



**IN THE COURT OF II ADDITIONAL DISTRICT AND
SESSIONS JUDGE AT TUMAKURU.**

Dated this the 16th day of July 2026

Present : **Smt. N.Narasamma., B.A.L., LLB.,**
II Additional District and
Sessions Judge,Tumakuru.

S.C.No.61/2025

Complainant: State by Women Police, Tumakuru.

(By learned Public Prosecutor)

- versus -

Accused : 1.Aman Ulla,
S/o Noorulla,
Aged about 24 years,
R/at Near Arfath Masjid,
Rajeev Gandhi Nagara,
Tumakuru Town,
Tumakuru Dist.

2.Thabassum. A
D/o Akram Pasha
Aged about 21 years
R/at 17th Cross,



P H Colony,
Kundarayana Palya,
Tumakuru Town.

(By Sri. ZK., Advocate)

1	Date of commission of offence	11.03.2024
2	Date of report of occurrence	20.06.2021 to 13.12.2023
3	Whether accused persons are on bail or in judicial custody.	Accused No.1 & 2 are on bail
4	If in judicial custody, from which date:	--
5	Date of framing Charge	26.11.2025
6	Date of commencement of trial.	06.07.2026
7	Date of closing of trial.	10.07.2026
8	Name of the complainant.	Smt. Saniya N
9	Offences charged.	U/s. 498A, 323, 324, 109, 307,



504, 506 r/w Sec. 34 of IPC &
Sec.3 & 4 of Dowry Prohibition
Act.

- | | | |
|----|-----------------------|-----------------------------------|
| 10 | Opinion of the judge. | Accused persons not found guilty. |
| 11 | Order of offence. | As per final order. |
| 12 | State represented by | Public Prosecutor. |

J U D G M E N T

The Women Police Authorities, Tumakuru have filed final report against the accused No.1 & 2 for the offences punishable under sections 498A, 323, 324, 109, 307, 504, 506 r/w Sec 34 of IPC and Sec.3 & 4 of Dowry Prohibition Act.

2. The brief facts of the prosecution case is that, the marriage of CW.1 along with accused No.1 was solemnized on 20.06.2021 at Masjid situated at Nagavalli of Tumakuru Taluk, Hebbur Hobli in the presence of elders of both family and at the time of marriage golden



ring, watch and other house hold articles were given to accused No.1 by the parents of CW.1. After the marriage accused No.1 and CW.1 were residing at Tumakuru Town Rajeev Gandhi Nagar, in Accused No.1's house and they were in cordial relationship, out of their wedlock CW.1 gave birth to one female baby. Accused No.1 told CW.1 that he wants to do timber work and for that he is in need of Rs.2,00,000/- and told her to get the said amount from her parental house and accused No.1 used to abuse CW.1 in filthy language and assaulted her with wooden club on her body and he also kicked her with his legs and pulled her hair and caused injuries. And on 13.12.2023 at 10.00 a.m. the accused No.1 squeezed CW.1's neck from both of his hands and attempted to murder her and accused No.1 with an intention that if he killed CW.1, he can marry accused No.2 and he used to talk to accused No.2 through phone frequently and due to that reason accused No.1 harassed CW.1 and accused No.2 instigated the accused No.1 to harass CW.1 and



thereby both the accused have committed the alleged offences.

3. The learned II Addl., Senior Civil Judge and JMFC, Tumakuru took cognizance of the aforesaid offences and complied Sec.207 of Cr.P.C. The jurisdictional Magistrate committed this case by its order dated: 17.02.2025 in C.C.No.307/2024 as the offence 307 of IPC is exclusively triable by the Court of Sessions. The Hon'ble Prl. District and Sessions Judge made over the case to this court for trial.

4. Accused No.1 and 2 are secured. Heard the learned counsel for the accused and learned Public Prosecutor on framing of charge. As there are prima-facie materials against the accused No.1 and 2, this court framed charge against the said accused persons. Charges have been read over and explained to the accused persons. The said accused persons have not pleaded guilty and claimed to be tried. The prosecution



in support of its case examined 6 witnesses as PW.1 to PW.6 and got marked Ex.P1 to P.15 and got marked M.O.1.

5. In the present case the incriminating evidence available before the court has been read over to the accused Nos.1 & 2 as provided U/sec.313 of Cr.P.C. The accused Nos.1 & 2 have denied the incriminating evidence. The accused Nos.1 & 2 have not adduced any defence evidence. Accused No.1 and 2 have complied Section 437 A of Cr.P.C.

6. Heard the arguments of both sides.

7. Upon hearing the arguments, examination of evidence available on record, the following points that arise for my consideration :

1. Whether the prosecution proves beyond all reasonable doubt that, accused No.1 being husband subsequent to CW.1's marriage with accused No.1 on 20.06.2021 the accused No.1 subjected



CW.1 to cruelty and accused No.1 demanded additional dowry of Rs.2,00,000/- dowry for doing timber work from her parental house and thereby the accused No.1 has committed offence punishable under Sec. 498A R/w Sec.34 of Indian Penal Code and Sec.3 & 4 of D.P.Act ?

