

KABI040003542018



**IN THE COURT OF THE I ADDL. CIVIL JUDGE & J.M.F.C.,
BALLARI**

**-.: PRESENT :- Sri Siddalingayya B. Gangadharamath,
B.Com. LL.B. (Spl),
I Addl. Civil Judge & J.M.F.C.,
Ballari.**

Dated: This the 07th Day of July 2026

C.C.NO.212/2018

**COMPLAINANT :- State By: Police Sub-Inspector,
Brucepet Police Station, Ballari**

(By the learned Assistant Public Prosecutor)

ACCUSED:-

1. Pradeep S/o Chandra Sekara, Age:38
years, R/o: H.No.9/11, Pattana Setti Street,
Near Jumma Maszid, Ballari.

2. Chanchaiah S/o Khasinatha, Age:38
years, R/o: Near MG Patel Nagar, Ballari.
(Dead)

(By Sri V.S., Advocate for A-1)

1.	Date of offence	28.06.2012 to 06.04.2016
2.	Date of final report	06.04.2016
3.	Arrest of accused	--
4.	Whether in custody	No

5.	Complainant	Smt. Thayamma
6.	Offences alleged	U/Sec.498(A), 323, 504, 506 R/w Sec.34 of IPC.
7.	Evidence commenced on	09.08.2023
8.	Evidence closed on	02.02.2026
9.	Date of judgment	07.07.2026
10.	Opinion of presiding officer	Found not Guilty
11.	Complainant represented by	Learned APP
12.	Accused represented by	Sri V.S Adv for A-1

(Siddalingayya B. Gangadharamath)
I Addl., Civil Judge & J.M.F.C.,
Ballari.

-:: JUDGMENT ::-

The Police Inspector of Brucepet Police Station, Ballari, has filed a charge-sheet against Accused No. 1 and 2 for alleged offences punishable under Sections 498(A), 504, 323, and 506, read with Section 34 of the Indian Penal Code.

**2. THE BRIEF ALLEGATIONS OF THE PROSECUTION
ARE AS UNDER:**

The fundamental allegation relates to the fact that CW-1 lodged the First Information Report, alleging that Accused No. 1 is her husband and that their marriage was solemnized on 24.06.2012 at Saleshwara Gudi Kalyanamatapa, Ballari. Post-marriage, he treated her affectionately for four days, but later began abusing her under the guise of demanding traditional treatment and status due to a son-in-law (ಅಳಿಯತನ). Although this issue was subsequently resolved through the intervention of CW-1's parents, Accused No. 1 resumed the ill-treatment, coercing and harassing CW-1 for money to set up an inverter shop in Ballari. In the process, continuous physical and mental cruelty was inflicted upon CW-1. In furtherance of their common intention, on 06.04.2016 at about 10:30 AM, when CW-1 and her brother went to Kotturuswamy Teachers College to retrieve her academic records, they discovered that Accused No. 1 had already taken them. Consequently, CW-1 and CW-4 proceeded to the residence of Accused No. 1, where they were verbally abused and physically assaulted with a stick by Accused No. 1 and 2. These comprise the primary allegations that led to the registration of the First Information Report and the subsequent police investigation.

3. The concerned police having registered the case, conducted the investigation and having found the sufficient materials/evidences, filed the charge-sheet against the accused persons, alleging that the accused have committed the offence punishable U/Section 498(A), 323, 504 and 506 R/w Section 34 of the Indian Penal Code. Consequent to the charge-sheet, this Court took the cognizance for the offence and issued summons to the accused persons. The accused persons were enlarged on bail as per the order of the Hon'ble Prl.District and Sessions Judge, Ballari in Crl.Misc.No.393/2017. The charge-sheet copies and the annexures to it were supplied to the accused persons in compliance of Sec.207 of Cr.P.C.

4. Having heard the accused persons and having found the sufficiency of materials to constitute the offences, this Court framed the charge. The same was read over to accused persons in their language. The accused persons pleaded no guilty and claimed to try. Therefore, the matter posted for recording of evidence of prosecution and recorded accordingly.

5. During the course of trial, the accused No.2 is reported to be dead. Hence, as per the order dated 13.10.2025, the case against the accused No.2 is abated.

6. During trial, prosecution relied in all 14 witnesses, out of them 08 witnesses are examined as PW-1 to PW-08. In support of oral evidence, the prosecution got marked 12 documents as per Ex.P-1 to Ex.P-12 and closed its side. Thereafter, recorded the statement of accused No.1 in terms of Section 313 of Cr.P.C, by explaining incriminating evidence adduced against him. He denied the same. He did not produce and adduce any kind of evidence by way of defence.

