



**IN THE COURT OF IInd ADDL.DISTRICT AND
SESSIONS JUDGE, YADGIR,
SITTING AT SHORAPUR.**

:PRESENT:

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

DATED THIS THE 17th DAY OF JUNE, 2026.

**S.C. NO.5178/2025
(OLD S.C. NO.89/2021)**

Complainant: The State of through Shorapur P.S.

(By Sri. Public Prosecutor)

//Versus//

Accused: Sharanappa S/o Bhimappa Makashi,
Age: 36 Years, Occ: Agriculture,
R/o Lingadalli.S.K, Tq: Shorapur,
Dist: Yadgiri.

(By Sri.D.T.B Adv.,)

- | | |
|------------------------------|--|
| 1) Date of offence | : 03.07.2021 |
| 2) Date of report of offence | : 03.07.2021 |
| 3) Name of the complainant | : Gurubai W/o
Timmannagouda
Malipatil. |
| 4) Commencement of trial | : 12.06.2026 |
| 5) Closing of trial | : 12.06.2026 |



- 6) Offences complained of : P/U/Sec.323, 366,
342, 354, 504, 506,
509 of IPC.
- 7) Opinion of the Judge :Accused is found not
guilty,hence acquitted.

JUDGMENT

The ASI Shorapur P.S, has filed charge sheet against accused for the offence P/U/Sec.323, 366, 342, 354, 504, 506, 509 of IPC.

2. Brief facts of the prosecution case:

On 03.07.2021, the complainant lodged the complaint stating that, when victim and complainant coming towards their house after answering second nature call, Lingadalli(SK) village, when they were on the way infront of house of accused, accused suddenly came and hold the hands of victim and dragged towards his house with intention to seduced to illicit intercourse on her, at that time, the complainant tried to rescue the victim from his hands, at that time, accused assaulted on the complainant with hands, and took the victim into



his house and locked the door from inside, and prevented the victim to come out from the house, at the time of kidnap and after kidnapping the victim into her house accused gave a life threat to the victim and complainant, and abused in filthy language to the victim and complainant with a intention to insult victim and complainant, on basis of complaint crime has been registered, after investigation IO has filed charge sheet against accused, hence she lodge the complaint.

3. After hearing the learned counsel for the accused and on perusal of entire charge sheet, as their is sufficient material to proceed against accused, hence the accused was not discharged under Sec.227 of Cr.P.C, and has framed charges for the offences P/U/Sec.323, 366, 342, 354, 504, 506, 509 of IPC, as required U/Sec.228 of Cr.P.C. which reads thus;

1. *That, on 03.07.2021, at 06.00 pm, when victim and complainant coming towards their house after answering second nature call, Lingadalli(SK) village, when they were on the way infront of house of you accused, you*



accused suddenly came and hold the hands of victim and dragged towards your house with intention to seduced to illicit intercourse on her, at that time, the complainant tried to rescue the victim from your hands, at that time you accused assaulted on the complainant with hands, and took the victim into your house and lucked the door from inside, and prevented the victim to come out from the house and thereby you accused has committed offence of kidnap, P/U/Sec.366 of IPC, within the cognizance of this Court.

2. *That, on the above said date, time and place, you accused, after kidnapping the victim and kept her in your house and lucked the door of house from inside and prevented her from proceeding to come out from your house and thereby you accused has committed offence of wrongful confinement, P/U/Sec.342 of IPC, within the cognizance of this Court.*

3. *That, on the above said date, time and place, you accused, suddenly came and hold the hands of victim and dragged towards your house, at that time, the complainant tried to rescue the victim from your hands, at that time you accused assaulted on the complainant with hands, and thereby you accused has committed offence of kidnap, P/U/Sec.323 of IPC, within the cognizance of this Court.*

4. *That, on the above said date, time and place, you accused suddenly came and hold*



the hands of victim and dragged towards your house with intention to seduced to illicit intercourse on her, and you accused dragged the victim by holding her hands even though complainant tried to rescue her from your hands, and you accused dragged the victim in your house, and thereby you accused has committed offence of outrage of modesty of victim, P/U/Sec.354 of IPC, within the cognizance of this Court.