2. Whether the prosecution proves beyond all reasonable doubt that marriage of CW.1 along with accused No.1 was solemnized on 20.06.2021 at Masjid situated at Nagavalli of Tumakuru Taluk, Hebbur Hobli in presence of elders of both family and at the time of marriage golden ring, watch and other house hold articles were given to accused No.1 by the parents of CW.1 and after the marriage accused No.1 and CW.1 were residing at Tumakuru Town Rajeev Gandhi Nagar, in accused No.1's house at that time, with a common intention accused No.1 abused CW.1 in a filthy language like "ಲೋಫರ್ ಮುಂಡೆ, ಸೂಳೆ ಮುಂಡೆ" knowing fully well that such provocation will cause the C.W.1 to break the public peace and thereby committed



an offence punishable under section 504 r/w 34 of IPC ?

3. Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place with a common intention accused No.1 kicked CW.1 and caused hurt to CW.1 and thereby committed an offence punishable under Section 323 r/w 34 of IPC?
4. Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place with a common intention accused No.1 assaulted CW.1 with club on her hand and body and caused bleeding injuries and thereby committed an offence punishable under Section 324 r/w 34 of IPC?
5. Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place accused No.1 with common intention of committing an offence, gave criminal intimidation to CW.1 and thereby committed an offence punishable under Section 506 r/w 34 of Indian Penal Code?



6. Whether the prosecution proves beyond all reasonable doubt that, on 13.12.2023 at about 10.00 a.m. with a common intention accused No.1 squeezed CW.1's neck from both of his hands and attempted to murder her with an intention that if he kill CW.1, he can marry accused No.2 and thereby committed an offence punishable under Section 307 r/w 34 of Indian Penal Code?
7. Whether the prosecution proves beyond all reasonable doubt that on the above said dates, time and place with a common intention accused No.2 abetted accused No.1 to harass CW.1 and thereby accused No.2 has committed an offence punishable U/sec.109 r/w Sec.34 of Indian Penal Code?
8. What order?

8. My answer to the above points as follows :

Point 1 to 7 : In the **Negative**.

Point No.8 : As per final order,
for the following:



REASONS

9. **Point No.1 to 7:-** These points are interlinked with each other hence they are taken up together for discussion to avoid repetition of facts and evidence.

10. The I.O. has cited in total 9 witnesses in the charge sheet and prosecution examined 6 witnesses as PW.1 to 6 and got marked Ex.P.1 to P.15 and also got marked M.O.1.

11. PW.1 is the complainant and wife of accused No.1 wherein she has deposed that accused No.1 is her husband but she do not know accused No.2 and accused No.1 has not assaulted on her body and not closed her mouth and not assaulted on her private part and accused has not harassed her for want of additional dowry and he has not pulled her hair and not squeezed her neck with his hands and accused No.2 has not instigated accused No.1 to commit the offences and in this regard she has not given any complaint before the



police , but she can identify her signature in Ex.P.1 as well as Ex.P.2, but those signatures were taken by the police when she went to police station for police verification to get passport and she has not given any complaint against the accused stating that, accused No.1 has harassed her for want of dowry and the police obtained her signature in Ex.P.2 when the police came near her house for verification but the police have not prepared any mahazar near her house and she cannot identify the material object before the court.

12. PW.2 is the father of PW.1 wherein he has deposed that accused No.1 is husband of PW.1 and he do not know accused No.2 and he performed the marriage of CW.1 with accused No.1 on 20.06.2021 at Nagavalli Masjid, but the accused No.1 has not given any dowry harassment to his daughter i.e., PW.1 and accused No.1 has not assaulted his daughter with wooden club or legs on her private part and accused No.1 has not made any



attempt to kill Cw.1 and he has not given any statement before the police in this regard.

13. PW.3 is the mother of PW.1 wherein she has deposed that, CW.1 is her daughter and CW.2 is her husband and accused No.1 is her son-in-law and she has not seen accused No.2 and her daughter marriage was performed with accused No.1 on 20.06.2021. After the marriage the accused No.1 has not mentally harassed the PW.1 and has not assaulted her on PW.1's private part with his legs and accused No.1 has also not attempted to kill her daughter and she has not given any statement before the police.

14. PW.4 is the brother of CW.1 wherein he has deposed that accused No.1 is his brother-in-law but he has not seen accused No.2 and his sister marriage was performed on 20.06.2021 at Nagavalli masjid with accused No.1 but the accused No.1 has not taken any dowry at the time of marriage and subsequent to



marriage also the accused No.1 has not harassed PW.1 for want of dowry and has not assaulted PW.1 on her legs or on her private part and the accused has not attempted to kill her and he has not given any statement to police.