7. On the basis of charge-sheet allegations, oral and documentary evidence adduced by the prosecution, the following points arise for my consideration.

-:: POINTS:-

1. Whether the prosecution proves beyond all reasonable doubt that Accused No. 1 mentally and physically harassed CW-1 to extort money from her paternal home, and thereby committed an offence punishable under Section 498(A) read with Section 34 of the IPC?
2. Whether the prosecution proves beyond all reasonable doubt that on 06.04.2016 at about 04:00 PM, Accused Nos. 1 and 2, in furtherance of their common intention, intentionally insulted CW-1 and CW-4 with

abusive language to provoke a breach of public peace, and thereby committed an offence punishable under Section 504 read with Section 34 of the IPC?

3. Whether the prosecution proves beyond all reasonable doubt that on the aforesaid date, time, and place, Accused Nos. 1 and 2, in furtherance of their common intention, and specifically Accused No. 2, assaulted CW-4 with a stick on his back and hands, voluntarily causing bodily pain, and thereby committed an offence punishable under Section 323 read with Section 34 of the IPC?

4. Whether the prosecution proves beyond all reasonable doubt that Accused Nos. 1 & 2, in furtherance of their common intention, criminally intimidated CW-1 and CW-4 by threatening their lives and thereby committed an offence punishable under Section 506 read with Section 34 of the IPC?

5. What order or sentence?

8. Heard the learned Assistant Public Prosecutor and the learned counsel appearing for the accused. Having

perused the oral and documentary evidence adduced by the prosecution, my findings on the above points are as under;

POINTS

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 : As per final order,
for the following:

-:: REASONS ::-

9. Point No.1 to 4:- Since all these points are interconnected and arise from the same set of facts and evidence, they are taken up together for common discussion. To avoid repetition of facts and duplication of reasoning, this Court shall discuss all these points simultaneously.

10. Accused No. 1 is the husband of CW-1 and Accused No. 2 was his friend. Accused No. 2 passed away after the commencement of the recording of evidence, consequently, the trial abated against him and the further process of the trial proceeded against Accused No. 1 alone. According to the prosecution's allegations, Accused No. 2 was a friend of Accused No. 1 and had assaulted CW-1 and CW-4 with the alleged weapon, a stick marked as MO-1, when they

approached Accused No. 1 to request the return of educational certificates belonging to CW-1.

11. To prove the guilt of the Accused, the prosecution cited 14 witnesses in the charge-sheet but examined only 08 witnesses, marked as PW-1 to PW-8. CW-1/PW-1 is the complainant, who deposed in support of her first information report marked as Ex.P1. However, she failed to appear for cross-examination. Consequently, this Court recorded vide order dated 07.04.2026 that CW-1/PW-1 did not tender herself for cross-examination. Therefore, in view of the settled proposition of law, her incomplete examination-in-chief cannot be considered as valid evidence in the eye of law.

12. The CW-4/PW-2 is the brother of CW-1, and he deposed in support of the prosecution's case. CW-7 is a hearsay witness who was examined as PW-3 and he also supported the prosecution's case. CW-10 and CW-11 are the eyewitnesses who allegedly intervened during the quarrel between Accused Nos. 1 and 2 and CW-1 and CW-4, which allegedly took place on 06.04.2016 at 04:00 PM near the residence of Accused No. 1. However, they turned hostile and did not support the case of the prosecution.

13. CW-12/PW-7 is the Investigating Officer who registered the First Information Report. CW-13/PW-5 is the Investigating Officer who conducted a part of the investigation

and subsequently handed over the case file to CW-14 for further investigation. CW-14/PW-4 is the Investigating Officer who completed the investigation and filed the charge-sheet before this Court.

14. To corroborate the oral testimonies of the prosecution witnesses, the prosecution led documentary evidence marked as Ex.P1 to Ex.P12. Ex.P1 is the First Information, and Ex.P2 is the spot-cum-seizure mahazar through which the alleged weapon, MO-1, was seized by the investigation team. Ex.P3 is a photograph allegedly captured during the drawing of the spot mahazar. Ex.P4 to Ex.P6 are the photographs pertaining to the marriage of Accused No. 1 and CW-1. Ex.P7 and Ex.P8 are the marriage invitation cards of Accused No. 1 and CW-1. Ex.P9 is the spot sketch of the complainant's residence. Ex.P10 and Ex.P12 are the contradiction statements of hostile eyewitnesses CW-10 and CW-11, recorded by the Investigating Officer. Ex.P11 is the formal First Information Report.