5. *That, on the above said date, time and place, you accused, at the time of kidnap and after kidnapping the victim into your house you accused gave a life threat to the victim and complainant, and thereby you accused committed offence of criminal intimidation, P/U/Sec.506 of IPC, within the cognizance of this Court.*

6. *That, on the above said date, time and place, you accused, at the time of kidnap and after kidnapping the victim into your house you accused abused in filthy language to the victim and complainant, with a intention to insult victim and complainant, and thereby you accused committed offence, P/U/Sec.504 of IPC, within the cognizance of this Court.*

4. Charges read over and explained in the language known to the accused, he denied and claimed to be tried, the accused not plead guilty, so, the accused



was not convicted U/Sec.229 of Cr.P.C. hence, fixed the date for recording of evidence of the prosecution witnesses, prosecution has examined as many as 06 witnesses as PW1 to 6, and got marked Ex.P1 to 10. Since there is no incrementing evidence appeared against accused hence recording of statement of accused U/sec.313 of Cr.P.C is dispensed with. Thereafter accused is called upon to lead their defence evidence, accused is submitted that, he has no defense evidence.

5. Heard argument of the Ld PP and argument of Ld counsel for the accused person.

6. I have perusal the oral and documentary evidence, material placed before the court by the prosecution and considered the argument of learned PP, and learned counsel for the accused person, 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 03.07.2021, at 06.00 pm, when victim and complainant coming towards their house after answering second nature call, at Lingadalli(SK) village, accused suddenly came and hold the hands of victim and dragged towards her house with intention to seduced to illicit intercourse on her, and accused assaulted on the complainant with hands, and took the victim into his house and locked the door from inside, and prevented the victim to come out from the house and accused committed offence of kidnap P/U/Sec.366 of IPC ?

POINT NO.2: Whether prosecution proves beyond all reasonable doubt that, accused person after kidnapping the victim and kept her in his house and locked the door from inside, and prevented her from proceeding to come out from her house, and accused



committed offence of wrongful
confinement P/U/Sec.342 of IPC ?

POINT NO.3: Whether prosecution proves beyond all reasonable doubt that, accused person suddenly came and hold the hands of victim and dragged towards his house, the complainant tried to rescue the victim from his hands, accused assaulted on the complainant with hands, and accused committed offence of kidnap P/U/Sec.323 of IPC ?

POINT NO.4: Whether prosecution proves beyond all reasonable doubt that, accused suddenly came and hold the hands of victim and dragged towards her house with intention to seduced to illicit intercourse on her, and accused dragged the victim by holding her hands even though complainant tried to rescue her from his hands, and accused dragged the victim in her house, and accused



committed offence of outrage of
modesty of victim P/U/Sec.354 of
IPC ?

POINT NO.5: Whether prosecution
proves beyond all reasonable doubt
that, accused person kidnap and after
kidnapping the victim into his house,
accused gave a life threat to the victim
and complainant and accused
committed offence P/U/Sec.506 of IPC
?

POINT NO.6: Whether prosecution
proves beyond all reasonable doubt
that, accused person kidnap and after
kidnapping the victim into his house,
accused abused in filthy language to
the victim and complainant and
accused committed offence
P/U/Sec.504 of IPC ?

POINT NO.7: What order ?

7. My answer to the above points are as follows;

Point No.1 : **in the Negative.**

Point No.2 : **in the Negative.**



Point No.3 : **in the Negative.**

Point No.4 : **in the Negative.**

Point No.5 : **in the Negative.**

Point No.6 : **in the Negative.**

Point No.7 : **As per the final order**

for the following;

REASONS

8. POINT NO.1 to 6: These points are inter connected to each other, in order to avoid repetition these points are taken for common discussion. In order to prove its case the prosecution has examined PW1 to 6, and got marked Ex.P1 to P10 and the CW-1 Gurubai as PW1, CW4 victim as PW2, CW5 Basanagouda as PW3, CW-6 Thimanagouda as PW4, CW-7 Basavaraj as PW5, CW-8 Channabasappa as PW6, and got marked Ex.P1 to P10. Ex.P1 is the complaint, Ex.P2 & 3 are the photos, Ex.P4 is the written statement of PW2, Ex.P5 is the statement of PW2, Ex.P6 is the 164 of Cr.P.C of PW2, Ex.P7 is the statement of PW3, Ex.P8 is the



statement of PW4, Ex.P9 is the statement of PW5, Ex.P10 is the statement of PW6.

9. The case of the prosecution is already extracted supra, the prosecution has examined as many as 06 witnesses. PW1 is the complainant, he deposed that, CW 6 is her husband, she know CW 4, 5, 7 and 8. she know accused who is present before the Court, about 5 years back there was scuffle between her family members and family members of accused person in connection with way, on account which, she went to police station, at that time, police took her thumb mark on paper, she do not know contents of Ex.P 1, thereafter police had come to the house of accused and took the photo, she do know for what purpose police took the said photos, no pachanama was conducted in her presence, she has not given further statement before the police.

