema. Naseema had been in contact with the accused, Satish Patil, for the past two years, and they were preparing for their marriage. The accused had assaulted Naseema on several occasions, thereby subjecting her to mental and physical cruelty. On the night of 08.04.2015, she poured kerosene and petrol on her body and set herself on fire. Consequently, she was shifted to the Government Hospital, Devadurga, for treatment. Upon receiving the information, PW7 went to the hospital and found that Naseema had sustained burn injuries. PW7 went to the police station and reported the matter on 10.04.2015. PW6 has registered the FIR against the accused for the offences 498-A, 323, 504 of IPC and lodged investigation. On 12.04.2015 at about 4.15 p.m. the Investigating Officer received the information that Naseema succumbed to the burn injuries in the hospital. Therefore, he has invoked Section 306 of IPC. Thereafter the investigation was conducted by CW15 and he filed the charge sheet against the accused for the above said offences.

3. During crime stage the accused approached this court for anticipatory bail and he was enlarged on bail. The committal Magistrate secured the presence of accused, complied Sec.207 of Cr.P.C. He has committed the case to the Court of Sessions at Raichur, for trial. The case was made over to this court for trial. The accused appeared through his counsel. After hearing both sides this court had framed the charges against accused for the offences under Sec. 498(A), 323, 504 and 306 of IPC. Accused pleaded not guilty and claimed to be tried.

4. In order to establish the guilt of accused, the prosecution has examined 09 witnesses as PW1 to PW9 got marked 15 documents as per Ex.P1 to Ex.P15 during trial. Then accused was examined under Sec.313 of Cr.P.C. The accused has denied the incriminating evidence appearing against him. The accused has not adduced any evidence in his defence.

5. The learned Public Prosecutor argued that PW7, the mother of the victim, and PW2, PW3, and PW5, who are the siblings of the victim, have not supported the case of the prosecution. PW8 and PW9, who are relatives of PW7, have also not supported the case of the prosecution. However, PW1, the uncle of the victim, has deposed that the accused subjected Naseema to cruelty and that, on account of such acts of the accused, Naseema committed suicide. PW6, the Head Constable, has deposed that he recorded the statement of the victim, which is marked as Ex.P11, wherein Naseema stated that she had sustained burn injuries and also narrated the cruelty meted out to her by the accused. The said statement is relevant and admissible in evidence, and its execution has been proved through the evidence of PW6. The evidence of PW1 and PW6 is sufficient to prove the guilt of the accused. Accordingly, the learned Public Prosecutor prayed for the conviction of the accused.

6. The learned counsel for the accused argued that PW2 to PW5 and PW7 to PW9 have not supported the case of the prosecution. PW1 has admitted that Naseema set herself on fire in her own house and that the said house was situated at a distance of half a kilometre from his residence. He has further admitted that he did not witness any act of cruelty allegedly committed by the accused against Naseema. He has also admitted that he does not know the exact reason for the death of Naseema. Therefore, it is contended that his evidence is not sufficient to prove the guilt of the accused. It is further argued that PW6 did not obtain the endorsement of the Medical Officer while recording the statement of the victim marked as Ex.P11. The said statement does not bear the signature or thumb impression of the victim. There is also evidence on record to show that the victim was not in a fit mental condition to make the statement contained in Ex.P11. Therefore, Ex.P11 is doubtful and cannot be treated as the dying declaration of the victim. There is no evidence on record to establish that the accused had married the victim or that he was her husband. Therefore, the offence punishable under Section 498-A of the IPC is not attracted. On these grounds, he prayed for the acquittal of the accused.

7. I have carefully perused the records. I have given my thoughtful concentration to the submission of the learned public prosecutor and learned counsel for the accused.

8. The following points arise for my consideration;

1. Whether the prosecution proves beyond reasonable doubt that the accused being the husband of Naseema subjected her to cruelty and thereby committed the offence punishable under Sec.498-A of IPC?

2. Whether the prosecution proves beyond reasonable doubt that the accused had voluntarily caused hurt to Naseema either on 08.04.2015 or previously after the marriage and thereby committed the offence punishable under Sec.323 of IPC?

3. Whether the prosecution further proves beyond reasonable doubt that the accused has instigated or abated Naseema to commit suicide and as consequences of such abetment Naseema committed suicide by setting herself fire and thereby committed the offence punishable under Sec.306 of IPC?

4. What conclusion?

9. My finding to the above points are as under;

Point No.1 to 3: In the **negative**

Point No.4 : As per final order for the following;

REASONS

10. **Point No.1 & 2:** Since both points are interlinked with each other and evidence is common, I have taken these points together for common discussion. Ex.P10 is the first information. PW7 is the author of Ex.P10. It is alleged that the accused and Naseema were staying in common house for about 2 years and they were preparing for marriage. Therefore, in Ex.P10 mother of victim has admitted that Naseema did not marry the accused till her death. Ex.P10 itself shows that Naseema was not the wife of the accused.