15. The fundamental allegations as per the First Information lodged by CW-1, marked as Ex.P1, reveal that Accused No. 1 and CW-1 entered into a marital tie, following which Accused No. 1 allegedly harassed her for money to set up an inverter business in Ballari. In that regard, he subjected her to mental and physical cruelty, however, there is no separate specific instance or initiation detailed for the

said allegations. The core of the allegations can be gathered from paragraph No. 2 of Ex.P1, which led to the filing of the charge-sheet for the offences punishable under Sections 323, 504 and 506 read with Section 34 of the IPC. The said allegations disclose that Accused No. 1 took all the educational certificates of the complainant from her college without her permission or consent. Consequently, she proceeded to the residence of Accused No. 1 along with her brother, CW-4, to retrieve her certificates. At that time, Accused Nos. 1 and 2 used vulgar language and abused CW-1 and CW-4 with an intent to provoke a breach of public peace. Apart from that, Accused Nos. 1 and 2, in furtherance of their common intention, used the weapon marked as MO-1 to assault CW-1 and CW-4. These combined allegations form the basis of the charges under trial.

16. Section 498(A) of the Indian Penal Code constitutes the primary allegation, which, as per the statutory provision, penalizes cruelty inflicted upon a married woman by her husband or his relatives. The explanation annexed to the said provision defines 'cruelty' as any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to her life, limb, or health, whether mental or physical. It further encompasses harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security.

17. In order to bring home the charge under Section 498(A) of the IPC, cruelty is the essential ingredient that must be proved by the prosecution. In the case on hand, Ex.P1 is completely silent regarding any specific instances of the alleged cruel acts, physical or mental torture or harassment by Accused No. 1. Only generalized allegations are brought forth in Ex.P1, which have been verbatim replicated in the charge-sheet as well. In this connection, this Court's attention turns to the oral evidence of the prosecution witnesses. CW-1 was examined as PW-1 and deposed that her marriage took place with Accused No. 1 on 24.06.2012. She alleged that on account of not observing the traditional custom of aliyatana (અલિયતને), her husband assaulted her. This was communicated to CW-4 to CW-6, following which the parents of CW-1 complied with the said custom and thereafter, Accused No. 1 took her back to the matrimonial home. Subsequently, Accused No. 1 and CW-1 lived a cordial and blissful marital life. CW-1 further deposed that while planning to set up an inverter shop, Accused No. 1 demanded money and in the process, verbally abused and physically assaulted her. However, this witness did not turn up for the test of cross-examination. Therefore, in view of the settled position of law, her incomplete testimony carries no legal weight and cannot be looked into to conclude the guilt of the Accused. It can only be taken into account to understand the nature of the allegations made against the Accused.

18. The brother of CW-1, namely CW-4, was examined as PW-2. He also deposed that on account of traditional customary disputes, CW-1 was subjected to mental and physical torture and further testified regarding the demand of money by Accused No. 1 to set up an inverter business. However, the cross-examination of this witness reveals that CW-1 continued her studies even after her marriage to Accused No. 1 and that Accused No. 1 had permitted her to pursue her education and secured her admission to the college. This witness also claimed ignorance regarding the care and financial support provided by Accused No. 1 while CW-1 attended college. Furthermore, he denied the defense suggestions regarding the demand made to the accused no.1 for four lakh rupees, when the latter came to invite or take CW-1 back to the matrimonial home. He also denied the suggestions that no incident took place on 06.04.2016 and that Accused No. 1 did not unauthorizedly obtain the educational records of CW-1.

19. The CW-7 is a hearsay witness who was examined as PW-3. He deposed that Accused No. 1 and CW-1 were married on 24.06.2012. He testified that they happily led their married life for about four to five days, but later, an issue arose regarding aliyatana (અણિયતન), a custom that was not initially carried out by the parents of CW-1, which resulted in quarrels between Accused No. 1 and CW-1. He further deposed that Accused No. 1 demanded money to set

up an inverter shop and in that regard, subjected her to mental and physical torture. He also deposed that he attended a conciliation meeting held between CW-1 and Accused No. 1. However, during his cross-examination, this witness admitted that he did not know whether Accused No. 1 and his father already owned an inverter and electrical shop even prior to the marriage. He also admitted that the father and mother of the Accused were employed, but denied the suggestion that there was no requirement or demand for money by Accused No. 1 from CW-1.

