



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

CRIMINAL APPEAL NO.525 OF 2026 (C)

C/W

CRIMINAL APPEAL NO.348 OF 2026

CRIMINAL APPEAL NO.373 OF 2026

IN CRL.A NO.525/2026

BETWEEN:

SMT. VENKATARAVANAMMA @ RAVANAMMA
W/O. LATE ASHWATHAPPA
AGED ABOUT 48 YEARS
R/AT YERRAPENTA VILLAGE
PATHAPALYA HOBLI,
BAGEPALLI TALUK,
CHIKKABALLAPURA-561 212.
(NOW IN JUDICIAL CUSTODY)
KOLAR DISTRICT PRISON).

...APPELLANT

(BY SRI LOKESH R. ,ADVOCATE)

AND:

STATE OF KARNATAKA
BY STATION HOUSE OFFICER
CHIKKABALLAPURA WOMEN'S POLICE STATION
CHIKKABALLAPURA
REPRESENTED BY LEARNED
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA





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BENGALURU-560 001.

...RESPONDENT

(BY SRI VINAY MAHADEVAIAH, H.C.G.P.)

THIS CRL.A IS FILED U/S.374(2) CR.PC (FILED U/S. 415(2) OF BNSS) BY THE ADVOCATE FOR THE APPELLANT PRAYING TO SET ASIDE THE JUDGMENT AND ORDER OF CONVICTION DATED 04.02.2026 AND SENTENCE AND FINE IMPOSED ON DATED 09.02.2026 PASSED BY THE HON'BLE I ADDL. DISTRICT AND SESSIONS JUDGE, AT CHIKKABALLAPURA IN SC NO.93/2022 AND ETC.

IN CRL.A NO.348/2026

BETWEEN:

MRS. SHARADA
AGED ABOUT 53 YEARS
W/O. SHAIK ASHRFULLA
NO.42, KAMALA MARKET
G.B. ROAD, DELHI
(PRESENTLY IN JUDICIAL CUSTODY)

...APPELLANT

(BY SRI C. V. SRINIVASA, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY STATION HOUSE OFFICER
CHIKKABALLAPURA WOMEN POLICE STATION
CHIKKABALLAPURA
REPRESENTED BY
LEARNED STATE PUBLIC PROSECUTOR HIGH COURT
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2. SMT. BHAVANI Y. R.
AGED ABOUT 23 YEARS
D/O.LATE RAMESH
YAGAVA BANDA CHARUVU VILLAGE
BAGEPALLI TALUK
CHIKKABALLAPURA

...RESPONDENTS

(BY SRI VINAY MAHADEVAIAH, H.C.G.P., FOR R-1)

THIS CRL.A IS FILED U/S. 374(2) CR.P.C (U/S 415(2) BNSS) BY THE ADVOCATE FOR THE APPELLANT PRAYING TO SET ASIDE THE JUDGMENT DATED 04.02.2026 PASSED IN SC.NO.93/2022 BY THE I ADDL. DISTRICT AND SESSIONS JUDGE, CHIKKABALLAPURA, CONVICTING HER FOR THE OFFENCES P/U/S. 370, 343 R/W SEC.34 OF IPC, U/S. 3, 4, 5, 6 OF IMMORAL TRAFFICKING (PREVENTION) ACT, 1956 AND CONSEQUENTLY TO ACQUIT HER OF THE SAID OFFENCES IN THE SAID CASE.

IN CRL.A NO.373/2026

BETWEEN:

SMT. LAKSHMINARASAMMA @ ASHA
W/O. LATE NARAYANA
AGED ABOUT 34 YEARS
R/AT MADDEPALLI CROSS
BAGEPALLI TALUK
CHIKKABALLAPURA DIST.-561 212

...APPELLANT

(BY SRI MANJUNATHA A. C., ADVOCATE)



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AND:

THE STATE OF KARNATAKA
BY CHIKKABALLAPURA WOMEN POLICE STATION
CHIKKABALLAPURA DISTRICT-562 101
REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
HIGH COURT BUILDING
BENGALURU-560 001

...RESPONDENT

(BY SRI VINAY MAHADEVAIAH, H.C.G.P.)

THIS CRL.A IS FILED U/S. 374(2) CR.PC (FILED U/S 415(2) OF BNSS) BY THE ADVOCATE FOR THE APPELLANT PRAYING TO SET ASIDE THE JUDGMENT AND ORDER OF CONVICTION AND SENTENCE AND FINE IMPOSED PASSED BY THE LEARNED I ADDL. DISTRICT AND SESSIONS JUDGE, AT CHIKKABALLAPURA IN SC NO.93/2022 VIDE JUDGMENT DATED 04.02.2026 AND ORDER ON SENTENCE DATED 09.02.2026 FOR THE OFFENCES P/U/S.343, 370 R/W SEC.34 OF IPC AND FOR THE OFFENCES P/U/S. 3, 4, 5 AND 6 OF THE IMMORAL TRAFFIC (PREVENTION) ACT AND FURTHER BE PLEASED TO ACQUIT THE APPELLANT.

THESE APPEALS, COMING ON FOR FURTHER HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL



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ORAL ORDER

Crl.A.No.525/2026 is by accused No.1, Crl.A.No.373/2026 is by accused No.2 and Crl.A.No.348/2026 is by accused No.5 being aggrieved by the judgment of conviction and order of sentence dated 04.02.2026 passed S.C.No.93/2022 on the file of I Additional District and Sessions Judge, Chikkaballapura (hereinafter referred to as 'trial Court' for brevity) by which, the Trial Court has passed the following order;

"Acting under Section 235(2) of Cr.P.C. the accused No.1, 2 and 5 are convicted of the offences punishable under Sections 370, 343 read with section 34 of The Indian Penal Code and Section 3 4, 5, 6 of Immoral Trafficking (Prevention) Act 1956. Further A2 and A5 are convicted for the offence punishable U/s 343 r/w 34 of IPC Sections 3 and 6 of ITP Act, 1956.

The bail bonds of accused No.1, 2 and 5 shall be cancelled forthwith.

The incriminating materials marked at M.O.1 to M.O.12 shall be destroyed only after the appeal period is over.

Accused No.1, 2 and 5 are taken into custody and remanded them to J.C. till 09.02.2026. Issue Remand Warrant.

The matter is deferred to hear on the sentence. Call on 09.02.2026."

2. The case of the prosecution is that victim/PW.2 who had studied upto SSLC was residing with her mother and brother



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and accused No.1/ Venkataravanamma, also known as Ravanamma, used to visit her village for cloth business, as such, she became acquainted with her. Accused No.1 used to assure her of getting a job in a beauty parlour at Bengaluru. That on 19.03.2022 when victim/PW2 had gone to Chikkaballapura to attend her case involving offence of child marriage at Fast Track Court, accused No.1 took victim/PW.2 on the premise of availability of a job in a beauty parlour at Bengaluru. She had also assured that she would intimate her mother on she taking her to Bengaluru. That they stayed at Bengaluru on the said day. On the following day i.e. on 20.03.2022, victim was taken to Yelahanka Railway Station. Accused No.1 was speaking to someone over her phone. When the victim enquired about the same, she was informed that accused No.1 is having some work at Delhi and asked the victim girl to accompany her to Delhi. Accordingly, victim went to Delhi along with accused No.1. That on 22.03.2022 in the afternoon they reached Delhi. Accused No.1 took victim in an auto to Sardar building at G.B.Road, Delhi and introduced victim girl to one Lakshminarasamma alias Asha/accused No.2. Accused No.1 without informing the victim girl, sold her to



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accused No.2 and 3 for a sum of Rs.3,00,000/- and left the place. Accused Nos. 2 and 3 thereafter informed the victim that they have purchased her from accused No.1 for a sum of Rs.3,00,000/- and accused Nos.2 and 3 detained victim girl at the said Sardar building at Room No. 42 against her will, subjected her to physical torture and forced her to engage in prostitution.

3. That on the basis of complaint lodged by the victim on 01.06.2022, PW.5-Smt.Rathnabai, the then Police Sub Inspector of Women Police Station, Chikkaballapura, had registered the case in Crime No.59/2022 for the offences punishable under Sections 370, 406, 420 r/w Section 34 of IPC and Sections 3, 4, 5 and 6 of Immoral Trafficking (Prevention) Act, 1956. The investigation was thereafter taken over by Assistant Deputy Superintendent of Police, who after conclusion of the investigation filed charge sheet. Accused pleaded not guilty and sought for trial.

4. 13 witnesses were examined on behalf of the prosecution as PW.1 to PW.13 and have exhibited 34 documents marked as



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Ex.P1 to Ex.P34. 12 objects were marked as MO.1 to MO.12. Statement of the accused were recorded under Section 313 of Cr.PC, who denied the incriminating circumstances appearing against them.

5. The trial Court framed the following point for its consideration;

1) Whether the prosecution has proved beyond all reasonable doubt that on 19.03.2022 when CW-1 was standing in the compound in front of the court complex, in furtherance of common Intention of accused No.1, 2 and 5 using CW.1 for prostitution, out of them, accused No.1 on the pretext of getting job in a beauty parlour at Bengaluru to CW.1 the together went to Bengaluru where met the accused No. 2. and then both accused No.1 and 2 on 22.03.2022, Tuesday, accused No.5, who was engaged in prostitution at B.B.Road, Sardar Building, Delhi, have sold the CW.1 to accused No.5 for prostitution of Rs.3,00,000/- and thereby accused No.1 2, and 5 have committed the offence punishable under Section 370 read with Section 34 of the Indian Penal Code?

2) Whether the prosecution has proved beyond reasonable doubt that on 19.03.2022, when CW-1 was standing in front of the in on the compound in front of he Chikkaballapur Court Complex, with the common intention of accused No.1, 2 and 5, to use her for prostitution, out of them, accused No.1 on the pretext of getting job in a Beauty Parlour at Bengaluru to CW.1 together went to Bengaluru where met the accused No.2, and then both accused No.1 and 2 on 22.03.2022, Tuesday, accused No.5, who was engaged in prostitution at B.B. Road, Sardar Building, Delhi, have sold the CW.1 to accused No.5 for prostitution and thereby accused No.1 2, and 5 have committed the offence punishable under Section 5 read with Section 34 of Immoral Trafficking (Prevention) Act, 1956?



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3) Whether the prosecution has proved beyond reasonable doubt that with the common intention of the accused No.2 and 5, they forcibly confined CW-1 against her will for prostitution in Room No. 42, Sardar Building, B.B. Road, Delhi for more than 3 days, and thereby the accused No.2 and 5 have committed the offence punishable under Section 343 read with Section 34 of the Indian Penal Code?

4) Whether the prosecution has proved beyond reasonable doubt that, with the common intention of the accused No.2 and 5, they kept a brothel at Room No. 42, Sardar Building, B.B. Road, Delhi, and committed an offence under Section 3 of the Immoral Trafficking (Prevention) Act, 1956?

