

KA14010025012022



**IN THE COURT OF THE II ADDL. DISTRICT & SESSIONS
JUDGE, SHIVAMOGGA**

Present:

Smt. PREETHI K.P.

B.A., LL.M.

II Addl. District & Sessions Judge,
Shivamogga

Dated this the 27th day of July, 2026.

Spl.C.No.495/2022

Complainant: The State – through
Deputy Superintendent of Police,
Shivamogga Sub Division,
Shivamogga.

(Women Police Station, Shivamogga)

(By learned Public Prosecutor,
Shivamogga)

Versus

Accused:

1. Punith,
s/o Annappa,
Aged about 36 years,
Labourer,
R/at Kashipura,
1st cross,
Shivamogga town.
2. Smt. Chitramma @ Chitra,
w/o Annappa,

Aged about 58 years,
Labourer,
R/at Kashipura,
1st cross,
Shivamogga town.

(A.1 by Sri.Gopalakrishna Y, Advocate,
A.2 by Sri. Gangadhara S., Advocate)

1. Date of commission of offence : On 15.07.2022.
2. Date of report of occurrence : On 25.05.2022 at about 19.50 hours.
3. Name of the complainant: : Smt. Drakshayini.
4. Offence complained of : Under Sections 114, 498A, 323, 506 read with section 34 of IPC and Section 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act.
5. Date of arrest of the accused: : A.1 and 2 are on bail.
6. Date of commencement of trial : 20.07.2026.
7. Date of closing of trial : 23.07.2026.
8. Opinion of the Judge : Accused found not guilty.

JUDGMENT

The Deputy Superintendent of Police, Shivamogga Sub Division, Shivamogga has filed charge-sheet against accused No.1 and 2 for the offence punishable under Sections 114, 498A, 323, 506 read with section 34 of IPC and Section 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act.

2. The brief facts of the prosecution case are that, accused No.1 and first informant-Smt Dakshayani are loving each other and got married. For about 4 months accused No.1 and first informant resided in Shivani village. Accused No.2 took the first informant and accused No.1 to her house situated in 1st Cross, Kashipura at Shivamogga town. On 23.05.2017 their marriage was registered in the office of Sub Registrar at Shivamogga. When first informant was residing with accused No.1 and 2, accused No.2 started harassing her in household work and both accused insisted her to go for job. About 6 months, they resided in Kashipura and thereafter, accused No.1 and first informant shifted their residence to the house of CW.8-Ravi Kumara N.T. on rent which is situated in 6th Cross, Indiranagara Extension, Gurupura of Shivamogga Taluk. First informant was working in Peps Bed Showroom. About 2 years back, accused No.1 purchased TVS Apachi bike by borrowing loan from TVS Credit Service Limited in his name and towards down payment, first informant has given Rs.40,000/- to accused No.1. First informant had also given Rs.18,000/- to accused No.1 for purchase of mobile. About 1 year back, accused No.2 pestered the first informant, hence

she had given her gold ornaments measuring 17 grams to accused No.1 and accused No.1 by pledging the said ornaments had taken loan of Rs.52,500/- from Muthoot Finance situated in Hole bus stand at Shivamogga and accused No.1 had not get released the said ornaments. It is alleged that accused No.1 came in acquaintance with the friend of first informant CW.7 and chatting with her and also roaming with her. When the same was questioned by the first informant with the accused No.1, on 06.04.2022 in the evening, the accused No.1 and 2 poured sambar on the right thigh of first informant and criminally intimidated her. On 21.5.2022 first informant took treatment in Mc.Gann hospital. It is alleged that on 17.5.2022 at around 9.30 a.m., accused No.2 came to the house of first informant and abused her in filthy words by taking her caste name as “ಈ ಬ್ಯಾಡಗಿತ್ತಿ ಹಾಗೂ ಬ್ಯಾಡಮುಂಡೆ, ನಾಯಿ ಜಾತಿಗೆ ಸೇರಿದವಳ ಜೊತೆ ನೀನು ಏಕೆ ಜೀವನ ಮಾಡುತ್ತೀಯಾ, ಇಂಥಾ ಸೂಳೆ ಮುಂಡೆಯವರು ಬೇಕಾದಷ್ಟು ಜನ ಇದ್ದಾರೆ, ಇವಳ್ಯಾಕೆ ನಿನಗೆ ಬೇಕು ಇವಳನ್ನು ಮದುವೆಯಾಗಿರುವುದಕ್ಕೆ ನಮ್ಮ ಮನೆಯಲ್ಲಿ ಏನು ಇಲ್ಲದಂತಾಗಿದೆ ”. Even accused No.1 also abused the first informant in filthy words by taking her caste name as “ಬ್ಯಾಡಮುಂಡೆ, ನಾಯಿ ಜಾತಿಗೆ ಸೇರಿದವಳು ”. both accused No.1 and 2 dragged first informant by holding her tuft. On the same day at around 5.30 p.m., at the instigation of accused No.2, accused No.1 eloped with friend of first informant CW.7. Hence the complaint.

