



**IN THE COURT OF II nd ADDL.DISTRICT AND
SESSIONS COURT, YADGIR,
SITTING AT SHORAPUR.**

:PRESENT:

**Sri. Yamanappa Bammanagi, B.A.LL.B (Spl.)
II nd Addl. District & Sessions Judge, Yadgir,
sitting at Shorapur.**

DATED THIS THE 30TH DAY OF APRIL, 2026.

**CrI.A.No.5017/2025
(Old CrI.A. No.15/2024)**

Appellant/

Accused :

Manjunatha S/o Ramaji Rathod,
Age: 30 years, Occ: Coolie,
R/o Kiradalli village, Tq:Shorapur,
Dist: Yadgiri.

(By Sri S.A.Q Adv.,)

V/s

Respondent/

Complainant:

The State through Kembhavi
PS. Tq: Shorapur, Dist: Yadgiri,
(Represented by public
prosecutor),

(By Sri. Public Prosecutor)

**JUDGMENT**

Being aggrieved by the judgment of conviction and order of sentence, passed by the learned Sr. Civil Judge and JMFC, Shorapur, in CC No.211/2020, dated 12.03.2024, convicting the accused/appellant for the offence punishable U/Sec.354 of IPC, the appellant/accused is before this court challenging correctness and legality of the same.

The parties are referred as per their ranks before the trial court for conveniences of the court, the accused is the appellant before this court as the trial court convicted the accused.

2. Brief facts of the prosecution case:

On 21.04.2019, the complainant/victim lodged the complaint stating that, she is resident of Kirdahalli Tanda, age 20 years, Occ: Student, the accused is her uncle in relation, he used to come to her house and used to talk with her closely, as such, on 21.04.2019, at 12.15 pm, when she was alone in



her house, accused suddenly entered her house, came inside her room, hold her hands, she told him as to why you are doing so, and asked him to go out of house otherwise she will inform to her parents, at that time accused abused her in filthy language and gave threat that, if she disclosed the incident to her family members he will finish her, by saying so, the accused hold her hairs and nighty and dragged her with intent to outrage her modesty and he slapped on her cheek and on her back with hands, when she started to scream her neighbors and relatives came to rescue her, on seeing them accused ran away by giving threat that, if she disclosed the incident he will finish her, she went to land where her parents were doing Coolie work and she informed to her parents house the incident and then lodged the complaint, on basis of complaint crime has been registered and IO has investigated the crime and submitted charge sheet



against the accused for the offence P/U/Sec.323, 354, 504 & 506 of IPC.

3. After investigation, IO has submitted charge sheet, the trial court has complied Sec.207 of Cr.P.C and taken cognizance for the offence P/U/.Sec. 323, 354, 504, 506 of IPC, and issued summons to accused, accused appeared through his counsel and trial court framed charges for the said offence and read over to the accused, accused is not plead-guilty and claimed to be triad. Hence the trial court has fixed the date for recording the evidence of prosecution witness.

4. The prosecution, in order to prove its case, examined as many as 05 witnesses as PW1 to 5, and got marked Ex.P1 to P3, counsel for the accused fully cross-examined the witnesses, and thereafter, prosecution has closed its side evidence, and thereafter trial court has recorded statement of accused U/Sec.313 of Cr.P.C, thereafter, the trial



court has called upon the accused to lead defense evidence, the Ld counsel for the accused has submitted that accused has no defense evidence, hence case was posted for argument.

5. After hearing argument on both side, the Ld trial court has recorded the order of conviction, convicted the appellant/accused for the P/U/Sec.354 of IPC and trial court acquitted the accused for the offence P/U/Sec.323, 504 & 506 of IPC, being aggrieved by the said judgment of conviction and order of sentence, the accused/appellant is before this court, challenging the correctness and legality of the said judgment of conviction, and order of sentence on following;

“GROUNDS”

I. The judgment under appeal is suffering from many illegalities as the trial court failed to appreciate evidence of prosecution, there is no material before the court to prove offence U/sec.354 of



IPC, and trial court failed to appreciate the facts that, the alleged incident took place in the house of victim and victim chatting each other, as question of committing offence U/Sec.354 of IPC does not arise.

