

KAVN040023602018



**IN THE COURT OF THE PRL. CIVIL JUDGE & J.M.F.C.,
VIJAYANAGARA DISTRICT, HOSAPETE**

PRESENT: SRI PRASHANTH NAGALAPUR,
B.B.A., LL.B., (Hons).,
Prl. Civil Judge and JMFC.,
Vijayanagara District, Hosapete.

Dated 18th day of March, 2026

C.C.No.1313/2018

COMPLAINANT :

State by Police Inspector, Town Police Station, Hosapete
(By Assistant Public Prosecutor)

- V e r s u s -

ACCUSED :

Meeya Sab Kodagali, son of Baba Sab Kodagali, Aged 44
years, Resident of Alampur Pet, Ward No.7, Ilakal village,
Bagalakote District.

(By Sri.D.P., Advocate)

:: J U D G M E N T ::

The CW 1 filed a complaint before the Court alleging that the accused committed offences punishable under Section 498-A, 323, 504 and 506 of IPC and Section 3 and 4 of Dowry Prohibition Act. This Court referred the matter for investigation under Section 156(3) of Cr.P.C. The Hosapete Town police conducted the investigation. The Police Inspector, Hosapete Town Police Station has filed the report/charge-sheet in the present case alleging that the accused has committed the offences punishable under section 498-A, 323, 504 and 506 of IPC and Section 3 and 4 of Dowry Prohibition Act.

2. Brief facts of case of the prosecution are that :-

The accused married the CW 1 on 26.12.2007 receiving 10 gram gold, household articles and cash of Rs.3 Lakhs as marriage expenses from the father of the CW 1. The CW 1 after two days of the marriage, found out that the accused was already married to a woman by name Yasmin, who had died in an accident leaving behind a girl child. The accused started harassing the CW 1 mentally and physically demanding additional dowry. The accused demanded

Rs.1 Lakh from the parents of the CW 1. The accused made use of 9 tola of gold belonging to the CW 1 to obtain loan and never got the said gold released from the finance company. The accused has not taken care of CW 1 and her children and harassed the CW 1 demanding more money for running his business. On 25.06.2017 the accused came to the house of parents of the CW 1, where she was residing, and abused the CW 1 demanding her to bring additional dowry and children to Ilkal. The accused has also abused the mother and brother of the CW 1 and threatened the CW 1 that he would kidnap the children.

3. After completion of the investigation the Police Inspector, Town Police Station, Hosapete submitted the charge sheet stating that the accused has committed the offences punishable under Section 498(A), 323, 504 & 506 of IPC and Section 3 and 4 of Dowry Prohibition Act. This Court took cognizance of the said offences and issued summons to the accused.

4. After service of the summons the accused appeared through his counsel and he was enlarged. The copy of charge sheet was supplied to the accused as per Sec.207 of Code of Criminal Procedure

5. After hearing the APP and the counsel for accused, the Court was proceed to frame charges against the accused for the offences punishable under Section 498(A), 323, 504 & 506 of IPC and Section 3 and 4 of Dowry Prohibition Act. The accused pleaded not guilty and he claimed to be tried for the said offences. Therefore, matter was posted for prosecution evidence.

6. In order to prove the charges alleged against the accused the prosecution got examined witnesses as PW.1 to 9. The documents were marked as Ex.P.1 to 25 through the prosecution witnesses.

7. The accused was examined under Section 313 of Cr.P.C. The accused denied the incriminating circumstances arising in the evidence of prosecution. The accused not adduced any defence evidence.

8. The points arise for my consideration:-

- 1) **Whether the prosecution proves beyond all reasonable doubts that after the marriage, in his house situated at Ilkal, Hunugund Taluk, Bagalakote the accused being the husband of the CW 1 has given physical and mental harassment**

to her by demanding additional dowry and thereby committed the offence punishable under Section 498A of IPC and Section 3 & 4 of Dowry Prohibition Act ?

- 2) Whether the prosecution proves beyond all reasonable doubts that on 25.06.2017 in the house of parents of the CW 1 situated at Hosapete, the accused abused the CW 1 in filthy language so as give provocation to break the public peace or commit any offence and thereby committed offence punishable under Section 504 of Indian Penal Code ?**
- 3) Whether the prosecution proves beyond all reasonable doubts that on the above said date and place, the accused has hit the CW 1 with his hands on her body and caused simple injuries and thereby committed offence punishable under Section 323 of IPC ?**
- 4) Whether the prosecution proves beyond all reasonable doubts that on the above said date and place, the accused has committed criinal intimidation by threatening to the life of the CW 1 and thereby committed an offence punishable under Section 506 of I.P.C. ?**
- 5) What Order?**

9. My findings on the above said points are:-

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

:: R E A S O N S ::

10. **POINT No.1 to 4** :- These points are taken together for discussion for the sake of convenience, since they are interrelated to each other.

