

IN THE HIGH COURT OF KARNATAKA AT BENGALURU**DATED THIS THE 20TH DAY OF SEPTEMBER, 2024****PRESENT****THE HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR****AND****THE HON'BLE MS JUSTICE J.M.KHAZI****CRIMINAL APPEAL NO.24 OF 2019****BETWEEN:**

CHINNAMALA KONDAREDDY
@ BOGALA KONDAREDDY
S/O PICCHAREDDY,
AGED ABOUT 63 YEARS
R/AT C/O HOUSE OF PRASAD
SATHYANARAYANAPURAM,
NELLUR TALUK AND DISTRICT,
ANDHRA PRADESH

...APPELLANT

(BY SRI. VISHNUMURTHY, ADVOCATE)

AND:

STATE OF KARNATAKA
BY MAHADEVAPURA POLICE
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001

...RESPONDENT

(BY SRI. VIJAYAKUMAR MAJAGE,
ALONG WITH SMT. R. SOWMYA, HCGP)

THIS APPEAL IS FILED UNDER SECTION 374(2) OF CR.P.C.
PRAYING TO SET ASIDE THE JUDGMENT OF CONVICTION DATED
06.02.2018 AND ORDER OF SENTENCE DATED 07.02.2018, PASSED
BY THE LXII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE CCH-63,
BANGALORE CITY IN S.C.NO.690/2014 - CONVICTING THE
APPELLANT/ACCUSED FOR THE OFFENCES PUNISHABLE UNDER
SECTIONS 302, 392 AND 404 OF IPC.

Date on which the appeal was reserved for judgment	11.07.2024
Date on which the judgment was pronounced	20.09.2024

THIS CRIMINAL APPEAL HAVING BEEN HEARD AND RESERVED, COMING ON FOR PRONOUNCEMENT THIS DAY, **J.M.KHAZI J.** PRONOUNCED THE FOLLOWING:

JUDGMENT

This appeal is by the sole accused challenging his conviction and sentence imposed by the trial Court for the offences punishable under Sections 302, 392 and 404 of IPC.

2. For the sake of convenience, parties are referred to by their ranks before trial Court.

3. A charge sheet came to be filed against the accused alleging that he is the nephew i.e., son of the elder sister of the deceased Kondamma. He used to visit the deceased and request for financial help. On 27.01.2014 at 8.30 p.m. he visited the house of the deceased and pestered her for money. When she did not agree to pay him money, he assaulted her with hands and strangulated her and robbed her of four gold bangles and ear studs. On 28.01.2014, with the help of and in the name of CW.4 Ravanamma, he pledged the said four

bangles and ear studs in the shop of CW.5 T.Venkateshwaralu for a sum of Rs.70,000/- and spent the said amount. On 03.02.2014, accused was arrested and at his instance, the gold ornaments in question were recovered and thereby accused committed the offences punishable under Sections 302, 392 and 404 of IPC.

4. Accused pleaded not guilty and claimed trial.

5. In order to prove the allegations against the accused, the prosecution relied upon the evidence of PWs.1 to 19, Exs.P1 to 19 and M.Os.1 to 8.

6. During the course of his statement under Section 313 of Cr.P.C., accused denied the incriminating evidence led by the prosecution.

7. Accused not lead any defence evidence

8. Vide impugned judgment and order, the trial court convicted the accused and sentenced him as detailed in the order.

9. Aggrieved by the same, accused approached this Court, contending that the impugned judgment and

order are not based on the legal and substantive evidence. The entire case of the prosecution is based on the circumstantial evidence. The essential ingredients of Section 302, 392 and 404 of IPC are not established. The prosecution miserably failed to prove the chain of circumstances connecting the accused with the alleged crime. Viewed from any angle, the impugned judgment and order are not sustainable and prays to allow the appeal and set aside the same.

