



**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 29TH DAY OF APRIL, 2026.

**S.C. NO.5211/2025
(OLD S.C. NO.51/2022)**

Complainant: The State through Kembhavi P.S.
(By Sri. Public Prosecutor)

//Versus//

ACCUSED: 1. Chandrakala W/o Vishwanathareddy
Lakkundi, Age: 22 years, Occ: house hold,
R/o Hoovinalli, Tq:Shorapur.
2. Basanagouda S/o Sugareddy
Tirakappanavar, Age: 25 Years, Occ:
Coolie, R/o Rampura, Dist: Yadgiri.

(By Sri.SAQ Adv.,)

1) Date of offence : 18.11.2021
2) Date of report of offence : 19.11.2021



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SC.No.5211/2025
(Old SC.No.51/2022)

- 3) Name of the complainant : Vishwanathareddy
S/o Yamananna
Lakkundi.
- 4) Commencement of trial : 03.01.2026
- 5) Closing of trial : 25.04.2026
- 6) Offences complained of : P/U/Sec.307, 328,
284, 109 R/w 34 of
IPC.
- 7) Opinion of the Judge : Accused No.1 & 2
are found not guilty,
hence acquitted.

JUDGMENT

The PSI Kembhavi PS, has filed charge sheet against accused No.1 to 3 for the offence P/U/Sec.307, 328, 284, 109 R/w 34 of IPC.

2. Brief facts of the prosecution case:

On 18.11.2021, the complainant lodged the complaint stating that, the accused No.1 being wife of complainant and accused No.2 being husband of younger sister of accused No.1 and accused No.2 having illicit relationship with accused No.1 and with common intention to kill the complainant who is come in the way of their illegal relationship, and accused No.2 has



purchased 15 alprazolam tablets IP anxit-05 company tablets and given in the hands of complainant who came to Uknal village to celebrate fair, and accused No.2 met the complainant in the said village, and given tablets in the hands of the complainant under the pretext that, said tablets is required for child, and asked him to give in the hands of accused No.1, and the complainant gave the said tablets in the hands of accused No.1, and when accused No.1 and complainant slept in the house situated at Hoovinahalli village, she locked the door from inside and accused No.1 mixed the said tablets in water and gave to the complainant, and asked her husband (complainant) to drink the same stating that it is god sacred food, and good for health as god blessing if consumed, believing the wards of accused No.1 the complainant consumed the said water and after drinking the same he felt sleeping and slept in the house, at that time, accused No.1 called to accused No.2 and accused No.2 came inside the house, at that



time, accused No.1 asked accused No.2 to kill the complainant by pressing his neck, at the instance of accused No.1, accused No.2 pressed the neck of complainant to kill him, at that time, the complainant suddenly wack-up and kicked to accused No.2 and rescued himself from hands of accused No.2, and CW7 and 8 saw the medicine holding accused No.1 and verified mobile phone of accused No.2 and opened the mobile phone of accused No.2 found that, there was conversation between accused No.1 and 2 about giving medicine, hence the husband of accused No.1 lodged the complaint, on basis of complaint crime has been registered, after investigation IO, has filed charge sheet against accused persons.

3. After hearing the learned counsel for the accused persons and on perusal of entire charge sheet, as their is sufficient material to proceed against accused persons, hence the accused persons were not discharged under Sec.227 of Cr.P.C, and framed



charges for the offences P/U/Sec.307, 328, 284, 109 R/
w 34 of IPC, as required U/Sec.228 of Cr.P.C, which
reads thus;

1. That, on 18.11.2021, you accused No.1 being wife of complainant and you accused No.2 being husband of younger sister of accused No.1 and you accused No.2 having illicit relationship with accused No.1 and with common intention to kill the complainant who is come in the way of your relationship, and you accused No.2 has purchased 15 alprazolam tablets IP anxit-05 company tablets and given in the hands of complainant who came to Uknaal village to celebrate fair, and you accused No.2 met the complainant in the said village, and given tablets in the hands of the complainant under the pretext that, said tablets is required for child, and asked him to give in the hands of accused No.1, and the complainant gave the said tablets in the hands of you accused No.1, and when you accused No.1 and complainant slept in the house situated at Hoovinahalli village, after locked the door from inside and you accused No.1 mixed the said tablets in water and gave to the complainant, and asked your husband to drink the same stating that it is god blessed food, and good for health as god blessing if consumed, believing the wards of you accused No.1 the complainant consumed the said water and after drinking the same he felt sleeping and slept in the house, at that time you accused



No.1 called to accused No.2 and you accused No.2 came inside the house, at that time, you accused No.1 asked accused No.2 to kill the complainant by pressing his neck, at the insteant of accused No.1, you accused No.2 pressed the neck of complainant to kill him, and at that time, the complainant suddenly wack-up and kicked to you accused No.2 and rescued himself from your hands, and thereby you accused No.1 and 2 with a common intention to kill the complainant and made him to consume the said tablet and you accused No.2 pressed his neck at the instate of accused No.1 and thereby you accused No.1 and 2 have committed offence of attempt to commit murder of the complainant P/U/Sec.307 R/w Sec.34 of IPC, within the cognizance of this Court.

