

KAVP210016382019



**IN THE COURT OF PRL. CIVIL JUDGE & JMFC,
AT BASAVANA BAGEWADI.**

Dated this the 25th day of June, 2026

Present:

Sri. Ameet Ghatti, B.A., LL.B.,
Prl. Civil Judge and JMFC.,
Basavana Bagewadi.

C.C.No.682/2019

COMPLAINANT:

The State of Karnataka,
Through Basavana Bagewadi Police Station.

(By Learned Assistant Public Prosecutor)

// Vs. //

ACCUSED:

Mahantagouda S/o Basavantappa Tangadagi,
R/o Kannal, Tq: Basavana Bagewadi.

(By Sri. V.B.Kallur, Advocate)

ORDER ON APPLICATION U/SEC.216 OF CR.P.C.

1. This is an application filed by the learned Assistant Public Prosecutor under Section 216 of Cr.P.C. praying to frame additional charge for the offence punishable U/Sec.3 and 4 of Dowry Prohibition Act.

2. In the application, the learned APP stated that, the Investigating Officer has filed the charge sheet against the accused for the offences punishable U/Secs.498A and 504 of IPC. Further, it is contended that, the complainant-C.W.1 in her evidence deposed that, the accused demanded dowry and gave mental and physical harassment to her. As such Sections 3 and 4 of D.P. Act are attracted. Hence, prays to allow the application.
3. On the other hand, the Counsel for accused filed objections contending that, the complainant in her complaint stated that, accused demanded dowry and gave mental and physical harassment. Further stated that, the complainant led her evidence and remaining witnesses have not yet examined. Hence, the application filed by the learned APP is not maintainable. Hence, prays to reject the application.
4. Heard both Counsels.
5. Following points that arise for my consideration:
 1. Whether the learned APP made out the grounds to allow the application filed U/Sec.216 of Cr.P.C. ?

2. What Order ?

6. My findings to the above Points are as follows :

POINT No.1 : In the Affirmative,

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

REASONS

7. **POINT No.1**:- On perusal of records, the Investigating Officer has filed the charge sheet against the accused for the offences punishable U/Secs.498A and 504 of IPC. After filing of the charge sheet, cognizance was taken. Summons was issued. Accused appeared through his Advocate and he was enlarged on bail. Copy of the charge sheet was furnished to the accused. Charge was framed, read over and explained to the accused. The accused pleaded not guilty and claims to be tried.

8. The complainant herself examined as P.W.4. Meanwhile the learned APP filed present application seeking to frame additional charge. In the application, the learned APP stated that, the I.O. has filed the charge sheet against the accused for the offences punishable U/Secs.498A and 504 of IPC. Further stated that, the complainant in her evidence has deposed that the accused demanded dowry.

Hence, Sections 3 and 4 of D.P. Act are attracted. Hence, prays to allow the application.

9. On the other hand, it is contention of the accused that, only the complainant has been examined and remaining witnesses have not been examined. Hence, at this stage the application is not maintainable.
10. On perusal of the records, the complainant in her complaint has stated that, accused demanded dowry and gave mental and physical harassment to her. Further stated that, the accused persons have stated that, they do not have any child. Hence, they have mentally and physically harassed her. In her deposition she has deposed as per complaint averments. She has denied that, she has given further statement before the Police. Hence, Section 3 and 4 of D.P. Act are attracted to this case. The contention of the accused that, Sections 3 and 4 of D.P. Act are not attracted to this case. The said contention cannot be considered at this stage. Further, the burden is on the prosecution to prove that, the accused demanded dowry. Hence, I answer Point No.1 in the **AFFIRMATIVE**.

11. **POINT No.2**:- In view of the above reasons, I proceed to pass the following:

ORDER

The application filed by the Learned
APP U/Sec.216 of Cr.P.C. is hereby allowed.

*(Dictated to the Stenographer, transcribed and computerized by him,
Order corrected and signed by me, then pronounced by me in the Open Court
on this the **25th day of June, 2026**).*

(Ameet Ghatti)
Prl. Civil Judge & JMFC
Basavana Bagewadi

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