10. In support of his arguments, learned counsel for the accused relied upon the following decisions:

- i) *Rajjan Khan vs State of Madhya Pradesh*¹(**Rajjan Khan**)
- ii) *Krishan Kumar & Another vs The State of Haryana*²(**Krishan Kumar**)
- iii) *Sharanappa Alias Sharanappa vs State of Karnataka*³(**Sharanappa**)
- iv) *State (Delhi Administration) vs Shri Gulzari Lal Tandon*⁴(**Gulzari Lal Tandon**)
- v) *State of U.P. vs Nandu Vishwakarma & Others*⁵(**Nandu Vishwakarma**)

¹ (2024) 1 SCC (Cri) 559

² Crl.A.Nos.1076-1077/2015

³ (2024) 1 SCC (Cri) 36

⁴ 1979 SCC (Cri) 526

⁵ 2010 1 SCC (Cri) 1429

11. On the other hand, learned SPP-II supported the impugned judgment and order and submitted that though the accused is a resident of Nellur, he was in the habit of coming to Bengaluru regularly. The evidence of PW-4 Bramha @ Vengaiah an acquaintance of the accused proves that on the date of incident, accused had come to Bengaluru and stayed in his house till 8.00 p.m. and left his house informing him that he was going to the house of the deceased. PW-8 O.Srinivas had seen the accused entering the house of the deceased. PW-3 Ramesh had seen the accused in the house of the deceased on the night of the incident immediately before her death. Thereafter, deceased was not seen alive. When PW-3 Ramesh left the house of the deceased, except accused and deceased no other persons were present in the said house. Therefore, the burden is on the accused to establish that, when he left the house of the deceased, she was alive.

11.1 He would further submit that the gold bangles and ear studs which the deceased was regularly wearing

went missing when her dead body was discovered. After the accused was arrested, the same were seized from the shop of PW-15 Venkateshwaralu on the basis of his voluntary statement. The evidence led by the prosecution proves that accused had pledged the said ornaments with PW-15 Venkateshwaralu with the help of and in the name of PW-12 Ravanamma. This fact is established through the testimonies of PWs-12 to 16. The findings of the trial Court are consistent with the evidence led by the prosecution. The allegations against the accused are proved beyond reasonable doubt. No justifiable grounds are made out to interfere with the same and pray to dismiss the appeal.

12. We have heard the elaborate arguments of both sides and perused the records.

13. It is pertinent to note that accused is a resident of Nellur Taluk of Andhra Pradesh. PW-4 Brahma @ Vengaiah is also hailing from Nellur. At the relevant point of time, he was working and residing at Bengaluru. He was known to the accused. His evidence reveals that on the date of incident i.e., 27.01.2014, in the morning, accused

came from Nellur in train to his house. Stating that he travelled in the train, he will take rest, accused stayed in his house from 6 a.m. to 8 p.m. Saying that he would go to the house of the Kondamma, he left at 8 p.m. After two days, he came to know that somebody had killed Kondamma. In this regard, police came to the place of his work and took him to the house of the deceased Kondamma and enquired. He disclosed the above facts. PW-4 has specifically stated that four days after the death of Kondamma, police took him to Nellur and arrested the accused. During his cross-examination, PW-4 Brahma @ Vengaiah has stated that his house was at a distance of about 2 kms from the house of the deceased Kondamma. Except making formal denials, the evidence of this witness is not disputed by the defence.

14. It is the specific case of the prosecution that deceased was staying alone in the ground floor, whereas his son i.e., complainant PW-2 V.Srinivasalu was staying in the first floor along with his family members. PW-1 Smt. Kavitha is the sister-in-law of the deceased Kondamma.

PW-3 Ramesh was a construction worker residing in a shed adjoining the building under construction near the house of the deceased Kondamma. He used to collect water from the tap situated inside the compound of the said house. He was also visiting the house of the deceased Kondamma along with his niece baby Mamata aged about six years. The evidence of PWs-1 to 3 proves the fact that deceased Kondamma was staying independently in the ground floor. Despite her son and his family members were staying in the first floor, it appears she wanted to live an independent life and therefore, staying alone. This fact is not disputed by the defence.

15. During the course of his evidence, PW-3 Ramesh has deposed that along with him, his father Hulagaiah, mother Anandamma, sister Sujata, brother-in-law Nagaraj were working in the building under construction of one Nagaraj Reddy. For the use of himself and his family members, they used to collect water from the tap situated inside the compound of the house of the deceased Kondamma. He has also deposed that in the

evening, he along with his niece baby Mamata aged six years, used to watch TV in the house of the deceased Kondamma. Except making formal suggestions, denying the evidence given by him in his examination-in-chief, the defence has failed to dislodge the above testimony of this witness.

