

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JULY, 2024

PRESENT

THE HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR

AND

THE HON'BLE MS JUSTICE J.M.KHAZI

CRIMINAL APPEAL NO.1061 OF 2017

C/W

CRIMINAL APPEAL NO.922 OF 2017

IN CRL.A NO.1061/2017

BETWEEN:

RAMALINGAIAH
S/O LATE MALLAPPA
AGED 45 YEARS,
KODIGENAHALLI, MADHUGIRI TALUK
TUMKUR DISTRICT
PRESENTLY LODGED IN
CENTRAL PRISON PARAPPANA AGRAHARA,
BENGALURU - 560 100.

...APPELLANT

(BY SRI. N.S.SAMPANGI RAMAIAH, ADVOCATE)

AND:

STATE BY KODIGENAHALLI POLICE
MADHUGIRI TALUK,
TUMKUR DISTRICT
REPRESENTED BY ITS SPP
HIGH COURT BUILDING
HIGH COURT, BENGALURU - 560 001.

...RESPONDENT

(BY SRI. VIJAYAKUMAR MAJAGE, SPP-II)

THIS APPEAL IS FILED UNDER SECTION 374(2) OF CR.P.C PRAYING TO SET ASIDE THE JUDGMENT, CONVICTION ORDER OF COURT OF THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE, MADHUGIRI DATED 17.04.2017 PASSED IN

S.C.NO.5001/2016, CONVICTING THE APPELLANT FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 302, 498(A) AND 201 OF IPC AND SENTENCING HIM TO UNDERGO LIFE IMPRISONMENT AND ALSO UNDERGO IMPRISONMENT FOR OTHER OFFENCES AND ALSO IMPOSED FINE AND ACQUIT THE APPELLANT FROM ALL THE OFFENCES, IN THE INTEREST OF JUSTICE.

IN CRL.A NO.922/2017

BETWEEN:

LAKSHMIDEVAMMA
W/O ESHWARAPPA
AGED ABOUT 45 YEARS,
R/AT KALENAHALLY,
KODIGENAHALLY HOBLI,
MADHUGIRI TALUK,
TUMKUR DISTRICT - 572 132.

...APPELLANT

(BY SRI. RAGHAVENDRA K, ADVOCATE)

AND:

STATE OF KARNATAKA
BY KODIGEHALI POLICE
MADHUGIRI TALUK,
REPRESENTED BY ITS SPP
HIGH COURT OF KARNATAKA
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. VIJAYAKUMAR MAJAGE, SPP-II)

THIS APPEAL IS FILED UNDER SECTION 374(2) OF CR.P.C PRAYING TO SET ASIDE THE JUDGMENT OF CONVICTION AND SENTENCE PASSED AGAINST THE APPELLANT BY THE HON'BLE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE, MADHUGIRI IN S.C.NO.5001/2016 AND 5034/2016 DATED 17.04.2017, IN THE INTEREST OF JUSTICE.

Date on which the appeals were reserved for judgment	11.06.2024
Date on which the judgment was pronounced	08.07.2024

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

COMMON JUDGMENT

These appeals filed under Section 374 (2) of Cr.P.C are by accused Nos.1 and 3, challenging their conviction and sentence rendered by the trial Court. While accused No.1 is convicted and sentenced for the offences punishable under Sections 498A, 302 and 201 IPC, accused No.3 is convicted and sentenced for the offence punishable under Section 201 IPC.

2. Since these two appeals have arisen out of common judgment and order, they are clubbed together and decided by a common order.

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

4. Accused No.1 is the husband, accused No.2 is the mother-in-law and accused No.3 is the sister-in-law of deceased Bhagyamma. A charge sheet came to be filed against accused Nos.1 to 3, alleging that accused No.1

married Bhagyamma and after the marriage, they were residing together along with accused Nos.2 and 3 at Kalenahalli of Madhugiri Taluk, Tumkuru District. Accused persons were picking up quarrel with the deceased stating that she did not know household and agriculture work and refused to pay money. Accused No.1 was also suspecting that deceased was having illicit relationship with another person and in this background, deceased was physically and mentally harassed and ill-treated by the accused.