II. *The trial court failed to appreciate the admission of victim in her cross-examination, further, panch witnesses turned hostile, the material witness not supported to the prosecution case, PW3 is also turned hostile, PW4 is father of victim he partly hostile, and PW4 is hearsay witness, the trial court failed to consider these aspect and came to wrong conclusion, hence judgment and conviction and order of sentence is liable to be set-aside.*

6. On admitting the appeal, this court has passed the order on application filed U/sec.389(2) of Cr.P.C, and suspended subject to deposit of entire fine amount before the trial court and appellant shall



execute personal bond from sum of Rs.50,000/- with one surety within one month from the date of order, and issued notice to the respondent, the respondent represented by Ld PP and received TCR.

7. Heard argument on both side.

8. I have perused judgment of conviction and order of sentence of the trial court, and re-appreciated oral and documentary evidence, led by the prosecution before the trial court, and considered material placed before the court, considered the arguments of the learned counsel for the appellant and Ld. Public prosecutor, on perusal of the same, the points that would arise for my consideration are as follows:-

POINT NO.1. Whether prosecution proves beyond all reasonable doubt that, on 21.04.2019 at 11.15 pm, accused entered the house of victim when she was alone in her house with a intent to outrage her modesty by holding her hairs and nighty



dragged her and assaulted on her
and committed offence P/U/Sec.354
of IPC ?

POINT NO.2. What order ?

9. My answer to the above points are as follows:

Point No.1: In the Affirmative,

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

REASONS

10. **POINT No.1:** To prove its case, the prosecution has examined PW1 to PW5, and PW1 is victim, PW2 is Gangubai W/o Shankre, PW3 is Danraj S/o Hanumantraya, PW4 is Devendrappa S/o Nanappa, PW5 is Shivalingappa S/o Somalingappa, and got marked Ex.P1 to 3. Ex.P1 is the complaint, Ex.P(a) is the signature of PW1, Ex.P1(b) is signature of PW5, Ex.P2 is the spot panchanama, Ex.P2(a & d) are the signatures of PW1 to 3 and 5, Ex.P3 is the FIR, Ex.P3(a) is the signature of PW5.



11. PW1 deposed that, CW4 and 5 are her parents, she knows CW6 and accused, on 21.04.2019 at 12.05 pm, she was in her house, accused used to come to her house and she used to talk with him closely, but, on that day, accused suddenly entered into house hold her hands, she asked him, as to why you are doing so, and resisted him, and requested him to go out of house otherwise she will inform to her parents, at that time accused hold her hand, and slapped on her cheek, hold her nighty and dragged, and gave a life threat that if she disclosed the incident he will not leave her to live, and started to cry and went to the land where her parents are doing work and informed about the incident, after that, victim and her parent went to the police station and lodged the complaint, on the next day at 08.00 am, police had come to her house, enquired with her and Gangubai.

12. PW2 deposed that, signature appeared on Ex.P1 is belongs to him, and same is put on Ex.P2



about 4 to 5 years back, at 08.00 am, in the police station, thereafter, police came to house of CW1 and called him, and asked him to put signature as a witness.

13. PW4 deposed that, CW1 is his daughter, CW5 is his wife, and she knows CW6 and accused, about 04 years back, himself and his wife gone to coolie work by leaving their daughter in the house, it was 12.00 noon accused came to his house and hold hands of his daughter and dragged her and he gave life threat that, if she disclosed the incident he will finish her by knife, thereafter, his daughter came to the land with crying and informed about in the incident, after that, they went to the police station and victim lodged the complaint.

