



**IN THE COURT OF ADDITIONAL CIVIL JUDGE & J.M.F.C.,
AT TIPTUR, TUMAKURU DISTRICT.**

DATED THIS THE 03rd DAY OF JUNE, 2026.

**PRESENT: SMT. MADHUSHREE G. S., B.COM, LLB., LLM.,
ADDL. CIVIL JUDGE & J.M.F.C., TIPTUR.**

C.C.NO. 1473/2023

COMPLAINANT : STATE BY : NONAVINAKERE P.S

(SRI. CHETAN MALAGOUDRA, APP)

VS.

ACCUSED : 1. Shankarappa
S/o Hanumanthabhoi
Aged about 60 years,
R/at K.Mallenahalli Village
Nonavinakere Hobli
Tiptur Taluk,
Tumakuru District.

2. Shivamma
W/o Late.Rangaswamy
Aged about 36 years,
R/at K.Mallenahalli Village
Nonavinakere Hobli
Tiptur Taluk,
Tumakuru District.

(By Sri. B.K.C., Adv)

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1. Name of complainant : Beemamma
2. Date of commission of offense : 06.07.2023



3. Date of report of occurrence : 06.07.2023
4. Offenses complained of : U/Sec.498(A), 323, 324, 504, 506
R/w 34 of IPC
5. Date of arrest of accused : 29.07.2023
6. Date of release of accused : 29.07.2023
7. Date of commencement of trial : 08.05.2026
8. Date of closing of trial : 08.05.2026
9. Opinion of the Judge : Found not guilty
10. Order of offense : As per final order.
11. State represented by : Sri. Chetan Malagoudra, A.P.P.
12. Accused defended by : Sri. B.K.C.,

Advocate

J U D G M E N T

The Nonavinakere police have submitted the charge sheet against the accused persons on the accusations of commission of the offences punishable Under Sec.498(A), 323, 324, 504, 506 R/w 34 of IPC.

- 2. The brief facts of prosecution case are as follows :** The accused No.1 and CW-1 are husband and wife and residing in K.Mallenahalli village within the Jurisdiction of Nonavinakere Police Station. The date of complaint filed by CW-1 is on 06.07.2023. The accused No.1 had been having an affair with the accused No.2 who lived in the house opposite his house for 8 months and the accused No.1 used



to come to the house of the CW-1 drunk every day and torture the CW-1 to pay the loan taken from the Sanga to get the house repaired. The accused No.1 used to shout at the CW-1 that if he did not pay the loan, he would leave the house and they would live together with the accused No.2 and abuse the CW-1 with filthy language to pay the loan of the Sanga and tortured her mentally and physically every day. On 06.07.2023 at 07:30 A.M., when the CW-1 and the accused No.1 were standing on the concrete road in front of their house, the CW-1 asked the accused No.1 to give him money to pay the installment of the loan taken from the Sanga. The accused No.1 said that "I will not give any loan to the CW-1". The accused No.1 was not paying the debt, scolded CW-1 in th filthy language, held her hand tightly and hit her on the back of her neck, causing pain. When he pushed CW-1, CW-1 fell down and was hit in her chest. The accused No.2 took a stone that was lying there and said to CW-1 "Your husband will not pay any debt, so you pay it yourself." She hit CW-1 on the left side of the head with the stone, causing a simple injury. The accused No.1 threatened CW-1 with life, saying that if he did not pay the debt of the Sanga, he would kill her. Thereby, the accused have committed the offenses punishable under Sec. 498(A), 323, 324, 504, 506 R/w 34 of IPC.