5) Whether the prosecution has proved beyond reasonable doubt that, the accused No.1, 2 and 5 have earned money and made a living from prostitution, and thereby the accused No.1, 2 and 5 have committed the offence punishable under Section 4 of the Immoral Trafficking (Prevention) Act, 1956?

6) Whether the prosecution has proved beyond reasonable doubt that on the above said date, time and place, accused No.1 and 2 have sold the CW.1 on 20.03.2022 to accused No.5, accused No.2 and 5 have confined her in the brothel home located at Sardar Building, J.B. Road, Delhi for the purpose of prostitution, and thereby accused No.2 and 5 have committed the offence punishable under Section 6 of the Immoral Trafficking (Prevention) Act, 1956?

7) What order?

6. On appreciation of evidence the trial Court answered point Nos.1 to 6 in the affirmative and consequently passed the judgment of conviction and order of sentence as noted above. Being aggrieved by the same, accused are before this Court in these appeals.



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7. Sri.C.V.Srinivasa, learned Counsel appearing for the accused No.5/appellant in Crl.A.No.348/2026 submitted;

(a) that the entire case of prosecution is based on illusion, imagination and surmises. He refers to the complaint dated 01.06.2022 produced at Ex.P3 to point out that the victim/PW.2 who claimed to have undergone the suffering between 22.03.2022 to 25.05.2022 for about 3 months at New Delhi, comes back to her place at Bagepalli and files a complaint after 6 days of her arrival at Bagepalli. In the said complaint, the victim has taken names of Ravanamma/accused No.1, Asha/ accused No.2 and certain Geeta and Padma, who were initially arraigned as accused Nos.3 and 4 in the FIR. That there is no whisper of any nature whatsoever in the complaint regarding involvement of accused No.5/Sharada.

(b) He refers to Ex.P4 statement of the victim/PW.2 dated 09.06.2022 recorded under Section 164 of Cr.PC, in which victim/PW2 has referred to names of Ravanamma, Asha, Geetha and Padma yet there is no mention of accused No.5/ Sharada.



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(c) He refers to further statement of the victim/PW.2 purportedly recorded on 17.08.2022, which is two and a half months subsequent to filing of the complaint and points out for the first time, name of accused No.5/Sharada is mentioned.

(d) He furnishes another copy of the identical statement recorded on the very same day i.e. on 17.08.2022, which finds names of Geeta and Padma and in which there is no mention of name of accused No.5/Sharada.

(e) Juxtaposing these two documents, learned counsel points out that the statement which bears the names of Geetha and Padma is attested by the Assistant Commissioner of Police, which has a seal and signature. Whereas a similar statement recorded on the very same day i.e., on 17.08.2022, referring to the name of accused No.5/Sharada does not bear the name and signature of the Assistant Commissioner. He also points out to the change in the text or contents of both the statements in



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which in the statement bearing the seal and signature of the Assistant Commissioner, there is no explanation for inclusion of name of accused No.5/Sharada. While in the statement recorded on the very same day i.e., on 17.08.2022 without seal and signature of Assistant Commissioner there is explanation for inclusion of name of accused No.5/Sharada.

(f) He also brings to the attention of the Court the difference of signature of the complainant found at the statements dated 17.08.2022 mentioned above and compares the same with the admitted signature found in the complaint and statement recorded under Section 164 of Cr.PC. He points out clearly prosecution seem to have fabricated the records to substitute the name of Geetha and Padma with that of Sharada without any rhyme or reason.

(g) He refers to the chief- examination of victim/PW2 wherein at para 5 the victim/PW.2 has reiterated names of Geeta and Padma. He submits if the statement dated 17.08.2022 which does not bear the seal and signature of



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the Assistant Commissioner is to be taken on its face value where the names of Geeta and Padma were left out and there was no reason for her to reiterate the names during her chief-examination. Thus, he submits the prosecution has falsely implicated Accused No.5/Sharada and has built up the story on imagination.

(h) He refers to Ex.P5, which is the spot mahazar drawn at the instance of victim/PW2, where alleged incident of victim being forced for prostitution had taken place for more than 3 months. He reads the contents of the said document extensively and also points out the mahazar witnesses to the said documents are one Irfan, who is examined as PW8 and his wife Heena, who has not been examined. He submits that said witnesses have purportedly been taken from Chikkaballapur right upto Delhi.

(i) He refers to Section 100(4) of Cr.PC as well as Section 15(2) of the Immoral Traffic (Prevention) Act, 1956 to highlight the substantial procedural lapse committed by the respondent/prosecution in conducting



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the mahazar. He submits that non-compliance with statutory requirement takes away the substratum of the case of the prosecution.

(j) He refers to the photographs produced by the prosecution at Ex.P7 to Ex.P9 as well as the sketch enclosed with the mahazar marked as Ex.P13 and submits that these documents have been created for the purpose of the case. Referring to the sketch at Ex.P13, forming part of the mahazar, he submits the said sketch has been purportedly prepared by the Sub-Inspector of Police Crime, Shidhlagatta. He also points out a Police Chowki shown diagonally opposite to the alleged place of incident. He insists if at all the crime of such a magnitude had taken place for over 3 months right opposite to Police Station of the alleged incident, nothing prevented the respondent/prosecution to have taken the assistance of the said police at the time of the search and seizure. He refers to photographs at Ex.P6 to Ex.P9 and points out that said photographs have apparently been taken outside a certain



building only to embellish the case of prosecution having visited Delhi.

(k) He also refers to a document at Ex.P31 which is a purported email correspondence receipt which indicate the owner of the Property No.42, G.B.Road, Delhi belonged to one Smt.Nirmala Devi and one Satpal Vohra and Smt. Sheela Devi is stated to have been paying property tax. However, the prosecution has neither examine the said persons nor cited them as witnesses in the charge sheet. He insists if the said building was belonging to said persons, a serious question would arise as to why the prosecution has not arraigned them as accused inasmuch as in terms of Sections 3, 4, 5 and 6 of the Immoral Traffic (Prevention) Act, 1956, a owner of a building in which a brothel is being carried out has to be arraigned as accused.

(l) He also refers to the deposition of PW.8 who is the mahazar witness and points out the discrepancy, in which, according to PW.8, when they visited the spot, the owner of the building was present. The said witness also deposed



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that when they visited the spot there were other girls and a cashier, but they have not taken the photographs of the either of the girls or of the cashier. The said witness has also deposed that when they went to the place of incident, a lady had opened the door. But the said lady also has not been examined.

(m) He refers to the deposition of PW10/Padmavathi, who had accompanied PW.8 to the place of incident, to point out that she had taken the victim/PW.2 along with her by reserving the railway tickets a day earlier. But the said witness has not given the details or the documents regarding they having reserved the railway tickets to travel to Delhi. He also points out that the said witness has spoken about she enquiring other girls namely, Roshni, Shakeela, Manju, Sushila, Komala, Indu. But none of these persons have been made witnesses to the case. The said witness also has spoken about she having enquired to the cashier present at the place of incident. But she has not taken his statement.



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(n) He refers to the deposition of PW.13/Investigation Officer who has reiterated the fact of said building belonging to one Nirmala Devi. But, he not taking any action either to take statement or to arraigned her as accused in the matter. He refers to paragraph 18 of his deposition to point out the confrontation of the document, namely, the contents of the complaint and the statement of the victim/PW2 recorded under Section 164 of Cr.P.C wherein the name of accused No.5 was not admittedly mentioned. He also points out that according to the Investigation Officer, he had not obtained a railway warrant enabling the team of Investigation to travel from Bangalore to Delhi. He submits no explanation is offered to the prosecution with regard to they not examining any of the local inhabitants of the area as mandatorily required under law.

(o) He brings to the attention of this Court to the reasoning assigned by the trial Court at paragraph 27 of the impugned judgment to submits that the trial Court has grossly erred in coming to its own conclusion of accused



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No.5 purchasing the victim from accused No.1 and 2 for Rs.3,00,000/- and coming to the erroneous conclusion of accused No.5 being involved in commission of offence. He submits it is nobody's case that accused No.5 had purchased the victim from accused No.1 and the trial Court has come to this conclusion without there being any material evidence on record. He submits that prosecution has miserably failed to make out a case justifying the conviction as handed over by the trial Court.

8. Learned counsel appearing for accused Nos.1 and 2/appellants in Crl.A.No.525/2026 and Crl.A.No.373/2026 supplementing the submission made by learned counsel appearing for accused No.5 submitted that there are serious inconsistencies in the version of the victim/PW.2.

(a) He submitted that in the complaint the victim/PW.2 has stated to have been acquainted with accused No.1 for a long period. However, in the chief- examination, the victim/PW.2 has deposed that she met accused No.1 for the first time in the Court complex in Chikkaballapur when she had come to attend a case of child marriage. Thus, he



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submits the trial Court ought not to have believed the testimony of the victim/PW.2.

(b) That though serious allegation of accused No.1 taking victim/PW.2 from Chikkaballapur to Bengaluru, from Bengaluru to Delhi, no material evidence of any nature whatsoever has been collected in this regard. Neither the travel documents such as railway tickets or the Call records nor the amount alleged to have been paid in selling and buying of the victim/PW.2 have been recovered by the prosecution.

(c) that accused No.1 is a local resident carrying on daily wages work and she has nothing to do with the case of prosecution in any manner whatsoever. He also submits though the victim/PW.2 had alleged that accused No.1 had assured her of obtaining the employment at a beauty parlour, no details of the said beauty parlour has been collected by the prosecution either. Therefore, he submits the prosecution has miserably failed to justify implication of accused No.1 and consequent conviction and sentence by the trial Court.



9. Learned counsel appearing for accused No.2/appellant submits that accused No.2 is 70% disabled and there was no occasion of any nature whatsoever for her to have travelled from Bengaluru to Delhi as alleged. He submits the documents in the nature of Aadhar card has been produced regarding her physical incapacity.

10. Learned counsel for the accused Nos.1 and 2 brings to the attention of this Court the portion of deposition of victim/PW.2 at paragraph 30, wherein a suggestion has been made that a false complaint has been lodged by her implicating the accused persons with an ulterior intention of extracting money from them. It is also suggested that she has given similar 3 to 4 complaints to which the victim has responded *"that since there were similar cases she had given complaint"*. Thus, the victim has not denied she having given similar complaints which indicate the present case is also a false case. Hence, seeks for allowing of the appeals.



11. Learned HCGP in response justifying the judgment of conviction and order of sentence passed by the trial Court, submits;

(a) that the prosecution has examined 13 witnesses and except one witness rest of the witnesses have supported the case of the prosecution.

(b) that the mahazar witness PW.8 has withstood the test of cross- examination. Similar is the deposition of PW.10/ Padmamathi, who is the Police sub- Inspector who had gone to the place of incident and nothing has been elicited to discredit their version. That the trial Court has committed no error in accepting these aspects of the matter.