16. The testimony of PW-3 Ramesh assumes importance in the light of the fact that according to the prosecution, on the date of incident while he and his niece, baby Mamata were watching TV, accused came to the house of Kondamma and sat on a chair, covering his face with a kerchief and Smt. Kondamma introduced the accused to him, saying that he is the son of her sister. During the course of his evidence, PW-3 Ramesh has spoken to this effect. He specifically stated that when accused went to the bedroom, Kondamma informed PW-3 Ramesh that accused was in the habit of frequently demanding money from her for his drinks. Initially she used to pay him money, but of late when she refused to pay him money, he was troubling her. PW-3 Ramesh has

also deposed that after watching TV when he and the baby Mamata left the house of Kondamma, accused and deceased Kondamma were the only inmates of the said house.

17. The testimony of PW-3 Ramesh that on the date of the incident at around 8-00 p.m., accused came to the house of the deceased Kondamma is corroborated by the evidence of PW-8 O.Srinivas, a real estate agent. He deposed that his office was situated in front of the house of deceased Kondamma. On 27.01.2014 at around 8-00 to 8-30 p.m., after closing his office, when he was proceeding towards his house, he saw a person opening the gate of the house of the deceased Kondamma and went to her house. Later, when the concerned police brought the accused, he identified him as the person who went in to the house of the deceased Kondamma.

18. Except questioning PW-8, as to whether he had disclosed the colour of the clothes which the said person was wearing and his features to the concerned police, the evidence of this witness having seen the accused entering

the house of deceased on the date of incident is not seriously disputed by the accused. PW-3 Ramesh and PW-8 O.Srinivas are independent witnesses, having no personal interest in the outcome of the case. They are also not having any grudge or ill-will against the accused. The evidence of these two witnesses prove the presence of the accused in the house of the deceased immediately prior to her death, placing the burden on the accused to prove that when he left the house of the deceased, she was alive.

19. It is the definite case of the prosecution that on the night of 27.01.2014, deceased Kondamma was last seen alive. On this aspect, her son PW-2 V Srinivasalu has deposed that at 7-00 p.m. when he spoke to his mother, she complained of stomach ache and he told her that he would inform the doctor. On the next day around 8-30 a.m., he left for work. PW-3 Ramesh has specifically stated that on the next day around 7-00 a.m., when he went to collect water from the tap, the door of the house of deceased Kondamma was not open and he left after collecting water. On that day, he worked till evening.

20. As already noted, PW-1 Kavitha is the sister-in-law of the deceased Kondamma. Her house was situated at a little distance i.e., walkable distance from the house of the deceased Kondamma. Her evidence is to the effect that almost every day in the morning and evening, the deceased Kondamma used to go for a walk and come to her house. She had seen her about 2-3 days prior to the date of the incident. On 27.01.2014 and on the next day also, she called her but deceased Kondamma did not pick up the phone. Therefore, on the next day of the incident, she went to her house twice to enquire, but it was locked. On the third time, she along with her neighbours, Dhanamma, Kumari went to the house of deceased Kondamma with extra key of her house she was having and tried to open the lock, but was not able to open it.

21. Therefore, she called the son of deceased i.e., PW-2 V.Srinivasalu. He came within 2-3 minutes. In this regard, PW-2 V.Srinivasalu has also deposed that on 28.01.2014, when he was engaged in the work, he received telephonic call from PW-1 Kavitha that, his

mother is not picking up the phone. Immediately, he returned and as his mother did not respond despite tapping the door for a long time, with the spare key, they opened the door and found his mother dead in the bedroom. She was on the floor with her face down. She did not respond. Both PWs-1 and 2 have deposed that, as she was suffering from diabetes, they thought that she was unwell and placed her on the bed. She was already dead. There were injuries on her neck and hand. The gold ornaments, which she used to wear viz., two chains, four bangles and ear studs were missing from her person. PW-3 Ramesh has also deposed that on 28.01.2014 around 8-00 p.m., when he returned from the work, he came to know from the son of the deceased Kondamma that when they opened the lock with the spare key, Kondamma was found dead.

22. In respect of the death of his mother, PW-2 V Srinivasalu filed a complaint. It is pertinent to note that during investigation, the concerned police also interrogated PW-3 Ramesh, as he used to go to the house

of deceased Kondamma and on the evening of the date of incident also, he had visited her house. In this regard, PW-3 Ramesh has deposed that, for two days, he was detained in the police station. During interrogation, he specifically stated and revealed the fact that on the night of incident, accused had visited the house of the deceased Kondamma, and when he along with baby Mamata returned from her house, deceased Kondamma and accused were the only persons left in the house. He also deposed that on 04.02.2014, the concerned police brought the accused to the house of Kondamma and he identified the accused as the person who had visited the house of Kondamma on the date of the incident.

