



**IN THE COURT OF THE I ADDL CIVIL JUDGE & JMFC AT,
KUNDAPURA.**

~: Present :~

Sri. SHRINIVASA K.R., B.A.L., LL.M.,

I Addl. Civil Judge & J.M.F.C

Kundapura.

DATED THIS THE 01st DAY OF AUGUST -2026
CRIMINAL CASE No. 2794/2016

COMPLAINANT : The State through Kundapura.P.S.,

(By Asst. Public Prosecutor,)

//Versus//

ACCUSED:

Ramesh S.

Age: 44 years,

S/o. Late Sidda Achar,

R/o: No.18, 2nd Cross,

Anubhava Nagar, Nagarbavi,

Bengalore.

(By Sri. M.D.S., Advocate)

1. Date of commencement of offence : 14.05.2016
2. Date of report of offence : 13.10.2016
3. Name of the complainant : Jyothi Ramesh
4. Date of commencement of recording evidence : 23.07.2025
5. Date of closing evidence : 10.07.2026



6. Offences complained of : U/Sec.498(A), 323, 504, 506 of IPC & Sec.3 4 & 6 of DP, Act.
7. Date of Judgment : 01.08.2026
8. Opinion of the Judge :Accused not found guilty.

**I Addl Civil Judge & JMFC,
Kundapura.**

J U D G M E N T

1. The complainant filed private complaint U/s 200 of Cr.P.C. for the offence punishable U/s.323, 498(A), 504, 506(2) r/w 149 of IPC and section 3, 4 and 6 of D.P. Act and same was referred to jurisdictional police station U/s.156(3) of Cr.P.C. and accordingly Kundapura P.S, registered FIR vide Cr.No.186/2016 for the offences alleged to have been committed U/Sec.498(A), 323, 504, 506 of IPC & Sec.3, 4 & 6 of Dowry Prohibition Act and after completing the investigation, the I.O. submitted the charge sheet before this court accordingly.

2. **Brief facts of the prosecution case are that;**

CW-1 lodged information stating that, the accused is the husband of C.W.1. The marriage of complainant and accused solemnized on 18.11.2005 and at the time of marriage,



complainant family given Rs.2,00,000/- and golden ornaments. After marriage, the complainant was taken to her matrimonial house situated at Nagarabhavi, Bangalore. Accused with an intention to harass the CW-1 ill-treated by giving mental and physical torture by demanding to bring dowry from parental house of CW-1 and accused voluntarily slapped to CW-1 and abused in filthy language and gave life threat to the CW-1. Hence, present complaint is filed.

3. After investigation, the charge sheet is filed for the offences punishable U/Sec.498(A), 323, 504, 506 of IPC & Sec.3, 4 & 6 of Dowry Prohibition Act, against the accused and accused No.2 to 5 are dropped from the I.O. Thereafter, this court took the cognizance and issued process. Thereafter furnished charge sheet papers to accused as per compliance U/sec. 207 of Cr.P.C. Then charges framed and read over to the accused and accused pleaded not guilty and claims to be tried.

4. Then, the prosecution in order to prove its case, adduced 8 witnesses as PW-1 to PW-8 out of 14 witnesses and got marked document as Ex.P-1 to Ex.P-14 with sub mark. The CW-5, 6, 8, 9 to 13 are given up as per submission of learned APP & CW-14



reported as dead. After closure of prosecution evidence, statement of accused recorded under Section 313 of Cr.P.C. accused denied incriminating circumstance appearing against him in prosecution evidence and submitted no evidence on his behalf.

5. I have heard the arguments of learned APP and counsel for the accused.

6. After hearing both side the following points arise for determination :

P O I N T S

1. Whether the prosecution proves beyond all reasonable doubt that, the accused used to give mental and physical torture to the complainant by bringing dowry from parental house of complainant and thereby committed an offence punishable U/Sec.498(A) of IPC & Sec.3, 4 & 6 of D.P Act?
2. Whether the prosecution proves beyond all reasonable doubt that, accused voluntarily slapped the CW-1 and caused simple injuries and thereby committed an offence punishable U/sec. 323 of IPC ?
3. Whether the prosecution proves beyond all reasonable doubt that, the accused abused CW-



1 in filthy language and thereby committed an offence punishable U/sec.504 of IPC?