(c) That the photographs taken at the place of incident is supported by certificate under Section 65B of the Evidence Act and the said document cannot be doubted.

(d) That merely because the owner of the building was not examined, the commission of offence which has otherwise been established beyond reasonable doubt



cannot be doubted. Hence, seeks for dismissal of these appeals.

12. Heard. Perused the records.

13. The point that arise for consideration is;

"Whether in the facts and circumstances of the case, the trial Court is justified in convicting and sentencing the accused persons for their offences punishable under Sections 370 and 343 of IPC and Sections 3, 4, 5 and 6 of the Immoral Traffic (Prevention) Act, 1956?".

14. The allegation against accused No.1 is that she had induced the victim/PW.2 to travel with her on the premise of obtaining an employment for her and on that pretext she had taken her to Delhi on 22.03.2022. It is further alleged that the accused No.1 had sold her to accused No.2/Asha, who was, according to prosecution, residing at Sardar Building, Room No.42, G.B. Road, New Delhi.

15. It is a further case of the prosecution that after selling the victim/PW.2 to accused No.2, accused No.1 went away. Victim/PW.2 was detained and forced into prostitution by certain Geeta and Padma, who were initially arraigned as accused No.3 and 4 in the FIR. The names of Geeta and Padma



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has been repeated by the victim/PW.2 in her statement recorded under Section 164 of Cr.PC on 09.06.2022.

16. Except the allegation of accused No.1 inducing the victim/PW.2 to travel along with her to Delhi and she allegedly selling the victim/PW.2 to accused No.2 for a sum of Rs.3,00,000/-, nothing has been stated in the entire case of prosecution.

17. For a case to sustain against accused No.1, the prosecution was required to establish the ingredients of Sections 3, 4, 5 and 6 of the Immoral Trafficking Act, 1956 and Sections 343 and 370 of the IPC.

18. Sections 3, 4, 5 and 6 of the Immoral Traffic (Prevention) Act, 1956 read as under;

"3. Punishment for keeping a brothel or allowing premises to be used as a brothel.-

(1) Any person who keeps or manages, or acts or assists in the keeping or management of, a brothel shall be punishable on first conviction with rigorous imprisonment for a term of not less than one year and not more than three years and also with fine which may extend to two thousand rupees and in the event of a second or subsequent conviction, with rigorous imprisonment for a term of not less than two years and not more than five years and also with fine which may extend to two thousand rupees.

(2) Any person who-



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(a) being the tenant, lessee, occupier or person in charge of any premises, uses, or knowingly allows any other person to use, such premises or any part thereof as a brothel, or

(b) being the owner, lessor or landlord of any premises or the agent of such owner, lessor or landlord, lets the same or any part thereof with the knowledge that the same or any part thereof is intended to be used as a brothel, or is wilfully a party to the use of such premises or any part thereof as a brothel,

shall be punishable on first conviction with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees and in the event of a second or subsequent conviction, with rigorous imprisonment for a term which may extend to five years and also with fine.

²[(2A) For the purposes of sub-section (2), it shall be presumed until the contrary is proved, that any person referred to in clause (a) or clause (b) of that sub-section, is knowingly allowing the premises or any part thereof to be used as a brothel or, as the case may be, has knowledge that the premises or any part thereof are being used as a brothel, if,-

(a) a report is published in a newspaper having circulation in the area in which such person resides to the effect that the premises or any part thereof have been found to be used for prostitution as a result of a search made under this Act; or

(b) a copy of the list of all things found during the search referred to in clause (a) is given to such person.]

(3) Notwithstanding anything contained in any other law for the time being in force, on conviction of any person referred to in clause (a) or clause (b) of sub-section (2) of any offence under that sub-section in respect of any premises or any part thereof, any lease or agreement under which such premises have been leased out or are held or occupied at the time of the commission of the offence, shall become void and inoperative with effect from the date of the said conviction.

4. Punishment for living on the earnings of prostitution. (1) Any person over the age of eighteen years who knowingly lives, wholly or in part, on the earnings of the prostitution of any other person] shall be punishable with imprisonment for a term which may



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extend to two years, or with fine which may extend to one thousand rupees, or with both [and where such earnings relate to the prostitution of a child or a minor, shall be punishable with imprisonment for a term of not less than seven years and not more than ten years].

³*[(2) Where any person over the age of eighteen years is proved*

(a) to be living with, or to be habitually in the company of, a prostitute; or

(b) to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that such person is aiding, abetting or compelling her prostitution; or

(c) to be acting as a tout or pimp on behalf of a prostitute,

it shall be presumed, until the contrary is proved, that such person is knowingly living on the earnings of prostitution of another person within the meaning of sub-section (1).]

5. Procuring, inducing or taking ¹[person] for the sake of prostitution.-

(1) Any person who-

(a) procures or attempts to procure a ¹[person], whether with or without [his] consent, for the purpose of prostitution; or

(b) induces a ¹[person] to go from any place, with the intent that ³[he] may for the purpose of prostitution become the inmate of, or frequent, a brothel; or

(c) takes or attempts to take a ¹[person] or causes a ¹[person] to be taken, from one place to another with a view to ²[his] carrying on, or being brought up to carry on prostitution; or

(d) causes or induces a ¹[person] to carry on prostitution,

⁴*[shall be punishable on conviction with rigorous imprisonment for a term of not less than three years and not more than seven years and also with fine which may extend to two thousand rupees, and if any offence under this sub-section is committed against the will of any person, the punishment of imprisonment for a term of*



seven years shall extend to imprisonment for a term of fourteen years:

Provided that if the person in respect of whom an offence committed under this sub-section,-

(i) is a child, the punishment provided under this sub-section shall extend to rigorous imprisonment for a term of not less than seven years but may extend to life; and

(ii) is a minor, the punishment provided under this sub-section shall extend to rigorous imprisonment for a term of not less than seven years and not more than fourteen years;]

⁵[***]

(3) An offence under this section shall be triable-

(a) in the place from which a [person] is procured, induced to go, taken or caused to be taken or from which an attempt to procure or take such [person] is made; or

(b) in the place to which he may have gone as a result of the inducement or to which he is taken or caused to be taken or an attempt to take him is made.

6. Detaining a ¹[person] in premises where prostitution is carried on.-

(1) Any person who detains any other person, whether with or without his consent]-

(a) in any brothel, or

(b) in or upon any premises with intent that such person may have sexual intercourse with a person who is not the spouse of such person],

shall be punishable ²[on conviction, with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than seven years].



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³[(2) Where any person is found with a child in a brothel, it shall be presumed, unless the contrary is proved, that he has committed an offence under sub-section (1).

(2A) Where a child or minor found in a brothel, is on medical examination, detected to have been sexually abused, it shall be presumed, unless the contrary is proved, that the child or minor has been detained for purposes of prostitution or, as the case may be, has been sexually exploited for commercial purposes.]

(3) A person shall be presumed to detain a woman or girl in a brothel or in or upon any premises for the purpose of sexual intercourse with a man other than her lawful husband, if such person, with intent to compel or induce her to remain there,-

(a) withholds from her any jewellery, wearing apparel, money or other property belonging to her, or

(b) threatens her with legal proceedings if she takes away with her any jewellery, wearing apparel, money or other property lent or supplied to her by or by the direction of such person.

(4) Notwithstanding any law to the contrary, no suit, prosecution or other legal proceeding shall lie against such woman or girl at the instance of the person by whom she has been detained, for the recovery of any jewellery, wearing apparel or other property alleged to have been lent or supplied to or for such woman or girl or to have been pledged by such woman or girl or for the recovery of any money alleged to be payable by such woman or girl.

7. Prostitution in or in the vicinity of public places.-

⁴[(1) Any ¹[person], who carries on prostitution and the person with whom such prostitution is carried on, in any premises,-

(a) which are within the area or areas, notified under sub-section (3), or

(b) which are within a distance of two hundred metres of any place of public religious worship, educational institution, hostel, hospital, nursing home or such other public place of any kind as may be notified in this behalf by the Commissioner of Police or magistrate in the manner prescribed,



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shall be punishable with imprisonment for a term which may extend to three months.]

¹(1A) Where an offence committed under sub-section (1) is in respect of a child or minor, the person committing the offence shall be punishable with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than seven years.]

(2) Any person who-

(a) being the keeper of any public place knowingly permits prostitutes for purposes of their trade to resort to or remain in such place; or

(b) being the tenant, lessee, occupier or person in charge of any premises referred to in sub-section (1) knowingly permits the same or any part thereof to be used for prostitution; or

(c) being the owner, lessor or landlord, of any premises referred to in sub-section (1), or the agent of such owner, lessor or landlord, lets the same or any part thereof with the knowledge that the same or any part thereof may be used for prostitution, or is wilfully a party to such use,

shall be punishable on first conviction with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both, and in the event of a second or subsequent conviction with imprisonment for a term which may extend to six months and also with fine [which may extend to two hundred rupees, and if the public place or premises happen to be a hotel, the licence for carrying on the business of such hotel under any law for the time being in force shall also be liable to be suspended for a period of not less than three months but which may extend to one year:

Provided that if an offence committed under this sub-section is in respect of a child or minor in a hotel, such licence shall also be liable to be cancelled.



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Explanation. For the purposes of this sub-section, "hotel" shall have the meaning as in clause (6) of section 2 of the Hotel Receipts Tax Act, 1980 (54 of 1980).]

³*[(3) The State Government may, having regard to the kinds of persons frequenting any area or areas in the State, the nature and the density of population therein and other relevant considerations, by notification in the Official Gazette, direct that prostitution shall not be carried on in such area or areas as may be specified in the notification.*

(4) Where a notification is issued under sub-section (3) in respect of any area or areas, the State Government shall define the limits of such area or areas in the notification with reasonable certainty.

(5) No such notification shall be issued so as to have effect from a date earlier than the expiry of a period of ninety days after the date on which it is issued.]

19. Sections 370 and 343 of the IPC reads as under;

"343. Wrongful confinement for three or more days.

Whoever wrong-fully confines any person for three days, or more, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

370. Trafficking of person.-(1) Whoever, for the purpose of exploitation, (a) recruits, (b) transports, (c) harbours, (d) transfers, or (e) receives, a person or persons, by-

First.-using threats, or

Secondly.- using force, or any other form of coercion, or

Thirdly.-by abduction, or

Fourthly.- by practising fraud, or deception, or

Fifthly.- by abuse of power, or

Sixthly.-by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received, commits the offence of trafficking

Explanation 1.- The expression "exploitation" shall include any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude, or the forced removal of organs.



Explanation 2.-The consent of the victim is immaterial in determination of the offence of trafficking.

(2) Whoever commits the offence of trafficking shall be punished with rigorous imprisonment for a term which shall not be less than seven years, but which may extend to ten years, and shall also be liable to fine.

(3) Where the offence involves the trafficking of more than one person, it shall be punishable with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.