2. *That, on the above said date, time and place, you accused No.1 and 2, with a common intention to kill the complainant and made him to consume the said tablets with intent to cause hurt to the complainant, knowing-fully that, it is cause hurt to the complainant, and thereby you accused No.1 and 2 have committed offence P/U/Sec.328 R/w Sec.34 of IPC, within the cognizance of this Court.*

3. *That, on the above said date, time and place, you accused No.3, sold the 15 alprazolam tablets IP anxit-05 company tablets to accused No.2 negligently which are poisonous substance and endanger to woman life, and sold the same to accused No.2 and thereby you accused No.3 has committed*



offence P/U/Sec.284 R/w Sec.34 of IPC, within the cognizance of this Court.

4. *That, on the above said date, time and place, you accused No.1, instigated to accused No.2 to purchase poisonous tablets with intention to kill your husband/complainant, at the instance of accused No.1 you accused No.2 had purchase the 15 alprazolam tablets IP anxit-05 company tablets from accused No.3 and handed over the same to the complainant, and the complainant gave the same to you accused No.1 and you accused No.1 made the complainant to consume the same and when the complainant was sleeping at that time, you accused No.1 called accused No.2 to come to your house and accused No.2 came to your house, at that time you accused No.1 asked you accused No.2 to kill your husband/complainant, at your instance accused No.2 pressed the neck of complainant to kill him but, the complainant wack-up, and thereby you accused No.1 has committed offence P/U/Sec.109 R/w Sec.34 of IPC, within the cognizance of this Court.*

4. Charges read over and explained in the language known to the accused persons, they denied and claimed to be tried, the accused persons not plead guilty, so, the accused persons were 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 8. 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 No.1 and 2 have called upon to lead their defence evidence, accused No.1 and 2 submitted that, they have no defense evidence.

5. On 19.11.2025 the Ld counsel for the accused filed memo with certified copy of order passed by the Hon'ble High Court of Karnataka, Kalaburagi bench in Crl.Petition No.201576/2025, dated 27.11.2025, I have gone through the order of the Hon'ble High Court, the Hon'ble high court of Karnataka, Kalaburagi Bench was pleased to passed the proceedings against the accused No.3 by name Balappa S/o Ningappa Nayani.

6. Heard argument of the Ld PP and argument of Ld counsel for the accused persons.



7. 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 persons, 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 18.11.2021, accused No.2 having illicit relationship with accused No.1 and accused No.2 met the complainant in the said village, and given tablets in the hands of the complainant under the pretext that, said tablets is required for child, when accused No.1 and complainant slept in the house situated at Hoovinahalli village, after locked the door from inside and accused No.1 mixed the said tablets in water and gave to the complainant, after drinking the same he felt sleeping and slept in the house, and accused No.1 called to accused No.2 and accused No.2 came inside the house, and



accused No.1 asked accused No.2 to kill the complainant by pressing his neck, at the instant of accused No.1, accused No.2 pressed the neck of complainant to kill him, the complainant suddenly wack-up and kicked to accused No.2 and rescued himself from his hands, with intention to kill him and accused No.1 and 2 have committed offence of attempt to commit murder of complainant punishable U/Sec.307 & 109 R/w Sec.34 of IPC ?

POINT NO.2: Whether prosecution proves beyond all reasonable doubt that, accused No.1 and 2, with a common intention to kill the complainant and made him to consume the said tablets with intent to cause hurt to the complainant, knowing-fully that, it is cause hurt to the complainant, and thereby you accused No.1 and 2 have committed offence P/U/Sec.328 R/w Sec.34 of IPC ?



POINT NO.3: 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 : **As per the final order
for the following;**

REASONS

8. **POINT NO.1 & 2 :** 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 P8 and the CW-1 Vishwanath as PW1, CW-6 Shankamma as PW2, CW-8 Ningannagouda as PW3, CW-7 Sridevi as PW4, CW-9 Shantagouda as PW5, CW-10 Nanagouda as PW6, and got marked Ex.P1 to P8, Ex.P1 is the complaint, Ex.P1(a) is the signature of PW1, Ex.P2 & 3 are the photos, Ex.P4 is the statement of PW2, Ex.P5 is the statement of PW3, Ex.P6 is the statement of PW4, Ex.P7 is the statement of PW5, Ex.P8 is the statement of PW6.



