

KAVP010081932022



Presented on : 06-12-2022
Registered on : 06-12-2022
Decided on : 22-06-2026
Duration : 03 Years 06 Months 16 Days

**IN THE COURT OF THE II ADDL. DISTRICT AND SESSIONS
& SPL. JUDGE, VIJAYAPURA.**

PRESENT: SRI ABDUL-RAHIMAN. A. NANDGADI,
B.Com.,LL.B.,(Spl.),
II Addl. District And Sessions & Spl.
Judge, Vijayapura.

DATED THIS 22nd Day of JUNE, 2026.

SESSIONS CASE No.249/2022

Complainant: The State,
represented by the P.I.,
Babaleshwar Police Station.

(By Learned Public Prosecutor)

V/s

Accused Persons: 1. Manju @ Manjunath S/o. Sangappa
Bhavimani, Age: 26 Years, Occ:
Coolie, R/o: Gunadal, Tq.
Babaleshwar, Dist. Vijayapura.

(By Sri. S.L.M.,-Advocate)

1. Date of Offence : **13.07.2022**

2. Date of report of Offence : **13.07.2022**

3. Date of arrest of Accused : **14.07.2022**

4. Date of release of Accused on bail : **08.08.2022**

5. Period of undergone in Custody :

	<u>Y</u>	<u>M</u>	<u>D</u>
Accused :	00	00	24

6. Name of the Complainant : **Kaveri M. Hosamani**

7. Commencement of trial : **18.09.2025**

8. Closing of trial : **02.04.2026**

9. Offences complained of : **U/Sec. 376 of I.P.C.**

10. Opinion of the Judge : **Accused found Not Guilty. Hence he is Acquitted.**

**(ABDUL-RAHIMAN. A. NANDGADI),
II ADDL. DISTRICT AND SESSIONS &
SPL. JUDGE, VIJAYAPURA.**

JUDGMENT

CW20/PW11-C.P.I., Vijayapura Rural Circle, has submitted the Chargesheet against the Accused, alleging that he has committed the offences punishable U/Sec 376 of I.P.C.

2. *Brief facts of the Prosecution case are as under:*

C.W.1/P.W.1/Victim has lodged a Complaint before Babaleshwar Police Station i.e., before CW19/PW10 on 13.07.2022 contending that, she is residing in the address mentioned in the Complaint alongwith her family members. She got admission for 1st PUC in J.J College, Jamakhandi. On 13.07.2022 in the evening at about 7.30 p.m. she had went to bring Chicken near Bus stand of her village, as the chicken shops were closed she went towards Bidari Plot which is away from 1 Km. At that time Accused came on his motorcycle and told her to drop her, the Accused took her near Bidari Rehabilitation Center No.3 and forcibly committed rape on her. Later she ran away towards Bidari Cross, her villager Husen Bepari came on his motorcycle who dropped her near the Bus Stand of her village, she went to her house and informed the incident to her parents. So, she has lodged a Complaint to take necessary action against the Accused.

3. On 13.07.2022 CW19/PW10, being the S.H.O. of Babaleshwar Police Station, has registered the said Complaint/Ex.P.1 at Babaleshwar P.S. Crime No.105/2022 for the offence punishable U/Sec. 376 of I.P.C. and sent the Original Complaint and F.I.R. to the Jurisdictional Magistrate through CW15.

CW20/PW11 has investigated the matter; and after completing the investigation, on finding sufficient materials against the Accused, he has filed the Chargesheet against the Accused, for the offences punishable U/Sec. 376 of IPC.

4. On complying Section 207 of Cr.P.C., the Learned II Addl. Civil Judge and JMFC, Vijayapura, has committed the case to this Court U/Sec 209 of Cr.P.C., as the offence alleged against the Accused punishable U/Sec. 376 of IPC., which is exclusively triable by the Court of Sessions, by its Order dated 18.10.2022.

On committal, the same has been registered as S.C. No.249/2022. Accused was secured as he was on bail.

The learned P.P. has opened the case of Prosecution by describing the Charge, brought against the Accused, as required U/Sec 226 of Cr.P.C.

5. Since there were sufficient grounds put-forth by the Prosecution against the Accused to proceed against him, so the Accused was not discharged, as required U/Sec 227 of Cr.P.C.; and this Court has framed the Charge against the Accused, for the offence punishable U/Sec. 376 of IPC, as required U/Sec 228 of Cr.P.C., on 18.08.2023, which read as under:

***“That, you accused on 13.07.2022 at about 7.30 P.M. near the Bidari rehabilitation center No.3 of Gunadal village committed rape on the Complainant (victim) and thereby committed an offence punishable under section 376 of I.P.C and within my cognizance.*”**

6. The Accused did not plead guilty and he claims to be tried, so he was not Convicted for the said offences, as required U/Sec 229 of Cr.P.C.

7. *Date for Prosecution evidence was fixed. Though the Prosecution has cited 20 witnesses, but it has examined 11 witnesses as P.W.1 to P.W.11; got marked 35 documents as Ex.P.1 to Ex.P.35; and got marked Material Objects as M.O.1 to M.O.6.*

The learned Counsel for the Accused has cross-examined all the witnesses of the Prosecution, except the Witnesses, who have been termed as Hostile Witnesses, to the case of the Prosecution.

8. *The Statement of Accused was recorded on 09.04.2026, as provided U/Sec 313 of Cr.P.C. The Accused has denied the incriminating substance appearing against him in the Evidence, in his Statement, recorded U/Sec 313 of Cr.P.C.*

9. *Due to availability of evidence, the Accused was not Acquitted, as required U/Sec 232 of Cr.P.C.*

Matter was posted for Arguments.

Heard the Arguments of Learned P.P. for the State; and the Learned Counsel for the Accused.

10. *Following Points arise for my consideration:*

1. Whether the Prosecution proves beyond all reasonable doubts that, on 13.07.2022 in the evening at about 7.30 p.m. when the Complainant had gone to bring Chicken near Bus stand of her village, as the chicken shops were closed, she again went towards Bidari Plot which is away from 1 Km., towards Bidari Plots, wherein Accused came on his motorcycle and assured her to drop her, but the Accused took her near Bidari rehabilitation Center No.3 and forcibly committed rape upon her; thereby the Accused has committed the offence punishable U/Sec 376 of IPC?