4. Whether the prosecution proves beyond all reasonable doubt that, accused gave life threat to the CW-1 and thereby committed an offence punishable U/sec. 506 of IPC ?
 5. What order or sentence ?
 7. My answers to the points are as under:
 - 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 final order for the following
- REASONS**
8. **Point No.1 to 4:** Since all the points are interlinked together and in order to avoid the repetition of facts and observation, it thought it proper to discuss all together jointly and discussed accordingly.
 9. CW-1 lodged information stating that, the accused is the husband of C.W.1. The marriage of complainant and accused solemnized on 18.11.2005 and at the time of marriage, complainant family given Rs.2,00,000/- and golden ornaments. After marriage, the complainant was taken to her matrimonial



house situated at Nagarabhavi, Bangalore. Accused with an intention to harass the CW-1 ill-treated by giving mental and physical torture by demanding to bring dowry from parental house of CW-1 and accused voluntarily slapped to CW-1 and abused in filthy language and gave life threat to the CW-1 and thereby committed an offences.

10. The prosecution examined complainant/CW.1 as PW-1. The PW-1 in her chief-examination deposed that, on 18.11.2005 the marriage of complainant and accused took place at Saraswathi Kalyanamantapa, Koteshwara. At the time marriage, the accused insisted 40 pavan gold articles as dowry and also the accused demanded an amount of Rs.5,00,000/-. But, the complainant parents have given Rs.2,00,000/- and 20 pavan gold to the accused. Before the marriage the accused took dowry from the house of complainant. After the marriage, the accused and complainant lived at Bangalore. After 2 month of marriage, the accused started to give ill-treatment by mentally and physically and demanding additional dowry from CW-1. The accused took the jewels of CW-1 and not returned and accused took her Salary and Debit Card and abused CW-1 in filthy language and gave life threat



to CW-1. The accused obtained the signature of complainant in a blank cheque and presented it to a third party and the said cheque was dishonoured due to insufficient funds and registered Criminal case in C.C. No.1143/2009 at Shikaripura Court.

11. Further contended that the accused not paid any charges with respect to treatment and she gave birth to male child on 27.12.2013. The accused not came to see the complainant and to his kid.

12. Then prosecution moved on to adduce the evidence of CW-2 as PW-2 who is the mother of CW-1, the PW-2 in her chief-examination deposed that, the marriage of complainant and accused solemnized on 18.11.2005 and before the engagement accused took Rs.2,00,000/- amount as dowry and after the marriage, CW-1 resided with the accused at Bangalore and after some times of marriage, accused started to given ill treatment by demanding dowry amount and abused in filthy language. The CW-1 working as Lab Instructor at New Horizon College. The accused used the ATM and Debit card of CW-1 and he not paid any medical expenditure of CW-1 and her son has paid entire expenditure amount. On 27.12.2013 CW-1 gave birth to male child and even



though accused not paid any amount. On 26.04.2016 CW-1 filed complaint and on 15.06.2016 police have conducted panchnama in the house of accused between 12.15 to 1.00 p.m. and CW-1 and 12 were present during panchanama. The accused given mental and physical torture to the CW-1.

13. Then prosecution moved on to adduce the evidence of CW-7 as PW-3, the PW-3 in his chief-examination deposed about purchasing of gold ornaments in his shop by the complainant and his family members.

14. Then prosecution moved on to adduce the evidence of CW-3 as PW-4, who is the brother of CW-1, PW-4 deposed in his chief-examination that, the marriage of complainant and accused solemnized on 18.11.2005 and before the engagement accused took Rs.2,00,000/- amount as dowry and after the marriage, CW-1 resided with the accused at Bangalore and after some times of marriage, accused started to given ill treatment by demanding dowry amount and abused in filthy language. The CW-1 working as Lab Instructor at New Horizon College. The accused used the ATM and Debit card of CW-1 and he not paid any medical expenditure. CW-1 lodged complaint on 26.04.2016.



15. Then prosecution moved on to adduce the evidence of CW-4 as PW-5, who is the brother of CW-1, PW-5 deposed in his chief-examination, the marriage of complainant and accused solemnized on 18.11.2005 and before the engagement accused took Rs.2,00,000/- amount as dowry and after the marriage, CW-1 resided with the accused at Bangalore and after some times of marriage, accused started to given ill treatment by demanding dowry amount and abused in filthy language. The CW-1 working as Lab Instructor at new Horizon College. The accused used the ATM and Debit card of CW-1 and he not paid any medical expenditure. CW-1 lodged complaint on 26.04.2016.

16. Then prosecution moved on to adduce the evidence of CW-10 as PW-6 who is the mahazar witness. PW-6 in his chief-examination deposed about conduct of mahazar in his presence and in the presence of CW-11 on 16.05.2016 between 10.00 to 11.00 a.m. in the house of CW-2.

