



**IN THE COURT OF THE I ADDL. DISTRICT &
SESSIONS JUDGE, RAMANAGARA**

PRESENT:

**Smt. M. Panchakshari, M.Com.,LL.B,
I Addl. Dist. & Sessions Judge, Ramanagara.**

Dated this the 26th day of March, 2026

Spl.C.No.94/2015

**Complainant: The State of Karnataka,
By Magadi P.S.,
Ramanagara District.**

(By Public Prosecutor)

Vs.

Accused

- No's.1 to 11 :**
- 1. Nanjunda @ Prakasha
S/o. Lakkaiah,
Aged 27 years,
Occup: Car Driver,
27th Cross, Janatha Badavane,
Gidadakonenahalli,
Yashavanthapura Hobali,
Bengaluru North Taluk,
Bengaluru City, Karnataka.**
 - 2. Kavitha H.,
S/o.M.Ganganna,
Aged 36 years,
Occup: Teacher,
R/at: No.111/07, Hanumajayanthi
Road, Anjananagara,
Yashavanthapura Hobali,
Bengaluru North Taluk,
Bengaluru City,**



Karnataka-560091.

3. Kumar G.,
S/o.Ganganarasaiah,
Aged 27 years,
Occupation: Businessman,
R/at: Muddinapalya,
Vishwanidam Post,
Yashavanthapura Hobali,
Bengaluru North Taluk,
Bengaluru City, Karnataka.
4. Gowramma,
W/o.Gangadasappa,
Aged 40 years,
Occupation: Labourer,
R/at: Gidadakonenahalli Village,
Cholahala, Vishwanidam Post,
Yashavanthapura Hobali,
Bengaluru North Taluk,
Bengaluru City, Karnataka.
5. Nagaraja V., @ Ravi,
S/o.Venkateshappa,
Aged 33 years,
Occupation: Factory Worker,
R/at: #15, Gidadakonenahalli,
Janatha Badavane,
Vishwanidam Post,
Yashavanthapura Hobali,
Bengaluru North Taluk,
Karnataka.
6. Purushothama B.K.,
S/o.Late.Krishnappa,
Aged 26 years,
Occupation: Factory Worker,
R/at: #111/7,
Hanumajayanthi Road,



Pipe, Behind Vidyashree School,
Anjananagara,
Bengaluru City, Karnataka.

Permanent R/at: Bettahalli,
Kuduru Hobli, Magadi Taluk,
Ramanagara, Karnataka.

7. Puttabyrappa M.,
S/o.Doddamariyappa,
Aged 27 years,
Occupation: Factory Worker,
R/at: Honnagangaiahnapalya,
Jakkasandra Dakle,
Nelamangala Taluk,
Bengaluru District,
Karnataka.
8. Mohana L.,
S/o.Lakshmikantha L.,
Aged 25 years,
Occupation: Driver,
R/at: Hulikal Village,
Kudur Hobli,
Magadi Taluk,
Ramanagara, Karnataka.
9. Ravi L.,
S/o.Lakshmikantha L.,
Aged 23 years,
Occup: Farmer,
R/at: Hulikal Village,
Kudur Hobli,
Magadi Taluk,
Ramanagara, Karnataka.
10. Girish A.C.,
S/o.A.M.Chandramouli,
Aged 40 years,
Occpu: Doctor,



R/at: Curls & Curves Hair
Transplantation, No.49,
1st Floor, West of Chord Road,
1st Stage, 6th Phase,
Mahaganapathinagara,
Rajajinagara, Bengaluru City,
Karnataka.

Permanent R/at: No.2, J312,
Rajeshwari Homes,
10th Cross, Ideal Homes,
Township, Rajarajeshwari Nagara,
Bengaluru City, Karnataka-560098.

11. Naveen S.,
S/o.Sannatopaiah,
Aged 40 years,
Occpu: Doctor,
R/at: #570, 9th Main Road,
MC Layout, Vijayanagara,
Belagavi City,
Karnataka-560040.

**(A1 & A4 by Sri. K.J.G., Adv.,
A6 & A7 by Sri.M.N.P., Adv.,
A3 to 5, 8, 9 by Sri.K.T.V., Adv.,
A10 by Sri.B.S.M., Adv.,
A2 & A11 by Sri.K.C.M., Adv.,)**



1	Date of commission of offence	04.08.2014
2	Date of report of offence	05.08.2014
3	Date of arrest of the accused persons	A1 on 02.11.2014, A2 on 06.09.2014, A3 on 20.09.2014, A4 on 17.09.2014, A5 on 02.11.2014, A6 & 7 on 10.12.2014, A8 & 9 on 04.11.2014, A10 on 10.09.2014, A11 on 11.11.2014.
4	Date of commencement of evidence	16.08.2019.
5	Date of closing of evidence	25.07.2025.
6	Name of the Complainant	Sri. Gangadasappa S/o. Late.Timmagangaiah.
7	Offences complained of	U/Secs.143, 326 & 367 R/w.Sec.149 of IPC & U/Sec.3(2)(5) of SC/ST (Prevention of Atrocities) Amendment Act.
8	Date of Pronouncement of Judgment	26.03.2026
9	Opinion of the Judge	Accused persons found not guilty.
10	Order of Sentence	As per final order
11	Complainant represented by	P.P., Ramanagara
12	Accused defense by	Sri. K.J.G., Advocate for A1 & A4. Sri.M.N.P., Advocate for



		A6 & A7. Sri.K.T.V., Advocate for A3 to 5, 8, 9. Sri.B.S.M., Advocate for A10. Sri.K.C.M., Advocate for A2 & A11.
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J U D G M E N T

The Deputy Superintendent of Police of Ramanagara Sub-Division, Ramanagara Police Station had filed the charge-sheet against the accused persons for the offences punishable U/Secs.143, 326 & 367 R/W.Sec.149 of IPC, 1860 & under Section 3(2)(5) of SC/ST (Prevention of Atrocities) Amendment Act-2015.