2. What Order?

11. *I have carefully gone through the Prosecution papers placed in the form of Charge-sheet/Challan; the ocular and documentary evidence led by the Prosecution; the Arguments advanced on behalf of the Complainant/State and the Accused, respectively.*

12. *Answers to the above points are-*

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

Point No.2: As per final order, for the following:

REASONS**13. Point No.1:-**

It is the case of the Prosecution that, on 13.07.2022 in the evening at about 7.30 p.m. when the Complainant had went to bring Chicken near Gunadal Bus stand, as the chicken shops were closed, she again went towards Bidari Plot which is 1 Km away from the Bus Stand. While going towards Bidari Plot, Accused came on his motorcycle bearing Reg No KA48/Q-7457 and insisted her to drop her, but the Accused took her near Bidari Rehabilitation Center No.3 and forcibly committed rape upon her, on molesting her and on removing her clothes. Thereafter the Complainant on wearing her clothes came towards Bidari Plots, wherein Husani Beapari/CW10/PW9 met her and brought her till Gunadal Bus Stop on his motorcycle. The Complainant went to her residence, informed her parents and lodged the Complaint against the Accused.

13.01. *As per the case of the Prosecution Complainant/PW1 is the only injured Eyewitness to the incident of sexual assault caused upon her, as direct Evidence.*

13.02. *Further, the case of the Prosecution is based on circumstantial evidence namely;*

a) On the basis of subsequent conduct witnesses viz., Hussain Bepari/CW10; parents of the Complainant i.e., Mallappa/CW6 and Tayavva/CW7.

b) Recovery of Motorcycle bearing Reg. No.KA-48/Q-7457 at the instance of the Accused under Seizure Mahazar/Ex.P.12.

c) On the basis of seminal stains found on the Green Colour T Shirt/MO1, Blue Colour Brief/MO2, Blue Colour Vest/MO3 and Grey Colour Pant/MO4 belonging to the Complainant; and Black Colour underwear of the Accused/MO6, seized under Seizure Mahazar/Ex.P.14.

d) On the basis of Medical Evidence placed in the form of Medical Report of the Victim/Ex.P.4 issued by Dr. Rashmi Patil/CW16/PW2; Final Opinion/ExP6 issued by Dr. Rashmi Patil/CW16/PW2; Final Opinion/ExP9 issued by Dr Ramesh Patil/CW17 (marked on consent); and Forensic Report/Ex.P.32.

14. The Prosecution has led the evidence of the Complainant/CW1 as PW1. On careful perusal of the ocular evidence of the Complainant/PW1, she has specifically contended that no any incident of sexual assault is caused upon her; though she knows the Accused, but she has contended that the Accused has never taken him to Bidari Rehabilitation Center No.3 and forcibly committed rape upon her, on molesting her and on removing her clothes.

Further this witnesses contend that Hussain Bepari has not taken her from Bidari Plots to Gundal Bus Stop in the night on 13.07.2022, now she has

intimated the alleged event of sexual assault caused upon her, to her parents.

Further the Complainant contends that she has not narrated the incident of sexual assault said to have been caused upon her before the V Addl JMFC Vijayapura, as per ExP7.

Infact the said witness has not supported the case of the Prosecution. He has been termed as Hostile witness; and her Statement is marked as ExP1 and further Statement is marked as ExP8.

So, the direct evidence placed by the Prosecution, do not come to its aid.

14.01. *As per the above ocular evidence of the Complainant/Victim, she has contended that the Accused has not caused any sexual assault upon her.*

So, the direct evidence placed by the Prosecution in the form of version of the Complainant/PW.1 do not come to the aid of the Prosecution to prove the guilt of

the Accused persons even the version of the Complainant do not tend to raise presumption as provided U/Sec.114A of Indian evidence Act.

15. *Now, let us see the circumstantial evidence placed by Prosecution, to link the Accused to the crime; and show the involvement and participation of the Accused in commission of the offence, alleged against him.*

15.01. *Firstly, the Prosecution has placed the circumstantial evidence in the form of subsequent conduct witnesses. The Prosecution has led the evidence of below mentioned witnesses as the Subsequent conduct witnesses, viz.,*

a) Hussain Bepari/CW10 as PW9. As per the ocular evidence of this witness, he contends that he has not taken the Complainant from Bidari Plots to Gundal Bus Stop on his motorcycle.

He has not supported the case of the Prosecution. He has been termed as Hostile witness; and his Statement is marked as ExP19 and further Statement is marked as ExP20.

b) the Parents of the Complainant viz., Mallappa/CW6 as PW7 and Tayavva/CW7 as PW8. on careful perusal of the ocular evidence of these two witnesses, they have specifically contended that their daughter/Complainant/PW1, has never informed about commission of sexual assault upon her, muchtheless by the Accused; they have contended that they do not know anything of the alleged incident.

Infact, both these witnesses have not supported the case of the Prosecution; they have been termed as Hostile witnesses; and their Statements are marked as ExP15 and ExP17 respectively and their further Statements are marked as ExP16 and ExP18, respectively.

15.01.01. *Even the Prosecution has failed to prove the circumstances through the witnesses shown as subsequent conduct witnesses.*

15.02. *Secondly, circumstance placed by the Prosecution to connect Accused to the crime is Seizure of Motorcycle bearing Reg. No.KA-48/Q-7457, under the Seizure Mahazar/Ex.P.12.*

This circumstance forms a cluster; and the said circumstance is to be proved by the Prosecution as required U/Sec.27 of the Indian Evidence Act, as the Prosecution contends that, discovery of the said facts and materials are revealed on the basis of the Voluntarily Statement of the Accused.

15.02.01. *The Learned Counsel for the Accused would contend that Accused has not given any Voluntary Statement; and there is neither any discovery of facts, nor the materials; and if so then it is to be proved as required U/Sec 27 of the Indian Evidence Act, withregard to places and materials; and the same have*

remained unproved; no any requisite procedure is followed by the Investigating Agency, leading to suggest discovery, as contemplated U/Sec 27 of the Indian Evidence Act.

15.02.02. As per the decisions,

a) of the Hon'ble Apex Court in **the case of Babu Sahebagouda Rudragoudar & Others Vs State of Karnataka, reported in 2024(3) KCCR 2957 (SC)**, wherein it is observed and held in Para Nos 64 to 69 are as under:

“64. Further, in the case of Subramanya v.

State of Karnataka⁵, it was held as under: -

“82. Keeping in mind the aforesaid evidence, we proceed to consider whether the Prosecution has been able to prove and establish the discoveries in accordance with law. Section 27 of the Evidence Act reads thus:

“27. How much of information received from accused may be proved. — Provided that, when any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a police officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved.”

83. The first and the basic infirmity in the evidence of all the aforesaid Prosecution witnesses is that none of them have deposed

the exact Statement said to have been made by the appellant herein which ultimately led to the discovery of a fact relevant under Section 27 of the Evidence Act.

84. If, it is say of the investigating officer that the accused appellant while in custody on his own free will and volition made a Statement that he would lead to the place where he had hidden the weapon of offence, the site of burial of the dead body, clothes etc., then the first thing that the investigating officer should have done was to call for two independent witnesses at the police station itself.

