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Cr1.A.5029/2025  
(Old Cr1.A.07/2022)

**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 30<sup>TH</sup> DAY OF APRIL, 2026.**

**Cr1.A.No.5029/2025  
(Old Cr1.A. No.07/2022)**

**Appellant/  
Accused :**

Bassangouda @ Bassappa S/o  
Siddangouda Goundar, Age: 35  
years, now 44 year, Occ: Coolie,  
R/o Jogundabhavi village, Tq:  
Shorapur, Dist: Yadgiri.

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

**V/s**

**Respondent/  
Complainant:**

The State through Narayanpur  
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 Addl. Civil Judge and JMFC, Shorapur, in CC No.15/2014, dated 30.03.2022, convicting the accused/appellant for the offence punishable U/Sec.354(A) and 504 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 04.11.2013, the complainant lodged the complaint stating that, about 05 years back her marriage took place with one Parmanna, she led marital life, and she was pregnant for 04 months, on 04.11.2023, after preparing food she gone to Nalla for washing cloths, by the time when she gone to Nalla



one Mahadevi left Nalla after washing cloths, when she was washing cloths in Nalla it was about 12.00 noon, accused came to Nalla and told to victim that, in order to prevent the pigs the live electrical lines are put up near Nalla and asked her to gone near his land for washing cloths in Nalla, hence victim came out of Nalla, at that time there was non except accused and victim, when victim came out of water accused caught hold her, made her to lay on the ground and told her that, he will not leave her, and bit with his teeths on her right cheek, hold her both hands and sat over her and rubbed her on the ground, hence she suddenly shouted loudly, at that time, one Gangamma came near Nalla to wash cloths, on hearing shouting said Gangamma came to Nalla and asked accused as to why you are doing so on woman, meanwhile, one Mudukappa came and tried to chase accused, when accused ran away he fell on the ground and sustained some injuries on his mouth, and left side stomach,



victim sustained bit injury on her right cheek as accused bit on her right cheek with teeth and victim sustained injury on right elbow, hence she lodge the complaint, on basis of complaint crime has been registered and IO has investigated the crime and submitted charge sheet.

**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.504, 354(A) 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 09 witnesses as PW1 to 9, and got marked Ex.P1 to P9, 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(A) & 504 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 against law and facts and suffers from*



*illegalities as the trial court failed to appreciate evidence of prosecution, and trial court convicted the accused only on evidence of PW1 without corroborative evidence, PW3 to 6 though eye witnesses and circumstantial witnesses as per the prosecution, but, they have not supported the prosecution case, but, trial court failed to consideration this aspect and came to wrong conclusion on basis of evidence of PW1 only.*

**II.** *To attract Sec. 354(A) of IPC, there must be cogent evidence to prove the intention of accused to outrage modesty of woman in a public place or causes disrobe or compel her to be naked on any public place, but, there is no evidence to prove these facts, further, there is not material before the court to attract Sec.504 of IPC.*

**III.** *The trial court wrongly assigned reasons in para 25 to 27 of its judgment whiled appreciation of evidence of PW1,*



*the trial court failed to appreciate the facts elicited in cross of PW1. The prosecution witnesses are interested and related witnesses, and their evidence can not be the relied upon without corroborative evidence, 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(3) of Cr.P.C, and suspended sentence till further order, and appellant shall execute bond for sum of Rs.50,000/- with one surety for like sum for his appearance before this court as well as before trial court as on when directed during the pendency of present appeal and issued notice to the respondent, the respondent represented by Ld PP and received TCR.

**7.** Heard argument on both side.

**8.** I have perusal 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 04.11.2013 when victim gone to Nalla for washing cloths, at that time accused came to Nalla and asked her to come out from Nalla under the pretext that, there is a live electricity lines, when she came out from Nalla accused caught hold her, and made her to lay on the ground and bit on her cheek with his teeth and sat over her and rubbed her with a intention to outrage her modesty and committed offence P/U/Sec.354(A) of IPC ?



**POINT NO.2.** Whether prosecution proves beyond all reasonable doubt that, on 11.04.2013 at Nalla accused abused in filthy language to the victim in filthy language with intention to insult her and committed offence P/U/Sec.504 of IPC ?