14. PW5 deposed that, on 21.04.2019 at 09.00 pm, CW1 came to the police station and lodged written complaint, on receipt of the same he registered crime No.51/2019, and registered FIR, sent FIR and



complaint to the court, on 22.04.2019 he went to the spot and conducted spot panchanama in the presence of PW2 and 3 from at 08.00 am to 09.00 am, on the same day he has recorded statement of CW4 to 6, on 04.05.2019 accused came to police station with bail order, after compliance of arrest procedure he has released the accused on bail on 22.05.2019 he has collected extract of spot, after completion of investigation he has submitted charge sheet against the accused.

15. I have re-appreciated oral and documentary evidence, and material placed before the court, on perusal of the same the question before the court is as to whether material placed before the court are sufficient hold that, prosecution has proved offence P/U.Sec.354 of IPC beyond all reasonable doubt. On careful, scrutiny of oral and documentary evidence, cross-examination of PW1 to 5.



16. The victim has specifically stated in her complaint that, accused is her relative and he used to come to her house and talk with her, but, victim did not suspect on his conduct as the accused is uncle of victim. The facts stated in the complaint is deposed in her evidence also, the victim the deposed in her chief-examination that, the accused used to come to her house and used talk with her closely, thus, this evidence proves that, accused had an opportunities to contact with victim and family members of the victim did not suspect as accused is uncle of victim, naturally no family members suspect the repeated visit of accused and repeated talking of accused with victim closely. So, it is clear that, the accused is kept watch over the victim and he was waiting for the opportunities to commit crime on the victim, hence on 21.04.2019 at 12.00 noon when victim was alone in her house, the accused entered into house of victim and he found that, victim was alone in her house.



17. It is also stated in the complaint by the victim that, when accused entered into her house, he hold her hands, at that time, victim suddenly asked him, as to why you are doing so, and asked him to go out of house otherwise she will inform to her parents, event than accused did not leave from the house, he gave a threat stating that, if she disclose incident he will not leave her to lay, and hold her hairs and nighty and dragged, when she resisted accused slapped on her cheek and back. These facts deposed by the victim before the court in her evidence. Now I would like to extract the relevant portion of complaint, which reads thus;

ದಿನಾಂಕ: 21.04.2019 ರಂದು 12.15 ಪಿಎಮ್ ಸುಮಾರಿಗೆ ನಾನು ಮನೆಯಲ್ಲಿ ಒಬ್ಬಳೇ ಇದ್ದಾಗ ನಮ್ಮ ಜಾಲೆಯವರೆ ಆದ ಸಂಬಂಧದಿಂದ ನಮ್ಮ ಚಿಕ್ಕಪ್ಪನಾದಂ ಮಂಜುನಾಥ ತಂದೆ ರಾಮಜಿ ರಾಯೋಡ ವಯ:30 ವರ್ಷ ಈತನು ಏಕಾಏಕಿ ಮನೆಯಲ್ಲಿ ಬಂದಿದ್ದು ಸದರಿಯವನು ಆಗಾಗ ನಮ್ಮ ಮನಿಗೆ ಬಂದು ನನ್ನೊಂದಿಗೆ ಸಲಿಗೆಯಿಂದ ಮಾತನಾಡುತ್ತಿದ್ದರಿಂದ ನಾನು ಸುಮ್ಮನಿದ್ದೆನು. ಒಮ್ಮೆಲೆ ಸದರಿಯವನು ನಾನು ಒಳಗಡೆ ಕೋಣೆಯಲ್ಲಿದ್ದಾಗ ನನ್ನ ಹತ್ತಿರ ಬಂದು ನನ್ನ ಕೈ ಹಿಡಿದಿದ್ದು ಏಕೆ ಹೀಗೆ ಮಾಡುತ್ತೀರಿ ಅಂತ ನಾನು ನನ್ನ ಕೈ ಕಸಿದುಕೊಂಡು ನಮ್ಮ ಮನೆಯಿಂದ ಹೊರಗೆ ಹೋಗು ಇಲ್ಲದಿದ್ದರೆ ನಮ್ಮ ತಂದೆ ತಾಯಿಯವರಿಗೆ ಸದರಿ ವಿಷಯ ತಿಳಿಸುತ್ತೇನೆ ಅಂದಾಗ ಸದರಿಯವನು ಸುಷಿ ಈ ವಿಷಯ ನೀನು ಮನೆಯಲ್ಲಿ ಹೇಳಿದರೆ ನಿನ್ನ ಜೀವ ಸಹಿತ ಬಿಡುವುದಿಲ್ಲ ಅಂತ ಅಂದು ನನ್ನ ಕೂದಲು ಹಾಗೂ ನೈಟಿ



