Karnataka Civil Judge (Mains) 2025

Law Paper III · compulsory paper

Framing of charges and writing of judgment in Criminal case. Instructions: Option is given to the candidates to write answers either in English or in Kannada. If there is any discrepancy or difference in the questions in English language and Kannada language, the questions as framed in English language shall prevail.

1. Frame proper plea in the following case by referring correct penal provisions applicable under BNS. 10 Marks

The case of the prosecution is that on 04.08.2022 at 12 Noon, near K.R. Circle opposite to M.S.Building, Bangalore, Sri Satish, the first informant, was proceeding towards Vidhana Soudha, on his motor bike bearing No.KA-02-B-1616. At that time a car bearing No.KA-13-L-6665 driven by accused Senthil, by violating one way rule of that Road, came from opposite direction in a rash and negligent manner in high speed, and dashed against the Complainant's vehicle and further moved and hit a pedestrian by name Smt. Leela who was walking on the footpath and also damaged another car bearing No.KA-02-L-6537. As a result of the incident, the first informant Sathish suffered severe injuries all over his body and X-ray result show that he suffered fracture of tibia and fibula and many simple injuries. Smt.Leela suffered grievous head injury and succumbed to the same in the spot itself. The car bearing No.KA-02-L-6537 suffered complete damages on front side. Accused without having any D.L. or valid permit for his vehicle, by violating one way traffic, caused this incident by his rash and negligent driving.

2. Frame appropriate charge for the trial of an accused on the following incident. Quote necessary and applicable provisions of IPC or BNS. 20 Marks

The case of the prosecution is that on 15.04.2015 around 5 p.m., when the first informant Smt. Jalaja, the resident of Anegundi village of Gangavathi Taluk was standing in front of her house, accused 1 to 3, the residents of neighbouring village, Talaguppa came and started abusing Smt.Jalaja in bad and filthy language and pulled her to the middle of the road uttering that she has shown disrespect to them on previous day in a festival gathering. Accused No.1 slapped Smt.Jalaja in front of the villagers on her cheek and caused pain. Accused No.2 assaulted her using wooden club and caused grievous injuries on her head. Accused No.3 held out life threat on Smt.Jalaja and threatened her to disrobe in presence of villagers. Accused 1 to 3 have also assaulted villager Sri Rama who tried to intervene during the incident and accused No.1 slapped on his face. As a result of such severe blow, Sri Rama suffered grievous injuries and became dumb. When villagers of Anegundi tried to avert the incident, accused No.1 took out his rifle and threatened the villagers to keep quiet or to face consequences. Further, accused No.1 tried to set ablaze the house of the complainant, which was prevented due to timely intervention of villagers.

3. Write a considered Judgment in the following case by giving valid and cogent reasons assuming rival contentions and documents of the prosecution from the facts and evidence narrated below: 70 Marks

IInd ADDITIONAL JUDICIAL MAGISTRATE OF FIRST CLASS, KALABURAGI
CC No. 1345/2012

Complainant: State by Women Police Station
Vs.
Accused: Vivekananda and Others

Brief facts of the case of the prosecution:

As per charge sheet the accused No. 1 has married complainant CW-1 on 24.05.2005 at Sri Jadeshankaralingeshwara Temple, Makthampura, Kalaburagi. During marriage CW-1's family have paid Rs. 1,00,000/- cash, 10 Thola of Gold, Rs.50,000/- to purchase Hero Honda vehicle, Wrist Watch and other household articles as Dowry to the accused family as per marriage talks. After marriage, accused No. 1 and his family members were cordial with CW-1 for six months. Thereafter, accused No.1 and his family members, his mother and sisters have started to abuse CW-1 in filthy language and also demanded to bring Rs.2,00,000/- as Dowry. On 20.02.2011 at 9.00 p.m., when CW-1 was in her parent's house, the accused No.1 and other accused came near the house and abused her saying that she doesn't know how to cook and to do household work. The accused assaulted and threatened her with life. Thereby, CW-1 sustained injuries.

The accused persons appeared before the court and applied for bail through an advocate, the bail application submitted by them was allowed and they were released on bail. After filing of the charge sheet, cognizance of offences was taken and the accused were summoned to appear before the court through their advocate. Subsequently, charge was framed against the accused under Sections 498A, 504, 323, 506, read with Section 149 IPC and Section 3 and 4 of Dowry Prohibition Act and read over to the accused. They denied the substance of charge levelled against them and claimed to be tried.