Once the two independent witnesses would arrive at the police station thereafter in their presence the accused should be asked to make an appropriate Statement as he may desire in regard to pointing out the place where he is said to have hidden the weapon of offence etc. When the accused while in custody makes such Statement before the two independent witnesses (panch-witnesses) the exact Statement or rather the exact words uttered by the accused should be incorporated in the first part of the panchnama that the investigating officer may draw in accordance with law.

This first part of the panchnama for the purpose of Section 27 of the Evidence Act is always drawn at the police station in the presence of the independent witnesses so as to lend credence that a particular Statement was made by the accused expressing his willingness on his own free will and volition to point out the place where the weapon of offence or any other article used in the commission of the offence had been hidden. Once the first part of the panchnama is completed thereafter the police party along with the accused and the two independent witnesses (panch-witnesses) would proceed to the particular place as may be led by the accused.

If from that particular place anything like the weapon of offence or blood stained clothes or

any other article is discovered then that part of the entire process would form the second part of the panchnama. This is how the law expects the investigating officer to draw the discovery panchnama as contemplated under Section 27 of the Evidence Act. If we read the entire oral evidence of the investigating officer then it is clear that the same is deficient in all the aforesaid relevant aspects of the matter.” (emphasis supplied)

65. Similar view was taken by this Court in the case of Ramanand @ Nandlal Bharti v. State of Uttar Pradesh⁶, wherein this Court held that mere exhibiting of memorandum prepared by the Investigating Officer during investigation cannot tantamount to proof of its contents. While testifying on oath, the Investigating Officer would be required to narrate the sequence of events which transpired leading to the recording of the disclosure Statement.

66. If we peruse the extracted part of the evidence of the Investigating Officer(PW-27)(reproduced supra), in the backdrop of the above exposition of law laid down by this Court, the interrogation memos of the accused A-2(Exhibit P-15) and A-1 (Exhibit P-16), it is clear that the Investigating Officer(PW-27) gave no description at all of the conversation which had transpired between himself and the accused which was recorded in the disclosure Statements. Thus, these disclosure Statements cannot be read in evidence and the recoveries made in furtherance thereof are non est in the eyes of law.

67. The Investigating Officer(PW-27) also stated that in furtherance of the voluntary Statements of accused(A-1 and A-2), he recovered and seized two axes and one koyta produced by A-1 in the field of Ansari and one jambiya produced by A-2. The Investigating Officer(PW-27) nowhere stated in his deposition that the disclosure Statement of the accused resulted into the discovery of these weapons pursuant to being pointed out by the accused.

68. The Investigating Officer(PW-27) further stated that he arrested accused A-3, recorded his

voluntary Statement and seized two sickles. However, neither the so called voluntary Statement nor the seizure memo were proved by the Investigating Officer(PW- 27) in his evidence.

69. Thus, we are of the firm opinion that neither the disclosure memos were proved in accordance with law nor the recovery of the weapons from open spaces inspire confidence and were wrongly relied upon by the High Court as incriminating material so as to reverse the finding of the acquittal recorded by the trial Court.”

b) of the Hon’ble High Court of Karnataka, in the case of Subbanna Vs Mudukappa & Others, reported in 2023 Cr. R. 450 (Kant), wherein it is observed in Para No 33 as under:

“33. If the above essentials are applied to the recovery so alleged by the Prosecution, such a recovery is not duly proved as contemplated under Section 27 of the Indian Evidence Act. If the said articles were found and discovered from an open place, then it cannot be held to be discovered in consequence of information received from the accused. Mere recovery of the said MO-1 the cart-peg would not be sufficient to connect accused No. 2 with the said article. The recovery made must be found to have been made as a consequence to the Statement made by him in custody. In other words, if the nexus in between is not established, the said Statement made out would be inadmissible in evidence.”

c) of the Hon’ble High Court of Karnataka, in the case of Suresh Vs State of Karnataka by Bajpe Police Station Mangaluru Taluk, DK, reported in

2024(2) KCCR 1784, wherein it is observed in Para No 15 as under:

"15. Before going to the other aspects, it is relevant to refer to the judgment of the Trial Court wherein the Prosecution has not produced any material objects to substantiate the case of theft. No doubt, the alleged recovery is said to have taken place on the strength of the voluntary Statement of the accused. Whether the said voluntary Statement was recorded in accordance with law or not has to be considered along with the dictum of the Hon'ble Supreme Court in the case of Subramanya Vs. State of Karnataka stated supra. The Hon'ble Supreme Court in paragraphs No. 83 and 84 of the said judgment observed as under:

"83. The first and the basic infirmity in the evidence of all the aforesaid Prosecution witnesses is that none of them have deposed the exact Statement said to have been made by the appellant herein which ultimately led to the discovery of a fact relevant under Section 27 of the Evidence Act.

84. If, it is say of the investigating officer that the accused appellant while in custody on his own free will and volition made a Statement that he would lead to the place where he had hidden the weapon of offence, the site of burial of the dead body, clothes etc., then the first thing that the investigating officer should have done was to call for two independent witnesses at the police station itself. Once the two independent witnesses would arrive at the police station thereafter in their presence the accused should be asked to make an appropriate Statement as he may desire in regard to pointing out the place where he is said to have hidden the weapon of offence etc. When the accused while in custody makes such Statement before the two independent witnesses (panch-witnesses) the exact Statement or rather the exact words uttered by the accused should be incorporated in the first part of the panchnama for the purpose of Section 27 of the Evidence Act is always drawn at the police station in the presence of the independent witnesses so as to lend credence that a particular Statement was made by the accused expressing his willingness on his own free will and volition to point out the place where the weapon of

offence or any other article used in the commission of the offence had been hidden. Once the first part of the panchnama is completed thereafter the police party along with the accused and the two independent witnesses (panch-witnesses) would proceed to the particular place as may be led by the accused. If from that particular place anything like the weapon of offence or blood stained clothes or any other article is discovered then that part of the entire process would form the second part of the panchnama. This is how the law expects the investigating officer to draw the discovery panchnama as contemplated under Section 27 of the Evidence Act. If we read the entire oral evidence of the investigating officer then it is clear that the same is deficient in all the aforesaid relevant aspects of the matter."

15.02.03. *The Investigating Agency has placed Seizure Mahazar/Exp12; and the Prosecution has led the evidence of both the Panchas viz., CW2 as PW3 and CW3 as PW4.*

15.02.04. *On careful perusal of ocular evidence of both the Panchas i.e., CW2/PW3 and CW3/PW4,*

a) both the said Pancha witnesses have not stated that Accused has expressed his desire or willingness to show the place of alleged incident, or produce the motorcycle said to have been used by him in

commission of the alleged incident of sexual assault upon the Complainant.

b) the IO/CW20/PW11 has not recorded any Preliminary Mahazar to the effect of the fact that Accused expressing his desire before the Panchas; nor has mentioned the said facts in the opening paras of the Seizure Mahazar/Exp12.