ಹಿಡಿದು ಎಳೆದಾಡಿ ಮಾನಭಂಗ ಮಾಡಲು ಪ್ರಯತ್ನಿಸಿ ಕೈಯಿಂದ ಕಪಾಳಕ್ಕೆ ಬೆನ್ನಿಗೆ ಹೊಡೆದುಡೆ ಮಾಡುತ್ತಿದ್ದಾಗ.

18. Now I would like to extract the chief-examination of PW1 which reads thus;

ಆರೋಪಿಯು ನನ್ನ ಚಿಕ್ಕಪ್ಪ. ದಿನಾಂಕ: 21.04.2019 ರಂದು ಮ.12.05 ಗಂಟೆಗೆ ನಾನು ನಮ್ಮ ಮನೆಯಲ್ಲಿದ್ದಾಗ ಆರೋಪಿಯು ಆಗಾಗ ನಮ್ಮ ಮನೆಗೆ ಬಂದು ಹೋಗುತ್ತಿರುವುದರಿಂದ ನಾನು ಸಲುಗೆಯಿಂದ ಮಾತನಾಡುತ್ತಿದ್ದೇನು. ಆದರೆ ಆ ದಿನ ಒಮ್ಮೆಲೇ ಮನೆಯ ಒಳಗೆ ಬಂದು ನನ್ನ ಕೈ ಹಿಡಿದಾಗ ಏಕೆ ಹೀಗೆ ಮಾಡುತ್ತಿಯಾ ಅಂತ ನಾನು ಕೈ ಕಸಿದುಕೊಂಡು ಮನೆಯಿಂದ ಹೊರಗೆ ಹೋಗು ಇಲ್ಲದಿದ್ದರೆ ನನ್ನ ತಂದೆ ತಾಯಿಗೆ ಹೇಳುತ್ತೇನೆ ಅಂತ ಹೇಳಿದಾಗ ನನ್ನ ಕೈ ಹಿಡಿದು ಕಪಾಳಿಗೆ ಹೊಡೆದು, ನನ್ನ ನೈಟಿ ಹಿಡಿದು ಎಳೆದು ಈ ವಿಷಯವನ್ನು ಯಾರಿಗಾದರೂ ಹೇಳಿದರೆ ನಿನ್ನ ಜೀವ ಸಹಿತ ಬಿಡುವುದಿಲ್ಲವೆಂದು ಬೆದರಿಕೆ ಹಾಕಿದನು. ಆ ವೇಳೆಗೆ ಮನೆಯ ಪಕ್ಕದಲ್ಲಿದ್ದ ಚಾಸಾ-6 ರವರು ಬಂದಾಗ ಆರೋಪಿಯು ಮನೆಯಿಂದ ಓಡಿ ಹೋದನು. ನಾನು ಆ ನಂತರ ಅಳುತ್ತಾ ನನ್ನ ತಂದೆ-ತಾಯಿ ಹತ್ತಿರ ಹೊಲಕ್ಕೆ ಹೋಗಿ ಈ ವಿಷಯ ತಿಳಿಸಿದೆನು. ಅವರು ನನ್ನನ್ನು ಸಮಾದಾನಮಾಡಿ ಹೋಗಿ ಪೊಲೀಸ್ ಠಾಣೆಗೆ ದೂರು ಕೊಟ್ಟೆನು. ಮರುದಿನ ಪೊಲೀಸರು ಬೆ.08.00 ಗಂಟೆ ಸುಮಾರಿಗೆ ಬಂದು ಈ ಘಟನೆ ಬಗ್ಗೆ ವಿಚಾರಿಸಿದ್ದಾರೆ. ಸಾಕ್ಷಿದಾರರಾದ ಗಂಗೂಬಾಯಿ ಅವರ ಸಮಕ್ಷಮ ವಿಚಾರಿಸಿದ್ದಾರೆ.