9. In support of its case the prosecution examined PW1, he deposed that, CW.6 is his mother, CW.7 is wife of his elder brother, he know CW.8 to 10, he know accused No.1 and 2 who are present before the Court, accused No.1 is his wife, is marriage took place with accused No.1 about 6 years back, we have no issues, for the last 4 years accused No.1 is residing in her parents house, about 4 years back there was quarrel between him and accused No.1 in connection with matrimonial life, on account of which, he went to police station, at that time, police took his signature on one paper, no incident took place as contended in Ex.P1 and he do not know contents of Ex.P1, no panchanama conducted in his presence.

10. PW2 deposed that, he know CW-1 is his son, he know CW-7 is his daughter-in-law, he know CW-1, 6 to 10, he know accused persons, he do not know anything about the incident in question and he has not



given any statement before the police about the incident in question.

11. PW3 deposed that, he know CW-1, 6, 7, 9 to 10, he know accused persons, he do not know anything about the incident in question and he has not given any statement before the police about the incident in question.

12. PW4 deposed that, he know CW-1, 6, 8 to 10, he know accused persons, he do not know anything about the incident in question and he has not given any statement before the police about the incident in question.

13. PW5 deposed that, he know CW-1, 6 to 8, 10, he know accused persons, he do not know anything about the incident in question and he has not given any statement before the police about the incident in question.

14. PW6 deposed that, he know CW-1, 6 to 9, he know accused persons, he do not know anything about



the incident in question and he has not given any statement before the police about the incident in question.

15. 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 deposed that, he do not know contents of his complaint, PW2 to 6 deposed that, they knows accused, they do not know incident, thus, they have not supported prosecution case, they deposed that, they do not know any thing about incident and they have not given any statement before the police, even PW1 being complainant went on to depose that, he do not know the contents of compliant. Further the prosecution has examined independent witnesses to prove its case but, no independent witnesses have supported the prosecution case.

16. 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 who is PW1 and PW2 to 6 have specifically deposed that, they do not know any thing about the incident, further PW2 to 6 are the independent witnesses they deposed before the court that, 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 persons as all the prosecution witnesses have turned hostile and they have not supported the prosecution case.

17. When complainant and 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 before the police. Thus, it is clear from the evidence of prosecution witnesses itself, that the prosecution failed to prove beyond all reasonable doubt that, accused persons have committed offences as alleged against them, it is clear that, the



prosecution utterly failed to prove its case beyond all reasonable doubts, and accused persons are entitle for benefit of doubt.

18. On careful scrutiny of entire prosecution evidence, it is clear that, no single ingredients of offences alleged against accused persons are 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.

19. 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 its worth.



But testimony is found to be wholly or thoroughly unreliable the whole of it has to be discarded.

20. In the case on hand, PW1 complainant, deposed before the court that no incident as alleged in the complaint took place, accused persons 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 persons are proved by the prosecution beyond all reasonable doubts and accused persons are entitle for benefit of doubts. Hence, I constrained to answer these point No.1 & 2 in the **Negative.**

21. POINT NO.3: In view of the findings on point No.1 & 2, I proceed to pass the following;

ORDER

Acting U/Sec.235(1) of Code
of Criminal Procedure, the accused
No.1 and 2 is hereby acquitted for



the offences P/U/Sec.307, 328, 284,
109 R/w 34 of IPC.

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

As per the PF No.16/2022,
dated 07.02.2022, Sl.No.1 one CD
worth Rs.00/-, and PF No.15/2022,
dated 07.02.2022, Sl.No.1 one CD
worth Rs.00/-, all are worthless,
hence order to be destroyed after
expiry of the appeal period.

(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 29th day of April - 2026)

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

ANNEXURE

Witnesses examined on behalf of prosecution:

PW1 : Vishwanath S/o Yamananna



- PW2 : Shankamma W/o Yamananna
PW3 : Ningannagouda S/o Chandappagouda
PW4 : Sridevi W/o Sharanagouda
PW5 : Shatagouda S/o Mallanagouda @
Madivalappagouda.
PW6 : Nanagouda S/o Shankaragouda

Documents marked on behalf of prosecution:

- Ex.P1 : Complaint
Ex.P1(a) : Signature of PW1
Ex.P2 & 3 : Photos
Ex.P4 : Statement of PW2
Ex.P5 : Statement of PW3
Ex.P6 : Statement of PW4
Ex.P7 : Statement of PW5
Ex.P8 : 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)