10. The prosecution examined PW2, PW2 deposed that, CW 5 is her husband, she know CW 1, 6



to 8, she know accused who is present before the Court, she do not know anything about the incident in question, she has not given any statement before the police about the incident, no incident took place between him and accused, she has given statement before the court as per the instruction of police, and she put her signature on her statement.

11. The prosecution examined PW3, PW3 deposed that, CW4 is his wife, he know CW 1, 6 to 8, he know accused who is present before the Court, he do not know anything about the incident in question, she has not given any statement before the police about the incident, no incident took place between CW 4 and accused.

12. PW4 deposed that, CW 1 is his wife, he know CW 4, 5, 7 and 8, he know accused who is present before the Court, he do not know anything about the incident in question, he has not given any statement before the police about the incident.



13. The prosecution examined PW5 & 6, they know CW 1, 4 to 6 and 8, they know accused who is present before the Court, they do not know anything about the incident in question, they have not given any statement before the police about the incident.

14. On careful scrutiny of oral and documentary evidence led by the prosecution, it is clear that, no prosecution witnesses have supported the prosecution case. PW1 is the complainant, PW2 to 6 are the independent witnesses, they have not supported prosecution case, they deposed that, they do not know any thing about he incident and they have not given any statement before the police, even PW1 being complainant, went on to depose that, she do not know the contents of compliant. Further the prosecution has examined independent witnesses to prove its case but, no independent witnesses and panch witnesses have supported the prosecution case.



15. On careful scrutiny of evidence of PW1 to 6 as extracted supra, it is clear that, prosecution failed to prove its case beyond all reasonable doubt, because the complainant is PW1 and PW2 to 6 are independent witnesses, they specifically deposed that, they do not know any thing about the incident, they do not know any thing about the incident and they have not given any statement before the police, thus, it is clear that, no case has been made out by the prosecution against the accused person as all the prosecution witnesses have turned hostile and they have not supported the prosecution case.

16. The complainant and relative witnesses and independent witnesses are examined as PW1 to 6, have not supported the prosecution case, and they went on to depose that, they have not given any statement and further statement before the police. Thus, it is clear from the evidence of prosecution witnesses itself, that the prosecution failed to prove its case beyond all



reasonable doubt that, accused person has committed offences as alleged against him, it is clear that, the prosecution utterly failed to prove its case beyond all reasonable doubts, and accused person is entitle for benefit of doubt.

17. On careful scrutiny of entire prosecution evidence, it is clear that, no single ingredients of offences alleged against accused person is proved by the prosecution beyond all reasonable doubt. It is well settle law that, even though court, if convinced that a particular part of the testimony of hostile witness, whether it forms part of examination in chief or cross-examination, is true, can act. Mere fact that he was declared as hostile and allowed to be cross-examined, does not make him unreliable, so exclude his evidence from consideration altogether.

18. The correct rule is that either side may rely upon the evidence of a hostile witness and that the whole of the evidence, in so far it affects both parties



favorable or not, must be considered for what it is worth. But testimony is found to be wholly or thoroughly unreliable the whole of it has to be discarded.

19. In the case on hand, PW1 complainant, deposed before the court that no incident as alleged in the complaint, took place, accused person never committed any act as alleged in the complainant, such evidence are not proves the case of the prosecution beyond all reasonable doubt, no single ingredients of offences alleged against accused person is proved by the prosecution beyond all reasonable doubts and accused person is entitle for benefit of doubts. Hence, I constrained to answer these point No.1 to 6 in the **Negative.**

20. POINT NO.7: In view of the findings on point No.1 to 6 I proceed to pass the following;



ORDER

Acting U/Sec.235(1) of
Code of Criminal Procedure, the
accused is hereby acquitted for
the offences P/U/Sec.323, 366,
342, 354, 504, 506, 509 of IPC.

The bail bond and surety
bond of accused person shall
stands canceled.

(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 17th day of June – 2026)

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

ANNEXURE

Witnesses examined on behalf of prosecution:

PW1 : Gurubai W/o Thimanagouda
PW2 : Renamma W/o Basanagouda
PW3 : Basanagouda S/o Manayagouda
PW4 : Thimanagouda S/o Manayagouda
PW5 : Basavaraj S/o Paramanna
PW6 : Channabasappa S/o Sahebgouda



Documents marked on behalf of prosecution:

Ex.P1 : Complaint
Ex.P2 & 3 : Photos
Ex.P4 : Written statement
Ex.P5 : Statement of PW2
Ex.P6 : 164 of Cr.P.C of PW2,
Ex.P7 : Statement of PW3
Ex.P8 : Statement of PW4
Ex.P9 : Statement of PW5
Ex.P10 : Statement of PW6

Witnesses examined on behalf of accused:

NIL

Documents marked on behalf of accused:

NIL

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