



Presented on : 03-07-2024

Registered on : 04-07-2024

Decided on : 25-04-2026

Duration: 1 years, 9 months, 22 days

**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE & J.M.F.C,
LINGASUGUR.**

Dated this 25th day of April, 2026.

Present: Sri. AMBANNA. K.

B.Com, L.L.B. [Spl].

Civil Judge & J.M.F.C., Lingasugur.

CC.NO.463/2024.

Complainant :

The State by P.S.I
Lingasugur P.S.

(By the learned APP., Lingasugur.)

-Vs-

Accused

1. Darshan S/o Rajendra Mehta,
Age: 20 years, Occ: Businessman,
R/o: Lingasugur,
Tq: Lingasugur, Dist: Raichur.
9. Mandakini W/o Vithal Sangle,
Age: 58 years, Occ: Household,
R/o: Ravoori, Amednagar,
Dist: Maharashtra.

(By Sri. M.K., Advocate.)

J U D G M E N T



The P.I., of Lingasugur P.S has submitted charge sheet against the accused persons for the offenses having been committed under Sections 498(A), 323 R/W/Sec.34 of Indian Penal Code and Under Section 4 of Dowry Prohibition Act.

2. The brief facts of the prosecution case is as follows :

It is submitted on 17-03-2021 the marriage of CW.1 was solemnized with the accused No.1 at Amareshwara Temple, Lingasugur Taluk, Raichur District in presence CW.8, 9, 10 and accused No.9, after the marriage they lead happy married life at her matrimonial house at Ravoori Town, Maharastra District. Thereafter CW.1 became pregnant, at that time the accused No.1 and 9 in furtherance of common intention the forced CW.1 to do abortion and they gave mental and physical torture to her by saying “ ನಮ್ಮ ಜಾತಿಯ ಹುಡುಗಿಯನ್ನು ಮದುವೆಯಾಗಿದ್ದರೆ ನನಗೆ ಒಳ್ಳೆಯ ವರದಕ್ಷಿಣೆ ಹಣ ಬರುತ್ತಿತ್ತು” and they assaulted her with hands. Thereafter CW.1 and accused No.1 went to the Hutti Town and lead their married life in rented house and out of their wedlock CW.1 gave birth to one male child on 26-08-2022. Again the CW.1 had pregnant then the accused No.1 started to give mental and physical torture to CW.1 by saying “ ನೀನು ನನಗೆ ಇಷ್ಟವಿಲ್ಲ, ನೀನು ನೋಡಲು ಚೆನ್ನಾಗಿರುವುದಿಲ್ಲಾ ನಮ್ಮ ಜಾತಿಯ ಹುಡುಗಿಯನ್ನು ಮದುವೆಯಾಗಿದ್ದರೆ ಸಾಕಷ್ಟು ವರದಕ್ಷಿಣೆ ಬಂಗಾರ ಕೊಡುತ್ತಿದ್ದರು, ನಿನ್ನ ಮದುವೆಯಲ್ಲಿ ನನಗೆ ಏನೂ ಸಿಕ್ಕಿಲ್ಲ, and forced the CW.1 and demanding to bring dowry from her parental house like “ನನಗೆ ವ್ಯಾಪಾರ ಮಾಡಲು 3 ಲಕ್ಷ ಹಣವನ್ನು



ವರದಕ್ಷೆಣೆಯಾಗಿ ನಿಮ್ಮ ತಂದೆಯಿಂದ ತಂದು ಕೊಡು " and thereby the accused persons have committed the aforesaid offences.

3. On the basis of first information filed by CW.1 Amruta, a criminal case has been registered in Lingasugur Police Station Crime No.272/2023 and FIR was sent to the Court. On the place shown by CW.1 the police have conducted the spot mahazar in the presence of punchas. Further the police have recorded the statements of the witnesses. After completion of investigation the charge sheet has been filed against the accused persons for the alleged offences.

4. The cognizance of the offences was taken and summons to the accused has been issued. The accused appeared before the court through their counsel and got released on bail. Copies of the charge sheet was furnished to the accused No.1 and 9 in compliance of section 207 of Cr.P.C. After hearing the accused No.1 and 9 charge was framed as against the accused No.1 and 9 for alleged offences and read over and explained to them, for which they pleaded not guilty and claimed to be tried. Hence, case has been posted for prosecution evidence.

5. In support of its case, the prosecution has examined as many as 1 witness as PW.1 and got marked document at Ex.P.1 to P.6. There is no incriminating circumstances appeared in the prosecution witnesses as against the accused, hence the statement of accused as required under section 313 of Cr.P.C. is dispensed with.