2. The brief facts of the prosecution case is that, accused No.4 was residing with her children at Gidadakonenahalli of Magadi Road. CW1 got 2nd marriage with CW18 and was residing in the house of CW18 so, accused No.4 and her family members by forming themselves into unlawful assembly, thinking if CW18 procure children from CW1 then CW1 is bound to give share in his property so with bad intention accused



No.1 to 9 on 04.08.2014 at 09.30 p.m., when CW1 was proceeding on Tirumale Road of Magadi Town, accused No.1, 5 to 9 came in a Indica Car bearing Reg.No.KA-05-EN-2917 and motorcycle bearing Reg.No.KA-02-D-3694 and forcibly kidnapped CW1 and took him through Magadi Bangalore Road to Curls & Curves Hospital of CW10 and CW11, situated at Vidhyaranyapura by tying cloth to the eyes of CW1 and got removed the testicles of CW1 through accused No.10 and 11 by surgery though being aware that CW1 belongs to Scheduled Caste and committed atrocity against CW1. On the above allegation the prosecution had filed a charge sheet against the accused persons.

3. The accused No's.1 to 11 were arrested and produced before the court and they were granted bail. After receipt of the charge-sheet this court had taken cognizance of the offence and the prosecution papers was furnished to the accused persons as required U/Sec.207 of Cr.P.C.



4. Heard the learned counsel for the accused persons and the Public Prosecutor before framing the charge. There being sufficient materials against the accused persons to proceed, charge was framed and read-over to the accused persons in Kannada language known to them whereby they denied all the charges leveled against them and claimed to be tried.

5. To bring home the guilt of the accused persons, the prosecution had opted to examine 14 witnesses out of 37 witnesses cited in the charge-sheet as PW-1 to PW-14 and got marked 36 documents as Exs.P1 to P36 and got marked MO.1 to MO.5. So also the statement of the accused persons under Section 313 of Cr.P.C., was recorded with regard to incriminating evidence found against them which is denied by the accused persons. No defense evidence was adduced.

6. On the above said contentions the following points arise for my consideration:



(i) Whether the prosecution proves that, on 04.08.2018 at 09.30 p.m., at Magadi Town, Tirumale Road, the accused No.1 to 9 with the common object formed themselves into unlawful assembly and thereby committed an offence punishable under **Section 143 R/w.Section 149 of IPC-1860?**

(ii) Whether the prosecution proves that, on the above said date, time and place, accused No.1, 5 to 9 with their being the member of unlawful assembly had kidnapped CW1 in Indica Car bearing Reg.No.KA-05-EN-2917 followed with motorcycle bearing Reg.No.KA-02-D-3694 with the common object of causing grievous hurt and thereby committed an offence punishable under **Section 367 R/w.Section 149 of IPC-1860?**

(iii) Whether the prosecution proves beyond reasonable doubt that, on the above said date, time and place, accused No.1 to 9 being the members of unlawful assembly having kidnapped CW1 with their common object and brought CW1 to Curls & Curves Hospital of CW10 and CW11, situated at Vidhyaranyapura by tying cloth to the eyes of CW1 and got



removed the testicles of CW1 through accused No.10 and 11 by surgery causing grievous hurt and thereby committed an offence punishable under **Section 326 R/w.Section 149 of IPC-1860?**

(iv) Whether the prosecution further proves that, on the above said date, time and place, accused No.1 to 9 being the members of unlawful assembly having kidnapped CW1 with their common intention and got removed the testicles of CW1 in the hospital belonging to CW10 and CW11, though being aware that CW1 belonged to Scheduled Caste and committed an offence which is punishable with imprisonment upto 10 years and thereby committed an offence punishable under **Section 3(2)(5) of SC/ST (Prevention of Atrocities) Amendment Act-2015?**

(v) What order?

7. Having heard the Public Prosecutor and Sri. K.J.G., Sri.M.N.P., Sri.K.T.V., Sri.B.S.M., & Sri.K.C.M., counsels appointed to represent their respective accused persons, I answer the above points as follows;



Point No.1 : In the **Negative**.

Point No.2 : In the **Negative**.

Point No.3 : In the **Negative**.

Point No.4 : In the **Negative**.

Point No.5 : As per the final order
for the following;

REASONS

8. **Point No.1 to 4** :- All the above three points are taken together for consideration to avoid repetition of discussions on facts and evidence on record.

The case of the prosecution is that, accused No.4 was residing with her children at Gidadakonenahalli of Magadi Road. CW1 got 2nd marriage with CW18 and was residing in the house of CW18 so, accused No.4 and her family members by forming themselves into unlawful assembly, thinking if CW18 procure children from CW1 then CW1 is bound to give share in his property so with bad intention accused No.1 to 9 on 04.08.2014 at 09.30 p.m., when CW1 was proceeding on Tirumale Road of Magadi Town, accused No.1, 5 to 9 came in a Indica Car bearing Reg.No.KA-05-EN-2917 and motorcycle bearing



Reg.No.KA-02-D-3694 and forcibly kidnapped CW1 and took him through Magadi Bangalore Road to Curls & Curves Hospital of CW10 and CW11, situated at Vidhyaranyapura by tying cloth to the eyes of CW1 and got removed the testicles of CW1 through accused No.10 and 11 by surgery though being aware that CW1 belongs to Scheduled Caste and committed atrocity against CW1.