Failure in recording such Mahazar/Panchanama will lead to doubt the credencialities of the fact that, the Accused has expressed his willingness to show the place, or to produced the Motorcycle, on his free Will and volition.

c) Seizure Mahazars/Exp12 doesnt speak about the conversation transpired inbetween the Accused and the IO/CW20/PW11, wherein Accused is shown to have either expressed his willingness to show the place and produce the Motorcycle to the IO, or to the Panchas; or to present the materials. Exact wordings used by the

Accused persons are to be spelled in the Mahazar. Even this is missing.

d) so disclosure memo has remained unproved.

15.02.05. *Thus the Prosecution has failed to prove discovery of Motorcycle, as provided U/Sec 27 of the Indian Evidence Act.*

15.02.06. *Further it is the case of the Prosecution that seizure of Motorcycle bearing Reg No KA48/Q-7457 is done in the presence of Mallappa/CW6/PW7.*

Firstly, Mallappa/CW6/PW7 is not the Eye-witness;

Secondly, Mallappa/CW6/PW7 specifically contends that no any Motorcycle is seized in his presence.

So, Recovery of Motorcycle bearing Reg No KA48/Q7457 under the Seizure Mahazar/Exp12 is under doubt.

15.02.07. *The Prosecution has produced the B Extract of the said Motorcycle/MO5 at ExP35. As per this document, it is seen that the name of CW9-Gopal Gundal is shown to be the Registered Owner of the said Motorcycle.*

Though the Prosecution has placed the materials on record to suggest that the Motorcycle/MO5 belongs CW9/Gopal Gundal, but no any linking material is placed on record to suggest that the said Motorcycle was given by Gopal Gundal/CW9 to the Accused; and the said Motorcycle/MO5 was used in the crime; and the best person to identify the Motorcycle was the Complainant, but it is not shown to her.

So even this linking evidence is missing.

15.03. *Withregard to seizure of the Clothes of the Accused and the Complainant, under Seizure Mahazar/ExP14.*

15.03.01. *Both the Panchas to the Seizure Mahazars/ExP14 have not supported the case of the*

Prosecution; and they have been termed as Hostile witnesses.

15.03.02. *Though, as per the Seizure Mahazar/Exp14, the Prosecution has placed some material to suggest that the Clothes of the Accused and Complainant/Victim were secured, but both of them have denied.*

15.03.03. *Further Prosecution has placed the FSL Report at Exp32, wherein it is opined that, Seminal Stains were not detected in Articles 1 to 4 and 9 viz., clothes of the Complainant/Victim and the Accused; and Spermatozoa was not detected Vaginal Smear/Art No 5 and Urethral Smear/Art No 8, belonging to the Complainant/Victim.*

15.03.04. *So, looking the matter from this angle, it can be said that, important linking evidence is missing.*

16. *The Fourth circumstance placed by the Prosecution in the form of Medical Report of the*

Victim/Ex.P.4 issued by Dr. Rashmi Patil/CW16/PW2; Final Opinion/Exp6 issued by Dr. Rashmi Patil/CW16/PW2; Final Opinion/Exp9 issued by Dr Ramesh Patil/CW17 (marked on consent); and Forensic Report/Ex.P.32.

16.01. *As per the Medical Examination Report/Ex.P.4 issued by Dr. Rashmi Patil/CW16/PW2, it is contended that the Opinion is kept pending till receipt of RFSL Report.*

16.02. *As per the Final Opinion/Exp6 issued by Dr. Rashmi Patil/CW16/PW2, it is Opined that there are no signs suggesting Penetration.*

16.03. *As per the Final Opinion/Exp9 issued by Dr Ramesh Patil/CW17 (marked on consent) it is Opined that there are no signs suggesting Penetration.*

16.04. *Coming to the ocular evidence of Dr Rashmi/CW16/PW2, morespecifically, cross*

examination of PW2, at Page No 3, Para Nos 2 & 3, which reads as under:

“It is true to suggest that a female receives white discharge even during her normal course of time.”

“It is true to suggest that, merely on the basis of white discharge, one cannot arrive at a conclusion that there is any suggestive penetration”.

As per this evidence, Dr Rashmi Patil/PW2 admits that, a female receives white discharge even during her normal course of time; and merely on the basis of white discharge, one cannot arrive at a conclusion that there is any suggestive penetration.

16.05. *Coming to the ocular evidence of the IO/PW11, morespecifically, cross examination of PW11, at Page No 7, Para Nos 1 & 2, which read as under:*

“It is true to suggest that, Dr Rashmi Patil/CW16/PW2 in her final Report/Exp6 opining that no signs of suggestive penetration are found; and Dr Ramesh Patil/CW17 has Opined has given his Final Report as per Exp34, opining that, there are no recent signs of penetration.”

“It is true to suggest that, in RFSL Report as per Exp32, it is opined that, Seminal Stains were not detected in Art Nos 1 to 4, 6, ,9 and 10 and Spermatozoa was not detected in Art Nos 5 & 8.”.

As per this evidence IO/PW11 admits that Dr Rashmi Patil/CW16/PW2 in her final Report/Exp6 has opined that there are no signs of suggestive penetration; and Dr Ramesh Patil/CW17 has Opined in his Final Report/Exp34 that, there are no recent signs of penetration; and RFSL Report/Exp35 opines that Seminal Stains were not detected in Art Nos 1 to 4, 6, ,9 and 10 and Spermatozoa was not detected in Art Nos 5 & 8.

Even this leads to a serious defect on the part of the Investigating Agency, leading to create a vaccum for having connecting links.

16.06. *Further when Spermatozoa were not detected in Article No 5/Vaginal Smears of the Complainant, even this will lead to create suspicion; and the said fact gets contradicted with the story of the Prosecution.*

16.07. *Thus it can be concluded that, even the medical evidence placed by the Prosecution will not form*

connecting links to link the Accused to show the act of, either causing sexual assault upon the Complainant, or inflicting Genital wounds upon the person of the Complainant, leading to suggest evidence attracting the offence punishable U/Sec 376 of IPC.