23. After finding that his mother had been killed for her gold ornaments, PW-2 V Srinivasalu filed the complaint as per Ex.P1. In the complaint, he stated about the missing of her gold ornaments, which the deceased used to wear daily, viz., two neck chains, four bangles and a pair of ear studs. Based on the complaint, the concerned

police registered the case in Crime No.50/2014 and taken up investigation.

24. During the course of his voluntary statement, the accused revealed that after killing the deceased, he removed her gold ornaments and pledged them with a pawn broker with the help of one Ravanamma and that he would show that shop. PW-19 Goutham is the Investigating Officer who recorded the voluntary statement of the accused. He deposed on that aspect and stated that during the course of his voluntary statement, accused disclosed that with the help of Ravanamma he had pledged the gold ornaments with Vamshi pawn brokers and the pawn receipt was with said Ravanamma. It is pertinent to note that though PW-19 deposed with regard to the voluntary statement given by the accused, it appears by inadvertence, the relevant portion which is admissible under Section 27 of Indian Evidence Act is not marked. The learned Public Prosecutor has also not paid attention on this aspect. Even the trial Judge has also not made any endeavor to mark the said portion. Of course

the marking of admissible portion is only a formality. What is admissible is the discovery which would be made consequent upon the statement given by the accused. Therefore, not marking of the portion of the statement admissible under Section 27 of Indian Evidence Act would not go to the root of the prosecution case, so long as it led to the discovery of the fact which is relevant to prove the allegations against the accused and connect him to the crime in question.

25. PW-12 Ravanamma deposed that accused is her distant relative. About four years prior to her giving evidence, when accused was in need of money, with her help, he pledged his scooter for Rs.20,000/- on interest @3% p.m. After sometime, he pledged four gold bangles and a pair of ear studs with a pawn broker and then got released his scooter. She further deposed that after sometime, accused brought the police to her house and along with him and the police, she went to the pawn broker shop and the gold bangles and ear studs at MOs.5 and 6 were recovered through Mahazar at Ex.P7 and she

signed at Ex.P7(a). Despite the fact that she did not come with the details in her examination-in-chief, during her cross-examination, she deposed that on 28th (which is the next date of the incident), accused brought the gold ornaments in question to her. Though she was not able to recollect the name of the pawn shop where the said gold ornaments were pledged, she denied that she had not seen MOs.5 and 6 earlier to her evidence before the Court.

26. PW-14 Rajanna B.M., is the Assistant Sub-Inspector. He was entrusted with the duty of apprehending the accused. He deposed that after collecting necessary information, he along with CWs-21 to 24 and 29 (PW.19) proceeded to Nelluru and on 03.02.2014 apprehended the accused. Accused disclosed about pledging the gold items at a pawn shop with the help of Ravanamma and he would show the shop if he was taken there. PW-19 who is the Investigating Officer deposed that accused led them to the house of PW-12

Ravanamma and got produced the Pawn Receipt at Ex.P8 and it was seized under mahazar Ex.P9. PW-14 Rajanna B.M. also deposed that from the house of PW-12 Ravanamma they collected the pawn receipt and proceeded to Vamshi Jewellers.

27. PW-13 Kondareddy and PW-16 J.Madhu, are independent witnesses to the seizure of gold ornaments at the instance of accused from the shop of pawn broker i.e., PW-15 Venkateshwaralu. They have supported the prosecution case. PW-16 deposed that on 04.02.2014 the Bengaluru Police had brought accused to the house of PW-12 Ravanamma and along with her they went to Vamshi Pawn Brokers and the gold ornaments at MO.5 and 6 were seized through mahazar Ex.P7 and he also signed the pawn receipt at Ex.P8 and identified the same as Ex.P8(b).

28. PW-15 Venkateshwaralu is the pawn broker with whom the gold ornaments belonging to deceased were pledged by the accused. He deposed that on 28.01.2014 accused along with PW-12 Ravanamma came to his shop and pledged MOs.5 and 6 i.e., four gold

bangles and a pair of ear studs for Rs.70,000/-. He pledged the said ornaments in the name of PW-12 Ravanamma and they were seized by the concerned police on 03.02.2014 through Ex.P7 and Ex.P8 is the pawn receipt and his signature is at Ex.P8(a). During his cross-examination, he denied that the concerned police took his signature to Ex.P8 on the date when they brought accused to his shop. Except this, the evidence of this witness is not disputed by the defence.