3. CW.22- C.B.Jayanthi Wasi, PSI., Women PS., Shivamogga has received complaint from the first informant and registered a case in Cr.No.41/2022 against the accused No.1 and 2 for the aforesaid

offences and sent FIR to the court. The investigation was continued by CW.23- Balaraju, Dy.S.P., he conducted entire investigation of the case and on completion of investigation, laid the charge sheet against the accused No.1 and 2 for the offence punishable under Sections 114, 498-A, 323, 506 read with section 34 of IPC and Section 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act.

4. This court being a Special court designated to try the cases under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, on perusal of the charge sheet, found sufficient material against the accused and hence cognizance was taken and the case was registered. Section 207 of Cr.P.C. was complied by furnishing the copy of the final report to the accused. After hearing the learned Public Prosecutor representing the State and the learned counsel for the accused, charge was framed for the offence punishable under Sections 498-A, 323, 504, 506, 114 read with section 34 of IPC and Section 3 (1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act. The accused No.1 and 2 pleaded not guilty and claimed to be tried.

5. To bring home guilt of the accused, prosecution out of 23 cited witnesses, got examined 4 witnesses as PW.1 to PW.4, got marked the documents at Ex.P.1 to Ex.P.10. Considering the evidence of PW.1 to PW.4, this court is of the opinion that no purpose would be served by examining the remaining witnesses. In order to save the valuable time of the court and also valuable time of the witnesses, the remaining witnesses have been dropped by

rejecting the prayer of learned Public Prosecutor in view of the decision reported in **1996(3) Crimes 85 (SC)** and recording of statement of accused u/s.313 Cr.P.C. is also dispensed with, as no incriminating statements were appearing.

6. I have heard the learned Public Prosecutor for the State and also learned counsel for the accused. I have carefully perused the material available on record. The points that would arise for my consideration are:

1. Whether the prosecution proves beyond all reasonable doubt that accused No.1 and first informant-Smt Dakshayani are loving each other and got married and for about 4 months, accused No.1 and first informant resided in Shivani village and accused No.2 took the first informant and accused No.1 to her house situated in 1st Cross, Kashipura at Shivamogga town and on 23.05.2017 their marriage was registered in the office of Sub Registrar at Shivamogga, when first informant was residing with accused No.1 and 2, accused No.1 and 2 with common intention used to harass her both physically and mentally hence accused No.1 and first informant shifted his residence to the house of CW.8-Ravi Kumara N.T. on rent which is situated in 6th Cross, Indiranagara Extension, Gurupura of Shivamogga Taluk, first informant was working in Peps Bed Showroom, about 2 years back, accused No.1 purchased TVS Apache bike by borrowing loan from TVS Credit Service Limited in his name and towards down payment, first informant has given Rs.40,000/- to accused No.1, first informant had also given Rs.18,000/- to accused No.1 for purchase of mobile and about 1 year back, accused No.2 pestered the first informant, hence she had given her gold

ornaments measuring 17 grams to accused No.1, accused No.1 by pledging the said ornaments had taken Rs.52,500/- from Muthoot Finance situated in Hole bus stand at Shivamogga and accused No.1 had not get released the said ornaments and accused No.1 by hearing the ill-advise of accused No.2, developed intimacy with CW.7-Sheeba Alizabeth, used to chat with her, call and roaming with her and when same was questioned by first informant, accused physically harassed first informant and subjected her to cruelty and thereby, accused No.1 and 2 have committed the offence punishable under section 498-A read with section 34 of IPC?

2. Whether the prosecution further proves beyond all reasonable doubt that on 06.04.2022 in the house of accused No.1 and first informant situated in 6th Cross, Indira Nagara Extension, Gurupura, Shivamogga town, in furtherance of common intention, accused No.1 and 2 poured hot sambar on the right thigh of first informant and on 17.05.2022 at around 9.30 a.m., accused No.1 and 2 in furtherance of common intention, pulled the tuft of first informant and assaulted her and voluntarily caused hurt and thereby, accused No.1 and 2 have committed the offence punishable under section 323 read with section 34 of IPC?
3. Whether the prosecution further proves beyond all reasonable doubt that on 06.04.2022 in the house of accused No.1 and first informant situated in 6th Cross, Indira Nagara Extension, Gurupura, Shivamogga town, in furtherance of common intention, accused No.1 and 2 criminally intimidated the first informant and thereby, committed an offence punishable under section 506 read with section 34 of IPC?

