



**IN THE COURT OF THE II ADDITIONAL SENIOR
CIVIL JUDGE AND J.M.F.C., TUMAKURU**

Present:Sri. SHANKAR K.M. B.A.L. LL.B.,
II Addl Senior Civil Judge & J.M.F.C.,
Tumakuru.

Dated, this the 20th day of July, 2026

C.C. No.64/2026

Complainant: State by the Women Police Station,
Tumakuru.

(By the Learned Asst. Public Prosecutor)

V/s

Accused Persons :

1. Premasagar.M. S/o K.Mallaiah,
Aged about 28 years, Engineer,
R/o No.386, Saikrupa, Hemavathi Block,
Aralimarada Palya, Siragate, Tumakuru
Town, Tumakuru.

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2. Mallaiah.K. S/o K.Kariyanna,
Aged about 63 years, Retired person,
R/o No.386, Saikrupa, Hemavathi Block,
Aralimarada Palya, Siragate, Tumakuru
Town, Tumakuru.
3. Radha R @ Radhamma W/o K.Mallaiah,
Aged about 57 years, Housewife,
R/o No.386, Saikrupa, Hemavathi Block,
Aralimarada Palya, Siragate, Tumakuru
Town, Tumakuru.
4. Vandana @ Vandana Mallaiah,
W/o Basavaraju, Aged about 33 years,
Engineer,R/o No.386, Saikrupa,
Hemavathi Block, Aralimarada
Palya, Siragate, Tumakuru Town,
Tumakuru.
(A1 to 4 by Sri. K.J., Advocate)

JUDGMENT

The Police Sub-Inspector of the Women Police
Station, Tumakuru, has submitted a charge sheet against

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the accused for the offences punishable under sections 85, 115(2), 54, 351(2), 352 R/W Sec.3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023, and under Section 3 and 4 of DP Act, 1961

2. Brief facts of the case of the prosecution are that, on 17.11.2024, the marriage of the CW.1 was solemnized with the accused No.1 at the Kunchatigara Samudaya Bhavana, Tumakuru, as per the rites and customs of their family. At the time of the marriage, on the demand of the accused persons, the parents of the CW.1 gave a sum of Rs.1,00,000/- and 200 grams of golden ornaments to the accused No.1 as a dowry and also given the CW.1 60 grams of a long chain, 32 grams of two bangles, 12 grams of ear studs, 4 grams of a ring and performed the marriage by spending a sum of Rs.50,00,000/-. After the

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marriage, the CW.1 was residing in the house of the accused persons, and for two months, they looked after her well and thereafter, all the accused persons having a common intention started harassing the CW.1 demanding her to bring an additional dowry from her parents and abused her in filthy language and assaulted her and caused hurt to her and harassed her mentally and physically. Four months after the marriage, the CW.1 and the accused No.1 were residing at the Temple View-3 layout, Kengeri, Bengaluru, and the accused No.2 to 4 used to visit the house often and used to instigate the accused No.1 and because of such instigation, he demanded the CW.1 to bring money, ornaments and a site from her parents and abused her in filthy language and assaulted her and she was sent out of the house at midnight and she was not allowed to enter the house

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inspite of her repeated requests and hence, she informed the same to her parents CW.2 and 3 and then, they took her to their house. Thereafter, the accused No.1 was sent a notice from the family court. When the court advised him to lead happy marital life, he took the CW.1 to his house in Bengaluru and on the instigation made by the accused No.2 to 4, again he started harassing the CW.1 by abusing her in filthy language and assaulting her by hands and harassed her mentally and physically. On 30.12.2025, the accused No.1 picked up quarrel with her and quarreling with her from 08.30 P.M., till 10.00 P.M., and assaulted her by hands. On 31.12.2025, he assaulted her and harassed her by causing her simple injuries from 06.30 A.M., till 10.00 A.M., Therefore, she lodged a complaint to the Woman Police Station as per Ex.P.1 and

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accordingly, the accused persons have committed the above referred offenses.

3. Based on the first information statement of the CW.1, the concerned police have registered a crime against the accused persons for the above referred offences and submitted a FIR and after completion of the investigation, they have filed a charge sheet against the accused persons for the said offences. After receipt of the charge sheet, cognizance was taken for the above referred offences and this case was registered against the accused persons as there were grounds to proceed against them. The accused persons appeared and were enlarged on the bail and were supplied the copies of charge sheet. As there were sufficient grounds to frame charge against the accused persons for the said offences, the charge was read over and explained to

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them in the language known to them and have pleaded not guilty and claimed to be tried.