29. It is pertinent to note that in the complaint along with missing of four gold bangles and pair of ear studs belonging to the deceased, the fact of missing of two gold chains which she used to wear was also stated. However, at the instance of the accused, only four gold bangles and ear studs at MOs.5 and 6 were recovered. Therefore, after realizing that accused has not stolen the gold chains belonging to the deceased, on 05.02.2024 in the presence of witnesses viz., PW-9 Gopal and CW-17, Investigating Officer i.e., PW-19 conducted search in the house of deceased and the gold chains were found in a

box kept in the kitchen. The same have been seized through mahazar Ex.P4. They are marked as MOs.7 and 8. PW-9 Gopal is a witness to the said recovery and mahazar and supported the prosecution case.

30. PW-11 Dr. Suresh B., conducted the post mortem examination of the deceased Kondamma. He deposed that on examination, he found the following external injuries:

1. *"Whole of lower lip contused.*
2. *Abrasion over right cheek 4 cm outer to right angle of mouth measuring 5 cm x 2 cm.*
3. *Abrasion measuring 2 cm x 2 cm present over angle of right jaw 2 cm below and outer to injury No.2.*
4. *Contused abrasion, triangular in shape measuring 3 cm x 2 cm x 2cm present over right side of neck just below right angle of mandible.*
5. *Contused abrasion measuring 5 cm x 4 cm present just below injury No.4 2 cm away from midline over right side of neck.*
6. *Contusion measuring 6 cm x 5 cm over right suprasciavicular region.*
7. *Contusion measuring 3 cms x 2 cm over left side of neck to the left of midline, 5 cm below chin.*
8. *Abrasion measuring 1 cm x 1 cm over left angle of mandible.*
9. *Abrasion over back of left hand over base of thumb measuring 0.7 cm x 0.2 cms."*

31. He has also deposed that the hyoid bone was found fractured at left side of the body and on further dissection, the tissues in the neck, both supraclavicular

region and front of chest over sternum showed defuse blood extra vasation. He has given the cause of death as asphyxia as a result of compression of neck. The post-mortem report is marked as Ex.P6. During his cross-examination, the defence elicited that there were multiple contusions and abrasions over the neck of the deceased. PW-11 denied that if a person falls on ground due to giddiness, the injuries noted in Ex.P6 are possible. He has also denied the suggestion that since the deceased was suffering from old age ailments, it was necessary for him to collect blood sample for further examination. In this regard he has stated that when there is suspicion of poisoning, it is necessary to collect the blood and visceral for chemical examination. The evidence of PW-11 establishes the fact that death of deceased was due to asphyxia as a result of the compression of neck. Despite extensive cross-examination, the defence has failed to discredit the testimony of this witness.

32. PW-18 Suresh B., has registered the case and conducted initial investigation. PW-19 conducted further

investigation and filed charge sheet. Their evidence is corroborated by the testimony of remaining witnesses. Through the evidence of PW-8 O. Srinivas the prosecution proved that on the date of incident, he saw the accused going into the house of the deceased. Through the testimony of PW-3 Ramesh, the prosecution proved that on the date of incident, in the night around at 8.30 p.m., he saw the accused in the house of deceased and when he left her house along with baby Mamata, deceased and accused were the only inmates of the said house. Thus, before her death Kondamma was found in the company of accused. Therefore, burden is on the accused to establish that when he left the house of deceased, she was alive. Except denial of the case of prosecution, practically the accused not taken any specific defence. He had not led any evidence to prove when he left the house of the deceased and at that time deceased was alive. The defence made a faint attempt to prove that due to old age ailments, deceased fell on the ground and died. However, the injuries suffered by deceased and the cause of death are not consistent with such defence.

33. Moreover, the recovery of four gold bangles and ear studs belonging to the deceased at the instance of accused also connect him to the crime in question. He is also not having any explanation how he came in possession of the said ornament belonging to the deceased, if he is not the perpetrator of the crime.