11. The case of the prosecution is that the The accused married the CW 1 on 26.12.2007 receiving 10 gram gold, household articles and cash of Rs.3 Lakhs as marriage expenses from the father of the CW 1. The CW 1 after two days of the marriage, found out that the accused was already married to a woman by name Yasmin, who had died in an accident leaving behind a girl child. The accused started harassing the CW 1 mentally and physically demanding additional dowry. The accused demanded Rs.1 Lakh from the parents of the CW 1. The accused made use of 9 tola of gold belonging to the CW 1 to obtain loan and never got the said gold released from the finance company. The accused has not taken care of CW 1 and her children and harassed the CW 1 demanding more money for

running his business. On 25.06.2017 the accused came to the house of parents of the CW 1, where she was residing, and abused the CW 1 demanding her to bring additional dowry and children to Ilkal. The accused has also abused the mother and brother of the CW 1 and threatened the CW 1 that he would kidnap the children. The CW 1 has alleged that the accused has committed the offences punishable under Section 498(A), 323, 504 & 506 of IPC and Section 3 and 4 of Dowry Prohibition Act. The burden is on the prosecution to prove the allegations beyond all reasonable doubts.

12. The accused has not disputed his relationship with the CW 1 as per the material available on the record. The prosecution need not prove the fact that the CW 1 herein is the wife of the accused. In view of the admission, I am of the firm opinion that the accused is the husband of the CW 1. Whether the accused, being the husband of the CW 1, has caused cruelty which attracts Section 498A of Indian Penal Code is the question to be determined.

13. Section 498A of Indian Penal Code reads as under :-

Section 498A. Husband or relative of husband of a woman subjecting her to cruelty.

Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.—For the purposes of this section, "cruelty means"—

(a) any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) 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 or is on account of failure by her or any person related to her to meet such demand.

14. The CW 1 who is examined as PW 1 before the court has initially supported the case of the prosecution. However, she denied all the allegations

as false during her cross examination. The evidence of PW 1 when considered in entirety, it is quite clear that the incriminating circumstances that prevailed after her chief examination have been satisfactorily retracted by herself. The allegations made in the complaint at Ex.P.1 cannot be held proved looking into the evidence of PW 1.

15. The mother and brother of the CW 1 by name Jeenath and Basheer who are examined as PW 7 and 8 have completely turned hostile to the case of the prosecution stating that no incident has taken place. They have denied having given statement before the police. Their alleged statements are marked as Ex.P.23 and 24.

16. The eye witness Ramanjini and Muthahar Hussain who are examined as PW 4 and 5 have also completely turned hostile to the case of the prosecution stating that that no incident has taken place. They have denied having given statement before the police. Their alleged statements are marked as Ex.P.20 and 21.

17. The panch witnesses PW 2 and 3 have not supported the case of the prosecution. However, the accused has not disputed the panchanamas at Ex.P.2 and 5 and therefore, the prosecution has given up examination of other two panch witnesses CW 2 & 5. The brother of the accused who is examined as PW 9 has also turned hostile to the case of the prosecution stating that he has not given any statement before the police as per Ex.P.25.

18. In view of the foregoing reasons, I come to the conclusion that the prosecution has utterly failed to prove beyond all reasonable doubts that the accused has committed the offence of cruelty under Section 498A of Indian Penal Code and also the offence under Section 323, 504 & 506 of IPC and Section 3 and 4 of Dowry Prohibition Act. The allegations made by the CW 1 in the Ex.P.1 as well as the charges leveled against the accused in the report filed by the police are not proved beyond all reasonable doubts and therefore, the accused is entitled to be acquitted for the above said offences. **Hence, I answer Point No.1 to 4 in the Negative.**

19. **POINT No.5:-** In the light of the discussion made above, I proceed to pas the following:-

:: O R D E R ::

Acting under Section 248(1) of Cr.P.C the accused is acquitted for the offences punishable under Section 498(A), 323, 504 & 506 of IPC and Section 3 and 4 of Dowry Prohibition Act.

The bail bond furnished by the accused shall be in force if an appeal or petition is preferred in the present case.

(Dictated to the Stenographer directly on computer, typed by him and corrected by me, then pronounced in the open Court on this day 18th day of March, 2026).

(Prashanth Nagalapura)
Prl Civil Judge & JMFC.,
Vijayanagara District, Hosapete

:: A N N E X U R E ::

LIST OF WITNESSES FOR THE PROSECUTION:-

- PW.1 :- Smt.Asma
PW.2 :- Kamal Basha
PW.3 :- Wasim Akram

PW.4 : Ramanjini
PW.5 : Mathahar Hussain
PW.6 : Abdul Gafoor
PW.7 : Jeenath
PW.8 : Basheer
PW.9 : Noor Ahamad

LIST OF DOCUMENTS FOR THE PROSECUTION:-

Ex.P.1 : Complaint
Ex.P.2 : Panchanama dated 14.09.2017
Ex.P.2(a,b): Signature of PW1 & PW2
Ex.P.3 & 4: Photographs
Ex.P.5 : Panchanama dated 14.09.2017
Ex.P.5(a,b): Signature of PW1 & 2
Ex.P.6 : Photograph
Ex.P.7 : Panchanama dated 18.09.2017
Ex.P.7(a,b): Signature of PW1 & 2
Ex.P.8 : Photograph
Ex.P.9 : Marriage certificate
Ex.P.10 : Wedding invitation card
Ex.P.11 to 17: Photographs
Ex.P.18 : Rough sketch
Ex.P.18(a): Signature of witness
Ex.P.19 to 25: Statements of witnesses

LIST OF MATERIAL OBJECTS:-

---NIL---

LIST OF WITNESSES FOR THE ACCUSED:-

---NIL---

LIST OF DOCUMENTS FOR ACCUSED:-

---NIL---

(Prashanth Nagalapura)
Prl. Civil Judge & JMFC.,
Vijayanagara District, Hosapete.