9. The prosecution in order to prove its case had opted to examine in all 14 witnesses, whereby PW1 is the complainant, PW2 to PW6 are the Mahazar witnesses, PW7 is the 2nd wife of PW1, PW8 is the Doctor who had examined the injured victim PW1, PW9 is the husband of accused No.2, PW10 is the PSI of Magadi Police Station, who had recorded the statement of CW1 and registered the case and conducted part of the investigation. PW11 is the ASI of Magadi Police Station who had also recorded the statement of the injured victim. PW12 is the Nurse who was working at Curls & Curves Hospital, Rajaji Nagar, where the alleged



incident is said to have taken place. PW13 is also the Mahazar witness and PW14 is the Investigating Officer who had completed the investigation and filed the charge sheet against the accused persons.

10. If the evidence of the prosecution witnesses are taken into consideration, whereby based on the statement of CW1, complaint came to be registered against the accused persons and on investigation having found sufficient materials against the accused No.1 to 11, Magadi Police had filed the charge sheet for the offence punishable U/Secs.143, 326 & 367 R/W.Sec.149 of IPC, 1860 & under Section 3(2)(5) of SC/ST (Prevention of Atrocities) Amendment Act-2015.

11. As per the evidence of PW11 the then ASI of Magadi Police Station, that on 04.08.2014 at 09.30 p.m., when he was on patrolling duty, two unknown young aged persons and another middle aged person came to the police station and those two persons who brought the other person told that he was to pay money to their



sister, but he is not paying so, the ASI enquired and came to know the allegations pertain to the jurisdiction of Byadarahalli Police Station. They requested the ASI to keep the middle aged person in their station till they bring their sister, by then the middle aged person was talking to someone in the phone that he was taken to the police station so, ASI sent back to settle the financial dispute. He had not received any first information from them. Thereafter on 05.08.2014 at 10.00 p.m., he recorded the statement of CW1 at KIMS Hospital, Bangalore based on the memo received from the hospital about admission and treatment of CW1. After recording the statement he had handed it over to PSI and it is registered as complaint as per Ex.P1. Witness had been cross examined on behalf of the accused persons, whereby in the cross examination PW11 had stated that he had not produced the memo received from the KIMS Hospital. So, suggestions are put forward to deny the fact of he visiting the hospital and recording the statement of CW1. Based on this statement PW10



who is the PSI of Magadi Police Station had registered the complaint and filed the FIR as per Ex.P19, thereafter he had conducted the investigation.

12. Now if the evidence of PW1 i.e., the complainant is taken into consideration, whereby he being the injured victim had deposed in his chief examination that he is having two wife. The 1st wife is named as Gowramma and he married Gowramma in the year 1992, from their wedlock they have three children. Since from their marriage they were cordial till 2010-11. He got performed 2nd marriage in the year 2012 with Gayathri. His second wife was residing at Kunigal Kallanayakanahalli in her mother's house. His 1st wife was residing at Gidadakonenahalli so, he was visiting both the places. He do not own any landed property and all the properties were in his mother's name. Accused No.4 is his 1st wife. He had been kidnapped by 5 persons, among them only two persons are before the court. It is his evidence that, he had not seen the other accused persons prior to the date. On 04.08.2014 at



09.30 p.m., he came to Magadi. The last bus proceeding to Kunigal was at 09.30 p.m., as he missed his bus he made a phone call to the husband of sister of his 2nd wife i.e., Devaraj who is residing at Tirumale Village at Magadi. When he was proceeding from Magadi bus stand to Tirumale Village in between 09.30 to 09.45 p.m., when he was proceeding on his way, a black color Esteem car came from his hind side and two persons who were in the car got down and caught him tightly and were trying to bring him inside the car. At that time he screamed and hearing his noise public's came to the spot. Immediately, he rescued and ran away towards the auto stand and went to the Magadi police station in an auto. In the police station, he informed about the incident. At the same time, the persons who tried to kidnap him had also followed him to the police station. Those persons told to the police that they are from CCB. Police did not give any protection in the station. They told that the allegation does not come within the jurisdiction of Magadi Police Station. They pushed him



out of the police station. When he was in Magadi police station he called his sister Venkatalakshamma and informed her about the incident. When he was coming out of the police station two persons came in a pulsar bike and made him to sit in the said bike and took him away. After proceeding for half a kilometer, a car followed them and he was made to sit in the car and the driver who was driving the car proceeded towards Tippagondanahalli and they stopped the car. The those persons told that they would release him if he gives 25 lakhs, when he refused those persons had tied his both hands behind and held his nose tightly and had put a tablet into his mouth saying that it is sleeping pills and poured water in his mouth and made him to swallow it. Thereafter from the said spot they took him in the Indica car to Anjanapura, there they stopped the vehicle and he found accused No.2 Kavitha at the spot along and her husband Ganganna was also present. Accused No.2 sat in the front seat of the car and they took PW1 to Sukkadakattu, there again they stopped the vehicle and