3. On the basis of the statement given by the CW1-informant, Nonavinakere police have registered a case against accused persons in Crime No.63/2023 and registered the FIR for the offences punishable U/Secs.323, 324, 504, 506 R/w 34 of IPC. During the investigation, the IO visited the alleged spot, enquired the same, drew the spot mahazar along with seizure mahazar by collecting the material object, recorded the statement of relevant witnesses, and then, after completion of investigation, the complainant-police submitted the charge sheet against the accused persons for the offences punishable U/Sec.498(A), 323, 324, 504, 506 R/w 34 of IPC.
4. As there were sufficient materials in the Charge Sheet to proceed against the accused persons, cognizance was taken for the offences punishable U/Sec. 498(A), 23, 324, 504, 506 R/w 34 of IPC and the summons was issued to the accused persons.
5. In pursuance of summons, the accused persons have appeared before the Court through their advocate, the accused persons were enlarged on bail. Copy of Charge Sheet and other papers were furnished to the accused persons as contemplated U/Sec. 207 of Cr.P.C.
6. Heard both sides. As there were sufficient materials available on record to frame charge, the Charge was framed for the offences punishable U/Sec.498(A), 323, 324, 504, 506 R/w



34 of IPC. The same was read over and explained to the accused persons in the language known to them, to which, they pleaded not guilty and claimed to be tried and thereby case was set down for evidence.

7. In order to prove the guilt against the accused persons, the prosecution has examined witnesses PW1 and PW2 and got marked documents as Ex.P1 to Ex.P5 with sub markings and the evidence of prosecution is closed.
8. After closure of prosecution evidence and cross examination of witnesses, it is found that since there were no incriminating materials appearing in the evidence of prosecution, recording of statement U/Sec.313 of Cr.P.C is dispensed with, on the other hand, the defence counsel did not choose to lead defence evidence. There after accused persons offered surety in compliance of sec.437(A) of Cr.P.C.
9. Heard the arguments of both sides.
10. On going through the facts and circumstances of the prosecution case, the following points arose for my determination:

POINTS

1. Whether the prosecution proves that, the accused No.1 and CW-1 are husband and wife and residing in K.Mallenahalli village



within the Jurisdiction of Nonavinakere Police Station. The date of complaint filed by CW-1 is on 06.07.2023. The accused No.1 had been having an affair with the accused No.2 who lived in the house opposite his house for 8 months and the accused No.1 used to come to the house of the CW-1 drunk every day and torture the CW-1 to pay the loan taken from the Sanga to get the house repaired. The accused No.1 used to shout at the CW-1 that if he did not pay the loan, he would leave the house and they would live together with the accused No.2 and abuse the CW-1 with filthy language to pay the loan of the Sanga and tortured her mentally and physically every day and thereby, have committed the offences punishable under Sec.498(A) R/w 34 of IPC within the cognizance of this court?

2. On the above said date, time and place in addition, on the same day i.e., accused No.1 and 2 abused the CW-1 in filthy language and thereby, committed the offences punishable under Sec.504 R/w 34 of IPC within the cognizance of this court?
3. On the above said date, time and place in addition, on the same day i.e., accused No.2 assaulted the CW-1 with the stone and caused injuries on his head and thereby, committed the offences punishable under Sec.324 R/w 34 of IPC within the cognizance of this court?
4. On the above said date, time and place in addition, on the same day i.e., accused



persons assaulted the CW-1 with their hands and caused simple injuries on her body and hands and thereby, committed the offences punishable under Sec.323 R/w 34 of IPC within the cognizance of this court?

5. On the above said date, time and place : i.e., the aforesaid accused persons committed the acts of criminal intimidation by threatening CW-1 and thereby, committed the offences punishable under Sec.506 R/w 34 of IPC within the cognizance of this court?

6. What Order?

11. My findings to the above Points are as under:

Point No.1 to 4	:	In the Negative
Point No.5	:	As per final order, for the following :

REASONS

12. POINT NO.1 TO 4 : As these points are interlinked with each other and also similar evidence is led on all these points, this court has taken all these points together for common discussion, in order to avoid repetition of facts and discussion.

13. In order to bring home the guilt of accused, the prosecution has mainly relied upon the ocular evidence of PW1 and PW2 and the documents marked at Ex.P1 to Ex.P5 and closed side.