(4) Where the offence involves the trafficking of a minor, it shall be punishable with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, and shall also be liable to fine.

(5) Where the offence involves the trafficking of more than one minor, it shall be punishable with rigorous imprisonment for a term which shall not be less than fourteen years, but which may extend to imprisonment for life, and shall also be liable to fine.

(6) If a person is convicted of the offence of trafficking of minor on more than one occasion, then such person shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

(7) When a public servant or a police officer is involved in the trafficking of any person then, such public servant or police officer shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.]"

20. No material evidence of any nature whatsoever has been brought on record with regard to accused No.1 travelling with the victim/PW.2 to Delhi. No witness has been examined of they seeing accused No.1 travelling with the victim/PW.2. According to the victim/PW.2, accused No.1 and herself had



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stayed in Bengaluru before leaving to Delhi. No material is brought on record as to the place where accused No.1 stayed with the victim/PW.2 at Bengaluru. No call records are produced. No enquiry or material are produced with regard to recovery of Rs.3,00,000/- as alleged. Unfortunately, the case of the prosecution stops even before it could begin as regard to accused No.1 is concerned.

21. Accused No.2, who according to the victim/PW.2 was residing at Delhi, the prosecution itself has given her address of Chikkaballapura. Accused No.2 admittedly suffering from 75% disability. No witnesses were examined about her being at Delhi.

22. Curiously, the names of two persons which are find mentioned in the complaint/ FIR and in the statement recorded under Section 164 of Cr.PC, Geetha and Padma, whose role in forcing the victim/PW.2 into prostitution for over 3 months disappears from the record without any justification whatsoever.



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23. As rightly pointed out by learned counsel for accused No. 5, two documents surreptitiously come into existence in prosecution records and both are dated 17.08.2022. However, one of the said documents contain seal and signature of Assistant Commissioner while the other does not. The contents of the said two documents are extracted hereunder;

Document containing seal and signature of Assistant Commissioner:

ಚಿಕ್ಕಬಳ್ಳಾಪುರ ಮಹಿಳಾ ಪೊಲೀಸ್ ಠಾಣೆ ಮೊ:ಸಂಖ್ಯೆ:59/2022 ಕಲಂ: 406, 420, 370, ರೆ/ಎ 34 ಐ.ಪಿ.ಸಿ. ಮತ್ತು ಕಲಂ:-3,4,5&6 ಐ.ಟಿ.ಪಿ ಆಕ್ಟ್ ಕೆಎಸ್‌ನಲ್ಲಿ.

ಫಿರ್ಯಾದಿದಾರರ ಮರು ಹೇಳಿಕೆ.

ವೈ.ಆರ್ ಭವಾನಿ ಟನ್ ಲೇಟ್ ರಮೇಶ್ 19 ವರ್ಷ ಮೊವಿ ಜನಾಂಗ ವಾಸ ಎಗವ ಬಂಡಚೆರುಪು ಗ್ರಾಮ. ಕ.ಸ.ಬಾ ಹೋಬಳಿ ಬಾಗೇಪಲ್ಲಿ ತಾಲ್ಲೂಕು.

* * * * *

ನಾನು ಮೇಲ್ಕಂಡ ವಿಳಾಸದಲ್ಲಿ ವಾಸವಾಗಿರುತ್ತೇನೆ. ದಿನಾಂಕ: 01/06/2022 ರಂದು ನಾಮ ಚಿಕ್ಕಬಳ್ಳಾಪುರ ಮಹಿಳಾ ಪೊಲೀಸ್ ಠಾಣೆಗೆ ಹೋಗಿ ದಿನಾಂಕ: 19/03/2022 ರಂದು ನನ್ನನ್ನು ಆರೋಪಿ ರವಣಮ್ಮ ರವರು ಕೆಲಸ ಕೊಡಿಸುವುದಾಗಿ ಪುಸಲಾಯಿಸಿ ಚಿಕ್ಕಬಳ್ಳಾಪುರ ನ್ಯಾಯಾಲಯದ ಮುಂದೆ ಇರುವ ಸ್ಥಳದಿಂದ ದೆಹಲಿಗೆ ಕರೆದುಕೊಂಡು ಹೋಗಿ ಅಲ್ಲಿನ ಆರೋಪಿ ಅಲಾ, ಗಿಂತಾ ಮತ್ತು ಪದ್ಮ ಎಂಬವರಿಗೆ ವೇಶ್ಯವಾಟಿಕೆ ದಂದೆಗೆ ಮಾರಾಟ ಮಾಡಿರುತ್ತಾರೆಂದು ಆರೋಪಿಸಿ ನೀಡಿದ ದೂರಿನ ಮೇರೆಗೆ ಪ್ರಕರಣ ದಾಖಲಾಗಿದ್ದು ಈ ಪ್ರಕರಣದ ಸಂಬಂಧ ಈ ದಿನ ನಾನು ಚಿಂತಾಮಣಿ ಪೊಲೀಸ್ ಉಪಾಧೀಕ್ಷಕರ ಕಛೇರಿಯಲ್ಲಿ ಈ ಕೆಳಕಂಡಂತೆ ನನ್ನ ಮರು ಹೇಳಿಕೆಯನ್ನು ಕೊಟ್ಟಿರುತ್ತೇನೆ.

ನಾನು ನನ್ನ ತಾಯಿ ಪದ್ಮಾವತಿ ಮತ್ತು ನನ್ನ ಅಣ್ಣ ನಾಗೇಶ್ ರವರುಗಳು ಮೇಲ್ಕಂಡ ವಿಳಾಸದಲ್ಲಿ ಖಾಯಂ ಆಗಿ ವಾಸವಾಗಿರುತ್ತೇವೆ. ನನ್ನ ತಾಯಿ ಕೂಲಕೆಲಸ ಮಾಡುತ್ತಿರುತ್ತಾರೆ ನಮ್ಮ ತಾಯಿಗೆ ಹೃದಯ ಸಂಬಂಧ ಖಾಯಿಲೆ ಇದ್ದು ಆಗಾಗ ಆಸ್ಪತ್ರೆಯಲ್ಲಿ ಚಿಕಿತ್ಸೆ ಕೊಡಿಸಬೇಕಾಗಿರುತ್ತದೆ. ನಾವುಗಳು ಕಡು ಬಡತನದಿಂದ ಜೀವನ ಸಾಗಿಸುತ್ತಿರುತ್ತೇವೆ. ಈಗೀರುವಲ್ಲಿ ನಮ್ಮ ಊರಿಗೆ ಬಟ್ಟೆ ವ್ಯಾಪಾರಕ್ಕಾಗಿ ಆಗಾಗ ರವಣಮ್ಮ ರವರು ಬಂದು ಹೋಗುತ್ತಿದ್ದರು. ರವಣಮ್ಮ ರವರು ನಮ್ಮೊಂದಿಗೆ ಸ್ನೇಹದಿಂದ ಇದ್ದಳು ನಮ್ಮ ಬಡತನ ಕಂಡು ನನಗೆ ಬೆಂಗಳೂರಿನಲ್ಲಿ ಬ್ಯೂಟಿ ಪಾರ್ಲರ್ ಕೆಲಸ ಕೊಡಿಸುವುದಾಗಿ ಹೇಳುತ್ತಿದ್ದಳು. ನನ್ನನ್ನು ಬ್ಯೂಟಿ ಪಾರ್ಲರ್‌ನಲ್ಲಿ ಒಳ್ಳೆಯ ಸಂಪಾಧನೆ ಆಗುತ್ತದೆ ನಿಮ್ಮ ಅರ್ಥಿಕ ಸಮಸ್ಯೆಗಳು ಬಗೆ ಹರಿಯುತ್ತದೆ ಎಂದು ನನ್ನೊಂದಿಗೆ ಹೇಳುತ್ತಿದ್ದಳು ಈಗೀರುವಲ್ಲಿ ನಾನು ಚಿಕ್ಕಬಳ್ಳಾಪುರ ಜಿಲ್ಲಾ ತ್ವರಿತಗತ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ನನಗೆ ಸಂಬಂಧಿಸಿದ ಬಾಲ್ಯ ವಿವಾಹ ದಾವೆಯಿದ್ದು ಈ ದಾವೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ದಿನಾಂಕ: 19/03/2022 ರಂದು ಚಿಕ್ಕಬಳ್ಳಾಪುರ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಕೇಸುಗಾಗಿ ಹೋಗಿದ್ದಾಗ ರವಣಮ್ಮ ರವರು ಚಿಕ್ಕಬಳ್ಳಾಪುರದಲ್ಲಿ ನನ್ನನ್ನು ನೋಡಿ ಬೆಂಗಳೂರಿನಲ್ಲಿ ಬ್ಯೂಟಿ ಪಾರ್ಲರ್ ನಲ್ಲಿ ಕೆಲಸ ಖಾಲಿ ಇದೆ ಎಂದು ಹೇಳಿ ನಿಮ್ಮ ತಾಯಿಗೆ ನಾನೇ ತಿಳಿಸುತ್ತೇನೆ ಯಾವುದು ಭಯಪಡದೆ