a person came in pulsar bike and accused No.2 went in the said pulsar bike. As per the instruction of accused No.2, the other persons who were in the car tied cloth to his eyes and told that they have to proceed towards Vidyaranyapura. It was accused No.2 who was giving instruction to the person who was in the bike as well as in the car. Thereafter he was little unconscious and they brought him to a place and made him to climb stairs and thereafter, they removed the clothes tied over his eyes and made him to wear a gown and tied his hands and legs to the chair. Thereafter, he did not know what had transpired. On the next day, unknown persons brought him down the steps and took him in a car and brought him to the house of accused No.2 and made him to lie down in a divan cot. Thereafter they removed his cloth tied over the eyes. He noticed that he was in the house of accused No.2. He also noticed pain in his testicles. As pain was unbearable accused No.2 called accused No.3 and she asked accused No.3 that why they have done so. Thereafter accused No.2 and 3 brought them to



Kempegowda Hospital, there the Doctor examined him and told that his testicles had been removed. At that time his mother Lakshamma, CW18 i.e., his second wife and second wife's mother Venkatalakshamma and her brother Ravikumar, Bettaswami and Devraju were present. So when he was in the hospital, the police had visited the hospital and recorded his statement, but he do not know for what reason the said act is done. The vehicle which is seized in this case is the Indica car, so the photographs having shown CW1 had stated that it is not the car which is used for kidnapping him. In the chief examination itself PW1 had stated that he was kidnapped in Esteem vehicle, though PW1 had not identified the vehicle the photographs pertaining to the Indica car is marked as Ex.P2 and Ex.P3. It is also his evidence that, he was admitted in Kempegowda Hospital for 1 month 9 days as inpatient, thereafter he was taken to his second wife's house. It is also his evidence that, he do not know why the things had happened and he do not know who are the persons who had kidnapped him in



car and bike. Even he do not know who has removed his testicles. It is also his evidence that, he had not given any further statement before the police. Even he had stated that, he do not know who had instigated in committing the alleged act and he do not know what had taken place when he was brought to the house of accused No.2. Police had obtained his forged signature on blank papers. He had denied his statement as per Ex.P4. So if the chief examination of PW1 is taken into consideration, whereby he had deposed with regard to the fact of someone having kidnapped him and having taken to a place where he was made to climb the upstairs and thereafter he was tied to a chair and as he was unconscious, he could not make out what had been done and later when his blindfold was removed, he could make out that he was in the house of accused No.2, but as he found pain in the testicles, it is accused No.2 who had brought him to Kempegowda Hospital along with accused No.3 and it is she who has asked accused No.3



that why this had been done. The said evidence in para No.3 of chief examination of PW1 reads as follows:

“ಆ ಸಮಯದಲ್ಲಿ ನನಗೆ ಮರ್ಮಾಂ ಗದಲ್ಲಿ ನೋವು ಆದಂತೆ ಗೋಚರಿಸಿತು. ನಾನು ನೋವು ತಾಳಲಾರದೆ ಜೋರಾಗಿ ಅಳಲು ಪ್ರಾರಂಭಿಸಿದೆ. ಆಗ 2ನೇ ಆರೋಪಿ 3ನೇ ಆರೋಪಿ ಕುಮಾರನಿಗೆ ಕರೆ ಮಾಡಿ ಕರೆಸಿದರು. 3ನೇ ಆರೋಪಿ ನ್ಯಾಯಾಲಯದ ಮುಂದೆ ಇದ್ದಾರೆ. 2ನೇ ಆರೋಪಿ ಯಾಕೆ ಹೀಗೆ ಮಾಡಿದ್ದೀರಾ ಎಂದು 3ನೇ ಆರೋಪಿಯನ್ನು ಕೇಳಿದ್ದು, ನಂತರ ನನ್ನನ್ನು 2 ಮತ್ತು 3ನೇ ಆರೋಪಿಗಳು ಮನೆಯಿಂದ ಮೆಟ್ಟಿಲಿನಿಂದ ಕೆಳಗೆ ಇಳಿಸಿ, 3ನೇ ಆರೋಪಿ ಮಾತ್ರ ನನ್ನನ್ನು ಕೆಂಪೇಗೌಡ ಆಸ್ಪತ್ರೆಗೆ ಕರೆದುಕೊಂಡು ಹೋದರು. ನಂತರ ಆಸ್ಪತ್ರೆಯ ವೈದ್ಯರು ನನ್ನನ್ನು ಪರೀಕ್ಷಿಸಿ ನನ್ನ ಮರ್ಮಾಂ ಗದ ಬಳಿಯ ಬೀಜಗಳನ್ನು ತೆಗೆದಿರುವುದಾಗಿ ಹೇಳಿದರು”.