5. It is further alleged that on 04.10.2014 at about 12-00 in the midnight, accused No.1 took deceased with him under the pretext of watering his land and around 2-00 a.m, on 05.10.2014, when they were near the land in Sy.No.48/4 belonging to CW-7/PW-7 H.Hanumanthappa, accused No.1 picked up quarrel with Bhagyamma and slapped on her cheek. When she fell down, accused No.1 squeezed her neck and killed her. In order to destroy the evidence, he brought accused No.3 Lakshmiddevamma and both of them concealed the dead body of Bhagyamma in a trench adjoining the said land

and covered it with mud and grass and thereby committed the offences punishable under Sections 498-A, 302 and 201 IPC.

6. It is the specific case of the prosecution that in the background of harassment meted out by the accused persons, a Panchayath was held on 01.10.2014 and on 04.10.2014, the parental family members of deceased sent her along with accused No.1 to her matrimonial home. On 05.10.2014, her brother Girish went to the house of accused persons to enquire about the welfare of deceased. However, accused No.1 told him that deceased had left the matrimonial home saying that she would go to her parental home. Since deceased had not come to her parental home, they searched for her at their relatives and other houses and when they could not find her, Girish lodged a missing complaint dated 07.10.2014. The concerned police registered missing person case in Cr.No.123/2014.

7. However, on 11.10.2014, H Hanumanthappa, owner of the land in Sy.No.48/5, 48/4, 48/2A and 48/2B

reported to Kodigenahalli police that an awful stench was coming from the trench adjoining his land and when he examined the trench he found a dead body of a woman concealed in the trench with mud, but its head portion was visible. The concerned police called the complainant and informed him about the dead body of a woman found in the trench. Complainant along with his relatives went to the spot and identified the dead body as that of his sister Bhagyamma, for whose absence he had given the missing complaint. Suspecting foul play at the hands of accused persons, he lodged the complaint dated 11.10.2014.

8. Based on the said complaint, the case was converted into one for the offences punishable under Sections 498-A, 302 and 201 IPC against accused Nos.1 to 3. The dead body was exhumed through Mahazar. Tahsildar conducted Inquest and recorded the statements of relatives and persons acquainted with the deceased. A mahazar was conducted at the spot where the dead body was found. A blouse belonging to deceased, which was found about 180 feet from the dead body was seized

through Mahazar. Accused Nos. 1 and 3 were arrested and on the basis of their voluntary statement, incriminating articles were seized at their instance. The dead body was subjected to post mortem examination.

9. The Investigating Officer also collected the blood samples of the child of the deceased and sent the same to the Forensic lab for DNA testing.

10. Pending receipt of the DNA report, the investigating officer filed charge sheet against accused Nos.1 to 3.

11. While accused Nos.2 and 3 were granted bail, accused No.1 remained in judicial custody.

12. Accused pleaded not guilty to the charges levelled against them and claimed trial.

13. In support of the prosecution case, in all 33 witnesses were examined as PW-1 to 33. Ex.P1 to 44 and MO1 to 14 were marked.

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

15. Accused have not led any defence evidence.

16. Aggrieved by the impugned judgment and order, accused Nos.1 and 3 have filed these appeals, contending that the same are bad in law, perverse and liable to be set aside. They are based on assumptions and presumptions. There are no witnesses to the alleged incident and the prosecution has failed to prove the circumstances connecting the accused persons with the crime. It is strange that PW-7 in whose land the dead body was concealed did not see the dead body even after seven days. Accused No.1 had deserted his wife long before the incident and therefore the trial Court ought to have acquitted the accused person. PWs-16, 17, 19 and 21 have turned hostile. Instead of discarding their evidence, trial Court has taken into consideration their testimony. The evidence regarding recovery of incriminating articles at the instance of accused No.3 is

also not reliable. Viewed from any angle, the impugned judgment and order are not tenable and prays to allow the appeals and acquit accused Nos.1 and 3.

