



IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 5TH DAY OF FEBRUARY 2026

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CRIMINAL APPEAL NO.100224 OF 2019 (A)

BETWEEN:

SMT.JUBEDA W/O. MARDANASAB VADAVI,
AGE: 32 YEARS, OCC. HOUSEHOLD,
R/O. GULAGANDI, TQ. HAVERI,
NOW R/AT HULAGOOR,
TQ. SIGGAON, DIST. HAVERI.

...APPELLANT

(BY SRI.HEMANTHKUMAR L. HAVARAGI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY GANTIKERI POLICE STATION,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
DHARWAD BENCH.
2. SHRI. MARDANSAB S/O. DAVALSAB VADAVI,
AGE: 42 YEARS, OCC. COOLIE,
R/O. GULGODI, TQ. AND DIST. HAVERI.
3. SMT.SHAHEENA W/O. SALIM
@ SALIM AHMMAD YADWAD,
AGE: 31 YEARS, OCC. HOUSEHOLD,
R/O. KANAVALLI VILLAGE,
NEAR CHURCH, DIST. HAVERI.
4. AJEEJSAB @ AJEEJ
S/O. MODINASAB DODDAMANI,
AGE: 51 YEARS, OCC. AGRICULTURE,
R/O. KANAVALLI VILLAGE, NEAR CHURCH,
DIST. HAVERI.





5. SMT.FAREEDABANU @ MUNNY
W/O. AJEEJSAB DODDAMANI,
AGE: 35 YEARS, OCC. HOUSEHOLD,
R/O. KANAVALLI VILLAGE,
NEAR CHURCH, DIST. HAVERI.

...RESPONDENTS

(BY SRI. JAIRAM SIDDI, HCGP FOR R1)

THIS CRIMINAL APPEAL IS FILED U/S. 372 OF CR.P.C., SEEKING TO CALL FOR RECORDS AND SET ASIDE THE JUDGMENT DATED 29/04/2019, PASSED BY THE I ADDL. CIVIL JUDGE AND JMFC, HUBBALLI IN C.C.NO. 2467/2018 AND CONVICT THE RESPONDENTS, IN THE INTEREST OF JUSTICE.

THIS APPEAL, COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

ORAL JUDGMENT

This is a complainant's appeal preferred against the judgment of acquittal passed by the learned I Additional Civil Judge and JMFC, Hubballi, whereby vide judgment dated 29.04.2019, accused Nos.1 to 4 are acquitted of the offence punishable under Sections 323, 341, 504, 506 read with Section 34 of IPC.

2. Heard learned counsel for the appellant and learned High Court Government Pleader. Perused the evidence and material on record.



3. The complainant (P.W.1) is the victim in this case. She is the wife of accused No.1. Due to some matrimonial discord between them, since two years they were residing separately. On 27.05.2018 at about 02.00 p.m., the complainant had been to Shahhabazar, Hubballi along with her sister-Gudumabi(P.W.3) to purchase clothes. It is alleged that, when she was in the shop, accused No.1 along with accused Nos.2 to 4 came to the shop and assaulted her with hands, accused No.2 pulled her by hair and slapped her and also assaulted the complainant's sister-P.W.3.

4. Before the trial Court, seven witnesses were examined and Exs.P1 to P7 were marked. The learned Magistrate on appreciation of the evidence and material on record, acquitted the accused vide impugned judgment.

5. The learned Magistrate has come to the conclusion that except CWs.1, 4 and 6, other witnesses have totally turned hostile and not supported the case of prosecution and admittedly, there is a matrimonial dispute between accused No.1 and the complainant and in the evidence of complainant and other witnesses, there are material contradictions. Hence,



held that the prosecution has failed to prove the guilt of the accused beyond all reasonable doubts.

6. The learned counsel for the appellant would contend that the evidence of P.W.1 is corroborated by the evidence of P.Ws.2 and 3 and further corroborated by the medical evidence, wherein, the Doctor-PW7 has issued Ex.P7, wound certificate pertaining to the complainant. Hence, he contended that the prosecution has established the charges levelled against the accused beyond reasonable doubt and therefore, the judgment of acquittal passed by the trial Court is liable to be set aside and accused are liable to be convicted.

7. The incident is alleged to have taken place on 27.05.2018 at about 02.00 p.m. in the shop of P.W.4. According to prosecution, when the complainant along with her sister had been to the shop to purchase clothes, all the accused came and assaulted her. The shopkeeper- P.W.4 has not supported the case of prosecution. The said witness has stated that the accused have not committed any offence as alleged. Similarly, P.W.5, another independent eye witness has denied the case of prosecution.



8. Though the incident took place on 27.05.2018, the complaint was lodged on 31.05.2018. P.W.1 in her complaint has stated that after the incident, she went to KIMS Hospital for treatment and thereafter, went to her village and informed the matter to her elders and her sister took treatment at home. In the admitted rivalry between the parties, the delay assumes an important role. But the reasons assigned for the delay of 4 days in lodging the complaint are not satisfactory.

9. P.W.1 has clearly admitted that since 3 years she was residing separately from her husband. P.W.3 i.e., the sister of P.W.1 who accompanied her to shop for purchasing clothes, in the cross-examination has stated that after the incident, they went to their house and after discussing the matter with the elders, lodged the complaint on 31.05.2018. Even though, P.W.2, panch witness to Ex.P2-spot mahazar has supported the prosecution case, from the evidence of P.W.1, it is seen that in his auto-rickshaw, she went to Hubballi and the said witness was residing near her house and he was known to her.

10. The trial Court has noticed several contradictions in the evidence of P.Ws.1 to 3. P.W.1 has stated that accused No.1



fisted on her chest and abdomen. However, the same is not spoken by P.Ws.2 and 3. Omnibus allegations are made by them. PW3 has stated that accused No.2 pulled the hair of the complainant-P.W.1 and slapped her and made her to fall. However, P.W.1 has not stated that she was slapped by accused No.2.

11. From the material on record, it is seen that there was a matrimonial dispute between accused No.1 and P.W.1. The complainant was residing separately from her husband i.e., accused No.1. In the cross examination, P.W.3 has stated that accused No.2 had married accused No.1. The independent witnesses have not supported the case of prosecution. Even though the evidence of P.W.7, the Doctor who issued Ex.P7-wound Certificate goes to show that P.W.1 sustained some superficial injuries, it cannot be said that the prosecution has established the charges levelled against accused Nos.1 to 4 beyond all reasonable doubt. Even though, P.W.7 has stated that on 27.05.2018 at about 05.45 p.m., the injured came to the Hospital and he noticed certain abrasions, pain etc. There is no mention of MLC intimation sent to the concerned police station.



12. This being an appeal preferred against the judgment of acquittal, this Court having re-appreciated the evidence and material on record finds no compelling grounds to reverse the judgment. The reasons assigned by the trial Court cannot be held to be either perverse or illegal. Appeal therefore fails and accordingly, **dismissed**.

SD/-
(MOHAMMAD NAWAZ)
JUDGE

RKM
CT:PA
LIST NO.: 1 SL NO.: 8