13. If the cross-examination of PW1 is taken into consideration, wherein stated that his mother owns 4 acres of Land at Gidadakonenahalli and it is worth Rs.20 to 25 crores. From his cross-examination it makes out accused No.2 and her husband are the known persons, whereby husband of accused No.2 is a good friend of PW1 and he had also offered surety when PW1 had purchased the car. All these facts are admitted by PW1 in his cross-examination. From his cross examination it



also makes out that, initially he was kidnapped in a motorcycle and thereafter from motorcycle he was shifted to a car and the kidnappers had taken him through National Highway. Though PW1 alleges that he was kidnapped and it being a public place, he had not sought for any help from the public. But from his cross-examination it does not makes out who are the persons who had kidnapped him. The said evidence in Para No.3 of his cross-examination, page No.12, reads as follows:

“ನನ್ನನ್ನು ನನ್ನ ಹಣಕಾಸಿನ ಹಿನ್ನೆಲೆ ಮತ್ತು ಆಸ್ತಿ ಪಾಸ್ತಿಗಳ ಬಗ್ಗೆ ತಿಳಿದವರೇ ಅಪಹರಣ ಮಾಡಿರುತ್ತಾರೆ ಎಂದು ಹೇಸಲು ಬರುವುದಿಲ್ಲ, ಇದ್ದರೂ ಇರಬಹುದಾದ ನನ್ನನ್ನು ಅಪಹರಣ ಮಾಡಿದ ಕಾರಿನಲ್ಲಿ 4 ಜನ ಇದ್ದರು. ಎಲ್ಲರೂ ನನ್ನಿಂದ ರೂ.25 ಲಕ್ಷ ಹಣ ಬೇಡಿಕೆ ಇಟ್ಟರು. ಆರೋಪಿತರು ಕೊನೆಯದಾಗಿ ನನಗೆ ನಿದ್ರೆ ಮಾತ್ರ ನೀಡಿದರು ಎನ್ನುವುದು ಸರಿ.”

It is also his evidence that, the police had obtained his signature on 4 blank papers. Further evidence in para No.5 of his cross-examination is also very important to take note of, which reads as follows:

“ಪೊಲೀಸರೇ ನನ್ನಿಂದ 4 ಖಾಲಿ ಹಾಳೆಗಳಿಗೆ ಸಹಿ ಪಡೆದಿರುತ್ತಾರೆ. ಈ ಪ್ರಕರಣದಲ್ಲಿ ನನ್ನನ್ನು ಯಾರು ಅಪಹರಣ ಮಾಡಿರುತ್ತಾರೆಂದು



ನಿರ್ದಿಷ್ಟವಾಗಿ ತಿಳಿದಿಲ್ಲ ಎನ್ನುವುದು ಸರಿ. ನ್ಯಾಯಾಲಯದ
ಮುಂದಿರುವ ಆರೋಪಿಗಳು ಯಾರು ಅಪಹರಣದಲ್ಲಿ
ಭಾಗಿಯಾಗಿರುತ್ತಾರೆಂದು ನನಗೆ ವೈಯಕ್ತಿಕವಾಗಿ ಮಾಹಿತಿ ಇಲ್ಲ
ಎನ್ನುವುದು ಸರಿ.”

14. In the cross-examination adduced on behalf of accused No.1, 3 to 5, PW1 had stated that PW1 had admitted that accused No.4 is his wife and accused No.1 is brother of accused No.4 i.e., the brother-in-law of PW1. Even in the cross-examination of accused No.1 PW1 had stated that exactly he cannot say who had kidnapped him. Further as per the prosecution case that it is in the hospital of accused No.10 and 11 the testicles of PW1 is recovered. But in the cross examination of PW1 he had stated that, he is not acquainted with accused No.11 and he had not seen accused No.1 earlier and also he states that he had not given any statement to the police against accused No.11. He also admits that, he had not faced any problem by accused No.11. Further he admits that, accused No.11 is no way connected to this case. With regard to the identity of accused No.6 and 7, PW1 had stated he do not know



who they are and he had not seen them earlier. He had identified only 4 persons who were present before the court at the time of his cross-examination. Further in the cross-examination adduced on behalf of accused No.10, PW1 had stated that he had not faced any problem from his 1st wife accused No.4 and they do not have any enmity. Even he had admitted that, he has not given any statement against accused No.4 before the police. Further he admits that, the police themselves had invoked the name of accused No.4 in this case. Further he states that, he is not acquainted with accused No.10. Further he also admits that, he do not have any animosity against accused No.10. Further he states that, he do not know when his surgery was done, as he was partially unconscious and he was blindfolded. He was in ICU for one day in KIMS Hospital. He also admits that, the police themselves had added the name of accused No.10 in the case. As per the suggestions which are put forward in the cross-examination adduced on behalf of accused No.10, it is his defence that, when PW1 was



brought to accused No.10 his testicles were torsion so, to save his life surgery was needed. So as per the request of PW1 to save his life after following all procedures with the necessary tests, his surgery was done. So, it is the defence of accused No.10 that on account of surgery done the life of PW1 was saved, but this fact is denied by PW1. Further in the cross-examination adduced on behalf of accused No.8 and 9, PW1 admits that he is not acquainted with the accused No.8 and 9. According to the prosecution case that the accused No.8 and 9 had telephonic call with accused No.2 during the incident. So, if the entire cross-examination of PW1 by all the accused persons is taken into consideration, it makes out that the testicle of PW1 is removed by a surgery, but accused No.10 had taken the defence that, as per the instruction of PW1 himself he requested to do something to save his life as his testicle was torsoned when he was brought to the hospital. Further from the cross examination it also makes out that, there is no allegation by PW1 against



his 1st wife accused No.4 and is not acquainted with the accused No.6 and 7 as well as accused No.10 and 11. Even PW1 had not stated anything with regard to any of the act done by the accused persons as alleged in the prosecution story.

15. Now if the evidence of PW2 is taken into consideration, whereby she states that she is not acquainted with CW1, but she knows accused No.2 as she is her elder aunt's daughter. She being the witness to Ex.P5 and Ex.P6, it is her evidence that her signatures were obtained on those mahazers by the police in the police station. The suggestions put forward by the Learned Public Prosecutor is totally denied by PW2.