15. PW.5 is the mahazar witness of Ex.P.2 wherein he has deposed that he can identify his signature in Ex.P.2 and last year the police obtained the said signature at Nagavalli when he went to his relatives house and the police were on beat duty at that time he had put her signature, but he donot know what is written in Ex.P.2 and the police have not prepared any mahazar and not seized any property under Ex.P.2 and he has not seen the material object before the court and at the time of obtaining his signature the police took the photos as per Ex.P.3 and P.4.

16. PW.6 is the investigating officer wherein she has deposed that, while she was in the station as



inspector on 11.03.2024 one Basavaraju, PSI, was in the station and he received the complaint given by the complainant at 6.00 p.m. on that day and the said PSI registered the case in Crime No.46/2024 and sent the FIR to the court as well as to his higher authorities and thereafter the case file was handed over to CW.8, CW.8 on the same day gave notice to CW.1 to produce the documents pertaining to the marriage of CW.1 with accused No.1 and accordingly on 12.03.2024 CW.1 came to the station and gave the documents and CW.8 received that same and kept in the file and prepared mahazar between 3.00 p.m. to 4.00 p.m. and seized one wooden club. She further deposed that, CW.8 came to the station and entered the same in PF.No.36/2024 as per permission obtained from the court and thereafter on 14.06.2024, CW.8 handed over the case file to her for further investigation and on 18.09.2024 she recorded the statements of CW.3, CW.2 and CW.4 as per Ex.P.6, P.5 and P.7.



17. She further deposed that on 27.09.2024 the complainant gave the marriage invitation card and marriage certificate and photos took on the date of marriage and golden jewelries and clothes purchased receipts and she received the same and kept in the file. On the same day she enquired the complainant and recorded further statement of complainant and later she has completed the investigation and filed the charge-sheet against the accused and she can identify the accused before the court.

18. The prosecution got marked Ex.P.1 to P.15 i.e., complaint, mahazar, photos, statements, FIR, marriage certificates, 65 B certificate respectively.

19. This is all the oral and documentary evidence of prosecution witnesses. Out of PW.1 to PW.6, PW.1 is the complainant and PW.2 to PW.4 are the parents and brother of PW.1. PW.5 is the mahazar witness of Ex.P.2 that is spot mahazar. But all these witnesses have turned hostile and not supported the prosecution case and



Ex.P.2 was not proved by the prosecution. Since PW.5 has also turned hostile and all the witnesses have not identified the accused No.2 before the court. PW.6 being the investigating officer, no doubt she has spoken regarding the investigation carried out by the CW.8 from the stage of receiving complaint and registering the FIR and she also deposed regarding her part of investigation till filing of charge-sheet. In her cross-examination nothing has been elicited to disbelieve the investigation carried out by her and Basavaraju, that is PSI in this case. But the witnesses i.e., PW.1 to P.W.5 have totally turned hostile. Hence by relying upon the evidence of investigating officer i.e., PW.6 it is not proper to convict the accused since PW.1 to 4 have deposed before the court that they have compromised the matter with the accused persons. Hence, the prosecution has miserably failed to prove the guilt of accused beyond all reasonable doubt. For all these reasons, I answer the above points in the **Negative**.



20. Point No.8:- In view of my finding on the above points and the reasons assigned thereunder, accused No.1 and 2 are entitled for acquittal and accordingly, I proceed to pass the following:

ORDER

Acting under section 235(1) of Cr.P.C., accused No.1 and 2 are hereby acquitted for the offences punishable U/sec 498A, 323, 324, 109, 307, 504, 506 R/w Sec.3 & 4 of D.P.Act.

The bail bonds and surety bonds executed by accused No.1 and 2 will continue for a period of six months in compliance of Section 437 A of Cr.P.C.

M.O.No.1 being worthless is ordered to be destroyed after completion of appeal period.

(Dictated to the Stenographer,computerized transcript revised and then pronounced by me in open court on this the 16th day of July 2026).

(N.Narasamma)

II Addl. Dist & Sessions Judge,
Tumakuru.



ANNEXURE

List of witnesses examined for the prosecution:

PW-1 : Saniya N.
PW-2 : Mohammed Nayimulla
PW-3 : Jarina Khanum
PW-4 : Imran Pasha
PW-5 : Saklen Ahamed Khan
PW-6 : Vijayalakshmi S.

List of documents marked for prosecution:

Ex.P-1 : Complaint
Ex.P-1(a) : Signature
Ex.P-2 : Panchanama
Ex.P-2(a,b) : Signatures
Ex.P-3 & 4 : 2 Photos
Ex.P.5 to 7 : Statements
Ex.P.8 : FIR
Ex.P-9 to 14 : Marriage photos
Ex.P- 15 : 65 (B) Certificate
Ex.P-15(a) : Signatures

List of witnesses examined for the accused: - NONE -

List of documents marked for the accused: - NIL -

List of Material Objects :

M.O.1 : Wooden piece.

**II Addl. Dist. & Sessions Judge,
Tumakuru.**