11. PW2, PW3, and PW5 are the siblings of Naseema. PW2 has stated that Naseema had married the accused. However, this evidence has been denied by the accused in the cross-examination. PW3 has stated that she does not know whether Naseema had married the

accused. PW5, who is the brother of Naseema, has also expressed his ignorance regarding the marriage of Naseema with the accused. Apart from this, PW7, who is the mother of Naseema, has categorically stated that she is not aware whether Naseema had married the accused. PW8 and PW9, who are relatives of Naseema, have also expressed their ignorance regarding the alleged marriage. PW1, who is the uncle of Naseema, has stated in his examination-in-chief that the accused was the husband of Naseema. However, this evidence has also been denied by the accused.

12. The above evidence shows that, except PW1 and PW2, none of the relatives of Naseema have stated that the accused was her husband or that their marriage had been solemnized prior to her death. PW2, PW3, and PW7 are the most competent witnesses to speak about the alleged marriage between Naseema and the accused. However, they have expressed their ignorance regarding the very fact of the marriage. Their evidence, therefore, creates serious doubt about the testimony of PW1 and PW2 on this aspect. It is pertinent to note that Naseema belonged to the Muslim community, whereas the accused belonged to the Hindu community. The prosecution has not produced any marriage certificate to establish the marriage between the accused and Naseema. Likewise, no wedding invitation card or any other documentary evidence relating to the alleged marriage has been produced. Therefore, the evidence of PW1 and PW2 with regard to the alleged marriage is weak and insufficient to prove that the accused was the husband of Naseema. Accordingly, I hold that the prosecution has failed to establish that the accused was the husband of Naseema. Once this foundational fact is not proved, the offence punishable under Section 498-A of the IPC is not attracted.

13. The next question that arises for consideration is whether the accused voluntarily caused hurt to, or subjected, Naseema to cruelty. In order to establish this fact, the prosecution has primarily relied upon the evidence of PW1. PW1, in his examination-in-chief, has stated that the accused and Naseema were residing in a shed at Devadurga. According to him, the accused had assaulted Naseema on several occasions. He further stated that he had heard quarrels between the accused and Naseema. He also stated that, being a neighbour, he saw Naseema after she had set herself on fire. According to him, Naseema took the extreme step of setting herself on fire due to the harassment meted out to her by the accused. However, in his cross-examination, PW1 admitted that his residence was situated at a distance of about half a kilometre from the house of Naseema. He further admitted that Naseema had informed him that the accused was harassing her. He also admitted that the fact that Naseema had set herself on fire due to the harassment allegedly caused by the accused had yet to be confirmed. The evidence of PW1 clearly shows that his house was situated at a distance of about half a kilometre from the house of Naseema. Therefore, he did not actually witness Naseema setting herself on fire. He saw her only after she had sustained burn injuries. He has also admitted that he does not know the exact reason for the burn injuries sustained by Naseema. Further, he did not witness the accused harassing Naseema or voluntarily causing hurt to her. Thus, his evidence is not based on his direct personal knowledge with regard to the alleged acts of cruelty or assault. Moreover, there is no corroboration to the testimony of PW1. The mother and siblings of Naseema have not supported the case of the prosecution or the evidence of PW1. Therefore, the evidence of PW1, by itself, is not sufficient to establish that the accused voluntarily caused hurt to

Naseema or subjected her to cruelty. Hence point No.1 and 2 are answered in the **negative**.

14. **Point No.3:** In order to establish that the accused abetted the commission of suicide by Naseema, the prosecution has primarily relied upon the evidence of PW1 and PW6. The evidence of PW1 has already been analysed and found to be unreliable. Therefore, the evidence of PW6 requires independent consideration. PW6 is the Head Constable. He has deposed that on 10.04.2015, PW7 presented the first information, which is marked as Ex.P10. Upon receiving the same, he registered the FIR, marked as Ex.P9, against the accused. Thereafter, he proceeded to RIMS Hospital, Raichur, where Naseema was undergoing treatment. He recorded the statement of Naseema, which is marked as Ex.P11. According to PW6, Naseema stated that the accused had been harassing her and that, on account of such harassment, she had set herself on fire in her house. The evidence of PW6 has been denied by the accused in the course of cross-examination.

15. In the cross-examination, PW6 stated that the statement marked as Ex.P11 was recorded at about 10:00 p.m. He admitted that he had not obtained a certificate from the attending Medical Officer certifying that Naseema was in a fit condition to make her statement. According to him, he did not consider it necessary to obtain such an endorsement from the Medical Officer on duty. PW6 further admitted that Naseema had sustained severe burn injuries to her neck and the right side of her body. When it was suggested to him that he had questioned Naseema before recording her statement, PW6 stated that he had not questioned her and that Naseema had voluntarily made the statement on her own.