- 14.** In the kind of cases, the oral testimony of the complainant followed by the testimony of other complainant witnesses would play a pivotal role in voyage of trial. But, however, quite surprisingly, when the complainant by name Beemamma examined as P.W.1 had simply deposed regarding the relationship between the accused No.1 is her husband, accused No.2 is her younger sister, she knows the CW-2 to 5, but failed to depose any thing with regard to the complaint averments or contents of further statement. And obviously, no minimum of incriminating material is brought out in her evidence, although, she was treated to be hostile and subjected to the cross examination.
- 15.** C.W.2 by name Shridhar - Eye witness – the Villager of CW1 to the alleged incident when examined as P.W2 had simply deposed regarding the relationship between the accused No.1 and CW-1 are husband and wife has categorically turned hostile to the case of prosecution. Despite treating this witness to be hostile and subjecting his to a thorough cross-examination by the learned Asst. Public Prosecutor, no worth material to substantiate the case of prosecution to any extent had been brought into light.
- 16.** In the instant case, the prosecution has sought to establish the case by way of direct evidence, complainant and eye witnesses. But when examined before the Court, each of the



material witnesses shown as the complainant and eye witnesses have totally turned hostile to the case of prosecution. Under the circumstances, when the very material witnesses failed to support the case of the prosecution to prove the guilt of accused, this Court returned to the conclusion that no useful purpose would be served by examining other official / indirect witnesses and therefore, proceeded to reject the prayer of learned Asst. Public Prosecutor and to close side of the prosecution by relaying upon the decision in the case of ***"P. RAMACHANDRA RAO V. STATE OF KARNATAKA" REPORTED IN AIR 2002 SUPREME COURT 1856.***

17. Since there were no incriminating materials, statement U/Sec. 313 Cr. P. C. came to be dispensed with.
18. In that view of the matter, having had taking into consideration of the entire oral and documentary evidence including material objects placed on record : this Court is of the considered opinion that the prosecution has utterly failed to prove its case beyond all reasonable doubts and therefore, as a general rule of criminal jurisprudence ; the benefit of doubt would go to accused. With the above observations and for the reasons stated supra, this court inclined to answer the Points No.1 to 4 in the Negative.



19. POINT NO.5 : In view of the above findings and reasons given on point No.1 to 4, this Court proceeds to pass the following;

ORDER

Acting U/Sec. 248(1) of the Cr.P.C., the accused persons are acquitted for the offenses punishable U/Secs. 498(A), 323, 324, 504, 506 R/w 34 of IPC.

Accused persons are set at liberty.

Bail and surety bonds shall stand cancelled.

Item No.1 (stone) is mentioned in P.F.No.63/2023 dated 08.07.2023 being worthless is ordered to be destroyed, after appeal period is over.

Ordered accordingly.

(Dictated to the Stenographer who in turn typed directly on computer, then corrected, and revised by me, print out taken by her, and pronounced by me in the Open Court on this the 03rd day of June, 2026.)

sd/-

(Madhushree G. S.)

Addl. Civil Judge & J.M.F.C.,
Tiptur

II ANNEXURE II

LIST OF WITNESSES EXAMINED FOR PROSECUTION : -

PW.1 : Beemamma



PW.2 : Shridhar
PW.3 : Kempamma

LIST OF DOCUMENTS EXHIBITED FOR PROSECUTION : -

Ex.P1 : Complaint
Ex.P2 : Spot panchaname
Ex.P3 : Photo
Ex.P4 : Restatement of CW-1
Ex.P5 : Statement of CW-2

LIST OF WITNESSES EXAMINED FOR DEFENSE : - NIL -

LIST OF DOCUMENTS EXHIBITED FOR DEFENSE :- NIL -

MATERIAL OBJECTS MARKED FOR THE PROSECUTION : - NIL -

sd/-
(Madhushree G. S.)
Addl. Civil Judge & J.M.F.C.,
Tiptur