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ನನ್ನ ಜೊತೆ ಬಾ ಎಂದು ಅದೇ ದಿನ ಅಲ್ಲಂದ ಬೆಂಗಳೂರಿಗೆ ತನ್ನೊಂದಿಗೆ ಕರೆದುಕೊಂಡು ಹೋದಳು. ಆ ದಿನ ಬೆಂಗಳೂರಿನಲ್ಲಿಯೇ ಉಳಿದುಕೊಂಡು ಮರು ದಿನ ಅಂದರೆ ದಿನಾಂಕ: 20/03/2022 ರಂದು ಯಲಹಂಕ ರೈಲ್ವೆ ಸ್ಟೇಷನ್ ಗೆ ಕರೆದುಕೊಂಡು ಹೋದರು ಅಲ್ಲಿ ವಮ್ಮಿಬ್ಬರಿಗೂ ಪ್ಲಾಟ್ ಫಾರಂ ಖರೀದಿಸಿದಳು ತದನಂತರ ಯಾರಿಗೋ ಫೋನ್ ನಲ್ಲಿ ಆಗಾಗ ಸುಮಾರು ಸಲ ಮಾತನಾಡುತ್ತಿದ್ದಳು. ನಾನು ವಿಚಾರಿಸಿದಾಗ ನನಗೆ ದೆಹಲಿಯಲ್ಲಿ ಸ್ವಲ್ಪ ಕೆಲಸವಿದ್ದು ನನ್ನ ಸ್ನೇಹಿತರು ಅಲ್ಲ ಇದ್ದಾರೆ ಅವರನ್ನು ಮಾತನಾಡಿಸಿಕೊಂಡು ಬರೋಣ ಬಾ ಎಂದು ನನ್ನನ್ನು ದೆಹಲಿಗೆ ಕರೆದುಕೊಂಡು ಹೋದಳು. ನಾನು ದಿನಾಂಕ: 22/03/2022 ರಂದು ಮಂಗಳವಾರ ಮದ್ಯಾಹ್ನ ದೆಹಲಿ ರೈಲ್ವೆ ಸ್ಟೇಷನ್ ತಲುಪಿದೆವು ಅಲ್ಲಂದ ನನ್ನನ್ನು ಆಟೋ ಮೂಲಕ ಬಿ.ಬಿ. ರಸ್ತೆ, ಸರ್ದಾರ್ ಬಿಲ್ಡಿಂಗ್ ಗೆ ಕರೆದುಕೊಂಡು ಹೋದರು ಅಲ್ಲ ಆಶಾ ಎನ್ನುವ ಮಹಿಳೆ ರವಣಮ್ಮ ರವರನ್ನು ಮಾತನಾಡಿಸಿ ನನ್ನನ್ನು ಪರಿಚಯಿಸಿದಳು. ಆಗ ಅವರು ಹಣದ ವ್ಯವಹಾರವಾಗಿ ಮಾತಾಡಿಕೊಂಡು ಮೂರು ಲಕ್ಷ ರೂಗಳನ್ನು ನಗದಾಗಿ ರವಣಮ್ಮ ಪಡೆದುಕೊಂಡು ನನಗೆ ಸ್ವಲ್ಪ ಕೆಲಸ ಇದೆ ಎಂದು ಹೇಳಿ ಹೊರಗೆ ಹೊರಟು ಹೋದಳು. ಆಗ ಆಶಾ ಎಂಬ ಮಹಿಳೆ ನನಗೆ ನಿನ್ನನ್ನು ಮೂರು ಲಕ್ಷ ರೂಗಳಿಗೆ ರವಣಮ್ಮ ಮಾರಾಟ ಮಾಡಿದ್ದಾಳೆ ಎಂದು ತಿಳಿಸಿದಳು. ನಾನು ಗಾಬರಿಗೊಂಡು ಅಲ್ಲಂದ ಕಳುಹಿಸುವಂತೆ ಕೇಳಿಕೊಂಡರೂ ಆಶಾ ನನ್ನನ್ನು ಹೊಡೆದು ಬಡೆದು ಸರ್ದಾರ್ ಚೆಲ್ವಿಂಗ್ ರೂಂ ನಂ: 42 ರಲ್ಲಿ ಕೂಡಿ ಹಾಕಿ ತನ್ನ ಮನಸೋ ಇಚ್ಛೆಯಂತೆ ಹೊಡೆದು ಬಡಿದು ನನ್ನನ್ನು ವೇಶ್ಯವಾಟಿಕೆಗೆ ಬಳಸಿಕೊಂಡಳು ನಾನು ಅದಕ್ಕೆ ನಿರಾಕರಿಸಿದ್ದಕ್ಕೆ ಅಲ್ಲದ್ದ ಗೀತಾ ಮತ್ತು ಪದ್ಮಾ ಎಂಬ ಇಬ್ಬರು ಮಹಿಳೆಯರು ಕೂಡ ನನ್ನನ್ನು ಬೆತ್ತಲೆಗೊಳಿಸಿ ಅಲ್ಲಿಗೆ ಬರುವ ಪುರುಷರೊಂದಿಗೆ ಬಲವಂತದಿಂದ ಸಂಭೋಗ ಮಾಡುವಂತೆ ಬೆದರಿಸಿ ನನ್ನ ನನ್ನ ಇಚ್ಛೆಗೆ ವಿರುದ್ಧವಾಗಿ ನನ್ನೊಂದಿಗೆ ಲೈಂಗಿಕ ಕ್ರಿಯೆಗಳನ್ನು ಮಾಡಿಸುತ್ತಿದ್ದರು. ನಾನು ಸಾಕಷ್ಟು ಬಾರಿ ಗೀತಾ ಮತ್ತು ಪದ್ಮಾ ಎಂಬ ಮಹಿಳೆಯರಿಗೆ ಬೇಡಿಕೊಂಡರೂ ಸಹ ಅವರು ಕನಿಕರಿಸದೆ ನನ್ನನ್ನು ವೇಶ್ಯವಾಟಿಕೆ ದಂದೆಯಲ್ಲಿ ಮುಂದುವರೆಯುವಂತೆ ಹಿಂಸೆ ನೀಡುತ್ತಿದ್ದರು. ಸದರಿ ಸರ್ದಾರ್ ಬಿಲ್ಡಿಂಗ್ ನಲ್ಲಿ ನನ್ನೊಂದಿಗೆ ಸುಮಾರು 10 ಜನ ಹುಡುಗಿಯರನ್ನು ವೇಶ್ಯವಾಟಿಕೆ ದಂಧೆಗೆ ಬಳಸುತ್ತಿದ್ದು ಆ ಪೈಕಿ ನನಗೆ ಆಂಧ್ರ ಪ್ರದೇಶ ರಾಜ್ಯದ ಕಬಿರಿ ಪಟ್ಟಣದ ವಾಸಿಗಳಾದ ರೋಷಿಣಿ, ಶಕೀಲಾ, ಮಂಜು, ಸುಶೀಲಾ, ಕೋಮಲ, ಇಂದು ಎಂಬವರು ಪರಿಚಯವಾಗಿದ್ದು ಇವರನ್ನು ಕೂಡ ಆರೋಪಿಗಳಾದ ಆಶಾ, ಗೀತಾ ಮತ್ತು ಪದ್ಮಾ ಎಂಬವರು ಕರೆದುಕೊಂಡು ಹೋಗಿ ಹಣಕ್ಕಾಗಿ ವೇಶ್ಯವಾಟಿಕೆ ದಂದೆಗೆ ಉಪಯೋಗಿಸುತ್ತಿದ್ದರು. ನಾಮ ಸಾಕಷ್ಟು ಬಾರಿ ಅಕಾ ಮೊಬೈಲ್ ನಂ: 8792614191. ಮತ್ತು ಮೊಬೈಲ್ ನಂ: 7827192939 ಗೆ ಫೋನ್ ಮಾಡಿ ಬೇಡಿಕೊಂಡರು ಆಕೆಯು ನನ್ನ ಅಲ್ಲಿಂದ ಬಿಡುತ್ತಿರಲಿಲ್ಲ ನಾನು ಬೆಳಿಗ್ಗೆ 11-00 ಗಂಟೆಯಿಂದ ಮರು ದಿನ ಮುಂಜಾನೆ 05-00 ಗಂಟೆಯವರೆಗೆ ಈ ಕಾರ್ಯ ನಿರ್ವಹಿಸಬೇಕಾಗಿರುತ್ತದೆ. ಇದರಿಂದ ನನಗೆ ಆರೋಗ್ಯದಲ್ಲಿ ಏರು ಪೇರಾಗಿತ್ತು ಈ ವಿಚಾರವನ್ನು ಹೇಳಿದರೂ ಸಹ ಅದನ್ನು ಲೆಕ್ಕಿಸದೆ ನನ್ನನ್ನು ದೌರ್ಜನ್ಯದಿಂದ ದಂಧೆಯಲ್ಲಿ ಕೆಲಸ ಮಾಡುವಂತೆ ಪ್ರಾಣ ಬೆದರಿಕೆಯನ್ನು ಹಾಕುತ್ತಿದ್ದರು.

ದಿನಾಂಕ: 25/05/2022 ರಂದು ಬೆಳಿಗ್ಗೆ 11-00 ಗಂಟೆಗೆ ಅಲ್ಲಿಂದ ತಪ್ಪಿಸಿಕೊಂಡು ರೈಲ್ವೆ ಸ್ಟೇಷನ್ನಿಗೆ ಬಂದೆನು ಅಲ್ಲಗೆ ಗೀತಾ ಮತ್ತು ಪದ್ಮಾ ಎಂಬ ಮಹಿಳೆಯರು ನನ್ನನ್ನು ಹುಡುಕಿಕೊಂಡು ಬಂದರು ನಾಮ ಅವರಿಂದ ತಪ್ಪಿಸಿಕೊಂಡು ಅಲ್ಲದ್ದ ಈಶ್ವರ ದೇವಸ್ಥಾನದಲ್ಲಿ ಅವಿತುಕೊಂಡು ಅದೇ ದಿನ ರಾತ್ರಿ 09-00 ಗಂಟೆಗೆ ರೈಲಿನ ಮುಖಾಂತರ ದಿನಾಂಕ: 27/05/2022 ರಂದು ಹಿಂದೂಪುರ ರೈಲ್ವೆ ಸ್ಟೇಷನ್‌ಗೆ ಬಂದು ಅಲ್ಲಂದ ನಮ್ಮ ಗ್ರಾಮಕ್ಕೆ ಬಂದನು ನನಗೆ ಈ ವಿಚಾರಗಳನ್ನೆಲ್ಲಾ ಹೇಳಲು ಆರೋಗ್ಯದಲ್ಲಿ ಏರು ಪೇರುಗಳಿದ್ದರಿಂದ ನನ್ನ ತಾಯಿಗೆ ಮತ್ತು ನನ್ನ ಅಣ್ಣನಿಗೆ ನಿಧಾನವಾಗಿ ಈ ವಿಚಾರಗಳನ್ನೆಲ್ಲಾ ಹೇಳಿ ನನ್ನನ್ನು ಮತ್ತು ಆಂಧ್ರ ಪ್ರದೇಶ ರಾಜ್ಯದ ಕಬಿರಿ ಪಟ್ಟಣದ ವಾಸಿಗಳಾದ ರೋಷಿಣಿ, ಶಕೀಲಾ, ಮಂಜು, ಸುಶೀಲಾ, ಕೋಮಲ, ಇಂದು, ಎಂಬವರನ್ನು ಬಲವಂತದಿಂದ ವೇಶ್ಯವಾಟಿಕೆ ದಂದೆಗೆ ಬಳಸಿಕೊಂಡವರಾದ ಆಶಾ, ಗೀತಾ, ಪದ್ಮಾ ಮತ್ತು ರವಣಮ್ಮ ರವರ ವಿರುದ್ಧ ಕಾನೂನು ಕ್ರಮ ಜರುಗಿಸಲು ಕೋರಿ ಈ ದಿನ ಮೇಲ್ಕಂಡಂತೆ ನನ್ನ ಮರು ಹೇಳಿಕೆಯನ್ನು ಕೊಟ್ಟಿರುತ್ತೇನೆ.

Sd/- with seal
Assistant Commissioner of Police



NC: 2026:KHC:17387
CRL.A No. 525 of 2026
C/W CRL.A No. 348 of 2026
CRL.A No. 373 of 2026

Document which does not containing seal and
signature of Assistant Commissioner:

ಚಿಕ್ಕಬಳ್ಳಾಪುರ ಮಹಿಳಾ ಪೊಲೀಸ್ ಠಾಣೆ ಮೊ:ಸಂಖ್ಯೆ:59/2022 ಕಲಂ: 406, 420, 370, ರೆ/ಎ 34 ಐ.ಪಿ.ಸಿ. ಮತ್ತು ಕಲಂ:-
3,4,5&6 ಐ.ಟಿ.ಪಿ ಆಕ್ಟ್ ಕೆಎಸ್‌ನಲ್ಲಿ.