**POINT NO.3.** What order ?

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

**Point No.1: In the Affirmative,**  
**Point No.2: In the Affirmative,**  
**Point No.3: As per the final order,**  
**for the following:-**

**REASONS**

**10. POINT No.1 & 2:** These points are interconnected to each other, in order to avoid repetition of facts and evidence I took these points for common discussion. To prove its case, the prosecution has examined PW1 to PW9, and PW1 is victim, PW2 is



Hulagappa S/o Gaddeppa Hosur, PW3 is Mahadevai W/o Dyamanna Hadagali, PW4 is Gangamma W/o Dyavanna Bhajantri, PW5 is Ambrappa S/o Basappa Kumbar, PW6 is Mudukappa S/o Basappa Kumbar, PW7 is Shaila W/o Shambunath, PW8 is Dr.Siddanagouda, PW9 is Parmanna S/o Gaddeppa, and got marked Ex.P1 to 9. Ex.P1 is the complaint, Ex.P1(a) is the signature of CW11, Ex.P2 is the spot panchanama, Ex.P2(a) is the signatures of CW3, Ex.P2(b) is the signature of CW11, Ex.P3 is the statement of CW4, Ex.P4 is the statement of CW5, Ex.P5 is the statement of CW6, Ex.P6 is the statement of CW7, Ex.P7 is the FIR, Ex.P7(a) is the signature of CW11, Ex.P8 & 9 are the wound certificates.

**11.** PW1 deposed that, CW8 is her husband, and she know CW2 to 7 and accused, about 6 years back, after completion preparation of food in her house, at 12.00 noon she gone to Nalla from her house for washing cloths, when she gone to said Nalla



CW4 was washing cloths, thereafter, CW4 went back after washing cloths, the victim was washing cloths in the Nalla, at that time, accused came their and told her that, there is a live electrical line and asked her to come towards his land for washing cloths, she refused, at that time, accused abused in filthy language and told her that, he will not leave her, and abused in filthy language and hold her saree and dragged her and slapped on her cheek and bit on her cheek and made her to lay on the grounds she screamed, on hearing the same CW5 to 8 came and caught hold the accused and assaulted him and took him to police station, and lodge the complaint and on receipt of the complaint police registered crime, thereafter, she came to her house and told about the incident, and police had come to spot she had shown the spot to the police and police conducted the spot panchanama and she knows accused person.



**12.** PW2 deposed that, he know CW1, 2, and 4, but CW2 died about 6 months back, about 06 years back CW1 gone to Nalla for washing cloths, in this connection police called him to come to police station, and he went to police station and police recorded his statement, thereafter, police and himself went to spot near Nalla, and police prepared one paper and he put signature on spot panchanama.

**13.** PW7 deposed that, on 04.11.2013 when he was on duty at 02.00 pm, CW1 gave a oral complaint and on receipt of the same he registered crime No.76/2013, registered FIR, thereafter, he sent FIR and complaint to the court, and to his higher officer and since CW1 sustained injuries hence he sent CW1 to Govt. Hospital Hunasagi with his staff PC No.274, on the same day he visited the spot and met with CW4 and he conducted spot panchanama at 04.00 pm to 05.00 pm in the presence of CW4 and 6, and recorded statement of CW4 to 6, after treatment of accused he



reproduced the accused to the police and arrested accused after compliance of arrest possessor and produced before the court. On 11.11.2013 he has recorded of statement of CW4 and 6, on 11.12.2013 he has received wound certificate of CW1 and accused from CW9, after completion of investigation he has submitted charge sheet before the court against the accused.

**14.** PW8 deposed that, on 04.11.2013 one Basappa was brought by PC No.274 with history of assault, he examined said Basappa, on examination he found the injury, 1) Abrasion wound 2 X 1 cm on the upper lip. 2) Abrasion wound 2 X 1 cm over the upper eyelid. 3) Abrasion wound on the knee joint, on the very same date one Neelamma too war brought by PC No.274 with a history of assault. I examined the said Neelamma. On an examination the following injuries were found that, 1) Abrasion wound over the right cheek measuring 2 X 2 CM. 2) Abrasion wound



over the right forearm measuring 2 X 2 CM. Both the injuries mentioned above are simple in nature would be caused with hard and blunt object. The above said injuries would be caused within 24 hours from my examination. I have given the wound certificate.

**15.** PW9 deposed that, CW1 is his wife, he know CW4 to 7 in the year 2013 on one day his wife CW1 gone to Nall to wash cloths, situated near Jogondabhavi, when she was washing cloths accused went to her and told her that, there is a live electrical lines to prevent pigs, thereafter, accused hold her hands and he dragged her from water and he made her to fell in the water, thereafter, he bit on her cheek, at that time CW4 and 5 went to the spot, and they shouted at accused as to why you have done so on woman and abused him, thereafter, they went to police station and lodge the complaint and he has given statement before the police, and he heard the incident by sitting in his house.



**16.** 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 its case beyond all reasonable doubt. On careful, scrutiny of oral and documentary evidence, cross-examination of PW1 to 9.

**17.** The victim has specifically deposed in her evidence that, accused is belong to same village, and she gone to Nalla to wash the cloths, when she was washing cloths accused came and hold her that, there is live electrical lines and asked her to come towards his land to wash cloths, when she refused to go towards his land accused told her that, he will not leave her and abused her, hold her saree and dragged her and clapped on her cheek, and bit on her cheek with his teeth, and made her to lay on the ground, she screamed, on hearing the same, CW5 to 8 came



and abused him and thereafter, they went to police station and she lodged the complaint, she came to house after taking treatment in the hospital and thereafter, police had come to her village, and conducted the spot panchanama and she has shown spot to the police, and police conducted spot panchanama. This facts as stated in the complaint by the victim as extracted supra already.