16. Now if the evidence of PW3 to PW5 is taken into consideration, whereby PW3 is the witness to the Mahazar Ex.P7, PW4 and PW5 are the witnesses to the mahazar Ex.P8, whereby all the three witnesses had turned hostile and not supported the prosecution case



with regard to drawing the mahazar in their presence and obtaining the signature at the spot.

17. Now if the evidence of PW6 is taken into consideration, whereby he is also a witness to the Mahazar Ex.P4, whereby he states that he knows CW1 and now about 4 years ago the police had drawn the mahazar as per Ex.P7 in the place where it is said that the accused persons had taken away CW1 from that spot. Though, PW6 had deposed with regard to drawing the mahazar as per E.P7 in his cross-examination, he states that he do not know which police had visited the spot and also the exact time when the said mahazar is drawn. The police themselves had shown him the spot. From the cross examination it also makes out PW6 is an interested witness whereby he admits that, PW1 is his cousin so, it is also suggested that as he is related to CW1, though he was not present at the spot so as to help PW1 in the case, he is deposing falsely, but this suggestion is denied by PW6.



18. Now if the evidence of PW7 is taken into consideration, who is none other than the 2nd wife of PW1, whereby she deposes that CW16 is her sister and CW17 is her brother and she is acquainted with accused No.1, 3 and 4. Accused No.4 is the 1st wife of her husband. From her evidence it also makes out that PW1 is her relative, whereby she states PW1 is her mother's uncle's son. It is her evidence that, as accused No.4 was alleging that CW1 is having illicit relationship with her she married him and she do not have any children from their wedlock, but she conceived and she had miscarriage in her 7th month in the year 2014 i.e., 20 days prior to the incident. From her chief examination, it makes out that on 04.08.2014 as her husband could not find any bus from Magadi, they told him to go to Tirumala i.e., to the house of CW16. After 30 minutes CW1 had made a phone call and informed that he is in Magadi police station. Thereafter her mother and CW16 went near the police station. In the police station it was told that CW1 was not brought to the police station.



Later her brother, her mother and CW16 returned home and her husband's mobile was switched off. On the next day evening at 05.30 p.m., her husband made a phone call to her and informed that accused No.3 is taking him to the Kempegowda Hospital, thereafter she informed CW16 and they went to Kempegowda Hospital and there they found accused No.3 and her husband was in ICU. When they asked accused No.3 what had happened to her husband, he told that someone had assaulted him. When they enquired CW1, he told that someone had given him some drowsiness pill and took him from the police station and by surgery his testicles were removed. He had also told that he was kidnapped by 4 to 5 persons and among them accused No.2 was also there so, they came to know accused No.1 to 4 with other accused persons had committed the alleged act. When she enquired the doctor in the hospital, she came to know that her husband's testicles were removed, but she do not know for what reason his testicles were removed. But in the course of investigation she came to know that



if children are born to her, CW1 will have to give share to her children so, to deprive that right such act has been done. If the cross-examination of PW7 is taken into consideration, whereby suggestions had been put forward on behalf of accused No.1 and 4 to make out that there is no valid marriage between CW1 and PW7, as there is no divorce between CW1 and the accused No.4. Even from the evidence of PW7 it makes out that, even she is not aware whether CW1 had taken any permission from accused No.4 to get into 2nd marriage. She did not know how accused No.2 is related to her husband. Even she had stated that she had not seen accused No.2 earlier. As evidence of PW7 is hearsay evidence, nothing is brought out in the cross-examination.

19. The Doctor who had examined CW1(PW1) had deposed before the court as PW8, whereby is the doctor working in KIMS hospital, states that on 05.08.2014 at 06.45 p.m., when he was on duty CW1 came to their hospital accompanied by one Kumar with a history of



kidnapping at Magadi by 4 to 5 persons on 04.08.2014 at 10.30 p.m. When he examined the patient i.e., CW1, he was conscious and on local examination, bandage was present over scrotum region. On opening the bandage suturing was found measuring 7 centimeters over scrotum and both testicles were not found. So it is a grievous injury and he handed over the original medical records to the patient. As the true copy of the medical records were produced along with the charge sheet, the defence counsel having objected for marking the same, as the expert is present before the court, the true copy of the medical records were marked by the court as Ex.P17 subject to the production of original by the prosecution. Thereafter further chief examination having adduced Ex.P30 is having marked through Investigating Officer, the doctor had identified his signature as Ex.P30(b). The original documents pertaining to Ex.P37 was brought by the witness to the court and the same is also produced before the court. As these documents were not collected by the Investigating



Officer, suggestions had been put forward and the document itself is disputed as the discharge summary document will be given to the patient at the time of discharge. In the cross-examination adduced on behalf of accused No.10 suggestion having put forward that before the person who had been examined in connection to Ex.P17 had already undergone a surgery before coming to their hospital. This suggestion is admitted by PW8. Further PW8 had stated that, PW1 Gangadasappa had stated that he do not know where his surgery was done. From his cross-examination it makes out that Ex.P17 is the document which he had collected from the hospital and produced before the court. So, from the evidence of PW8 it makes out that he had only seen PW1 and found that when he was brought to the hospital, he had bandage over scrotum region and found that both testicles were not there. Where that surgery was done, why it was done and what happened is not within the knowledge of PW8.