ಫಿರ್ಯಾದಿದಾರರ ಮರು ಹೇಳಿಕೆ.

ವೈಆರ್ ಭವಾನಿ ಜವ್ ಲೇಟ್ ರಮೇಶ್ 10 ವರ್ಷ ಬೋವಿ ಜನಾಂಗ, ವಾಸ ಎಗವ ಬಂಡಚೆರುವು ಗ್ರಾಮ,
ಕ.ಸ.ಬಾ ಹೋಬಳಿ ಬಾಗೇಪಲ್ಲಿ ತಾಲ್ಲೂಕು.

* * * * *

ನಾನು ಮೇಲ್ಕಂಡ ವಿಳಾಸದಲ್ಲಿ ವಾಸವಾಗಿರುತ್ತೇನೆ. ದಿನಾಂಕ: 01/06/2022 ರಂದು ನಾನು
ಚಿಕ್ಕಬಳ್ಳಾಪುರ ಮಹಿಳಾ ಪೊಲೀಸ್ ಠಾಣೆಗೆ ಹೋಗಿ ನಿವಾಂಕ: 19/03/2022 ರಂದು ನನ್ನನ್ನು ಆರೋಪಿ ರವಣಮ್ಮ
ರವರು ಕೆಲಸ ಕೊಡಿಸುವುದಾಗಿ ಪುಸಲಾಯಿಸಿ ಚಿಕ್ಕಬಳ್ಳಾಪುರ ನ್ಯಾಯಾಲಯದ ಮುಂದೆ ಇರುವ ಸ್ಥಳದಿಂದ
ದೆಹಲಿಗೆ ಕರೆದುಕೊಂಡು ಹೋಗಿ ಅಲ್ಲಿನ ಆರೋಪಿ ಅಕಾ, ಗೀತಾ ಮತ್ತು ಪದ್ಮ ಎಂಬವರಿಗೆ ವೇಶ್ಯವಾಟಿಕೆ ದಂದೆಗೆ
ಮಾರಾಟ ಮಾಡಿರುತ್ತಾರೆಂದು ಆರೋಪಿಸಿ ನೀಡಿದ ದೂರಿನ ಮೇರೆಗೆ ಪ್ರಕರಣ ದಾಖಲಾಗಿದ್ದು ಈ ಪ್ರಕರಣದ
ಸಂಬಂಧ ಈ ದಿನ ನಾನು ಚಿಂತಾಮಣಿ ಪೊಲೀಸ್ ಉಪಾಧೀಕ್ಷಕರ ಕಛೇರಿಯಲ್ಲಿ ಈ ಕೆಳಕಂಡಂತೆ ನನ್ನ ಮರು
ಹೇಳಿಕೆಯನ್ನು ಕೊಟ್ಟಿರುತ್ತೇನೆ.

ನಾನು ನನ್ನ ತಾಯಿ ಪದ್ಮಾವತಿ ಮತ್ತು ನನ್ನ ಅಣ್ಣ ನಾಗೇಂಶ್ ರವರುಗಳು ಮೇಲ್ಕಂಡ ವಿಳಾಸದಲ್ಲಿ ಖಾಯಂ
ಆಗಿ ವಾಸವಾಗಿರುತ್ತೇವೆ. ನನ್ನ ತಾಯಿ ಕೂಲಿಕೆಲಸ ಮಾಡುತ್ತಿರುತ್ತಾರೆ ನನ್ನ ತಾಯಿಗೆ ಹೃದಯ ಸಂಬಂಧ ಖಾಯಿಲೆ
ಇದ್ದು ಆಗಾಗ ಆಸ್ಪತ್ರೆಯಲ್ಲಿ ಚಿಕಿತ್ಸೆ ಕೊಡಿಸಬೇಕಾಗಿರುತ್ತದೆ. ನಾವುಗಳು ಕಡು ಬಡತನದಿಂದ ಜೀವನ
ಸಾಗಿಸುತ್ತಿರುತ್ತೇವೆ. ಈಗಿರುವಲ್ಲಿ ನಮ್ಮ ಊರಿಗೆ ಬಟ್ಟೆ ವ್ಯಾಪಾರಕ್ಕಾಗಿ ಆಗಾಗ ರವಣಮ್ಮ ರವರು ಬಂದು
ಹೋಗುತ್ತಿದ್ದರು. ರವಣಮ್ಮ ರವರು ನಮ್ಮೊಂದಿಗೆ ಸ್ನೇಹದಿಂದ ಇದ್ದಳು ನಮ್ಮ ಬಡತನ ಕಂಡು ನನಗೆ ಬೆಂಗಳೂರಿನಲ್ಲಿ
ಬ್ಯೂಟಿ ಪಾರ್ಲರ್ ಕೆಲಸ ಕೊಡಿಸುವುದಾಗಿ ಹೇಳುತ್ತಿದ್ದಳು. ನನ್ನಮ್ಮ ಬ್ಯೂಟಿ ಪಾರ್ಲರ್‌ನಲ್ಲಿ ಒಳ್ಳೆಯ ಸಂಪಾಧನೆ
ಆಗುತ್ತದೆ ನಿಮ್ಮ ಆರ್ಥಿಕ ಸಮಸ್ಯೆಗಳು ಬಗೆ ಹರಿಯುತ್ತದೆ ಎಂದು ನನ್ನೊಂದಿಗೆ ಹೇಳುತ್ತಿದ್ದಳು ಈಗಿರುವಲ್ಲಿ ನಾನು
ಚಿಕ್ಕಬಳ್ಳಾಪುರ ಜಿಲ್ಲಾ ತ್ವರಿತಗತ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ನನಗೆ ಸಂಬಂಧಿಸಿದ ಬಾಲ್ಯ ವಿವಾಹ ದಾವೆಯಿದ್ದು ಈ ಭಾವೆಗೆ
ಸಂಬಂಧಿಸಿದಂತೆ ದಿನಾಂಕ: 19/03/2022 ರಂದು ಚಿಕ್ಕಬಳ್ಳಾಪುರ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಕೇಸುಗಾಗಿ ಹೋಗಿದ್ದಾಗ
ರವಣಮ್ಮ ರವರು ಚಿಕ್ಕಬಳ್ಳಾಪುರದಲ್ಲಿ ನನ್ನನ್ನು ಮೋಡಿ ಬೆಂಗಳೂರಿನಲ್ಲಿ ಬ್ಯೂಟಿ ಪಾರ್ಲರ್ ನಲ್ಲಿ ಕೆಲಸ ಪಾಲಿ ಇದೆ
ಎಂದು ಹೇಳಿ ನಿಮ್ಮ ತಾಯಿಗೆ ನಾನೇ ತಿಳಿಸುತ್ತೇನೆ ಯಾವುದೇ ಭಯಪಡದೆ ನನ್ನ ಜೊತೆ ಬಾ ಎಂದು ಅದೇ ದಿನ
ಅಲ್ಲಂದ ಬೆಂಗಳೂರಿಗೆ ತನ್ನೊಂದಿಗೆ ಕರೆದುಕೊಂಡು ಹೋದಳು. ಆ ದಿನ ಬೆಂಗಳೂರಿನಲ್ಲಿಯೇ ಉಳಿದುಕೊಂಡು ಮರು
ದಿನ ಅಂದರೆ ದಿನಾಂಕ: 20/03/2022 ರಂದು ಯಲಹಂಕ ರೈಲ್ವೆ ಸ್ಟೇಷನ್ ಗೆ ಕರೆದುಕೊಂಡು ಹೋದರು ಅಲ್ಲಿ
ನಮ್ಮಿಬ್ಬರಿಗೂ ಪ್ಲಾಟ್ ಫಾರಂ ಖರೀದಿಸಿದಳು ತದನಂತರ ಯಾರಿಗೋ ಫೋನ್ ನಲ್ಲಿ ಆಗಾಗ ಸುಮಾರು ಸಲ
ಮಾತನಾಡುತ್ತಿದ್ದಳು. ನಾನು ವಿಚಾರಿಸಿದಾಗ ನನಗೆ ದೆಹಲಿಯಲ್ಲಿ ಸ್ವಲ್ಪ ಕೆಲಸವಿದ್ದು ನನ್ನ ಸ್ನೇಹಿತರು ಅಲ್ಲಿ ಇದ್ದಾರೆ
ಅವರನ್ನು ಮಾತನಾಡಿಸಿಕೊಂಡು ಬರೋಣ ಬಾ ಎಂದು ನನ್ನನ್ನು ದೆಹಲಿಗೆ ಕರೆದುಕೊಂಡು ಹೋದಳು. ನಾನು
ದಿನಾಂಕ: 22/03/2022 ರಂದು ಮಂಗಳವಾರ ಮದ್ಯಾಹ್ನ ದೆಹಲಿ ರೈಲ್ವೆ ಸ್ಟೇಷನ್ ತಲುಪಿದವು ಅಲ್ಲಂದ ನನ್ನನ್ನು
ಆಟೋ ಮೂಲಕ ಜಿ.ಬಿ ರಸ್ತೆ, ಸರ್ದಾರ್ ಬಿಲ್ಡಿಂಗ್ ಗೆ ಕರೆದುಕೊಂಡು ಹೋದರು ಅಲ್ಲ ಆಶಾ ಎನ್ನುವ ಮಹಿಳೆ ರವಣಮ್ಮ
ರವರನ್ನು ಮಾತನಾಡಿಸಿ ನನ್ನನ್ನು ಪರಿಚಯಿಸಿದಳು. ಆಗ ಅವರು ಹಣದ ವ್ಯವಹಾರವಾಗಿ ಮಾತಾಡಿಕೊಂಡು ಮೂರು
ಲಕ್ಷ ರೂಗಳನ್ನು ನಗದಾಗಿ ರವಣಮ್ಮ ಪಡೆದುಕೊಂಡು ನನಗೆ ಸ್ವಲ್ಪ ಕೆಲಸ ಇದೆ ಎಂದು ಹೇಳಿ ಹೊರಗೆ ಹೊರಟು
ಹೋದಳು. ಆಗ ಆಶಾ ಎಂಬ ಮಹಿಳೆ ನನಗೆ ನಿನ್ನನ್ನು ಮೂರು ಲಕ್ಷ ರೂಗಳಿಗೆ ರವಣಮ್ಮ ಮಾರಾಟ ಮಾಡಿದ್ದಾಳೆ
ಎಂದು ತಿಳಿಸಿದಳು. ನಾನು ಗಾಬರಿಗೊಂಡು ಅಲ್ಲಂದ ಕಳುಹಿಸುವಂತೆ ಕೇಳಿಕೊಂಡರೂ ಆಲಾ ನನ್ನನ್ನು ಹೊಡೆದು
ಬಡೆದು ಸರ್ದಾರ್ ಬಿಲ್ಡಿಂಗ್ ರೂಂ ನಂ: 42 ರಲ್ಲಿ ಕೂಡಿ ಹಾಕಿ ತನ್ನ ಮನಸೋ ಇಚ್ಛೆಯಂತೆ ಹೊಡೆದು ಬಡಿದು ನನ್ನನ್ನು