17. It is gainsaid to have reference to the cateena of decisions of the Hon'ble Apex Court dealing with circumstantial evidence.

a) of the **Hon'ble Apex Court in case of Ravinder Singh @ Kaku V/s State of Punjab, reported in 2022 AIAR (Criminal) 511**, wherein it is held at Para No.10, as under:

“10. The conviction of A2 is based only upon circumstantial evidence. Hence, in order to sustain a conviction, it is imperative that the chain of circumstances if complete, cogent and coherent. This Court has consistently held in a long line of cases (See Hukam Singh V/s State of Rajasthan AIR (1977 SC 1063); Eradu and others V/s State of Hyderabad (AIR 1956 SC 316; Earabhadrapa @ Krishnappa V/s State of Karnataka (AIR 1983 SC 446); State of U.P V/s Sukhabasi and others (AIR 1987 SC 350); Ashok Kumar Chatterjee V/s State of M.P. (AIR 1989 SC 1890) that where a case rests squarely on circumstantial evidence, the inference of guilt can be justified only when all the incriminating facts and circumstances are found to be incompatible with the innocence of the accused. The circumstances from

which an inference as to the guilt of the accused is drawn have to be proved beyond reasonable doubt and have to be shown to be closely connected with the principal fact sought to be inferred from those circumstances. In Bhagat Ram V/s State of Punjab (AIR 1954 SC 621), it was laid down that where the case depends upon the conclusion drawn from circumstance, the cumulative effect of the circumstances must be such as to negate the innocence of the accused and bring the offence home beyond any reasonable doubt. We may also make a reference to a decision of this Court in C.Chenga Reddy and Others V/s State of A.P (1996) 10 SCC 193, wherein it has been observed that :

“In a case based on circumstantial evidence, the settled law is that the circumstance from which the conclusion of guilt is drawn should be fully proved and such circumstances from which the conclusion of guilt is drawn should be fully proved and such circumstances must be conclusive in nature. Moreover, all the circumstances should be complete and there should be no gap left in the chain of evidence. Further the proved circumstances must be consistent only with the hypothesis of the guilt of the accused and totally inconsistent with his innocence”

b) of the Hon’ble Apex Court in case of Satye Singh and Another V/s State of Uttarakhand, reported in 2022 AIAR (Criminal) 461, wherein it is held at Para Nos.11 and 12, as under:

“11.On the totality of circumstances and evidence on record, at the most it could be said from the evidence of the parents of the deceased that there was harassment by the accused to the deceased, though no charge under Section 498A of IPC was framed by the trial Court against the

accused. It could be further inferred from the evidence on record that the deceased Shashi had left the house on the previous evening of the alleged incident and that she was not found during the whole night, nonetheless such circumstance itself could not be said to be sufficient proof to come to a conclusion that accused had murdered and burnt Shashi as alleged. It is settled position of law that circumstances howsoever strong cannot take place of proof and that the guilt of the accused have to be proved by the prosecution beyond reasonable doubt. At this juncture, let us regurgitate, the golden principles laid down by this Court in Sharad Birdhichand Sarda V/s State of Maharashtra reported in 1984 (4) SCC 116. This Court while drawing the distinction between “must be” and “must be” observed as under in Para 153 :

153. A close analysis of this decision would show that the following conditions must be fulfilled before a case against an accused can be said to be fully established:

(1) the circumstances from which the conclusion of guilt is to be drawn should be fully established.

It may be noted here that this Court indicated that the circumstances concerned “must or should” and not “may be” establishes. There is not only a grammatical but a legal distinction between “may be proved” and “must be or should be proved” as was held by this Court in Shivaji Sahabrao Bobade V/s State of Maharashtra (1973) 2 SCC 793; 1973 SCC (Cri) 1033 : 1973 CrL. L.J 1783) where the observations were made :

Certainly, it is a primary principle that the accused must be and not merely may be guilty before a Court can convict and the mental distance between ‘may be’ and ‘must be’ is long and divides vague conjectures from sure conclusions.

(2) the facts so established should be consistent only with the hypothesis of the guilt of the

accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty,

(3) the circumstances should be of a conclusive nature and tendency,

(4) they should exclude every possible hypothesis except the one to be proved, and

(5) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused.

12. It was further observed in Para No.158 to 160 as under:

“158. It may be necessary here to notice a very forceful argument submitted by the Additional Solicitor General relying on a decision of this Court in Deonandan Mishra V/s State of Bihar (AIR 1955 SC 801 : (1955) 2 SCR 570, 582 : 1955 Cri L.J. 1647) to supplement his argument that if the defence case is false it would constitute an additional link so as to fortify the prosecution case. With due respect to the learned Additional Solicitor General we are unable to agree with the interpretation given by him of the aforesaid case, the relevant portion of which may be extracted thus:

“But in a case like this where the various links as stated above have been satisfactorily made out and the circumstances point to the appellant as the probable assailant, with reasonable definiteness and in proximity to the deceased as regards time and situation,..... such absence of explanation or false explanation would itself be an additional link which completes the chain.”

159. It will be seen that this Court while taking into account the absence of explanation or a false explanation did hold that it will amount to be an additional link to complete the chain but these

observations must be read in the light of what this Court said earlier viz., before a false explanation can be used as additional link, the following essential conditions must be satisfied :

- (1) various links in the chain of evidence led by the prosecution have been satisfactorily proved,
- (2) the said circumstance points to the guilt of the accused with reasonable definiteness, and
- (3) the circumstance is in proximity to the time and situation.

160. If these conditions are fulfilled only then a Court can use a false explanation or a false defence as an additional link to lend an assurance to the Court and not otherwise. On the facts and circumstances of the present case, this does not appear to be such a case. This aspect of the matter was examined in *Shankarlal case* (1981) 2 SCC 35, 39 : 1981 SCC (Cri) 315, 318-19 : (1981) 2 SCR 384, 390 : 1981 Cri L.J 325) where this Court observed thus : (SCC Para 30, p. 43 : SCC (Cri) P. 322)

“Besides, falsity of defence cannot take the place of proof of facts which the prosecution has to establish in order to succeed. A false plea can at best be considered as an additional circumstances, if other circumstances point unfailingly to the guilt of the accused.”

c) of the **Hon’ble Apex Court in case of Shyamal Saha and Another V/s State of West Bengal, reported in 2014 AIAR (Criminal) 329,** wherein it is held at Para Nos.30 and 31, as under:

“30. What is also important in this case is that it is one of the circumstantial evidence. Following the principles laid down in several decisions of this Court beginning with *Sharad Birdhi Chand Sarda V/s State of Maharashtra*, 1984 (4) SCC 116, it is clear

that the chain of events must be so complete as to leave no room for any other hypothesis except that the accused were responsible for the death of the victim. This principle has been followed and reiterated in a large number of decisions over the last 30 years and one of the more recent decisions in this regard is Majenderan Langeswaram V/s State (NCT of Delhi) and Another, 2013 (7) SCC 1972. The High Court did not take this into consideration and merely proceeded on the basis of the last seen theory.