In order to prove the guilt against the accused, the prosecution let in the following evidence before the Court.

PW-1

The witness was administered oath on 22.02.2018.
Name of witness: Aruna
Husband's name: Vivekananda
Age: 25 years
Occupation: House Wife
Address: Astagi Grama

Examination in Chief by APP

Accused No.1 is my Husband. CW-4 and 5 are my parents. The other accused are relatives of my husband. On 24.05.2005, my marriage was solemnized with Accused No.1 at Makthapura Jadeshankaralalingeshwara Temple, Gulbarga. At the time of marriage, an amount of Rs. 1,00,000/-, 10 Thola of Gold, Rs.50,000/- was paid to the accused to purchase Hero Honda vehicle and other House hold Articles as demanded by them. After marriage, the Accused were cordial with me and thereafter my In-laws, Sister-in-laws and other accused were started to abuse me by saying that I don't know how to cook and washing clothes. The accused were also started to abuse and assaulted by beating and pulling my hairs. The Accused subjected me to cruelty by demanding Rs.2,00,000/- and the same was informed to my parents. My parents advised the accused persons. Even then, they continued to harrase me. I gave birth to baby boy and at that time my husband received golden locket from my parents. On 26.06.2010 the accused abused and assaulted me and on 22.02.2011 the accused came near my parent's house and threatened to pour kerosene on me and set ablaze. In this regard, I gave a complaint on 08.03.2011 to the police. The witness identifies the complaint and the same is marked as Ex. P-1. The signature of witness is marked as P-1(a). The police came near the spot and

have drawn the mahazar and seized the marriage card. The witness identifies the marriage card and same is marked as Ex.P-2.

Cross Examination by the Counsel for accused:

I know Kannada to read and write. My parents have 10 acres of land. Accused No.4 to 7 are brothers of accused No. 1 and they are working. It is not true to say that Accused No.4 and 9 are residing separately. Accused No.5 and 8 are residing at Ganesha Nagara and they use to come to my In-laws house. The Accused No. 13 and 14 are residing at SBI Colony and they also use to come to the house of A-1. I don't know about the case filed against me on 02.03.2011 by A-2 stating I was staying in my parent's house. It is true to say that on 04.01.2011 A-1 had filed divorce petition against me. It is true to say that on 26.02.2011 I have registered a case against A-1 before the Women Police Station. It is true to say that the police called myself and A-1 to the police station and enquired us with regard to the reply given by him to the complaint.

It is false to say that A-2 is aged and A-3 is blind. It is true to say that I have filed complaint stating that the accused have assaulted me on 26.09.2010. I did not go to the accused house after 26.09.2010. It is false to say that I have filed complaint against the accused after A-1 filed petition for divorce. It is false to say that I am deposing false that the accused have assaulted and abused me in filthy language. It is false to say that I used to go to my parent's house in order to avoid to take care of my In-laws. It is true to say that I married A-1 since he is a Government Employee.

Re-Examination: Nil

(Typed in the open Court as dictated by me) R.O.&A.C. (XXX) II ADDL. JMFC KALABURAGI

PW-2

The witness was administered oath on 03.11.2018.
Name of witness: Shivakumara
Father's name: Madavarayya
Age: 60 years
Occupation: Agriculture
Address: Astagi Grama

Examination in Chief by APP:

I know CW-3. The witness identifies his Thumb Impression in the spot mahazar which is shown to him and the same is marked as Ex.P-3. The LTM of witness is marked as Ex.P-3(a). I put my thumb impression to the mahazar in the year 2011 at Kalaburagi with regard to quarrel. On the said day, myself and CW-3 were present. CW-1 and her husband were quarreling. Mahazar was drawn near the house of CW-1's husband. The mahazar was drawn in the morning around 10.00 a.m. to 11.00 a.m.

Cross-Examination by the Counsel for the accused:

I know the father of CW-1. I signed the mahazar, but I don't know the date. It is true to say that I don't know for what reason I signed. It is false to say that I put my thumb impression at the request of the Police. It is false to say that I am deposing false at the request of CW-1's father. It is false to say that mahazar was not drawn in my presence.