20. Now if the evidence of PW9 is taken into consideration, whereby as per his evidence he is a husband of accused No.2 and he is acquainted with CW1. Accused No.2 is working as a Government School Teacher. From the evidence of PW9, he does not makes out any connectivity with accused No.2 and PW1. Has he had not supported the prosecution case suggestions had been put forward by the Learned Public Prosecutor with regard to the prosecution story as to the role of accused No.2 that after the surgery CW1 having kept in the house of accused No.2 is totally denied by PW9.

21. PSI of Magadi Police Station who had recorded the statement of CW1 and conducted part of the investigation is examined as PW10. So, as per the statement Ex.P1 complaint came to be lodged, based on that FIR came to be filed as per Ex.P19. PW10 had recorded the statement of the witnesses as well as the voluntary statement of the accused persons and it is his evidence that based on the statement of accused No.2 she had taken them to her house at Anjana Nagar and



shown the spot where she had kept CW1 in their house after surgery. So at the spot Panchnama is drawn as per Ex.P5. Thereafter, accused No.2 had also taken them to Curls & Curves Hospital, Rajajinagar and showed the hospital and the spot where Ex.P8 mahazar is drawn based on the statement of accused No.2 the IO had apprehended accused No.10 and also instruments used for the operation. On 10.09.2014 and recorded the voluntary statement of accused No.10 and he had revealed in his statement that he can identify the spot where the operation of CW1 is done. Thereafter, accused No.4 was apprehended on 17.09.2014 and recorded the statement. PW10 having cross examined on behalf of the accused persons, suggestions had been put forward so as to deny the fact of recording the statement of CW1 in the KIMS Hospital and also recording the statement of other witnesses and securing the presence of the accused persons and also drawing the mahazar as deposed in the chief examination.



22. If the evidence of PW2 who is said to be the nurse working in Curls & Curves Hospital whereby she has stated that she had worked for 3 to 4 months in the year 2013 in Curls & Curves Hospital and the said hospital belonged to accused No.10. In the year 2014 she was not working in the said hospital. It is also her evidence she had not seen accused No.2 Kavitha earlier. Even she had not seen earlier the accused persons who were present before the court. She had not stated anything with regard to the surgery which is said to be done to CW1. As PW12 had turned hostile suggestions had been put forward by the Learned Public Prosecutor with regard to the prosecution story. As per the statement of PW12, she having denied the entire fact, her statement is marked as Ex.P34. Even PW13, who being the witness to Ex.P5 Mahazar having completely turned hostile, suggestions put forward in the cross-examination by the Learned Public Prosecutor with regard to drawing the mahazar in his presence as per Ex.P5 is totally denied.



23. The Investigating Officer who had filed the charge sheet is examined as PW4, whereby after securing the caste certificate of the accused and the complainant on completion of the investigation, he had filed a charge sheet against the accused persons.

24. Now if the entire evidence of the prosecution witnesses are taken into consideration, whereby the allegations against accused No.1 to 9 having formed themselves into an unlawful assembly with a common object, but from the entire evidence of the prosecution witnesses whereby PW1 the complainant being the only material witness in this case and rest of the witnesses are only the hearsay witness, there is nothing to make out the common object of Accused No.1 to 9. The evidence of PW1 and PW7 who is the alleged 2nd wife of PW1, there is nothing to make out there being common object by accused No.1 to 9. Though PW1 deposes that he had been kidnapped in a car, the vehicle which is seized is disputed by PW1, whereby he states that he had been kidnapped in a Estim car, but the photograph



which is produced before the court is that of Indica car so, he also disputes with regard to the identity of the vehicle. On the other hand, though he deposes that it is accused No.2 who had made the persons to take him in a vehicle and as per her instructions the other persons had kidnapped him. The prosecution had failed to prove the fact that accused No.2 had an intention of causing grievous hurt to PW1 and all the criminal act is intentionally done at the instance of accused No.2. There is no any such relation or from the evidence of PW1 as discussed supra PW1 does not identifies specifically any of the accused persons in connection to the act of kidnapping him or with regard to the act of causing him grievous hurt by removal of his testicles. On the other hand, there is no evidence to make out that the alleged act having committed merely because PW1 belong to Schedule Caste. There is no dispute with regard to the fact that the testicles of PW1 had been removed, but for what reason it has been removed and whether it is a collective act of the accused persons



having done on account of their common object is not proved by the prosecution as there is no reliable supporting evidence to prove the prosecution's story.

25. If the evidence of PW1 is taken into consideration, he says that accused No.4, who being his 1st wife is having cordial relationship with him. There is no any act of accused No.4 attributed in the alleged incident and what is her intention with the other accused persons is also not forthcoming. It is only the evidence of PW1 that accused No.2 had given the instruction to other persons to take him in the vehicle. But later if PW1 himself states that when he is brought back to her house, she herself says by seeing PW1 that why such things are done to him and as PW1 was suffering from pain she called accused No.3 and it is accused No.3 who had taken him to the hospital for treatment. There is nothing to make out that accused No.10 and 11 having removed the testicles of PW1 at the instruction of accused No.1 to 9 or any common act having done by the accused persons with a criminal intention. On the



other hand, the mahazar drawn is not proved by the evidence of any independent witnesses so, if the entire evidence of the prosecution witnesses are taken into consideration, there arise doubts with regard to the prosecution case. So in such circumstances, the benefit of doubt goes in favour of the accused. So in the circumstance, as the prosecution had failed to prove the guilt of the accused beyond reasonable doubt by extending the benefit of doubt in favour of the accused, I hold the above points in **Negative**.