31. The facts of this case demonstrate that the first link in the chain of circumstances is missing. It is only if this link is established that the subsequent links may be formed on the basis of the last seen theory. But the High Court overlooked the missing link, as it were and directly applied the last seen theory. In our company, this was a rather unsatisfactory way of dealing with the appeal.

d) of the Hon'ble Apex Court in case of Vijay Kumar V/s State of Rajasthan, reported in 2014 AIAR (Criminal) 223, wherein it is held at Para No.6, as under:

“6. The prosecution case is that the appellants A1 Atma Ram and A3 Vijay Kumar conspired and murdered Keshar Bai and stolen the ornaments/articles possessed by her. Nobody has witnessed the occurrence and the case rests on circumstantial evidence. In a case based on circumstantial evidence the settled law is that the circumstances from which the conclusion of guilt is drawn should be fully proved and such circumstances must be conclusive in nature. Moreover, all the circumstances should be complete and there should be no gap left in the chain of evidence. Further the proved circumstances must be consistent only with the hypotheses of the guilt of the accused and totally inconsistent with his innocence.”

e) of the Hon'ble Apex Court in case of Anjan Kumar Sarma and others V/s State of Assam, reported in 2017 (2) Crimes 426 (SC), wherein it is held at Para Nos.13, 15, 16 and 18, as under:

"13. Admittedly, this is a case of circumstantial evidence. Factors to be taken into account adjudication of cases of circumstantial evidence laid down by this Court are :

(1) The circumstances from which the conclusion of guilt is to be drawn should fully established. The circumstances concerned 'must' or 'should' and not 'may be' established;

(2) The facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty;

(3) The circumstances should be of a conclusive nature and tendency;

(4) They should exclude every possible hypothesis except the one to be proved; and

(5) There must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused. (See :Sharad Birdhichand Sarda V/s State of Maharashtra (1984) 4 SCC 116 Para 153; M.G.Agarwal V/s State of Maharashtra AIR 1963 SC 200 Para 18).

15. It is no more res integra that suspicion cannot take the place of legal proof for sometimes, unconsciously it may happen to be a short step between moral certainty and the legal proof. At times it can be a case of "may be true". But there is a long mental distance between "may be true" and "must be true" and the same divides conjunctures from sure conclusions. (See : Jaharlal Das V/s State of Orissa, (1991) 3 SCC 27 Para No.11).

16. It is settled law that inferences drawn by the Court have to be one of the basis of established facts and not on conjectures. (See: *Sujit Biswas V/s State of Assam*, (2013) 12 SCC 406 : (2013) 4 Supreme 509 Paras 13 – 18) The inference that was drawn by the High Court that the death was caused on 28.12.1992 with the time of 48 hours as mentioned in the postmortem report is not correct. The Postmortem examination was conducted on 30.12.1992 at 12:00 noon and it was opined by PW11 that the death occurred 24 to 48 hours prior to the time of Postmortem examination. Even if the time is stretched to the maximum of 48 hours, the death was after 12:00 noon on 28.12.1992. The deceased was in the company of the accused till 9:00 p.m., on 27.12.1992. The inference drawn by the High Court that the accused have killed the deceased on 28.12.1992 in the night time and thrown the body on the railway track is not on the basis of any proved facts. The trial Court is right in holding that there is no evidence on record to show that the deceased was with the accused after 12:00 noon on 28.12.1992.

18. The circumstance of last seen together cannot be itself form the basis of holding the accused guilty of the offence. In *Kanhaiya Lal V/s State of Rajasthan*, (2014) 4 SCC 715, this Court held that:

12. the circumstance of last seen together does not be itself and necessarily lead to the inference that it was the accused who committed the crime.

There must be something more establishing connectivity between the accused and the crime. Mere non-explanation on the part of the appellant, in our considered opinion, by itself cannot lead to proof of guilt against the appellant.

15. The theory of last seen the appellant having gone with the deceased in the manner noticed hereinbefore. Is the singular piece of circumstantial evidence available against him. The conviction of the appellant cannot be maintained merely on suspicion, however strong it may be, or on his conduct. These facts assume further importance on account of absence of proof of motive particularly when it is proved that there was cordial relationship between

the accused and the deceased for a long time. The fact situation bears great similarity to that in Madho Singh V/s State of Rajasthan (2010) 15 SCC 588.

In Arjun Marik V/s State of Bihar, 1994 Supp (2) SCC 372 this Court held that

31. Thus the evidence that the appellant had gone to Sitaram in the evening of 19-07.1985 and had stayed in the night at the house of deceased Sitaram is very shaky and inconclusive. Even if it is accepted that they were there it would at best amount to be the evidence of the appellants having been seen last together with the deceased. But it is settled law that the only circumstances of last seen will not complete the chain of circumstances to read the finding that it is consistent only with the hypothesis of the guilt of the accused and, therefore, no conviction on that basis alone can be founded.”

17.01. *In the cases based on circumstantial evidence, it is the trite principle of law that the circumstances from which inference of the guilt of the Accused is to be drawn, such inferences have to be proved beyond reasonable doubt by the Prosecution; and the Prosecution has to show that the Accused is so closely connected with the principle fact sought to be inferred from such circumstances that it will take away the presumption of innocence, available to the Accused.*

17.02. *Further it is necessary to have reference to the decisions of the Hon'ble Apex Court on this point.*

a) in the case of **C.Changareddy and others V/s State of A.P, reported in (1996) 10 SCC 193**, wherein it is observed as under :

“In a case based on circumstantial evidence, the settled law is that the circumstances from which the conclusion of guilt is drawn should be fully proved and such circumstances must be conclusive in nature. Moreover, all the circumstances should be complete and there should be no gap left in the chain of evidence. Further the proved circumstances must be consistent only with the hypothesis of the guilt of the Accused and totally inconsistent with his innocence....”

b) in the case of **Padala Veera Reddy V/s State of A.P and others, reported in AIR 1990 SC 79**, wherein tests to believe the circumstantial evidence are laid down viz.,

“(1) the circumstances from which an inference of guilt is sought to be drawn, must be cogently and firmly established;

(2) those circumstances should be of a definite tendency unerringly pointing towards guilt of the Accused;

(3) the circumstances, taken cumulatively should form a chain so complete that there is no escape from the conclusion that within all human probability the crime was committed by the Accused and none else; and

(4) the circumstantial evidence in order to sustain conviction must be complete and incapable of explanation of any other hypotheses than that of the guilt of the Accused and such evidence should not only be consistent with the guilt of the Accused but should be inconsistent with his innocence.”

c) in the case of **Hanumantha Govinda Naragundakar and another V/s State of Madhya Pradesh, reported in AIR 1952 SC 343**, wherein it is observed as under :