17. Then prosecution moved on to adduce the evidence of CW-11 as PW-7 who is another mahazar witness. PW-7 in his chief-examination deposed about conduct of mahazar in his presence



and in the presence of CW-10 on 16.05.2016 between 10.00 to 11.00 a.m. in the house of CW-2.

18. Then prosecution moved on to adduce the evidence of CW-12 as PW-8 who is the sister of CW-1 and mahazar witness. PW-8 in her chief-examination deposed about conducted of mahazar in her presence and in the presence of CW-1 and 2 on 15.06.2016 between 12.15 p.m. to 1.00 p.m. in the house of accused at Bangaluru.

19. Learned APP while addressing argument stated that the witnesses supported to the prosecution and they have deposed in their chief examination about assault by the accused and demanding of dowry by the accused and also stated about ill treatment by the accused. Hence, prays to convict the accused.

20. On the other hand accused counsel while addressing argument stated that, the witnesses not produced any documents with respect to dowry amount and all the witnesses are family members of CW-1 and there are no other independent witnesses. The receipts which are produced by the complainant not pertains to the present case and the complainant not lodged any complaint with in



the jurisdiction police station with respect to assault by the accused and his family members. Hence prays to acquit the accused.

21. On scrutiny of evidence of PW-1 it is clear that, the PW-1 has filed divorce petition against accused and the marriage of CW-1 and accused dissolved as per Ex.P-22. I have carefully gone through the cross-examination of PW-1, PW-2, PW-4 and PW-5, the PW-1, PW-2, PW-4 and PW-5 in their cross-examination clearly admitted that, they have no documents with respect to issuing of amount of Rs.2,00,000/- to the accused. The complainant has produced the receipts of purchase of gold articles as per Ex.P-7 to Ex.P-13, as per Ex.P-7 the gold articles purchased on 30.12.2004, as per Ex.P-8 the gold articles purchased on 18.11.2004 and as per Ex.P-9 the gold articles purchased on 17.11.2005 and on perusal of Ex.P-10 to Ex.P-13 receipts not mentioned the date of purchasing of gold articles. I have carefully gone through the chief examination of CW-1, CW-2, CW-4 and CW-5, as per their chief-examination accused came to their house in the month of April 2005 and they have demanded dowry amount of Rs.5,00,000/- and 40 pavan gold but as per Ex.P-7 and 8 the complainant and their family



purchased the gold articles in the month of November and December of 2004 and as per Ex.P-9 the complainant and their family purchased the gold articles on 17.11.2005 that is one day before marriage of CW-1 and accused and as already stated above there is no date with respect to Ex.P-10 to Ex.P-13. Normally in a marriage it is a custom to purchase the gold articles. Therefore, on perusal of Ex.P-7 to Ex.P-13 it can not be presume that as per the demand of accused they have purchased the gold articles. I have carefully gone through the chief-examination of PW-2, 4 and PW-5, the PW-2, 4 and 5 in their chief-examination deposed that, they have received information about cruelty from CW-1 through phone, hence PW-2, 4 and 5 are not direct witness about ill-treatment by the accused.

22. I have carefully gone through the records, as per statement of complainant incident took place on 27.01.2006 and in the year 2015 accused twice came to the house of CW-1 to 2 and assaulted to the CW-1 and abused in filthy language but the complainant filed private complaint on 26.04.2016, on perusal of complaint there is no any satisfactory reasons by the complainant about giving complaint after 1 year and after 10 years of incident and



complainant not stated anything what prevented her to give complaint on the date of incident and moreover the complainant stated that, the brother of accused by name Lokesh also assaulted to her, for that also complainant not given any complaint before jurisdictional police station and also not given any complaint with respect to misuse of her cheque. Therefore the contention of CW-1 to 4 is not acceptable without valid and cogent evidence.

At this juncture it is necessary to rely the decision of Hon'ble Supreme Court reported in 2026 SCC online SC 476 held in Charul Shukla Vs State of U.P. The Hon'ble Supreme Court at para 21 held that;

Firstly, with reference to the allegations of dowry demand and related harassment of the complainant, it is noted by us that the complainant and the prosecution have failed to put forth any material evidence or substance which support the allegations contained in the FIR and the charge sheet. A mere statement stating that the accused/appellants herein frequently demanded dowry and harassed the complainant for the same is not sufficient to initiate criminal proceedings against them when the same or not corroborated or bolstered by



other materials placed on record. At the same time, the said allegations also have to be juxtaposed with the fact that the complaint was registered by the complainant only on 15.11.2023 that is after a delay of more than 6 years and 7 months from the alleged dowry demand. A delay of nearly 7 years can therefore be fatal to the prosecution's case especially when the same has not been properly explained.