20. On a careful reading of the evidence of the aforesaid witnesses, it appears that CW-4 is the biological brother of CW-1 and CW-7 is a close friend of CW-4. They share a common interest against Accused No. 1 to ensure he is prosecuted. CW-7 is merely a hearsay witness who lacks personal knowledge regarding the allegations of physical and mental torture, as well as the alleged demand for money. Furthermore, CW-1, though examined-in-chief, failed to tender herself for cross-examination, therefore, her evidence cannot be legally considered. Conversely, the admissions made by CW-4 reveal that Accused No. 1 took care of CW-1, permitted her to continue her education after their marriage, bore her educational expenses and accompanied her to college. This clearly demonstrates the positive conduct of Accused No. 1 and the harmonious matrimonial life shared with CW-1. Therefore, the allegations regarding mental and

physical torture on account of not following traditional customs or demanding money to set up an inverter business are completely vague, omnibus and without substance. No specific particulars or dates have been provided either in the complaint or in the oral evidence and no corroborative evidence was brought forth during the investigation. Thus, in the considered opinion of this Court, the allegations regarding the mental and physical torture of CW-1 are uncorroborated and have not been established by the prosecution beyond all reasonable doubt.

21. As regards the second set of allegations concerning the incident that took place on 06.04.2016 at about 04:00 PM in front of the residence of Accused No. 1, the prosecution contends that Accused Nos. 1 and 2 jointly assaulted CW-1 and CW-4. The witnesses had reportedly gone there to retrieve the educational certificates of CW-1, which were allegedly obtained by Accused No. 1 from her college. However, the investigation is completely silent as to how or why the college where CW-1 was studying released her educational certificates or records to Accused No. 1. Furthermore, the complaint lodged by CW-1 is entirely silent regarding the specific nature of the documents taken by Accused No. 1, or why it was absolutely necessary for her to confront him to retrieve them. In the absence of this foundational fact, the very basis of these allegations appears to be highly doubtful and unsustainable.

22. However, the charge-sheet reveals that Accused Nos. 1 and 2 did assault and strike CW-1 and CW-4 with MO-1, and used vulgar language against them. According to the prosecution, the bystanders present at the spot intervened and rescued CW-1 and CW-4 from the hands of Accused Nos. 1 and 2. To prove this occurrence, the prosecution relied on the evidence of CW-1, CW-4, CW-7, CW-10, and CW-11. Although CW-1 appeared and tendered her examination-in-chief as PW-1, she failed to appear for cross-examination. Therefore, her evidence is immaterial for concluding the allegations leveled against the Accused persons. CW-4 was examined as PW-2 and deposed that on 06.04.2016 at about 04:00 PM, Accused Nos. 1 and 2 picked a quarrel with him and CW-1, assaulted them with MO-1 and used vulgar words. He further testified that the situation was witnessed by individuals present at the spot. Lastly, CW-7 was examined as PW-3. However, he is a hearsay witness who deposed regarding the alleged incident by stating it took place in the year 2017, based on information he gathered from CW-1 and CW-4.

23. On a cumulative reading of the evidence of CW-4 and CW-7, alongside the First Information Report/Ex.P1 and the Spot-cum-Seizure Mahazar/Ex.P2, it appears that the alleged incident on 06.04.2016 at 04:00 PM in front of the residence of Accused No. 1 was not only witnessed by interested witnesses or victims, but also by members of the

public who had gathered at the spot and intervened in the situation. To establish this fact, the prosecution relied upon the testimonies of CW-10 and CW-11, citing them as independent eyewitnesses who intervened during the alleged quarrel between Accused Nos. 1 and 2 and CW-1 and CW-4. However, CW-10, who was examined as PW-6, turned completely hostile to the case of the prosecution. Despite being subjected to a searching cross-examination by the learned Assistant Public Prosecutor with the permission of this Court, he did not state anything to support the prosecution's case. Likewise, CW-11 was examined as PW-8, and he also turned hostile, refusing to support the prosecution's case.