26. **Point No.5**: In view of the discussions made supra, this court proceeds to pass the following;

ORDER

Acting under section 235 of Cr.P.C., the accused No.1 to 11 are acquitted for the offences punishable U/Secs.143, 326 & 367 R/W.Sec.149 of IPC, 1860 & under Section 3(2) (5) of SC/ST (Prevention of Atrocities) Amendment Act-2015.

The accused are set at liberty.



The seized properties with P.F.No.231/2014, dated:10.12.2014 and P.F.No.206/2014 dated:04.11.2014 be released to the custody of the registered owners after the appeal period.

The M.O's.1 to 5 being worthless, is hereby ordered to be destroyed after the appeal period.

The bail bond and the surety bonds shall be in force till six months from the date of this order as per compliance U/Sec.437A of Cr.P.C.

(Dictated through Adalath AI to Steno Grade-III, thereafter transcribed by her and after corrections, printout taken and signed by me and then pronounced in the open Court, on this the **26th day of March, 2026**).

(M. Panchakshari)
I Addl. Dist. & Sessions Judge,
Spl. Judge, Ramanagara.

ANNEXURE

LIST OF WITNESSES ON BEHALF OF THE PROSECUTION:-

- P.W.1 : Sri. Gangadasappa S/o. Late. Thimmagangaiah.
- P.W.2 : Smt. Chandamma, W/o.Raju.
- P.W.3 : Sri. N.Devaraju, S/o.Narasimhaiah.



- P.W.4 : Sri. Narasimha Murthy S/o. Thimmaiah.
P.W.5 : Sri. Narasimha Murthy S/o.
Narasimhaiah.
P.W.6 : Sri. Devaraj T.M., S/o.Magadi Rangaiah.
P.W.7 : Smt.Gayitri W/o.Gangadasappa.
P.W.8 : Sri.Dr.Shankar C. S/o.Chikkaiah.
P.W.9 : Sri. Ganganna S/o. Maranna.
P.W.10 : Sri.Suresh N. S/o.Narayana.
P.W.11 : Sri.Shivakumaraswamy S/o.Channappa.
P.W.12 : Smt.Nagamma D/o.Maduranayak.
P.W.13 : Sri.Bettaswamigowda
S/o.Venkataramaiah.
P.W.14 : Sri.Lakshmiganesh
S/o.Late.V.Krishnappa.

**LIST OF WITNESSES EXAMINED ON BEHALF OF THE
DEFENCE SIDE**

-NIL-

**LIST OF EXHIBITS GOT MARKED ON BEHALF OF THE
PROSECUTION:-**

- Ex.P.1 : Complaint.
Ex.P.1(a) : Signature of PW-1.
Ex.P.1(b) : Signature of PW-10.
Ex.P.1(c) : Signature of PW-11.
Ex.P.2 & 3 : Two Photographs of Car.
Ex.P.4 : Statement of PW1.
Ex.P.5 & 6 : Two Spot Mahazars.



Ex.P.5(a) & 6(a)	:	Signatures of PW-2.
Ex.P.5(b) & 6(b)	:	Signatures of PW-10.
Ex.P.5(c) & 6(c)	:	Signatures of PW-13.
Ex.P.7	:	Spot Mahazar.
Ex.P.7(a)	:	Signature of PW-3.
Ex.P.7(b)	:	Signature of PW-6.
Ex.P.7(c)	:	Signature of PW-10.
Ex.P.8	:	Panchanama.
Ex.P.8(a)	:	Signature of PW-4.
Ex.P.8(b)	:	Signature of PW-5.
Ex.P.8(c)	:	Signature of PW-10.
Ex.P.9	:	Attendance Certificate.
Ex.P.9(a)	:	Signature of PW-10.
Ex.P.10 to 13	:	Caste Certificates.
Ex.P.10(a) to 13(a)	:	Signatures of PW-14.
Ex.P.14 to 16	:	Three Photographs of Pulsar Bike.
Ex.P.17	:	Medical Report of PW-1.
Ex.P.18	:	Statement of PW-9.
Ex.P.19	:	FIR.
Ex.P.19(a)	:	Signature of PW-10.
Ex.P.20	:	Voluntary Statement of accused No.2.
Ex.P.20(a) & (b)	:	Signatures of PW-10.
Ex.P.21	:	Voluntary Statement of accused No.10.
Ex.P.21(a) & (b)	:	Signatures of PW-10.



- Ex.P.22 : Panchanama.
- Ex.P.22(a) : Signature of PW-10.
- Ex.P.23 : P.F.No.173/2014.
- Ex.P.23(a) : Signature of PW-10.
- Ex.P.24 to 29 : Consent Letter, Admission Card, Certificate of registration of accused No.10, Certificate of registration of the Hospital, Trade License Certificate of accused No.10, Education Certificate of accused No.10.
- Ex.P.30 : Wound Certificate of PW-1.
- Ex.P.30(b) : Signature of PW-8.

LIST OF DOCUMENTS GOT EXHIBITED ON BEHALF OF THE DEFENCE SIDE:-

-NIL-

LIST OF MATERIAL OBJECTS GOT MARKED ON BEHALF OF THE PROSECUTION:

- M.O.1 : One Cutter Blade.
- M.O.2 : One Cutter Scissor.
- M.O.3 : One Stitching Scissor.
- M.O.4 & 5 : 2 Skin Hold Instruments.

(M. Panchakshari)
I Addl. Dist. & Sessions Judge,
Ramanagara.