19. On careful scrutiny of facts stated in the complaint and facts deposed before the court proves that, victim has consistently deposed about the act of accused, when victim resisted the accused the accused slapped on her cheek and back, and gave a threat of life, this act of accused clearly proves the intention of accused is outrage her modesty and he



hold hands and nighty of the victim and dragged her, he also slapped on her when she resisted.

20. I have gone through the cross-examination of PW1, on perusal of the cross-examination of victim there is no effective cross-examination to suspect the credibility of evidence of victim. The specific defence taken by the accused in the cross-examination of victim is that, The father of victim is running tea shop and in the said shop he used to sell liquor illegally when accused gave a threat of informing to the police about the illegal act of selling of liquor by the victim's father the victim lodge the false complaint. First of all, the victim has specifically denied the defence taken by the accused in her cross-examination.

21. it is relevant note here the evidence of PW4 who is father of the victim, he deposed that, victim is her daughter and CW5 is his wife, himself and his wife went for work by leaving the victim in the house about 5 years back, it was about 12.00 noon when



victim was alone in her house, accused came and hold her hand and dragged and gave a life threat if she disclose. In the cross-examination of PW4 the Ld counsel for the accused taken defence that, accused is uncle of victim in relation, he also admitted that, at the time of incident, he was not in the house, and he came to know about the incident from the victim, further he deposed in the cross-examination that, victim's nighty torn when accused dragged her by holding her nighty, and further he deposed that, police did not seized nighty. Except this, there is nothing in the cross-examination of PW4 to suspect the evidence of PW4. Further, the Ld counsel for accused has taken defence that, PW4 is running hotel and used to sell liquor illegally, this defence of accused has specifically denied by the PW4.

22. On perusal of the evidence of victim and evidence of PW4, it is clear that, the victim has consistently deposed before the court and in her



complaint and there is nothing in the cross-examination of victim to suspect her evidence. Further, on careful scrutiny of cross of PW1 and 4 it is clear that, it is re-production of chief-examination of victim, further except formal denial there is nothing in the cross-examination, I would like to note here the cross-examination of PW4, which reads thus;