16. I have carefully perused the statement marked as Ex.P11. In the said statement, it is alleged that Naseema and the accused were residing together at Devadurga and were leading their lives as husband and wife, while also making preparations for their marriage. It is further stated that the accused had subjected Naseema to physical and mental harassment. According to the statement, on 08.04.2015 at about 12:45 a.m., the accused assaulted her and instructed her not to speak with her relatives. Consequently, she poured kerosene on her body and set herself on fire. The statement marked as Ex.P11 is in the nature of a dying declaration under Section 32(1) of the Indian Evidence Act. Therefore, it is relevant, as it relates to the cause of Naseema's death. However, the statement must be proved by the prosecution in accordance with law. To establish the same, the prosecution has relied upon the evidence of PW6, the Head Constable.

17. On a careful scrutiny of the evidence of PW6, it is evident that no Medical Officer or medical attendant was present at the time of recording the statement of the victim. PW6 did not obtain the signature or thumb impression of Naseema on Ex.P11. He also failed to obtain the opinion of the Medical Officer regarding whether Naseema was in a fit mental condition to make the statement relating to the cause of her death. These are significant lapses on the part of PW6. If Naseema had been in a fit condition to make her statement, the Medical Officer could have certified the same. PW6 ought to have obtained the opinion of the attending Medical Officer before recording the statement marked as Ex.P11. He also ought to have obtained the thumb impression or signature of Naseema on Ex.P11. No explanation has been offered as to why her thumb impression or signature was not obtained.

18. All these facts show that Naseema was not in a position to give her statement. There is reasonable doubt in the evidence of PW6 about recording of statement in Ex.P11. Therefore, I hold that the statement marked in Ex.P11 which is dying declaration is not proved in accordance with law.

19. There is no evidence on record to establish that the accused abetted or instigated Naseema to commit suicide or that, as a consequence of such abetment, she set herself on fire and subsequently died. There is also no evidence to show that Naseema committed suicide as a result of any instigation, provocation, or wilful conduct on the part of the accused. Therefore, I am of the opinion that the prosecution has failed to establish the essential ingredients of the offence punishable under Section 306 of the IPC. Consequently, the accused cannot be held guilty of the said offence. Accordingly said point is answered in the **negative**.

20. **Point No.4:** With these observations, I proceed to pass the following:

ORDER

Acting under Sec.235 of Cr.P.C,
accused is acquitted for the offences
punishable under Sections 498(A), 323, 306 of
IPC.

The bail bonds of accused and surety
bonds shall stands cancelled.

(Dictated to the Steno Grade-III, transcribed by him, corrected, signed and pronounced by me in the open court, on this the 23rd day of July, 2026).

(B. B. Jakati)

Prl Dist. & Sessions Judge &
C/c of II Addl. Dist. & Sessions Judge,
Raichur.

ANNEXURE**LIST OF WITNESSES EXAMINED FOR PROSECUTION;**

PW.1	Dawood S/o Khasim Sab
PW.2	Zahiruddin S/o Khasim Sab
PW.3	Shamshad Begum W/o Nabi Sab
PW.4	Aslam Pasha S/o Abdul Raheman
PW.5	Pasha S/o Khasim Sab
PW.6	Shashidhar S/o Shetti Eranna
PW.7	Shahajadi W/o Khasim Sab
PW.8	Khadar S/o Nabi Sab
PW.9	Khadeer S/o Maiboob Sab

LIST OF WITNESSES EXAMINED FOR DEFENCE;

- N I L -

LIST OF DOCUMENTS MARKED FOR PROSECUTION;

Ex.P.1	Statement of PW.2
Ex.P.2	Further Statement of PW.2
Ex.P.3	Statement of PW.3
Ex.P.4	Further statement of PW.3
Ex.P.5	Inquest mahazar
Ex.P.5(a)	Signature of PW.4
Ex.P.5(b)	Photo
Ex.P.6	Spot Mahazar
Ex.P.6(a)	Signature of PW.4
Ex.P.6(b)	Signature of PW.6
Ex.P.7	Statement of PW.5
Ex.P.8	Further statement of PW.5
Ex.P.9	FIR
Ex.P.9(a)	Signature of PW.6

Ex.P.10	Complaint
Ex.P.10(a)	Signature of PW.6
Ex P.11	Statement of deceased
Ex.P.11(a)	Signature of PW.6
Ex.P.12	Statement of PW.7
Ex.P.13	Statement of PW.8
Ex.P.14	Statement of PW.9
Ex.P.15	P.M.E report.

LIST OF DOUMENTS MARKED FOR DEFENSE;

- N I L -

LIST OF MATERIAL OBJECTS MARKED;

- N I L -

Prl. Dist. & Sessions Judge &
C/c of II Addl. Dist. & Sessions Judge,
Raichur.

*ssp