**18.** On careful scrutiny of facts stated in the complaint by the victim and facts deposed before the court by her it is clear that, when victim was in Nalla to wash cloth accused went to their and tried to bring her from out of Nalla under the pretext that, there is live electricity line near Nalla, but, victim did not come out from Nalla, at that time, the accused gave a threat to the victim and hold her saree, dragged her and assaulted on her cheek and bit on her cheek. The act of accused clearly proves that, accused came to Nalla with intention to commit such heinous act on victim



with sexual intent. It is relevant note here the argument of the Ld counsel for the accused that, the accused was not intended to outrage her modesty, but, he was intended to protect her from live electrical line, so, accused is entitle for acquittal.

**19.** Question before the court is act of accused is to protect the victim or to outrage her modesty. The intention of the accused can be assessed only on basis of conduct and act of accused. If really accused wants to protect the victim from live electrical lines he would have asked the victim to come out from the Nalla as there is electrical live line. But, in the case on hand, accused act is clearly proves that, he intended to outrage her modesty, because, victim has specifically and consistently stated in the complaint and in her evidence that, accused bit on her cheek and when she resisted he assaulted on her cheek, not only this, accused made her to lay on the ground, sat over her and rubbed her. This act of accused clearly



proves the intent of accused to outrage modesty of victim.

**20.** I have perused the cross-examination of victim on perusal of the same, it is clear that, the house of accused situated near the land where victim's house is situated and she admitted that the house in which, they residing is situated in the land of accused and on the main road leading from Hunasagi to Narayanapur there are houses and Kiran shops and Hotels. On perusal of the entire cross of PW1 it is clear that, the Ld counsel for accused elicited from the cross of PW1 that, there are houses and hotels near the spot. Hence there is a public near the spot, but, no independent witness examined by the prosecution. It is specific case of the prosecution that, incident took place in the Nalla, victim has specifically deposed that, when she was washing cloths in the Nalla there was non except to the accused and victim, those



houses, Kiran shops and main road are far away from this spot.

**21.** PW9 who is husband of victim he deposed about the incident and in the cross-examination of PW9 there is no specific defence to suspect the evidence of PW9, and further, there is cross-examination in PW9 to the existent that, there is a road, near the said road there is Kadasiddeswara Matta and house of PW9 is situated 300 feet away from the spot, further, it is elicited in the cross-examination of PW9 that, the land belongs to accused situated near the spot, and victim and her husband residing in the house situated in the land belongs to accused.

**22.** On careful scrutiny of facts elicited in the cross-examination of PW9 and evidence of victim there is nothing in the cross-examination of PW9 which affects on prosecution case. Because, there is no any dispute between victim family and accused family in



connection with house situated in the land of accused. That apart, married woman come to such facts as stated in her complaint and in her evidence clearly proves that, no woman comes with such facts unless she was subjected to suffer at the hands of accused and there is no specific defence and cross-examination of PW1 and 9 that there was dispute between both family, on account of which, PW1 is laying against accused, nothing as such, without their being any motive why a woman of more than 25 years old deposing against accused, that too, the facts deposed by her is against her reputation and her social life and marital life, taking risk of her reputation in the society, her marital like why PW1 lying against the accused.

**23.** The evidence of victim is corroborated with medical evidence. Victim has specifically stated in the complaint and in her evidence which reads thus;