ಆರೋಪಿಯು ನನ್ನ ಮಗಳಿಗೆ ಚಿಕ್ಕಪ್ಪನಾಗಬೇಕು. ನಾನು ಊರಲ್ಲಿ ಹೊಟೆಲ್ ಇಟ್ಟಿದ್ದೇನೆ ಎಂದರೆ ಸರಿಯಲ್ಲ. ಆರೋಪಿಯು ನನ್ನ ಮಗಳ ಕೈ ಹಿಡಿದು ಜಗ್ಗಿದ ವೇಳೆಯಲ್ಲಿ ನಾನು ಮನೆಯಲ್ಲಿ ಇರಲಿಲ್ಲ ಎಂದರೆ ಸರಿ, ನನ್ನ ಮಗಳು ಹೇಳಿದಂತೆ ಕೇಳಿ ನಾನು ಹೇಳುತ್ತಿದ್ದೇನೆ ಎಂದರೆ ಸರಿ. ಚಾಸಾ-6 ನನ್ನ ಸಂಬಂಧಿ ಅಲ್ಲ ಆದರೆ ನಮ್ಮೂರಿನವನು. ನಮ್ಮ ಮನೆಯ ಅಕ್ಕ-ಪಕ್ಕ ಸುಮಾರು ಮನೆಗಳು ಇವೆ, ನಮ್ಮ ಮನೆಯ ಪಕ್ಕದಲ್ಲಿ ಭೀಮಣ್ಣ ರವರ ಮನೆ ಇದೆ ಇನ್ನುಳಿದವರ ಮನೆಗಳು ಸ್ವಲ್ಪ ದೂರು ಇವೆ, ಆರೋಪಿಯು ನನ್ನ ಮಗಳ ನೈಟಿ ಜಗ್ಗಿದ್ದರಿಂದ ಅದು ಹರಿದಿತ್ತು. ನಾನು ಈ ವಿಷಯವನ್ನು ಪೋಲಿಸರ ಮುಂದೆ ಹೇಳಿದ್ದೇನೆ. ಪೋಲಿಸರು ಆ ಹರಿದ ನೈಟಿಯನ್ನು ಜಪ್ಪು ಮಾಡಿಕೊಂಡಿರುವುದಿಲ್ಲ. ಪೋಲಿಸ ಮುಂದೆ ಆ ಕೆಡ್ ನಮ್ಮದೇ ಅಂತ ಹೇಳಿದ್ದೇನೆ.

23. The evidence of victim is corroborated with the evidence of PW4 who is father of the victim, off-course, PW4 deposed before the court that, he came to know about the incident from the victim. The Ld counsel for the accused would contended that, evidence of PW4 is hearsay evidence and PW4 is



relative of victim, on this count the evidence of PW4 can not be believed and he can not be relied upon.

24. Off-course, PW4 is father of the victim, victim gone to the land where her parents were working as a coolie soon after the incident and she informed about the incident to her parents, since PW4 came to know about the incident from victim it does not mean that, evidence of PW4 is an hearsay evidence, because, in cases of sexual assault on woman, more particularly sexual assault on woman in the house, it is not fair to expect the eye witness to the incident, because, such crimes on woman take place within the four walls, thus, the prosecution has to prove the act of accused of sexual assault on victim on circumstantial evidence and evidence of victim. To bring the evidence of PW4 within the purview Sec.6 of the Indian Evident Act, it must be almost contemporaneous with the acts and there should be an interval which would allow prefabrication. In the



case on hand, the victim has specifically and consistently stated in her complaint and in her evidence that, soon after incident she rushed to the work place of her parents with crying and informed the incident to her parents. Thus, the evidence of PW4 is not hearsay evidence. In support of my opinion I relied on the decision reported in **(2011) 7 SCC 130 in case of Krishkumar Malik V/s Stated of Harihana.**

25. The defence taken by the accused in the cross of PW1 and in the cross of PW4 that, PW4 is running tea shop and PW4 used to sell liquor illegally in his shop, when accused told to PW4 that he will inform to the police about the illegal selling of liquor, hence victim lodge false complaint.

26. It is settled position of the law that, the court must, while evaluating the evidence, remain alive to the facts that, in a case of sexual assault on victim, such as kidnap, attempt to rape, kidnap and



rape, no self respecting woman would come forward in a court just to make a humiliating statement against her own honour such as is involved in the commission act which amounts of outrage of modesty of woman. In cases involving sexual molestation, supposed considerations which have no material effect on the veracity of the prosecution case or even discrepancies in the statement of victim should not, unless the discrepancies are such which are of a fatal nature, be alone to throw out an otherwise reliable prosecution case. The inherent bashfulness of the females and the tendency to conceal outrage of modesty, or sexual aggression are factors which the courts should not over look. The testimony of the victim in such cases is vital and unless there are compelling circumstances or reason which necessitate looking for corroboration of her statement, the court should find no difficulty to act on the testimony of a victim of sexual assault alone to convict an accused where her testimony



inspires confidence and is found to be reliable.

