

CC.NO.925/2025.

KARC310021162025



Presented on : 16-06-2025

Registered on : 17-06-2025

Decided on : 16-06-2026

Duration: 1 years, 0 months, 0 days

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

Dated this 16th day of June, 2026.

Present: Sri. AMBANNA. K.

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

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

CC.NO.925/2025.

Complainant :

The State by Lingasugur P.S.

(By the learned APP., Lingasugur.)

-Vs-

Accused

1. Manjunath S/o Tippeswami,
Age: 36 years, Occ: Labourer.
R/o Ward No.4 behind Asare Hospital,
Tq: Lingasugur. Dist: Raichur.
2. Mallikarjuna W/o Tippeswami,
Age: 32 years, Occ: Labourer.
R/o Ward No.4 behind Asare Hospital,
Tq: Lingasugur. Dist: Raichur

(By Sri. A.C.P., Advocate)



J U D G M E N T

The P.I., of Lingasugur P.S. has submitted charge sheet against the accused No.1 and 2 for the offenses having been committed punishable under Sections 85, 115(2), 118(1), 352, 351(2) R/W/Sec.3(5) of Bharatiya Nyaya Sanhita and Under section 3, 4 and 6 of Dowry Prohibition Act.

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

That, on 12-02-2018 the marriage of the CW.1 and accused No.1 was solemnized. At the time of marriage the parents of CW.1 have gave 3 tolas gold chain as dowry to the accused. After their marriage the accused No.1 and CW.1 lead happy marital life for a period of 6 months, out of their wedlock no issues were born. After the marriage the accused No.1 and 2 having common intention among them the accused No.1 addicted to bad habit and started to harass the CW.1, both mentally and physically by demanding additional dowry of Rs.30-40 lakhs for running cutting shop and other business. That being so on 23-03-2025 at 02-30 pm., at house No.2-12-199/1/53 situated at Lingasugur town, when CW.1 was in house the accused No.1 picked up quarrel with her in the pretext of cooking and assaulted her with boot and belt and caused hurt. On the next day 24-03-2025 at 11-50 am when CW.1 was in house the accused No.1 abused her in filthy language like “ ಲೇ ಸೂಳೇ ಇವತ್ತು ಒಂದು ಡಿಸೈಡ್ ಆಗಬೇಕು ನೀನು ನಿನ್ನ ತವರು ಮನೆಯಿಂದ ತಾನು ಕೇಳಿದಷ್ಟು ಹಣ ತಂದರೆ ನೀನು ನಮ್ಮ ಮನೆಯಲ್ಲಿ ಇರು, ಇಲ್ಲ ನೀನು ಮನೆ ಬಿಟ್ಟು ಹೋಗು ಎಂದು ಬೈದಾಡಿದನು ”, When CW.1 question the same the accused No.1 assaulted her with belt on



the right side of her head and threatened her to kill by pouring petrol and thereby the accused persons have committed the aforesaid offences.

3. On the basis of first information filed by CW.1 Parvathi @ Lalita a criminal case has been registered in Lingasuguru Police Station Crime No.66/2025 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 panchas. 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 persons have been issued. The accused persons appeared before the court through their counsel and got released on bail. Copies of the charge sheet were furnished to the accused in compliance of section 230 of B.N.S.S. After hearing the accused persons charge was framed as against the accused 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 11 witnesses as PW.1 to 11 and got marked documents at Ex.P.1 to 13 and MO.No.1 and 2 were marked. The statement of the accused persons under section 351 of B.N.S.S was recorded and accused persons denied the circumstances incriminating against them in the prosecution evidence. The



accused persons have not chosen to lead any defense evidence.

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 reasonable doubt that, after marriage accused persons in furtherance of common intention quarrel with CW.1 and among them the accused No.1 gave mental and physical torture to CW.1 by demanding additional dowry of Rs.30-40 lakhs for running cutting shop and other business and thereby committed offence punishable U/sec.85 R/W/Sec.3(5) of BNS ?

2. Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date, time and place, the accused persons in furtherance of common intention quarreled with CW.1 and among them accused No.1 abused CW-1 in filthy language, knowing such provocation will break the public peace and thereby accused persons have committed the offence punishable under section 352 R/W/Sec.3(5) of BNS ?

3. Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date, time and place, in furtherance of common intention quarreled with CW.1 and among them the accused No.1 assaulted on right side neck and shoulder CW.1 with shoe and belt and thrown out from the house and caused hurt and thereby accused persons have committed the offence punishable under section 115(2) R/W/Sec.3(5) of BNS ?



4. Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date, time and place, in furtherance of common intention quarreled with CW.1 and among them the accused No.1 assaulted on right side head of CW.1 with belt and caused hurt and thereby accused persons have committed the offence punishable under section 118(1) R/W/Sec.3(5) of BNS ?

5. Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date, time and place, in furtherance of common intention quarreled with CW.1 and among them the accused No.1 threatened CW.1 to kill her by setting fire pouring petrol and thereby accused persons have committed the offence punishable under section 351(2) R/W/Sec.3(5) of BNS ?

6. Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date, time and place, at the time of marriage the accused persons have taken 3 tolas gold chain as dowry and further accused demanded the CW.1 to bring additional dowry of Rs.30-40 Lakhs from her parental home for running cutting shop and other business and thereby accused persons have committed the offence punishable under section 3, 4 and 6 of Dowry Prohibition Act ?

7. What order or sentence ?

8. My answer to the above points are:

Points No.1 to 6 : In the negative.

Point No.7. : As per the final order for the following :



REASONS

9. Point No.1 to 6 : 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 104 of Bharathiya Shaksya Adiniyama. The accused need prove nothing. Suffice for the accused to create doubt about the admissibility as to the evidence of the prosecution witnesses.

10. In order to bring home the guilt of the accused, the prosecution has examined 11 witnesses as PW.1 to 11. Wherein CW.1 Parvati @ Lalita, who is complainant and first informant is examined as PW.1. It is deposed that, on 12-02-2018 their marriage was solemnized with accused. At the time of marriage the parents of CW.1 have gave 3 tolas gold chain as dowry to the accused No.1. After the marriage the accused No.1 and 2 having common intention among them the accused No.1 addicted to bad habit and started to harass the CW.1, both mentally and physically by demanding additional dowry of Rs.30-40 lakhs for running cutting shop and other business. That being so on 23-03-2025 at 02-30 pm., at house No.2-12-199/1/53 situated at Lingasugur town, when CW.1 was in house the accused No.1 picked up quarrel with her in the pretext of cooking and assaulted her with boot and belt and caused hurt. On the next day 24-03-2025 at 11-50 am when CW.1 was in house the accused



No.1 abused her in filthy language. The complaint is marked at Ex.P.1 and signature at Ex.P.1(a). The FIR is marked at Ex.P.2 and signature at Ex.P.2(a). further she has stated that the police have conducted the Mahazar at the residence of her husband in presence of CW.2 and 3 in between 11.00 to 12.00 Pm., The Mahazar is marked at Ex.P3 and signature at Ex.P.3(a) and Photographs is marked at Ex.P.4 and 5. Shoe and Belt were marked at MO.No.1 and 2.

11. During the cross-examination the PW.1 has completely turned hostile to the case of prosecution by denying the allegation made in the complaint. Further she has admitted that the accused No.1 never abused and assaulted either belt or shoe and did not give any physical and mental torture to her. Further she has admitted that the accused persons did not give life threat and did not demand additional dowry of Rs. 30 to 40 lakhs to run cutting shop and other business. Further the PW.1 has clearly admitted that she has been compromised the case with accused No.1 and they are residing together. Though the learned APP re-examined the PW.1 but she has stated that she compromised the case with accused persons. The prosecution did not elicited from the mouth of PW.1 to prove the case.

12. The prosecution examined the CW.1 Gurubasamma, CW.5 Mahantesh, CW.8 Eshappa, CW.9 Kumaraswamy and CW6 Sangamesh Sugreeva and CW.12 Gaddeppa who are the mother, brothers and closed relatives of CW.1 as PW-2,3,4,5,6 and 7 they have deposed that, the accused persons never abused, insulted, gave mental and physical harassment and



threatened and beaten CW.1. Further they have deposed that they have not given any statements before the police. The PW.2 to 7 have completely hostile to the case of prosecution.

13. The PW.2 to 7 were treated as hostile witnesses. The learned Assistant Public Prosecutor cross-examined them, but nothing worth has been elicited from their mouth to prove the case of prosecution. The PW.1 to 3 denied the entire case of the prosecution in their cross-examination.

14. Further prosecution examined CW.2 Sharanabasava, CW-3 Manjunath who are spot mahazar witnesses as PW.9 and 10. But they have stated that the police have not conducted any mahazar in their presence and seized any material objects. The PW.9 and 10 have completely hostile to the case of prosecution. The PW.9 and 10 were treated as hostile witnesses. The learned Assistant Public Prosecutor cross-examined them, but nothing worth has been elicited from their mouth to prove the contents of spot mahazar and seizure of MO's. The PW.9 and 10 denied the entire case of the prosecution in their cross-examination.

15. Further the prosecution examined the CW.15 Dr. Praveenkumar as PW.8, who has deposed that on 24.03.2025 at 2.15 p.m. when he was in hospital CW.1 came there for treatment in the history of assault. On examining her he found 2*2 c.m. clotted wound on right shoulder. He opinion that the wound is simple in nature. He gave wound certificate, which is marked at Ex.P12 and his signature at Ex.P12(a). During the cross-



examination he has admitted that the wound shown at Ex.P12 might be caused, if a person fell down on the furniture.