Re-Examination: Nil

(Typed in the open Court as dictated by me) R.O.&A.C. (XXX) II ADDL. JMFC KALABURAGI

PW-3

The witness was administered oath on 03.11.2018.
Name of witness: Ramalinga
Father's name: Shivappa
Age: 45 years
Occupation: Agriculture and Vegetable vendor
Address: Astagi Grama

Examination in Chief by APP:

I know CW-3. The witness identifies his thumb impression in the spot mahazar which is shown to him and the same was already marked as Ex.P-3. The LTM of witness is marked as Ex.P-3(b). I put the thumb impression to the mahazar in front of house of CW-1's husband at Maktampur. I signed the mahazar with regard to quarrel between husband and wife. The mahazar was drawn in the morning around 10.00 a.m. to 11.00 a.m. Police were present at the spot.

Cross-Examination by the counsel for accused:

I was present during the quarrel. Since, I was present during mahazar I have put my thumb impression. It is false to say that I am deposing false at the instance of CW-1's father though mahazar was not drawn in my presence.

Re-Examination: Nil

(Typed in the open Court as dictated by me) R.O.&A.C. (XXX) II ADDL. JMFC KALABURAGI

PW-4

The witness was administered oath on 16.11.2018.
Name of witness: Arjuna
Father's name: Hanamantharaya
Age: 60 years
Occupation: Agriculture
Address: Astagi Grama

Examination in Chief by APP:

CW-1 is my daughter, CW-5 is my wife, A-1 is my son-in-law. CW-1 is my elder daughter, her marriage was solemnized with A-1 at Shankaralingeshwara Temple, Makthapura, Kalaburagi in the year 2005. After marriage, CW-1 had been to her husband's house. At the time of marriage, myself and my wife have paid Rs. 1,00,000/- and Rs. 50,000/- towards purchase of Herohonda Vehicle, 10 Thola gold, clothes and other things to the accused in the presence of CW-6 to 8. After marriage, CW-1 and accused No.1 were cordial for 6 months, thereafter the accused started to quarrel with CW-1. The accused No.2 to 6, deceased A7, 8 to 10, 12 to 14 have started to insult CW-1 in filthy language saying that if A-1 married other girl, she would have brought sufficient dowry. The accused further insulted CW-1 stating that she doesn't know good cooking, to wash clothes properly and demanded to bring dowry from her parents. During cradle ceremony, I have paid 10 gram gold locket, 5 grams two gold Rings to grandson Karthik. Thereafter, the accused have joined together and threatened CW-1 with life to bring car and Rs.2,00,000/- as dowry. The accused have also assaulted CW-1 by pouring kerosene on her and demanded to bring more dowry. The witness identifies the accused persons before the Court who subjected his daughter to cruelty.

Cross-Examination by the counsel for accused:

I owned 10 acres of land and I have income of Rs.5,00,000/- per annum. I have not produced the documents for having 10 acres of land and income of Rs.5,00,000/- per annum. It is false to say that we performed the marriage of CW-1 with accused No.1 forcibly though she was not interested to marry and only for the reason that accused No.1 is a Government employee and he hails from well cultured family. It is false to say that CW-1 used to stay in her parent's house since she was not interested to marry A-1. It is false to say that A-2 filed complaint against us on 02.03.2011 since we subjected the accused persons to cruelty and CW-1 stayed in our house. It is false to say that we filed false case against accused in order take vengeance since the accused filed divorce petition. It is false to say that during marriage we have not given Rs. 1,00,000/-, 10 Thola of gold, Rs.50,000/- towards purchase of bike, Rs.50,000/- towards clothes and things. It is false to say that I am deposing false against the accused saying that they have subjected CW-1 to cruelty.

Re-Examination: Nil

(Typed in the open Court as dictated by me) R.O.&A.C. (XXX) II ADDL. JMFC KALABURAGI

PW-5

The witness was administered oath on 10.01.2019.
Name of witness: Ambaraya
Father's name: Revappa Biradhar
Age: 50 years
Occupation: Agriculture
Address: Astagi Grama

Examination in Chief by APP:

I know CW-1, 4 and 5. I know the accused before the Court. Myself, CW-7 and parents of CW-1 had been to the house of accused where marriage talks were held. At that time, accused No.1 liked CW-1 and agreed to marry her. During marriage talks, the accused have demanded Rs.1,00,000/-, 10 Thola of gold, Rs.50,000/- towards purchase of Herohonda Vehicle, Clothes and other things as dowry. About 8 to 9 years back, the marriage of accused No.1 and CW-1 was solemnized near the house of accused persons at Shankarlinga Temple. After the marriage, the accused were cordial with CW-1 for six months and thereafter the accused started to quarrel and assault her saying that she had no discipline and doesn't know good cooking. This fact was informed to us by CW-1. The accused always used to quarrel with CW-1, threatened and assaulted her. The accused abused CW-1 and demanded to bring more dowry. The police have enquired me.