23. The spot mahazar witnesses are the family members of complainant and PW-2 to 8 are the interested witnesses and except family members of CW-1, the prosecution did not examine any independent witness i.e., who residing near the house of accused to prove the alleged ill-treatment by the accused.

24. On perusal of all evidence the complainant and other witnesses did not mention any specific instance of cruelty. It is a well settled principle that in order to constitute the offence U/Sec.498(A) of IPC, the cruelty alleged against the accused should be of such nature which is likely to drive the victim to commit suicide or to cause grave injury or dangerous to life, limb or health or any harassment of the woman, where such harassment is with a view to coercing her or any person related to her to meet any unlawful



demand for any property or valuable security, but such evidence is absent in the present case and there is contradictions statements by the witnesses. There are only general allegations that, when she was residing at accused house, accused used to assault her and to get further money from her parents. These allegations are not substance with any cogent evidence. The PW-2 to 8 are who are the mother, brothers, sister and relative of PW-1 stated that, PW-1 told about cruelty by the accused, but in their evidence also it is not clear with regard to specific allegations about cruelty. In the absence of cogent evidence regarding cruelty and harassment, the offences alleged against the accused attracting Section 498(A), 323, 504, 506 of IPC and section 3, 4 and 6 of DP, Act is not proved beyond all reasonable doubts and the result accused is entitled to acquit. Accordingly, I answer Point No.1 to 4 in the Negative.

25. **Point No.5:** In view of the findings given on point No.1 to 4 this Court pass the following;

ORDER

Acting Under Section 248(1) of Cr.P.C., the accused is hereby acquitted for the offences punishable U/Sec.498(A), 323, 504, 506, of IPC and Section 3, 4 and 6 DP, Act.



Bail bond and surety bond of the accused is
stands hereby cancelled except compliance
U/Sec.437(A) of Cr.P.C.

(Dictated to the Typist directly on the computer, computerized by
her, corrected and pronounced by me in the Open Court on this the
01st day of August, 2026)

(SHRINIVASA.K.R.)
I ADDL.CIVIL JUDGE & JMFC,
KUNDAPURA.

ANNEXURE

List of the Witnesses examined by the Prosecution:

P.W.1 : Smt.Jyothi Ramesh D/o Prabhakar Achari.
P.W.2 : Smt.Jayanthi W/o Prabhakar.
P.W.3 : Sri.Ganesh Achari S/o Gopala Achari.
P.W.4 : Sri.Prasanna Achar S/o Prabhakar Achar.
P.W.5 : Sri.Kiran S/o Prabhakar Achar.
P.W.6 : Sri.Uday Achar S/o Rathnakar Achar.
P.W.7 : Sri.Mahesh S/o Radhakrishna.
P.W.8 : Smt.Geetha Acharya W/o Venugopala.

List of the Documents exhibited for the Prosecution:

Ex.P.1 : Complaint.
Ex.P.1(a) : Signature of PW-1.
Ex.P.2 : Spot Mahazar.
Ex.P.2(a) : Signature of PW-1.
Ex.P.2(b) : Signature of PW-6.
Ex.P.2(c) : Signature of PW-7.



Ex.P.3	:	Spot Mahazar.
Ex.P.3(a)	:	Signature of PW-1.
Ex.P.3(b)	:	Signature of PW-2.
Ex.P.3(c)	:	Signature of PW-8.
Ex.P.4 & 5	:	Photos.
Ex.P.6	:	Seizure mahazar.
Ex.P.6 (a)	:	Signature of PW-1
Ex.P.6 (b)	:	Signature of PW-7
Ex.P.7 to 13	:	Receipts
Ex.P.14	:	Marriage Invitation Card
Ex.P.15 to 19	:	Photos.
Ex.P.20	:	Hospital Bill.
Ex.P.21	:	Birth Certificate.
Ex.P.22	:	M.C.No.04/2017 Decree.
Ex.P.23	:	M.C.No.04/2017 Order Sheet.

List of the Witnesses examined for defence:

- - N I L - -

List of the Documents exhibited for defence:

- - N I L - -

List of the Material objects marked:

- - N I L - -

**I ADDL. CIVIL JUDGE & JMFC,
KUNDAPURA.**