“It is well remember that in cases where the evidence is of a circumstantial nature, the circumstances from which the conclusion of guilt is to be drawn should be in the first instance be fully established and all the facts so established should be consistent only with the hypothesis of the guilt of the Accused. Again, the circumstances should be of a conclusive nature and tendency and they should be such as to exclude every hypothesis but the one proposed to be proved. In other words, there must be a chain of evidence so far complete as not to leave any reasonable ground for a conclusion consistent with the innocence of the Accused and it must be such as to show that within all human probability the act must have been done by the Accused.”

d) in the case of **Sharad Birdhichand Sarda V/s State of Maharastra, reported in AIR 1984 SC 1622**, wherein condition precedents are laid down to get establish the circumstantial evidence to base the conviction of the Accused, which reads as under :

“(1) the circumstances from which the conclusion of guilt is to be drawn should be fully established. The circumstances concerned ‘must’ or ‘should’ and not ‘may be’ established;

(2) the facts so established should be consistent only with the hypothesis of the guilt of the Accused, that is to say, they should not be explainable on any other hypothesis except that the Accused is guilty;

(3) the circumstances should be of a conclusive nature and tendency;

(4) there should exclude every possible hypothesis except the one to be proved; and

(5) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the Accused and must show that in all human probability the act must have been done by the Accused."

17.03. *Applying the above said preposition of law to the instant case at hand, the Prosecution has failed to show that,*

a) the circumstances from which an inference of guilt is sought to be drawn against the Accused has not been cogently and firmly established;

b) it will neither define the tendency unerringly pointing towards the guilt of the Accused, forming a chain of the facts, leading to pin point the guilt of the Accused; and

c) the said circumstances are fully surrounded suspicious circumstances, absence to show that there is no any other hypotheses otherthan that of the guilt of the Accused.

And thereby making no any possibility of sustaining of conviction, solely on such circumstantial evidence.

18. *Thus it can be concluded that, the Prosecution has not placed any materials on record, either in the form of direct evidence, or in the form of Circumstantial evidence to show that the Accused has,*

a) taken the Complainant/PW1 from Bidari Plot Gundal village to Bidari Rehabilitation Center No.3;

b) forcibly molested her, removed her clothes and caused sexual assault upon her, constituting Rape, so as to form an offence punishable U/Sec 376 of IPC.

19. *It is the trite Principle of law that, when two views are possible in a case, then a view which benefits to the Accused is to be accepted. So also, when the case of the Prosecution exhibits or creates a suspension or doubt, then the benefit of such doubt is to be given to the Accused. I found support to my above view as per the decision of **Hon'ble High Court of Karnataka in the case of State of Karnartaka, Town Police Station, Chitradurga V/s Vidyadhara (Crl. Appeal No.11/2011 C/W Crl. Appeal No.960/2010, D.O.D.***

07.06.2019), wherein it is observed in Para No.17 as under:

“17. It is well settled that when two views are possible, the view which is favourable to the accused shall be acceptable. Though the Trial Court accepted the contention of the accused and rightly held that there is no abetment made by the accused to the deceased to commit the suicide, but wrongly held that the accused has harassed the deceased mentally which made the deceased to commit suicide and convicted him under Section 498A of IPC. The Trial Court cannot appreciate the evidence of the Prosecution partly only to prove the case of 498A and partly disbelieve the evidence for the offence under Section 306 of IPC. The entire evidence shall be appreciated together and there must be some incident soon prior to the commission of suicide by the deceased, but no such incident is brought on record by the Prosecution except vague allegations. It has occurred long back after two years of the marriage, but no specific incident has occurred soon before the death of the deceased. Hence, I hold that the Prosecution has failed to prove the charges leveled against the accused beyond all reasonable doubt. Therefore the benefit of doubt is extended to the accused. Accordingly, I hold that the accused is entitled for the acquittal of the charges levelled against him under Sections 498A of IPC.”

19.01. *Existence of the various suspicion circumstances surrounding the case of the Prosecution, leads to suggest that the case of the Prosecution is full*

of doubts. And in the circumstances, the benefit of doubt is to go to the Accused persons.

20. *Thus, on the basis of materials placed by the Prosecution on record, it can be seen that the case of the Prosecution is full of doubts; the Prosecution has failed to prove the alleged incident of sexual Assault said to have been caused by the Accused upon the Complainant/PW1, so also so, the allegations showing involvement and participation of the Accused, as alleged; there are material omissions and deficiency on the part of the Investigating Agency, leading to serious suspicion and doubt in the case of Prosecution.*

20.01. *Thus, the Prosecution has failed to prove that the Accused has committed the offences, alleged against him. And the evidence placed by the Prosecution is not sufficient to convict, the Accused for the offences punishable U/Sec. 376 of IPC.*

Hence, I am constrained to answer **Point No.1 in the Negative.**

21. Point No.2:

Under such circumstances and in the absence of any effective, efficient, sufficient, cogent and believable evidence from the side of the Prosecution, it is hard to conclude that, the Accused has committed the offence punishable U/Sec. 376 of IPC, as alleged; and for having answered Point No.1 in the Negative, I proceed to pass the following:

ORDER

Acting U/Sec. 235(1) of Cr.P.C., the Accused is hereby Acquitted for the offence punishable U/Sec. 376 of IPC.

The seized Articles/MO1-/Green Colour T-Shirt; M.O.2/Blue Colour Brief; M.O.3/Vest; M.O.4/Gray Colour Pant; M.O.6/Black Colour Underwear, now being worthless, are ordered to be destroyed, after the Appeal period is over.

M.O.5/Motorcycle bearing Reg No KA49(48)/Q-7457, which is released in the Interim custody of CW9- Gopal Gangappa Gunadal, as per the Orders passed by the II Addl JMFC Vijayapura dated 11.10.2022, is made Absolute.

The Accused shall execute Personal Bond for Rs. 1,00,000/- with one Surety for the likesum, as required U/Sec 437-A of Cr.P.C., undertaking to appear before the Hon'ble Appellate Court, if any Appeal is preferred being aggrieved by this Judgment, as and when summoned.

(Typed by me in the Home office, script corrected and signed by me and then Judgment pronounced by me, in the Open Court on this the 22nd Day of JUNE, 2026).