6. Heard the arguments on both sides and perused the materials available on record.

7. The points which arises for determination are as follows:

1. Whether the prosecution proves beyond all the reasonable doubt that after the marriage on 17-03-2021 the marriage of CW.1 was solemnized with the accused No.1 at Amareshwara Temple, Lingasugur Taluk, Raichur District in presence CW.8, 9, 10 and accused No.9, after the marriage they lead happy married life at her matrimonial house at Ravoori Town, Maharastra District. Thereafter she had pregnant, but the accused No.1 and 9 are forced to her for do abortion and they gave mental and physical torture to her by saying “ ನಮ್ಮ ಜಾತಿಯ ಹುಡುಗಿಯನ್ನು ಮದುವೆಯಾಗಿದ್ದರೆ ನನಗೆ ಒಳ್ಳೆಯ ವರದಕ್ಷಿಣೆ ಹಣ ಬರುತ್ತಿತ್ತು” and they assaulted her with hands and demanding dowry of Rs.3 lakhs from her parental house and the accused persons subjected her mental and physical cruelty and thereby accused persons committed offence punishable U/sec.498(A) R/W/Sec.34 of IPC ?

2. Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date, time and place in furtherance of common intention the accused No.1 and 9 assaulted CW-1 with hands and caused simple hurt and thereby accused has committed the offence punishable U/sec. 323 R/W/Sec.34 of IPC ?

3. Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date, time and place in furtherance of common



intention the accused No.1 demanded dowry of Rs.3 Lakhs from the parental home of the CW.1 and thereby accused have committed the offence punishable U/Sec.4 of Dowry Prohibition Act ?

4. What order or sentence ?

8. My answer to the above points are:

Points No.1 to 3 : In the negative

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

REASONS

9. Point No.1 to 3 : I have taken these points together for consideration to avoid repetition of facts and circumstances and also for the sake of convenience and brevity.

It is well settled that in a criminal case the entire burden is upon the prosecution to prove the alleged offences against the accused as per section 101 of evidence Act. The accused need prove nothing. Suffice for the accused to create doubt about the admissibility as to the evidence of the prosecution witness.

10. In order to bring home the guilt of the accused, the prosecution has examined 1 witness as PW.1. Wherein CW.1 Amruta who is the first informant and victim in this case. She deposed in her chief examination that, the CW.8 is her father, the accused No.1 is her husband. The accused No.2 is her mother-in-law. The accused persons never assaulted and abused in filthy language and accused did not made physical and mental cruelty



on her. When she went to the police station for other work the police have taken her signature on two documents. Further she deposed that she does not know the contents of Ex.P-1 and 2. further the police did not made any spot mahazar in her presence. Further she clearly deposed that she did not give any statements before the police. Further she clearly deposed that the accused persons never abused, beaten or never gave any physical and mental torture to her.

11. The PW-1 was treated as hostile witness. The learned Assistant Public Prosecutor cross-examined them, but nothing worth has been elicited from her mouth to prove the case of prosecution. The PW-1 has denied the entire case of the prosecution in their cross-examination. Hence the evidence of PW.1 does not inspires the confidence of this court to base conviction on the accused persons.

12. The PW.1 was recalled by the accused for cross-examination, in the cross-examination she has admitted about suit filed by her against her husband with regard to second marriage in OS.NO.185/2023 and also maintenance case. The plaint and application are confronted which got marked at Ex.D.3 and 4. The marriage photographs are confronted and got marked at Ex.D1 and 2. It must be noted that the PW.1 already turned hostile to the case of prosecution by denying the contents of complaint and entire charge sheet materials.



13. In view of hostile evidence of first informant and victim witness i.e., PW-1 no purpose would be served by examining other witnesses. The PW.1 being prime witness did not support to the case of prosecution. Hence, rest of the prosecution witnesses were dropped by rejecting the prayer of learned Assistant Public Prosecutor as no purpose would be served. It is fundamental principles Criminal Jurisprudence that the prosecution has to prove its case all reasonable doubts. Perused the evidence available on record. Absolutely there is nothing on record to prove that the accused persons at any time abused, beaten and tortured to PW-1 and thereby committed offences punishable U/Sec.498(A), 323 R/W/Sec.34 of Indian Penal Code and Under Section 4 of Dowry Prohibition Act. The prosecution has failed to prove the guilt against the accused person beyond all reasonable doubts. **Accordingly, I answered the point No.1 to 3 in the Negative.**

14. POINT NO.4 :- In view of the above findings given on point No.1 to 3, this court proceed to pass the following :

O R D E R

In exercise the powers conferred under Section 248(1) of Cr.P.C, the accused No.1 and 9 are hereby acquitted of the alleged offences punishable under sections 498(A), 323 R/W/Sec.34 of Indian Penal Code and



Under Section 4 of Dowry Prohibition Act.

The bail bonds and surety bonds of the accused persons shall be continued for a period of 6 months as per section 437(A) of Cr.P.C.

(Dictated to the stenographer directly on the computer, corrected and then pronounced by me in the open court on this 25th day of April, 2026.)

(AMBANNA.K)
Prl., Civil Judge & JMFC.,
Lingasugur.

ANNEXURE

WITNESS EXAMINED FOR THE PROSECUTION.

PW-1 : Amruta.

DOCUMENTS MARKED FOR THE PROSECUTION.

Ex.P1 : Complaint.
Ex.P1(a) : Signature.
Ex.P2 & 3 : Spot Mahazars.
Ex.P4 to 6 : Photos.

WITNESS EXAMINED ON BEHALF OF ACCUSED.

NIL

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DOCUMENT MARKED ON BEHALF OF THE ACCUSED.

NIL

**Prl., Civil Judge & JMFC.,
Lingasugur.**