4. Whether the prosecution further proves beyond all reasonable doubt that on 17.05.2022 at around 9.30 a.m., in the aforesaid place, accused No.1 and 2 with an intent to insult first informant and knowing that such insult would provoke her to break public peace abused her in filthy words and thereby accused has committed the offence punishable under section 504 read with section 34 of IPC?
5. Whether the prosecution further proves beyond all reasonable doubt that accused No.2 abetted accused No.1 to elope with CW.7 and thereby, accused No.2 has committed the offence punishable under section 114 of IPC?
6. Whether the prosecution further proves beyond all reasonable doubt that on 17.05.2022 at around 9.30 a.m., in the aforesaid place, in furtherance of common intention, accused No.1 and 2 not being the members of Scheduled Caste and Scheduled Tribe, knowing fully well that, the first informant is a member of 'Valmiki' community of Scheduled Tribe, intentionally abused her referring her caste; insulted and intimidated with intent to humiliate her, in the public place, within public view, thereby accused No.1 and 2 have committed an offence punishable under Section 3(1)(r) of SC/ ST (POA) Act read with section 34 of IPC?
7. Whether the prosecution further proves beyond all reasonable doubt that on the above said date, time and place, in furtherance of common intention, accused No.1 and 2 not being the members of Scheduled Caste and Scheduled Tribe, knowing fully well that, the first informant is a member of 'Valmiki' caste which is the Scheduled Tribe, by taking her caste name as "ಬ್ಯಾಡಗಿತ್ತಿ.. ಬ್ಯಾಡಮುಂಡೆ ..ಬ್ಯಾಡಮುಂಡೆ, ನಾಯಿ ಜಾತಿಗೆ ಸೇರಿದವಳು " a within public view, thereby

accused No.1 and 2 have committed the offence punishable u/s 3(1)(s) of SC/ST (POA) Act read with section 34 of IPC?

8. Whether the prosecution further proves beyond all reasonable doubt that, on the above said date, time and place, in furtherance of common intention, accused No.1 and 2 not being the members of Scheduled Caste or Scheduled Tribe, committed the offence punishable under section 323, 506 of IPC specified under the schedule of SC/ST (POA) Act against the first informant, on the ground that she is a member of 'Valmiki' Caste, which is the Scheduled caste and thereby accused have committed the offence punishable under Section 3(2)(va) of SC/ST (POA) Act read with section 34 of IPC?

9. What order?

7. My findings on the above points are as under:

Point No.1 to 8: In the negative;

Point No.9: As per final order for the following:

REASONS

8. **Point No.1 to 8:** In order to avoid repetition, I have taken these points for my common discussion.

9. As per the case of the prosecution, the accused No.1 married PW.1 and it was a love marriage. For four months, they led happy marital life and thereafter, accused No.1 and 2 started harassing PW.1 both physically and mentally on domestic matters and also abusing her in filthy words by taking her caste name and also insisted her to go for job. It is alleged that the accused No.1 had

purchased bike by taking loan and first informant had given Rs.40,000/- towards down payment and also gave Rs.18,000/- to purchase mobile to accused No.1. Further, accused No.1 by pledging gold ornaments of first informant in Muthoot Finance at Shivamogga had taken loan of Rs.52,500/-. Further, accused No.1 having close acquaintance with the friend of first informant and when the same was questioned by first informant with accused No.1, both accused poured sambar on her right thigh and criminally intimidated her and on 17.5.2022, accused No.2 came to the house of first informant and both accused No.1 and 2 abused her in filthy words by taking her caste name, dragged her by holding her tuft and on the same day at around 5.30 p.m., accused No.2 assisted accused No.1 to elope with the friend of first informant.

10. In order to prove the case of the prosecution, first informant-Drakshayani is examined as PW.1. PW.2-Gnanamurthy is the brother of first informant. PW.2, PW.3-Ramamurthy and PW.4-Drakshayani are stated to be eye-witnesses.

11. This case being tried by the Special Court, designated to try the offences under SC/ST Act, the prosecution has to establish the caste of first informant and accused. In order to prove the caste of the first informant and accused No.1 and 2, the prosecution has produced report of Tahasildar as to the caste relating to first informant and accused No.1 and 2 which were marked with consent as Ex.P.6 to Ex.P.8. Ex.P.6 depicts that first informant belongs to Nayaka caste which comes under scheduled tribe and Ex.P.7 shows

that accused No.1 belongs to Modaliyar caste. Ex.P8 depicts that accused No.2 belongs to Tamilu Modaliyar caste. Hence without hesitation, this court holds that the prosecution has successfully proved the caste of the first informant and accused No.1 and 2.