4. In order to prove the case of the prosecution, it has examined three witnesses as PW.1 to 3 and got marked a first information statement, 2 spot mahazars, marriage invitation card, 7 photographs and CD, wound certificate, further statement of PW.1 and statements of PW.2 and 3 as Ex.P1 to P.9. PW.1 to 3 are the material witnesses in the case and have turned hostile to the case of the prosecution, therefore rest of the witnesses have not been examined as no purpose would be served in examining them. No incriminating circumstances were appeared against the accused persons in the evidence of the prosecution. As such,

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their examination U/S 351 of B.N.S.S., has been dispensed with.

5. I have heard the arguments of the learned APP and learned counsel appearing for the accused persons and perused the material available on the record.

6. Points that arise for determination of this court are;

1. Whether the prosecution proves beyond all reasonable doubt that, on 17.11.2024, the marriage of the CW.1 was solemnized with the accused No.1 at the Kunchatigara Sanudaya Bhavana, Tumakuru, as per the rites and customs of their family and at the time of the marriage, on the demand of the accused persons, the parents of the

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CW.1 gave a sum of Rs.1,00,000/- and 200 grams of golden ornaments to the accused No.1 as a dowry and also given the CW.1 60 grams of a long chain, 32 grams of two bangles, 12 grams of ear studs, 4 grams of a ring and performed the marriage by spending a sum of Rs.50,00,000/- and after the marriage, the CW.1 was residing in the house of the accused persons, and for two months, they looked after her well and thereafter, all the accused persons having a common intention started harassing the CW.1 demanding her to bring an additional dowry from her parents and thereby, the accused persons have committed the offence punishable U/S. 85 r/w 3(5) of the Bharatiya Nyaya Sanhita(BNS), 2023?

2. Whether the prosecution proves beyond all reasonable doubt that after the marriage,

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when the CW.1 was residing along with the other accused persons, having a common intention they abused the CW.1 in filthy language and thereby, the accused persons have committed an offence punishable U/S.352 r/w 3(5) of the Bharatiya Nyaya Sanhita(BNS), 2023?

3. Whether the prosecution proves beyond all reasonable doubt that after the marriage, when the CW.1 was residing along with the other accused persons, having a common intention the accused No.1 assaulted the CW.1 and caused hurt to her and on 30.12.2025, the accused No.1 picked up quarrel with the CW.1 and quarreling with her from 08.30 P.M., till 10.00 P.M., and assaulted her by hands and on 31.12.2025 he assaulted and harassed her by causing her simple injuries from 06.30 A.M., till 10.00 A.M., and she was sent out of the house at

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midnight and she was not allowed to enter the house inspite of her repeated requests and thereby, the accused persons have committed an offence punishable U/S.115(2) of the Bharatiya Nyaya Sanhita(BNS), 2023?

4. Whether the prosecution proves beyond all reasonable doubt that after marriage, when the CW.1 was residing in her matrimonial home along with other accused persons, the accused persons having a common intention threatened the CW.1 with a death alarm and thereby, the accused persons have committed an offence punishable U/S.351(2) r/w 3(5) of the Bharatiya Nyaya Sanhita(BNS), 2023?
5. Whether the prosecution proves beyond all reasonable doubt that though the accused persons received dowry at the

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time of marriage and later when the CW.1 and the accused No.1 were residing at the Temple View-3 layout, Kengeri, Bengaluru, and the accused No.2 to 4 used to visit the house often and used to instigate the accused No.1 and because of such instigation, the accused No.1 demanded the CW.1 to bring money, ornaments and a site from her parents and thereby, the accused persons have committed the offences punishable U/Sec.3 and 4 of the Dowry Prohibition Act?

6. Whether the prosecution proves beyond all reasonable doubt that having a common intention the accused No. 2 to 4 abetted the accused No.1 to commit the above said acts and thereby, the accused No.2 to 4 have committed the offence punishable U/S.114 read with 34 of the IPC?

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7. What order?

7. Findings of this court on the above points are as under:

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. Points No.1 to 6: these points are taken up together for a common discussion in order to avoid repetition in discussion.