ಆಗ ಅಲ್ಲಿಯೇ ಬಟ್ಟೆ ಹೋಗೆಯಲು ಬರುತ್ತಿದ್ದ ಗಂಗವು ಗಂಡ ದೇವಣ್ಣ ಭಜಂತಿ ಮತ್ತು ಬಟ್ಟೆ ವಗೈದುಕೊಂಡು ಹೋಗುತ್ತಿದ್ದ ಮಹದೇವಿ ಇವರು ಬಿಡಲೋ ಭಷ್ಯಾ ಆ ಹೆಣ್ಣು ಮಗಳಿಗೆ ಯಾಕೇ ಹಿಡಿದುಕೊಂಡಿರುವಿ ಅಂತ ಓಡಿ ಬರುವುದನ್ನು ನೋಡಿ ನನಗೆ ಬಿಟ್ಟು ಓಡತೋಡಗಿದನ್ನು ಅಷ್ಟರಲ್ಲಿ ನಾವು ಚೀರಾಡುವುದನ್ನು ಕೇಳಿ ಅಲ್ಲಿಯೇ ಗಿರಣಿಯಲ್ಲಿದ್ದ ನಮ್ಮೂರ ಮುದ್ದುಕಪ್ಪ ಮತ್ತು ಅಮರಪ್ಪ ಕುಂಬಾರ ಇವರು ಬಂದು ಓಡಿಹೋಗುತ್ತಿದ್ದ ಬಸಪ್ಪ @ ಬಸನಗೌಡ ನಿಲಯ ಹಿಡಿಯುವಾಗ ಬಸಪ್ಪ @ ಬಸನಗೌಡ ಆಯತಪ್ಪಿ ಕೇಳಿಗೆ ಬಿದು ಬಾಯಿಗೆ, ಎಡಗಡೆ ಕಣ್ಣಿನ ಹುಬ್ಬಿಗೆ ಮತ್ತು ಕೈ ಕಾಲಿಗೆ ಅಲ್ಲಲ್ಲಿ ತರಚಿದ ಗಾಯು ಹೊಂದಿದ್ದನ್ನು. ಬಸಪ್ಪ @ ಬಸನಗೌಡನು ನನಗೆ ಹಾಲಿನಿಂದ ಕಚ್ಚಿದರಿಂದ ಬಲಗಡೆ ಕಪಾಳದ ಮೇಲಿ ಹಾಲಿನ ಗುರುತುಗಳು ಮುಡಿರುತ್ತಾವೆ. ಕೈಗಳು ಹಿಡಿದು ತಿಕ್ಕಾಡಿದ್ದರಿಂದ ಬಲಗೈ ಮೊಣಕೈಗೆ ತರಚಿದ ಗಾಯವಾಗಿರುತ್ತದೆ.

**24.** It is relevant to appreciate the evidence of PW8. PW8 who is doctor has specifically deposed that, on 04.11.2013 one Basappa brought by PC No.274 with history of assault, on examination of accused he found injury on him, abrasion wound 2 X 1 CM on the upper lip, and he found abrasion injury 2 X 1 CM over the upper eyelid, and abrasion on the knee joint. This facts stated in the in the complaint by the victim extracted supra.

**25.** PW8 further deposed that, on the same date one Neelamma was also brought by PC No.274 with history of assault and he examined the said



Neelamma and found abrasion injuries over right cheek measuring 2 X 2 CM and found abrasion wound over the right forearm measuring 2 X 2 CM, and said injuries caused withing 24 hours from the date and time of examination, and he issued wound certificate as per Ex.P8 and 9. The cross-examination of this witness, which reads thus;

*It is true to suggest that I have not mentioned the time of examination in the wound certificate at Ex.P8 & 9. It is true to suggest that the injury mentioned in Ex.P8 would be caused if a person fallen down on the hard surface.*

**26.** On careful scrutiny of facts stated in the complaint and evidence of PW8 and injuries sustained by the victim and accused stated in the complaint and in the evidence of PW8 proves that, the evidence of victim is corroborated medical evidence. The evidence of PW1 and 8 and injuries mentioned in Ex.P8 and 9 and injuries mentioned evidence of PW1 and 8 clearly



proves the presence of victim and accused in the Nalla. The cross-examination of PW8 extracted supra clearly shows that, when accused was tried to escape from the spot he fell on the ground and sustained injuries, and victim also sustained injury due to act of accused and the evidence of victim corroborated with medical evidence which proves the act of accused is with intention to outrage the modesty of woman and further prove the presence of accused with victim on the relevant time. Thus, the prosecution has proved its case beyond all reasonable doubt.

**27.** 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 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 saree of



the victim and dragged her, he also slapped on her when she resisted.

**28.** 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.

**29.** Off-course, PW9 is husband of the victim, and he was in the house, at the time of incident, and he came to know about the incident from his wife. To bring the evidence of PW9 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 in formed to the family member and then went to police station and lodged the complaint. Thus, the evidence of PW9 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.**

**30.** 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.

**31.** With the settled position of law, on appreciation of evidence of victim it is sufficient to 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.

**32.** PW2 panch witnesses he has specifically deposed about the spot panchanama conducted by the police in his presence at the spot, which proves spot where incident took place. On careful scrutiny of oral and documentary evidence led by the prosecution it is clear that, the prosecution has proved the ingredients of offences of Sec.354(A) & 504 of IPC by producing documentary 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 place 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 9, 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 & 2 in the **Affirmative.**

**33. POINT NO.3:** In view of the discussion made on point No.1 & 2, I proceed to pass the following;

**ORDER**

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

Consequently, the judgment of  
conviction and order of sentence, passed



by learned Addl. Civil Judge and JMFC,  
Shorapur, in CC No.15/2014, dated  
30.03.2022, is hereby confirmed.

The suspension order dated  
11.04.2022 passed by this court on the  
application filed U/Sec.389(1) 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  
30<sup>th</sup> day of April – 2025)

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