16. PW.11 Pundalik Patatar, who is IO has deposed that on 24.03.2025 he received the complaint from the CW.1 and he registered the case in crime No.66/2025 and FIR sent to the court. The complaint is marked at Ex.P.1 his signature at Ex.P.1(b). The FIR is marked at Ex.P.2 his signature at Ex.P.2(b). Thereafter on 26.03.2025 he visited the spot and conducted the spot mahazar in between 11.00 to 12.00 PM., in presence of CW.2 and 3 and seized the Belt and Shoe. The Mahazar is marked at Ex.P.3 his signature at Ex.P.3(d). MO.1 and 2. The photo is marked at Ex.P.4 and 5. Thereafter he recorded the statements of CW,1 and 4 to 12. The wound certificate is marked at Ex.P.12 and signature at Ex.P.12(b). The letter are marked at Ex.P.13, 14 and signature at Ex.P.13(a), 14(a). On 15.05.2025 he obtained the Khata extract from TMC, which is marked at Ex.P.15 and his signature and Ex.15(a). On the same day after completion of investigation he has filed charge sheet against the accused persons. During the cross-examination he has admitted that, he has followed the all the procedures while filing charge sheet. Further he denied that he filed false charge sheet against accused with proper investigation.

17. On appreciation and evaluation of the prosecution witnesses, PW.1 to 7 are the close relatives of the CW.1 have completely turned hostile to the case of prosecution. Further PW.9 and 10 are spot mahazer witnesses have also not



supported the case of prosecution. The eye and independent witnesses have not supported the case of prosecution. It must be noted that the doctor and IO are the official witnesses have naturally supported the case of prosecution. But their evidence needs corroboration of independent witnesses. In view of hostile evidence of victims and first informant witness i.e., PW.1 to 7, 9 and 10, no purpose would be served by examining other witnesses. Hence, rest of the prosecution witnesses were dropped by rejecting the prayer of learned Assistant Public Prosecutor as no purpose would be served. Moreover, the CW.1 has specifically stated that, she has compromised the case with accused person and she has been residing with her husband. 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 or threatened, gave mental and physical cruelty, insulted and beaten CW.1 by demanding additional dowry from her parental home and thereby committed offences punishable U/Sec.85, 115(2), 118(1), 352, 351(2) R/W/Sec.3(5) of Bharatiya Nyaya Sanhita and Under section 3, 4 and 6 of Dowry Prohibition Act. In the result the prosecution has failed to prove the charges leveled against the accused persons beyond all reasonable doubt. **Accordingly, I answered the point No.1 to 6 in the Negative.**

18. Point No.7 :- In view of the above findings given on point No.1 to 6, this court proceed to pass the following ;



ORDER

In exercise the powers conferred under Section 271(1) of B.N.S.S, the accused No.1 and 2 are hereby acquitted of the alleged offences punishable under Sections. 85, 115(2), 118(1), 352, 351(2) R/W/Sec.3(5) of Bharatiya Nyaya Sanhita and Under section 3, 4 and 6 of Dowry Prohibition Act.

MO.No.1 and 2 are being worthless properties are ordered to be destroyed after appeal period is over.

The bail bonds and surety bonds of the accused persons shall be continued for a period of 6 months as per section 481 of B.N.S.S.

(Dictated to the stenographer directly on the computer, corrected and then pronounced by me in the open court on this 16th day of June, 2026.)

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

ANNEXURE

WITNESS EXAMINED FOR THE PROSECUTION.

PW-1 : Parvathi @ Lalita.
PW-2 : Gurubasamma.
PW-3 : Mahantesh.
PW-4 : Eashappa.
PW-5 : Kumaraswamy.



PW-6 : Sangamesh Sugreeva.
PW-7 : Gaddeppa.
PW-8 : Dr.Praveenkumar.
PW-9 : Sharanabasava.
PW-10 : Manjunath.
PW-11 : Pundalika Patatara.

DOCUMENTS MARKED FOR THE PROSECUTION.

Ex.P-1 : Complaint.
Ex.P-1(ab) : Signatures.
Ex.P-2 : FIR.
Ex.P-2 (ab) : Signatures.
Ex.P-3 : Mahazar.
Ex.P-3(abc) : Signatures.
Ex.P-4 & 5 : Photos.
Ex.P-6 to 11: Statements.
Ex.P-12 : Wound certificate.
Ex.P-12 (ab): Signatures.
Ex.P-13 : Letter wrote to TMC.
Ex.P-13 (a) : Signature.
Ex.P-14 : Letter issued from TMC.
Ex.P-14 (a) : Signature.
Ex.P-15 : Khata Extract.
Ex.P-15 (a) : Signatures.

WITNESS EXAMINED ON BEHALF OF ACCUSED.

NIL



DOCUMENT MARKED ON BEHALF OF THE ACCUSED.

MO.No.1 and 2 : Belt and shoe.

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