12. PW.1 – Dakshayani has deposed in her evidence that, accused No.1 is her husband, accused No.2 is her mother-in-law, CW.2 is her brother, CW.3 is her uncle and CW.3 passed away. 8 years back, accused No.1 married her. She belongs to Valmiki caste, which comes under Scheduled caste. Accused belongs to Tamil Modaliyar caste. Accused did not subject her to mental and physical cruelty. Accused did not made caste abuse and not abused her in filthy words. Accused had not criminally intimidated her.

PW.1 has not supported the case of prosecution and turned hostile. Even in the cross-examination by learned Public Prosecutor, she has denied entire case of the prosecution.

13. PW.2-Jnanamurthy has deposed in his evidence that, PW.1 is his younger sister. Accused did not trouble PW.1. He has not given statement before the I.O. by stating that he had witnessed the incident.

PW.2 has not supported the case of prosecution and turned hostile. Even in the cross-examination by learned Public Prosecutor, he has denied entire case of the prosecution.

14. PW.3-Ramamurthy and PW.4-Smt.Dakshayini w/o Govindaraju have testified in their chief examination that they do not know about the incident. They have not witnessed the incident. They have not given statement before the I.O. by stating that they had witnessed the incident.

PW.3 and PW.4 have not supported the case of prosecution and turned hostile. Even in the cross-examination by learned Public Prosecutor, they have denied entire case of the prosecution.

15. I have carefully examined the entire evidence of the prosecution witnesses and material available on record. It is the case of the prosecution that accused knowingly fully well that the first informant belongs to scheduled caste subjected her to cruelty both physically and mentally and abused her in filthy words by taking her caste name and dragged her by holding her tuft and criminally intimidated her. The first informant who is examined as PW.1 has not stated anything incriminating against the accused. She deposed that accused did not physically and mentally subjected her to cruelty. She further deposed that accused had not made caste abuse and not criminally intimidated her. Accused did not abused her in filthy words. She has not given complaint against the accused. She does not know the contents of Ex.P.1- complaint and Ex.P.2 -mahazar. PW.2 to 4 have stated in their evidence that they have not witnessed any incident and they do not know about the incident. They have given complete go-bye to the case of prosecution. Though PW.1 to PW.4 were subjected to cross-examination by the learned Public

Prosecutor, nothing worth has been elicited incriminating against accused No.1 and 2. PW.1 to PW.4 turned hostile and not supported the case of prosecution. Hence, absolutely there is no evidence against accused No.1 and 2 and the charges leveled against the accused have not been proved by placing cogent and satisfactory evidence. Under these circumstances, the prosecution has failed to prove the guilt of the accused No.1 and 2 beyond all reasonable doubt for the offences punishable under Sections 498-A, 323, 506, 504, 114 read with section 34 of IPC and Section 3 (1)(r), 3(1)(s), 3(2)(va) of SC and ST (POA) Act. Accordingly, points No.1 to 8 are answered in the negative.

16. **Point No.9:** In view of my answer to point No.1 to 6 in the negative and for the reasons stated above, I proceed to pass the following:

ORDER

Acting under Section 235 (1) of Cr.P.C., accused No.1-Punith and accused No.2 – Chitramma @ Chitra are hereby acquitted of the offence punishable under Sections 498-A, 323, 506, 504, 114 read with section 34 of IPC and Section 3(1)(r), 3(1)(s), 3(2)(va) of SC and ST (POA) Act.

The bail bond of the accused No.1 and 2
and that of their surety shall stand cancelled.

(Dictated to the Stenographer Grade-III on computer, typed by her,
corrected and then pronounced by me in the Open court, on this the 27th
day of July, 2026)

(Preethi K.P.)
II Addl. District & Sessions Judge
Shivamogga.

ANNEXURE

List of witnesses examined for the prosecution:

PW.1 : Drakshayani.
PW.2 Gnanamurthy.
PW.3 Ramamurthy.
PW.4 Drakshayani.

List of witnesses examined for the accused:

NIL

List of documents exhibited for the prosecution:

Ex.P.1: Complaint.
Ex.P.1(a): Signature of PW.1.
Ex.P.2: Spot mahazar.
Ex.P.2(a): Signature of PW.1.
Ex.P.3 : Photograph.
Ex.P.4: Statement of PW.1.

- Ex.P.5: Statement of PW.2.
- Ex.P.6: Report of Tahasildar, Shivamogga as to the caste relating to first informant.
- Ex.P.7: Report of Tahasildar, Shivamogga as to the caste relating to accused No.1.
- Ex.P.8 : Report of Tahasildar, Shivamogga as to the caste relating to accused No.2.
- Ex.P.9 : Statement of PW-3.
- Ex.P.10 : Statement of PW-4.

List of documents exhibited for the accused:

-Nil-

List of material objects marked for the prosecution:

-Nil-

(Preethi K.P.)
II Addl. District & Sessions Judge
Shivamogga.