Cross-Examination by the counsel for accused:

It is true to say that A-1 is a Government Employee. He owned 20 to 25 acres of land. Accused are financially sound than the family of CW-1. It is false to say that I was not present during the marriage talks and the accused have not demanded dowry of Rs. 1,00,000/-, 10 Thola of gold, Rs.50,000/- towards purchase of Hero honda vehicle, clothes and other things. It is false to say that today CW-4 has brought me to the Court. It is false to say that the accused have not assaulted and abused CW-1 by saying that they would pour kerosene on her. It is false to say that CW-1 was not interested to marry A-1 and she married forcibly at the instance of her parents. I do not know that CW-1's father-in-law gave complaint against CW-1 since she always stayed in her parent's house. It is true to say that A-1 filed

divorce petition before registering the present case. I don't know that A-1 and his brothers are residing separately. It is false to say that I am deposing false in order to help CW-1.

Re-Examination: Nil

(Typed in the open Court as dictated by me) R.O.&A.C. (XXX) II ADDL. JMFC KALABURAGI

PW-6

The witness was administered oath on 10.01.2019.
Name of witness: Basavantharaya
Father's name: Mahadevappa Patil
Age: 75 years
Occupation: Agriculture
Address: Astagi Grama

Examination in Chief by APP:

I know CW-1, 4 to 6. I know the accused No.1. The marriage of CW-1 was solemnized with A-1 on 24.05.2005 at Shankaralingeshwara Temple, Makthampura, Kalaburagi. During marriage, the accused persons have received Rs. 1,00,000/-, 10 Thola of gold, Rs.50,000/- towards purchase of Hero Honda vehicle, clothes and other things as dowry. But I don't know what was the exact amount. CW-1 and accused No.1 were cordial for 6 months and thereafter the accused have started to insult her in filthy language. The same was informed to us by CW-1. The Accused have assaulted CW-1 and also threatened to pour kerosene on her. Thereafter, I have advised CW-1 and accused in the police station. The police have enquired me with regard to the incident.

Cross-Examination by the counsel for accused:

It is true to say that A-1 is a Government Employee. He owned 20 to 25 acres of land. Accused are financially sound than the family of CW-1. It is false to say that I was not present during the marriage talks and accused have demanded dowry of Rs. 1,00,000/-, 10 Thola of gold, Rs.50,000/- towards Hero Honda vehicle, clothes and other house hold things. It is false to say that today CW-4 brought me to the Court. It is false to say that the accused have not assaulted and abused CW-1 by saying that they would pour kerosene on her. It is false to say that CW-1 was not interested to marry A-1 and she married forcibly at the instance of her parents. I don't know that CW-1's father-in-law gave complaint against CW-1 since, she stayed in her parent's house. It is true to say that A-1 filed divorce petition before registering the present case. I do not know that A-1 and his brothers are residing separately. It is false to say that I am deposing false in order to help CW-1.

Re-Examination: Nil

(Typed in the open Court as dictated by me) R.O.&A.C. (XXX) II ADDL. JMFC KALABURAGI

PW-7

The witness was administered oath on 02.03.2019.
Name of witness: Sharanabasaveshawara
Father's name: Bhimrao
Age: 40 years
Occupation: P.I. Intelligence Division.
Address: Bidar

Examination in Chief by APP:

Since, 01.08.2011 to 20.10.2013 I was working as P.I. in Brahmapura Police Station, Kalaburagi. On 01.08.2011, I received the case file from C.W12 and started further investigation. On 05.09.2011, I received marriage card of CW-1 and A-1. The witness identifies the marriage card, the same was already marked as Ex.P-2 and signature of witness marked as Ex.P-2(a). Since, the allegations proved against the accused persons, I have filed charge sheet against them on 09.02.2012.