34. During his cross-examination, PW-19 the Investigating Officer stated that there were no C.C.T.V. cameras near house of the deceased. Though he stated that before he visited the spot, the fingerprint experts were present, but he had not enclosed their report with the charge sheet. When the investigation revealed that there are witnesses for having seen the accused in the house of the deceased and he was last seen with her, the necessity of relying on fingerprint would not arise. Normally, the fingerprints are collected to see whether they would match with the fingerprints of habitual offenders collected and preserved in previous cases and see whether any habitual offenders are involved. In the light of the positive evidence of last seen and also

recovery of the gold ornaments belonging to the deceased at the instance of accused, the evidence of fingerprints was not necessary.

35. Now coming to the citations relied upon by the accused. In ***Rajjan Khan***, since the complainant did not have the opportunity to see the accused, on facts, it was held that T.I. parade was necessary and the identification of the accused before the Court or the recovery of some money from the accused was not sufficient to convict him. However, in the present case, accused came to the house of the deceased and sat with deceased as well as PW-3 Ramesh and his niece baby Mamata. Though it has come in the evidence that accused tried to conceal his identity by holding a hand kerchief to his mouth, PW-3 Ramesh had ample opportunity to see him. When accused had visited the house of the deceased in his capacity as a relative and for a long period of time he was exposed to PW-3 Ramesh and his niece baby Mamata and he had not concealed his identity like wearing a mask or a monkey cap, there was sufficient time and opportunity for PW-3

Ramesh to see him. Moreover, deceased introduced the accused to PW-3 Ramesh as his nephew and his identity was established. In the above facts and circumstances, there was no necessity of holding T.I. parade. Therefore, this decision is not applicable to the present case on hand.

36. In ***Krishna Kumar***, on facts, the Hon'ble Supreme Court held that the prosecution failed to prove the evidence of last seen of the deceased in the company of the accused and therefore, an important link in the chain of circumstances was not proved. It further held that the appreciation of evidence by the trial Court and High Court is utterly perverse and therefore, conviction was not proper. However, in the present case, the prosecution proved that when the deceased was last seen alive, she was in the company of the accused. On the other hand, the accused failed to establish that, when he left house of the deceased, she was still alive. The recovery of gold ornaments belonging to the deceased which she was wearing at the time of death also link the accused with the

crime in question. Therefore, this decision is also not applicable to the case on hand.

37. In ***Sharanappa***, the Hon'ble Supreme Court held that the last seen theory and recovery of weapon was not satisfactorily proved. The witness of last seen did not identify the dead body of the deceased as the person last seen with the accused. There was also delay in reporting the matter to the police and therefore, it was held that the allegations against the accused were not proved. However, in the present case, the identity of the accused is established beyond reasonable doubt. The recovery of the gold ornaments belonging to the deceased at the instance of the accused also proves his complicity. Therefore, this decision cannot be pressed into service by the accused.

38. In ***Gulzari Lal Tandon***, on facts it was held that the prosecution failed to prove the motive for the alleged murder of newly wedded wife. There was also evidence of possibility of the death of the deceased due to epilepsy and as such, the benefit would go to the accused.

However, this decision is not applicable to the facts and circumstances of the present case.

39. In ***Nandu Vishwakarma***, on facts it was held that the FIR was not registered at the time noted in the records. There was delay and vital contradictions in the testimony of the injured. The medical evidence was contrary to the allegations made by the witness regarding the nature of weapon used and therefore, the Hon'ble Supreme Court refused to entertain the appeal against acquittal. However, this decision is not applicable to the facts and circumstances of the present case.

40. The trial Court after detailed examination of the oral and documentary evidence placed on record came to a correct conclusion that the prosecution proved all the links in the chain of circumstances connecting the accused to the death of the Kondamma. The findings of the trial Court are consistent with the evidence led by the prosecution. We find no perversity calling for interference. The punishment imposed is also in commensurate with the crime committed by the accused and established against

him. In the result, appeal fails and accordingly the following:

ORDER

- (i) Appeal filed by the accused is dismissed.
- (ii) Impugned judgment and order dated 06.02.2018 in S.C.No.690/2014 on the file of the LXII Additional City Civil & Sessions Judge, (CCH-63), Bangalore City is confirmed.
- (iii) Registry is directed to send back the trial Court records along with copy of this judgment.

**SD/-
(SREENIVAS HARISH KUMAR)
JUDGE**

**SD/-
(J.M.KHAZI)
JUDGE**

Mbs/Vmb/CKK
List No.: 1 Sl No.: 13