Seeking corroboration of her statement before relying upon the same, as a rule, in such cases, amounts to adding insult to injury.

27. With the settled position of law, on appreciation of evidence of victim it is sufficient hold that, the evidence of victim is inspires the confidence, there is no material before the court as to why a victim gives false evidence against the accused, victim has nothing to do with the accused to give false evidence against him. Thus, it is settled position of law that, when evidence of victim inspires the confidence under such circumstances there is no rule of law or practice that, the evidence of prosecutrix can not be relied upon without corroboration.

28. Off-course, PW4 deposed that, nighty of victim torn and same is informed to the police, but, IO has not seized nighty. In the case on hand, victim deposed that, accused hold her nighty and dragged



her, during incident her nighty torn and same is informed to IO, but, IO failed to seize nighty. Question before the court is once evidence of victim is reliable and inspires the confidence, mere failure on part of IO in seizing nighty is affects on credibility of prosecution case. It is settled position law that, error, illegality, or defective investigation can not have any impact unless it affects on the prosecution case. In the case on hand prosecution established its case with ocular evidence of victim and same is reliable, under such circumstances, defective investigation such as non seizer of nighty by the IO can not render the prosecution case doubtful or unworthy of belief.

29. Off-course, panch witnesses have not fully supported the prosecution case, but, PW2 deposed that, police called him to the house of CW1 at 08.00 am, about the 4 to 5 years back and he has put signature and admits the facts that, he was present on the spot, and he also admits in the cross-



examination that, the police have read-over the contents of panchanama. This evidence proves the presence of panch witness on the spot at the time when police conducted spot panchanama. The primary intention behind the panchanama is to to guard against possible tricks and unfair dealing on the part of the officers entrusted with the execution of spot panchanama and also to ensured that, anything incriminating which may be said to have been found in the spot, conducted panchanama was really found on the spot and was not introduced or planted by the officers who conducted spot panchanama.

30. On careful scrutiny of oral and cogent evidence led by the prosecution it is clear that, the prosecution has proved the ingredients of offences of Sec.354 of IPC by producing cogent evidence beyond all reasonable doubt. Thus the trial court relied on the documentary evidence and substantive evidence and hold that prosecution proved its case beyond all



reasonable doubt. On perusal of the material placed before the court and on perusal of the oral and documentary evidence led by the prosecution and grounds stated in the appeal I am of the opinion that, the trial court has rightly come to conclusion on basis of evidence of PW1 to 5, and documentary evidence, further trial court considered documentary evidence and presence of prosecution witnesses and the facts that, on re-appreciation of oral and documentary evidence led by the prosecution, it is clear that, the interference of this court on the findings of the trial court is not warranted and judgment of conviction and order of sentence is in accordance with law, no grounds made out by the appellant to interfere in the findings of trial court. Hence, I answer this point No.1 in the **Affirmative**.

31. POINT NO.2: In view of the discussion made on point No.1, I proceed to pass the following;

**ORDER**

Appeal preferred by the appellant/
accused U/Sec.374(2) of Cr.P.C, is hereby
dismissed.

Consequently, the judgment of
conviction and order of sentence, passed
by learned Sr.Civil Judge and JMFC,
Shorapur, in CC No.211/2020, dated
12.03.2024, is hereby confirmed.

The suspension order dated
08.04.2024 passed by this court on the
application filed U/Sec.389(2) of Cr.P.C.
stands canceled.

Office is directed to send TCR to
the trial court with copy of the judgment.

(Dictated to the Stenographer-III directly on computer, transcript computerized
by her, corrected, initialed and then pronounced by me in the open court, on this the
30th day of April – 2025)

(Yamanappa Bammanagi)
(II nd Addl. District and Sessions
Judge Yadgir, Sitting at Shorapur)