24. On a corollary reading of the evidence of all the material witnesses, it is apparent that none of the independent witnesses have supported the prosecution's case or deposed before this Court regarding the alleged altercation between Accused Nos. 1 and 2 and CW-1 and CW-4 on 06.04.2016 at 04:00 PM. The only witnesses who spoke regarding the incident are CW-1, CW-4, and CW-7. CW-1, though she entered the witness box, failed to tender herself for cross-examination. Therefore, her evidence is of no avail to the prosecution to establish the guilt of Accused Nos. 1 and 2. The other witness, namely CW-4, is the biological brother of CW-1 and is admittedly an interested witness whose evidence must be subjected to careful scrutiny and considered only

with independent corroboration. On a careful scrutiny of his deposition, he stated that certain bystanders intervened and witnessed the situation. However, the individuals cited as eyewitnesses and intervenors turned hostile. Thus, there is a complete lack of corroboration and consistency among the prosecution witnesses regarding the alleged incident on 06.04.2016. Consequently, in the considered opinion of this Court, the prosecution has failed to bring home the guilt of the Accused persons beyond all reasonable doubt for the allegations of voluntarily causing hurt, criminal intimidation, and intentional insult to provoke a breach of public peace.

25. The Investigating Officers, namely CW-12, CW-13, and CW-14, were examined as PW-7, PW-5, and PW-4 respectively. They deposed regarding the investigation they conducted and the steps taken to lay charges against the Accused persons. Their investigation depended entirely upon the statements of the eyewitnesses, the victims and the hearsay witness. In the case on hand, the primary victim and eyewitness, CW-1, did not turn up for cross-examination. Therefore, her evidence is of no legal consequence. The other victim, namely CW-4, though examined, has no independent corroboration. Since he is an interested witness, great caution must be exercised while evaluating his evidence to determine the alleged guilt of the Accused persons. CW-7 is merely a hearsay witness who deposed solely on the basis of information gathered from CW-4. Furthermore, the

independent corroborative witnesses, namely CW-10 and CW-11, turned completely hostile and did not support the case of the prosecution. Therefore, the entire investigation carried out by the police and the subsequent evidence placed before this Court are filled with contradictions, giving rise to serious doubtful circumstances that completely dismantle the allegations set forth by the prosecution.

26. In light of the aforesaid observations, this Court is of the opinion that the prosecution has failed to prove the alleged guilt of the Accused persons beyond all reasonable doubt. The prosecution has also failed to produce the vital documentary evidence necessary to substantiate the alleged criminal acts of the Accused. Under these circumstances, the Accused persons are fully entitled to the benefit of doubt. Accordingly, **Point Nos. 1 to 4** are answered in the **Negative**.

27. Point No.5:- As a result, this Court proceeds to pass the following:

:-: ORDER :-:

Acting Under Section 248(1) of Criminal Procedure Code, the accused No.1 is hereby acquitted for the offences punishable U/Sec.498(A), 323, 504 and 506 R/w 34 of IPC.

Bail bond and surety bond of accused person stands canceled after

period of 6 months from the date of this Judgment.

The property seized in this case at MO.1 i.e., stick being worthless, is ordered to be destroyed after expiry of appeal period.

(Dictated to the stenographer, transcribed and typed by her, corrected by me and then pronounced in the open court on this the **07th day of July, 2026**)

**(Siddalingayya B. Gangadharamath)
I Addl. Civil Judge & JMFC.,
Ballari.**

-:: ANNEXURE ::-

1. LIST OF WITNESSES EXAMINED FOR PROSECUTION:-

PW-1 : Smt.Tejaswini
PW-2 : Sri Kiran Kumar
PW-3 : Sri Bheemappa
PW-4 : Sri Sreedhar Doddi
PW-5 : Sri C.K.Gangaiah
PW-6 : Sri K.Rangaswamy
PW-7 : Sri Vasanth Kumar .M
PW-8 : Sri Venkatesh

2. LIST OF DOCUMENTS MARKED FOR PROSECUTION:-

Ex.P-1 : First information report of CW.1
Ex.P-1(a & b): Signature of PW.1 and 7
Ex.P-2 : Spot panchanama
Ex.P-2(a) : Signature of PW.1
Ex.P-2(b) : Signature of PW.5

Ex.P-3-6 : Photographs
Ex.P-7-8 : Marriage Invitation Cards
Ex.P-9 : Spot Sketch
Ex.P-9(a) : Signature of PW.4
Ex.P-10 & 12: Statements of witnesses
Ex.P-11 : FIR
Ex.P-11(a) : Signature of PW.7

3. LIST OF WITNESSES EXAMINED FOR ACCUSED:-

- Nil -

4. LIST OF DOCUMENTS MARKED FOR ACCUSED:-

- Nil -

5. LIST OF MATERIAL OBJECTS MARKED:-

MO.1 : Stick

**I Addl. Civil Judge & JMFC.,
Ballari.**