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ವೇಶ್ಯವಾಟಿಕೆಗೆ ಬಳಸಿಕೊಂಡು ನಾನು ಅದಕ್ಕೆ ನಿರಾಕರಿಸಿದ್ದಕ್ಕೆ ಅಲ್ಲಿದ್ದ ಒಬ್ಬ ಶಾರದ ಎಂದ ಮಹಿಳೆಯು ಕೂಡ ನನ್ನನ್ನು ಬೆತ್ತಲೆಗೊಳಿಸಿ ಅಲ್ಲಿಗೆ ಬರುವ ಪುರುಷರೊಂದಿಗೆ ಬಲವಂತದಿಂದ ಸಂಭೋಗ ಮಾಡುವಂತೆ ಬೆದರಿಸಿ ನನ್ನ ಇಚ್ಛೆಗೆ ವಿರುದ್ಧವಾಗಿ ನನ್ನೊಂದಿಗೆ ಲೈಂಗಿಕ ಕ್ರಿಯೆಗಳನ್ನು ಮಾಡಿಸುತ್ತಿದ್ದರು. ನಾಮ ಸಾಕಷ್ಟು ಬಾರಿ ಶಾರದ ಎಂಬುವರಿಗೆ ಬೇಡಿಕೊಂಡರೂ ಸಹ ಅವರು ಕನಿಕರಿಸದೆ ನನ್ನನ್ನು ವೇಶ್ಯವಾಟಿಕೆ ದಂಧೆಯಲ್ಲಿ ಮುಂದುವರೆಯುವಂತೆ ಹಿಂಸೆ ನೀಡುತ್ತಿದ್ದರು. ಸದರಿ ಸರ್ದಾರ್ ಬಿಲ್ಡಿಂಗ್ ನಲ್ಲಿ ನನ್ನೊಂದಿಗೆ ಜನ ಹುಡುಗಿಯರನ್ನು ವೇಶ್ಯವಾಟಿಕೆ ದಂಧೆಗೆ ಬಳಸುತ್ತಿದ್ದು ಆ ಪೈಕಿ ನನಗೆ ಆಂಧ್ರ ಪ್ರದೇಶ ರಾಜ್ಯದ ಕದಿರಿ ಪಟ್ಟಣದ ವಾಸಿಗಳಾದ ರೋಷಿಣಿ, ಶಕೀಲಾ, ಮಂಜು, ಸುಶೀಲಾ, ಕೋಮಲ, ಇರಗಿಕ್, ಎಂಬುವರು ಪರಿಚಯವಾಗಿದ್ದು ಇವರನ್ನು ಕೂಡ ಆರೋಪಿಗಳಾದ ಶಾರದ ಎಂಬುವರು ಕರೆದುಕೊಂಡು ಹೋಗಿ ಹಣಕ್ಕಾಗಿ ವೇಶ್ಯವಾಟಿಕೆ ದಂಧೆಗೆ ಉಪಯೋಗಿಸುತ್ತಿದ್ದರು. ನಾನು ಸಾಕಷ್ಟು ಬಾರಿ ಅಶಾ ಮೊಬೈಲ್ ನಂ.8792614191 ಮತ್ತು ಮೊಬೈಲ್ ನಂ:7827192939 ಗೆ ಪೋನ್ ಮಾಡಿ ಬೇಡಿಕೊಂಡು ಆಕೆಯು ನನ್ನನ್ನು ಅಲ್ಲಂದ ಬಿಡುತ್ತಿರಲಿಲ್ಲ ನಾನು ಬೆಳಿಗ್ಗೆ 11-00 ಗಂಟೆಯಿಂದ ಮರು ದಿನ ಮುಂಜಾನೆ 05-00 ಗಂಟೆಯವರೆಗೆ ಈ ಕಾರ್ಯ ನಿರ್ವಹಿಸಬೇಕಾಗಿರುತ್ತದೆ. ಇದರಿಂದ ನನಗೆ ಆರೋಗ್ಯದಲ್ಲಿ ಏರು ಪೇರಾಗಿತ್ತು ಈ ವಿಚಾರವನ್ನು ಹೇಳಿದರೂ ಸಹ ಅದನ್ನು ಲೆಕ್ಕಿಸದೆ ನನ್ನನ್ನು ದೌರ್ಜನ್ಯದಿಂದ ದಂಧೆಯಲ್ಲಿ ಕೆಲಸ ಮಾಡುವಂತೆ ಪ್ರಾಣ ಬೆದರಿಕೆಯನ್ನು ಹಾಕುತ್ತಿದ್ದರು.

ದಿನಾಂಕ: 25/05/2022 ರಂದು ಬೆಳಿಗ್ಗೆ 11-00 ಗಂಟೆಗೆ ಅಲ್ಲಿಂದ ತಪ್ಪಿಸಿಕೊಂಡು ರೈಲ್ವೆ ಸ್ಟೇಷನ್ನಿಗೆ ಬಂದೆನು ಅಲ್ಲಿಗೆ ಶಾರದ ಎಂಬ ಮಹಿಳೆಯು ನನ್ನನ್ನು ಹುಡುಕಿಕೊಂಡು ಬಂದರು ನಾನು ಅವರಿಂದ ತಪ್ಪಿಸಿಕೊಂಡು ಅಲ್ಲಿದ್ದ ಈಶ್ವರ ದೇವಸ್ಥಾನದಲ್ಲಿ ಅವಿತುಕೊಂಡು ಅದೇ ದಿನ ರಾತ್ರಿ 09-00 ಗಂಟೆಗೆ ರೈಲಿನ ಮುಖಾಂತರ ದಿನಾಂಕ: 27/05/2022 ರಂದು ಹಿಂದೂಪುರ ರೈಲ್ವೆ ಸ್ಟೇಷನ್‌ಗೆ ಬಂದು ಅಲ್ಲಂದ ನಮ್ಮ ಗ್ರಾಮಕ್ಕೆ ಬಂದೆನು ನನಗೆ ಈ ವಿಚಾರಗಳನ್ನೆಲ್ಲಾ ಹೇಳಲು ಆರೋಗ್ಯದಲ್ಲಿ ಏರು ಪೇರುಗಳಿದ್ದರಿಂದ ನನ್ನ ತಾಯಿಗೆ ಮತ್ತು ನನ್ನ ಅಣ್ಣನಿಗೆ ನಿಧಾನವಾಗಿ ಈ ವಿಚಾರಗಳನ್ನೆಲ್ಲಾ ಹೇಳಿ ನಾಮ ದೂರು ಕೊಡುವಾಗ ದೆಹಲಿಯಲ್ಲಿ ನನ್ನನ್ನು ಕೂಡಿ ಹಾಕಿದವರ ಪೈಕಿ ಮೊದಲಿಗೆ ಹೆಸರು ವಿಳಾಸ ಗೊತ್ತಿಲ್ಲದೆ ಇದ್ದುದರಿಂದ ಗೀತಾ ಮತ್ತು ಪದ್ಮ ಎಂದು ದೂರಿನಲ್ಲಿ ನಮೂದಿಸಿರುತ್ತೇನೆ. ಆದ್ದರಿಂದ ಗೀತಾ ಮತ್ತು ಪದ್ಮ ಎಂಬವರನ್ನು ಕೈ ಬಿಟ್ಟು ಶಾರದ ಎಂಬಾಕೆಯನ್ನು ಈ ಪ್ರಕರಣದಲ್ಲಿ ಸೇರಿಸುವಂತೆ ಹಾಗೂ ನನ್ನನ್ನು ಮತ್ತು ಆಂಧ್ರ ಪ್ರದೇಶ ರಾಜ್ಯದ ಕದಿರಿ ಪಟ್ಟಣದ ವಾಸಿಗಳಾದ ರೋಷಿಣಿ, ಶಕೀಲಾ, ಮಂಜು, ಸುಶೀಲಾ, ಕೋಮಲ, ಇಂದು, ಎಂಬವರನ್ನು ಬಲವಂತದಿಂದ ವೇಶ್ಯವಾಟಿಕೆ ದಂಧೆಗೆ ಬಳಸಿಕೊಂಡವರಾದ ರವಣಮ್ಮ ಅಶಾ, ಮತ್ತು ಶಾರದ ರವರ ವಿರುದ್ಧ ಕಾನೂನು ಕ್ರಮ ಜರುಗಿಸಲು ಕೋರಿ ಈ ದಿನ ಮೇಲ್ಕಂಡಂತೆ ನನ್ನ ಮರು ಹೇಳಿಕೆಯನ್ನು ಕೊಟ್ಟಿರುತ್ತೇವೆ.

24. Juxtaposition of these two documents would indicate that one bears the seal and signature of the Assistant Commissioner, the other does not. One which bears the seal and signature of the Assistant Commissioner, does not have the name of accused No.5/Sharada and there is no reason provided therein to delete the name of said Geetha and Padma to substitute with the name of the accused No.5/Sharada. Whereas the one which does not bear the seal and signature of said Commissioner has the explanation for leaving out the



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names of Geetha and Padma and to substitute name of accused No.5/Sharada. This gives rise to serious doubt with regard to the very foundation of the case of the prosecution. No acceptable, tenable and plausible explanation is offered by the prosecution to change the track of the story of the victim/PW.2.

25. According to the statement of the victim/PW.2 not once but even on three occasions namely, on 01.06.2022, 09.06.2022 and 17.08.2022 it is the said two persons namely, Geeta and Padma who had physically assaulted her, forced her, confined her at Delhi pushing her into the prostitution trade and there being no name of accused No.5/Sharada anywhere. It is thus beyond the comprehension as to how the prosecution has opted to delete their names with one single stroke by adding the name of accused No.5/Sharada without there being any material whatsoever. The trial Court has not adverted to this aspect of the matter.

26. As regards the very scene of occurrence of the incident, the prosecution has relied upon the spot mahazar produced at Ex.P5. Witnesses to the said documents are one Irfan, who is examined as PW8 and another witness named Hina, who has



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not been examined. The said witnesses are from Chikkaballapur. The mahazar purported to have been drawn at the place of incident namely, Sardar Building, Room No.42 G.B.Road, New Delhi.

27. Sub-section(4) of Section 100 Cr.PC reads as under:

"Before making a search under this Chapter, the officer or other person about to make it shall call upon two or more independent and respectable inhabitants of the locality in which the place to be searched is situate or of any other locality if no such inhabitant of the said locality is available or is willing to be a witness to the search, to attend and witness the search and may issue an order in writing to them or any of them so to do."