Cross-Examination by the Counsel for accused:

It is false to say that I have submitted false charge sheet against the accused persons though the allegations are not proved against them. It is false to say that I have not properly verified the case file. It is true to say that during the investigation I came to know about the divorce petition filed by A-1 against CW-1.

Re-Examination: Nil

(Typed in the open Court as dictated by me) R.O.&A.C. (XXX) II ADDL. JMFC KALABURAGI

PW-8

The witness was administered oath on 06.05.2019.
Name of witness: Akkamahadevi
Husband name: Dilipkumar
Age: 36 years
Occupation: P.S.I. DSB Office, Kalaburagi.
Address: Kalaburagi

Examination in Chief by APP:

Since, December, 2010 to June, 2011, I was working as P.S.I. in Women Police Station, Kalaburagi. On 08.03.2011 around 6.00 p.m., when I was in duty, CW-1 came to Police Station and gave written complaint and on that basis a crime No.22/2011 was registered and submitted FIR to the court and Higher Authorities. The Witness identifies the complaint and the same was already marked as Ex.P-1. The signature of the Witness is marked as Ex. P-1(b). FIR is marked Ex.P-4 and signature of the witness is marked as Ex.P-4(a). Since, the case is heinous in nature I handed over the case file to C.W-12.

Cross-Examination by the Counsel for accused:

It is false to say that I have registered the case on the basis of written complaint given by CW-1 on 08.03.2011 around 6.00 p.m. It is false to say that I had knowledge about pending of divorce petition between A-1 and CW-1 when PW-1 came to police station to give complaint. It is false to say that I have registered false case and deposing false.

Re-Examination: Nil

(Typed in the open Court as dictated by me) R.O.&A.C. (XXX) II ADDL. JMFC KALABURAGI

STATEMENT OF THE ACCUSED UNDER SECTION 313 OF CODE OF CRIMINAL PROCEDURE

All the incriminating evidence appearing against the accused was read over to them and accused denied as false and stated that they have not received any amount as dowry from CW-1 family and never demanded the dowry. The complaint and his family filed false case in order to harass them and overcome the divorce petition.

The documents marked on the side of Prosecution:

1. Ex.P1 - Complaint
2. Ex. P2 - Wedding Card
3. Ex.P3 - Mahazar
4. Ex. P4 - FIR

ARGUMENT FOR THE PROSECUTION

The learned Assistant Public Prosecutor has argued that the accused No. 1 married CW-1 and at the time of marriage the accused have demanded dowry and received cash of Rs. 1,00,000/-, 10 Thola gold, cash of Rs.50,000 towards purchase of Hero Honda and other household articles. Accordingly, the same were provided to the accused as dowry. After the marriage, the accused led matrimonial life with accused No.1 happily for 6 months. Thereafter, the accused have started to illtreat CW-1 by insulting her stating that she doesn't know good cooking and to wash clothes. The accused have forced CW-1 to bring Rs.2,00,000/- more as dowry and threatened with life. PW- 1, 4 to 6 have clearly supported the case of prosecution and produced documentary evidence. PW-2 and 3 are witnesses to the spot mahazar. PW-7 and 8 investigated the case and laid the charge sheet against the accused and their evidence entirely supports the case of prosecution. It was further argued that the prosecution proved the guilty of accused beyond all reasonable doubt. Therefore, the learned Assistant Public Prosecutor prayed to convict the accused.

ARGUMENTS FOR THE ACCUSED

The learned counsel for the accused argued that evidence let in by the prosecution is full of material contradictions, variations and discrepancies. PW-1 and 4 are interested witnesses. The accused persons are financially good than PW-1 and her parents. Therefore, there is no question of demanding dowry. The accused have not received any amount or gold from parents of PW-1 during marriage and they never demanded for more dowry. The prosecution has not examined the CW-12 who investigated the matter and non-examination of IO is fatal to the case of prosecution. Though, PW-1 was not willing and interested to marry A-1 but she married only for the reason that he is a Government Employee. Brothers and Sisters of A-1 are residing separately and they never involved in commission of offence. PW-1 filed false case in order to overcome the divorce petition. Therefore, on perusal of entire case of prosecution there is no material evidence to prove the guilty of accused and thereby prayed to acquit the accused of the offences leveled against them.