9. According to the prosecution, on 17.11.2024, the marriage of the CW.1 was solemnized with the accused No.1 at the Kunchatigara Sanudaya Bhavana, Tumakuru, as per the rites and customs of their family. At the time

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of the marriage, on the demand of the accused persons, the parents of the CW.1 gave a sum of Rs.1,00,000/- and 200 grams of golden ornaments to the accused No.1 as a dowry and also given the CW.1 60 grams of a long chain, 32 grams of two bangles, 12 grams of ear studs, 4 grams of a ring and performed the marriage by spending a sum of Rs.50,00,000/-. After the marriage, the CW.1 was residing in the house of the accused persons, and for two months, they looked after her well and thereafter, all the accused persons having a common intention started harassing the CW.1 demanding her to bring an additional dowry from her parents and abused her in filthy language and assaulted her and caused hurt to her and harassed her mentally and physically. Four months after the marriage, the CW.1 and the accused No.1 were residing at the Temple View-3 layout, Kengeri, Bengaluru,

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and the accused No.2 to 4 used to visit the house often and used to instigate the accused No.1 and because of such instigation, he demanded the CW.1 to bring money, ornaments and a site from her parents and abused her in filthy language and assaulted her and she was sent out of the house at midnight and she was not allowed to enter the house inspite of her repeated requests and hence, she informed the same to her parents CW.2 and 3 and then, they took her to their house. Thereafter, the accused No.1 was sent a notice from the family court. When the court advised him to lead happy marital life, he took the CW.1 to his house in Bengaluru and on the instigation made by the accused No.2 to 4, again he started harassing the CW.1 by abusing her in filthy language and assaulting her by hands and harassed her mentally and physically. On 30.12.2025, the accused No.1

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picked up quarrel with the CW.1 and quarreling with her from 08.30 P.M., till 10.00 P.M., and assaulted her by hands. On 31.12.2025 he assaulted her and harassed her by causing her simple injuries from 06.30 A.M., till 10.00 A.M., Therefore, she lodged a complaint to the Woman Police Station as per Ex.P.1. In order to prove the above allegations the prosecution has relied upon the evidence of the PW.1 to 3 and Ex.P1 to 9.

10. PW.1 to 3 are the material witnesses in the case and have asserted in their respective chief examinations contrary to the case of the prosecution, and nothing was elicited in their cross examination by the prosecution in support of it's case and hence, there is nothing to rely on the evidence of the PW.1 to 3 and accordingly, the guilt against the accused persons for the alleged offences is not proved beyond reasonable doubt with cogent and

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convincing evidence and therefore, the benefit of doubt has to be extended to the accused persons and accordingly, the point No.1 to 6 are answered in the negative.

11. Point No.7: in view of the findings arrived on the above points, I proceed to pass the following:

O R D E R

Acting under Section 248(1) of the Code of Criminal Procedure, the accused No.1 to 4 are acquitted of the offences punishable under sections 85, 115(2), 54, 351(2) and 352 r/w Sec. 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023 and Under Section 3 and 4 of DP Act, 1961.

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Bail bond of accused No.1 to 4
and their sureties shall be in force
for a period of six months.

Office shall consign the record
to the CRR as per the Rules.

(Dictated to the stenographer directly on computer.
Typed by her, corrected, signed and then pronounced by
me in the open court on this the 20th day of July, 2026)

(SHANKAR K.M.)
II Addl., Senior Civil Judge & J.M.F.C.,
Tumakuru.

ANNEXURE

List of Witness examined for prosecution:

PW.1 : Navya
PW.2 : Anandaiah
PW.3 : Puttamma

List of documents marked for prosecution;

Ex.P.1 : First Information Statement
Ex.P.1(a) : Signature of PW.1
Ex.P.2 & 3 : 2 Spot Mahazars

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- Ex.P.2(a) & 3(a) : Signatures of PW.1
Ex.P.4 : Marriage Invitation Card
Ex.P.5 : 7 photographs and CD
Ex.P.6 : Wound Certificate
Ex.P.7 : Further Statement of PW.1
Ex.P.8 : Further Statement of PW.2
Ex.P.9 : Further Statement of PW.3

List of Witnesses examined for accused persons :

None

List of Documents marked for accused persons

Nil

List of material objects marked for prosecution:

(SHANKAR K.M.)

II Addl. Senior Civil Judge & J.M.F.C.,
Tumakuru.