28. Similarly, sub-section (2) of Section 15 of the Immoral Traffic (Prevention) Act, 1956 reads as under;

"(2) Before making a search under sub-section (1), the special police officer 4 [or the trafficking police officer, as the case may be,] shall call upon two or more respectable inhabitants (at least one of whom shall be a woman) of the locality in which the place to be searched is situate, to attend and witness the search, and may issue an order in writing to them or any of them so to do:"

29. No explanation is offered by the prosecution as rightly pointed by learned counsel for the appellants for prosecution not obtaining the local inhabitants as witnesses to Mahazar. When according to the victim/PW.2, she was subjected to continuous harassment, torture and prostitution for about three



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months and according to her, there were several other girls, it cannot be a single isolated case. The case of such a high magnitude has gone unnoticed by a Police Chowki which is located right opposite to the place of incident, existence of which finds mention in the sketch produced at Ex.P13. This aspect further raises doubts about the veracity of the case of the prosecution.

30. Document at Ex.P19 is the memo that was issued by the Deputy Commissioner of Police Chintamani Sub-Division, Chikkaballapur addressed to Padmavathamma-PW10, instructing her to take two employees working under District Child Welfare Committee and an assistant from Shiddlaghatta Police Station to the place of incident at Room No.42, G.B. Road, Delhi, to conduct mahazar and to submit the report within one week thereof. There is absolutely no compliance to the said instruction. Instead, the said witness- PW.10 in her deposition has stated as under:

"ನನಗೆ ಮೆಮೋಗಳನ್ನು ತಾಣೆಯಲ್ಲಿ ನೀಡಿದ್ದರು. ಮೆಮೋಗಳಲ್ಲಿ ಜಿಲ್ಲಾ ಮಕ್ಕಳ ಕಲ್ಯಾಣ ಸಮಿತಿಯಿಂದ ಇಬ್ಬರು ಸಿಬ್ಬಂದಿಗಳನ್ನು ಕರೆದುಕೊಂಡು ಹೋಗಿ ಎಂದು ಆದೇಶ ಮಾಡಿದ್ದಾರೆ ಎಂದರೆ ಸರಿ. ಸಾಕ್ಷಿ ಮುಂದುವರೆದು, ಜಿಲ್ಲಾ ಮಕ್ಕಳ ಕಲ್ಯಾಣ ಸಮಿತಿಯವರು ನಾವು ಅಷ್ಟು ದೂರ ಬರುವುದಿಲ್ಲ ಎಂದು ಹೇಳಿದ ಮೇರೆಗೆ ಕರೆದುಕೊಂಡು ಹೋಗಿರಲಿಲ್ಲ.



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ಅವರಿಗೆ ಮೌಖಿಕವಾಗಿ ಕರೆದಿರುತ್ತೇನೆ, ಲಿಖಿತವಾಗಿ ಕೋರಿರುವುದಿಲ್ಲ. ಲಿಖಿತವಾಗಿ
ನೋಟೀಸ್ ನೀಡಲು ತೊಂದರೆ ಇರಲಿಲ್ಲ."

31. Appropriate at this juncture to refer to the Judgment of the Apex Court in the case of **Pradeep Narayan Madgaonkar Vs State of Maharashtra** reported in **AIR 1995 SC 1930** wherein emphasizing importance of compliance of sub-Section(4) of Section 100 at paragraphs 6, 13, the Apex Court has held as under:

"6. Section 100(4) of the Cr.PC requires that before making a search, the officer or other person about to make it, shall call upon two or more independent and respectable inhabitants of the locality in which the place to be searched is situate or of any other locality if no such inhabitant of the said locality is available or is willing to be a witness to the search, to attend and witness the search and may issue an order in writing to them or any of them so to do. The courts generally look for compliance of the aforesaid provisions, to the extent possible in the facts and circumstances of a given case. Do PW 2 and PW 5 satisfy the requirements of Section 100(4) supra? Can they be called independent respectable witnesses of the locality? If they did not belong to the locality where the search was conducted, what was the occasion for them to be present near Building No. 93 at the crucial time to be joined as panch witnesses? Answer to these and some other questions, to be dealt with later on, would decide whether the conviction and sentence of the appellants is sustainable.

13. Since, we find that it is not safe to rely upon the evidence relating to the alleged search and recovery, the appellants are entitled to the benefit of doubt. Their conviction and sentence cannot be sustained. We therefore accept these appeals and set aside the conviction and sentence of the appellants. They shall be released from custody forthwith if not required in any other case."



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32. Similar is the view taken by the Division Bench of the Madhya Pradesh High Court in the case of **State of Madhya Pradesh Vs Ramprakash and others** reported in **1989 Cri.L J 1585** wherein at paragraph 11 it has been held as under:

"11. Seizures evidenced by Exs. P/41-A, 42/A and 43/A, according to us, must be regarded doubtful for the singular reason that the seizures were not made in accordance with the salutary provisions of Section 100(4), Cr. P.C. There is a clear breach in the case of each of the seizures of the statutory safeguard which requires "two or more independent and respectable inhabitants of the locality" to be called to witness the seizure made under the Code. The prosecution has not come forward with any explanation as to why the provisions of Section 100(4) could not be complied with. We have already noted that P.W. 13 | was a chance-witness, an outsider and a foreigner to each of the three places of seizure, who had been called to the Police Station, Dimni, by the I.O. It is in his evidence as also in the evidence of the I.O. that this witness accompanied the I.O. in the Police vehicle and he became instrumental in the exercise carried out by the I.O. evidenced in Exs. P/40, P/41, P/41-A, P/42, P/42-A, P/43 and P/43-A. One of us (Dr. T. N. Singh, J.) had an occasion to consider the effect of breach of the provisions of Section 100, Cr. P.C. in the case of State of Assam v. Gopi Kishan Taperia (1985) 1 Gauhati LR 193 when, speaking for the Division Bench, he had observed that when the provisions of Section 100(4) were breached, burden lay on the prosecution to explain reasons for non-compliance thereof. This view was taken after taking into consideration the holdings of the Apex Court in Radha Kishan's case ; Bai Radha's case ; Subbayya's case , and State of Maharashtra v. Natwarlal . It was held that necessity of saddling the prosecution with the burden to justify the breach of the salutary provision of Section 100(4), Cr. P.C. flowed from the Constitutional requirement of "reasonable procedure" inscribed in Article 21 of the Constitution which enjoined a positive duty on the Court to carefully and judicially : screen the evidence of search and seizure in the light of the relevant legal provisions in a case where on the evidence of articles seized, the accused was liable to be convicted for any offence. On our own, we would like to add further that rigour of the requirement contemplated under Sub-section (4) of Section 100, Cr. P.C. is buttressed by that of Sub-section (8). While Sub-section (4) casts a duty on the "Officer" to make search in the manner provided therein, under



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Sub-section (8), any person who refuses when he is called to witness a search is made liable to conviction under Section 187, I.P.C. Therefore, the duty of the "Officer" making the search to call "two or more independent and respectable inhabitants of the locality" has to be deemed inexorable and failure to perform the duty must be deemed to vitiate the search made in violation thereof unless explanation is furnished by the Officer concerned to justify the violation."

33. When allegation of such a gravity and seriousness is made by the victim/PW.2, the prosecution not even making attempt to secure the local witnesses and also not even taking assistance of the local police gives raise to serious doubt to the authenticity of the case of the prosecution.

34. Photographs though sought to be heavily relied upon by the prosecution as per Ex.P9 to Ex.P12 nothing would change the circumstances inasmuch as the deposition of PW.8 and PW.10 destroys the very theory of the circumstances under which said photographs were taken.

35. According to PW.8 and PW.10 when they went to the spot, there were other girls namely, Roshini, Shakila, Madhu, Susheela, Komala and Indu as well as a cashier present at the spot. Neither the statement of the said persons has been taken nor the said persons are found in the said photographs. Though



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PW.8 has stated that local police were standing at the building but no local police are found in the photographs.

36. PW.10 in her deposition has pleaded ignorance as to the police station at Delhi to which she had first visited before going to the spot. She has admitted not taking the measurement of the spot of the incident. She has admitted not taking any statements from the inmates of the said place where the prostitution was allegedly being carried on. She also admitted she not taking any steps to protect the said inmates. She has also admitted that though she had enquired with the men who had present at the spot, she has not recorded the statement. She has also admitted she not having enquired any of the neighbours at the spot of incident. She has admitted of she not recovering or seizing any materials including cloths from the spot of the incident. She has admitted that the photographs do not depict Room No.42, of the spot.

37. Thus, the aforesaid deposition of PW.10 the PSI who had allegedly gone along with the mahazar witnesses and victim/PW.2 to the place of alleged incident does not evince credibility. Merely on the basis of said photographs and



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perfunctory recording of mahazar at Ex.P5 and the sketch at Ex.P13, conviction of sentence cannot be sustained.

38. Further as already noted above, victim/PW.2 was allegedly taken by accused No.1 from Bagepalli to Bengaluru on 19.03.2022 and from Bengaluru they reached Delhi on 22.03.2022. That the victim was allegedly subjected to physical torture and forced to prostitution in Delhi. On 25.05.2022 she escaped from the place of incident. It is 6 days thereafter she has filed a complaint before the jurisdictional police. No satisfactory explanation provided for delay in filing the FIR. As already noted there was a Police chowki just opposite to the alleged place of incident. No complaint has been registered at the place of incident. This inordinate delay in filing the complaint before the respondent-police gives rise to doubt with regard to authenticity and veracity of the case of the prosecution.

39. For the aforesaid reasons and analysis this Court is of the considered view that the trial Court has erred in not appreciating the material evidence in the proper perspective



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and has further erred in passing the impugned judgment of conviction and order of sentence. Accordingly, following;

ORDER

1. Crl.A.No.525/2026 filed by accused No.1, Crl.A.No.348/2026 filed by accused No.5 connected with Crl.A.No.373/2026 filed by accused No.2 are ***allowed;***
2. The impugned order of conviction and sentence dated 04.02.2026 passed in S.C.No.93/2022 by the I Additional District and Sessions Judge, Chikkaballapura, is set aside.
3. The accused Nos.1, 5 and 2 /appellants are acquitted of the charges for offences punishable under Sections 370, 343, r/w Section 34 of IPC and Sections 3, 4, 5 and 6 of the Immoral Trafficking (Prevention) Act, 1956.
4. The accused Nos.1, 5 and 2/appellants shall be set at liberty forthwith, if their detention is not required in any other cases.
5. Fine amount deposited, if any shall be refunded to the accused Nos.1, 5 and 2/appellants.
6. Bail bonds and sureties, if any, stands cancelled.
7. Communicate copy of this order to the trial Court and concerned Prison authorities forthwith.

**Sd/-
(M.G.S. KAMAL)
JUDGE**