***(ABDUL-RAHIMAN. A. NANDGADI),
II ADDL. DISTRICT AND SESSIONS &
SPL. JUDGE, VIJAYAPURA.***

ANNEXURE**Witnesses examined on behalf of Prosecution:**

C.W.1/PW1	:	Kaveri M. Hosamani
C.W.16/PW2	:	Dr. Rashmi V Patil
C.W.2/PW3	:	Suresh G Gunadal
C.W.3/PW4	:	Suresh K. Gunadal
C.W.4/PW5	:	Raju S Harijan
C.W.5/PW6	:	Suresh H. Natikar
C.W.6/PW7	:	Mallappa Y. Harijan
C.W.7/PW8	:	Tayavva M. Harijan
C.W.10/PW9	:	Huseni A Bepari
C.W.19/PW10	:	B. A Tiparaddi (PSI)
C.W.20/PW11	:	S.B. Palabhavi (PI)

Witnesses examined on behalf of Defence:

- Nil -

Exhibits marked on behalf of Prosecution:

Ex.P.1	:	Complaint
Ex.P.1(a)	:	Signature of PW-1
Ex.P.1(b)	:	Signature of PW-10
Ex.P.2	:	Spot Panchanama
Ex.P.2(a)	:	Signature of PW-1
Ex.P.2(b)	:	Signature of PW-2
Ex.P.2(c)	:	Signature of PW-4
Ex.P.3	:	Photograph (Spot)
Ex.P.4	:	Medical Report of Victim
Ex.P.4(a)	:	Signature of PW-3
Ex.P.4(b)	:	Signature of PW-11

<i>Ex.P.5</i>	:	<i>MLC Register</i>
<i>Ex.P.5(A)</i>	:	<i>Relevant Portion</i>
<i>Ex.P.5(B)</i>	:	<i>True Copy of MLC Register</i>
<i>Ex.P.5(B)(a)</i>	:	<i>Signature of PW-2</i>
<i>Ex.P.5(B)(b)</i>	:	<i>Signature of PW-1</i>
<i>Ex.P.5(B)(e)</i>	:	<i>Signature of PW-1 1</i>
<i>Ex.P.6</i>	:	<i>Final Opinion</i>
<i>Ex.P.6(a)</i>	:	<i>Signature of PW-2</i>
<i>Ex.P.7</i>	:	<i>164 Cr.P.C. Statement of PW1</i>
<i>Ex.P.7(a) to (c)</i>	:	<i>Signature of PW-1</i>
<i>Ex.P.8</i>	:	<i>Further Statement of PW1</i>
<i>Ex.P.9</i>	:	<i>Medical Opinion</i>
<i>Ex.P.9(a)</i>	:	<i>Signature of PW-1 1</i>
<i>Ex.P.10</i>	:	<i>Certificate issued by Gram Panchayat Gunadal</i>
<i>Ex.P.11</i>	:	<i>65(B) Certificate</i>
<i>Ex.P.11(a)</i>	:	<i>Signature of PW-1 1</i>
<i>Ex.P.11(A)</i>	:	<i>CD</i>
<i>Ex.P.11(a)</i>	:	<i>Signature of PW-1 1</i>
<i>Ex.P.11(A)(a)</i>	:	<i>Signature of PW-1 1</i>
<i>Ex.P.12</i>	:	<i>Seizure Panchanama</i>
<i>Ex.P.12(a)</i>	:	<i>Signature of PW-3</i>
<i>Ex.P.12(b)</i>	:	<i>Signature of PW-4</i>
<i>Ex.P.12(c)</i>	:	<i>Signature of PW-1 1</i>
<i>Ex.P.13</i>	:	<i>Photograph</i>
<i>Ex.P.14</i>	:	<i>Cloth Seizure Panchanama</i>
<i>Ex.P.14(a)</i>	:	<i>Signature of PW-5</i>
<i>Ex.P.14(b)</i>	:	<i>Signature of PW-6</i>
<i>Ex.P.14(c)</i>	:	<i>Signature of PW-1 1</i>
<i>Ex.P.15</i>	:	<i>Statement of PW-7</i>
<i>Ex.P.16</i>	:	<i>Further Statement of PW-7</i>
<i>Ex.P.17</i>	:	<i>Statement of PW-8</i>
<i>Ex.P.18</i>	:	<i>Further Statement of PW-8</i>
<i>Ex.P.19</i>	:	<i>Statement of PW-9</i>

<i>Ex.P.20</i>	:	<i>Further Statement of PW-9</i>
<i>Ex.P.21</i>	:	<i>FIR</i>
<i>Ex.P.21(a)</i>	:	<i>Signature of PW-10</i>
<i>Ex.P.22</i>	:	<i>Written Instruction</i>
<i>Ex.P.22(a)</i>	:	<i>Signature of PW-10</i>
<i>Ex.P.22(b)</i>	:	<i>Signature of PW-11</i>
<i>Ex.P.23</i>	:	<i>Report of PW10</i>
<i>Ex.P.23(a)</i>	:	<i>Signature of PW-10</i>
<i>Ex.P.23(b)</i>	:	<i>Signature of PW-11</i>
<i>Ex.P.24</i>	:	<i>Rough Sketch</i>
<i>Ex.P.24(a)</i>	:	<i>Signature of PW-11</i>
<i>Ex.P.25 & 26</i>	:	<i>Memo Dt. 14.07.22</i>
<i>Ex.P.25(A)</i>	:	<i>Sample Seal</i>
<i>Ex.P.26(A)</i>	:	<i>Sample Seal</i>
<i>Ex.P.25(a)</i>	:	<i>Signature of PW-11</i>
<i>Ex.P.26(a)</i>	:	<i>Signature of PW-11</i>
<i>Ex.P.27</i>	:	<i>Covering Letter (RFSL)</i>
<i>Ex.P.27(a)</i>	:	<i>Signature of PW-11</i>
<i>Ex.P.28</i>	:	<i>Acknowledgment</i>
<i>Ex.P.28(a)</i>	:	<i>Signature of PW-11</i>
<i>Ex.P.29</i>	:	<i>Requisition</i>
<i>Ex.P.30</i>	:	<i>Requisition</i>
<i>Ex.P.31</i>	:	<i>PWD Sketch</i>
<i>Ex.P.31(A)</i>	:	<i>Covering Letter PWD</i>
<i>Ex.P.32</i>	:	<i>RFSL Report</i>
<i>Ex.P.33</i>	:	<i>Requisition</i>
<i>Ex.P.33(a)</i>	:	<i>Signature of PW-11</i>
<i>Ex.P.34</i>	:	<i>Final Opinion (Accused)</i>
<i>Ex.P.35</i>	:	<i>Copy of RC Particulars</i>
<i>Ex.P.35(a)</i>	:	<i>Signature of PW-11</i>

Exhibits marked on behalf of Defence:

- Nil -

Material objects marked on behalf of Prosecution:

M.O.1 : Green Colour T-Shirt
M.O.2 : Blue Colour Brief
M.O.3 : One Vest
M.O.4 : Gray Colour Pant
M.O.5 : Motorcycle
M.O.6 : Black Colour Underwear

**(ABDUL-RAHIMAN. A. NANDGADI),
II ADDL. DISTRICT AND SESSIONS &
SPL. JUDGE, VIJAYAPURA.**