17. On the other hand learned State Public Prosecutor-II for the respondent-State supported the impugned judgment and order and sought for dismissal of the appeals.

18. We have heard elaborate arguments of both sides and perused the evidence available on record.

19. The relationship between deceased and accused is not in dispute. In fact, the evidence of PW-15 Lakshmiddevamma reveals that deceased was the second wife of accused No.1. Earlier he had married the sister of PW-15 Lakshmiddevamma and begot three children through the said marriage. His first wife's name was also Bhagyamma. Unfortunately, she died while aborting her pregnancy. After her death, accused No.1 married deceased Bhagyamma. It appears since Bhagyamma is the name of both wives, the Investigating Officer recorded

the statement of PW-15 Lakshmiddevamma, as though she was the real sister of deceased. Therefore, the fact that prosecution treated PW-15 Lakshmiddevamma as hostile and cross-examined her would not affect her testimony that accused No.1 had earlier married her sister Bhagyamma and had three children through her and after her death, he married deceased Bhagyamma.

20. PW-1 Girish is the brother, PW-2 Lakshamma is the mother, PW-3 Chandrashekar is the cousin, PW-5 Eshwaraiah is the relative of deceased Bhagyamma. PW-4 Ananda and PW-6 Srinivasa are known to the deceased and her relatives. Their evidence proves the fact that deceased Bhagyamma was given in marriage to accused No.1 and a son is born to her. PW-1 has stated that their marriage was performed about 2 years back when he gave evidence. However, the other witnesses have clearly stated that they were married about 5-6 years back. In fact in the missing complaint at Ex.P1, it is clearly stated that deceased and accused No.1 were married about 4 years back and having a son aged 3 years.

21. It has also come in the evidence of PW-2 Lakshmmamma - the mother of deceased that deceased Bhagyamma was handicap and it appears because of this, she was not able to do the household and agriculture work properly, and that was the main reason for the accused persons harassing and ill-treating her. The evidence of PWs-1 to 6 also proves the fact that for a period of one year deceased Bhagyamma stayed in the house of accused persons and when she became pregnant, they sent to her parental home for delivery and did not take her back. In this regard a Panchayath was held and on 01.10.2014 and deceased was sent along with accused No.1 to her matrimonial home on 04.10.2014.

22. PW-1 Girish has specifically deposed that on 05.10.2014, when he went to the house of accused persons to enquire about the well being of deceased Bhagyamma, accused No.1 went to the extent of telling him that deceased Bhagyamma had not come to his house and therefore, he lodged a missing complaint. PW-3 Chandrashekar is the scribe of missing complaint at Ex.P1.

PW-2 Lakshmamma - the mother of deceased Bhagyamma has also deposed that accused persons took her daughter with them under the pretext of festival and after she went missing, they searched for her at the houses of their relatives.

23. At this stage it is necessary to refer to the evidence of PW-31 Ameer Jan, who at the relevant point of time was working as ASI at Kodigenahalli P.S. He has deposed that on 07.10.2014, at 8.00 p.m. complainant appeared before him and gave a missing complaint at Ex.P1 and based on it, he registered the case in Cr.No.123/2014. During his cross-examination he deposed that on the next day and one more time he went to the house of accused No.1 to make enquiry, but accused No.1 was not found in the house. His sister was present in the house and expressed ignorance about his whereabouts.

24. This piece of evidence of PW-31 proves the fact that after deceased Bhagyamma went missing, accused No.1 absconded. In fact as the husband of deceased Bhagyamma, he did not take part in searching after her.

Of course, he did not file any missing complaint. PW-31 has deposed that after the dead body of deceased Bhagyamma was found and Ex.P2 complaint was filed, he did not went in search of accused No.1, as the missing complaint was converted into one under Section 302 I.P.C and investigation was taken up by another Officer. It is pertinent to note that the testimony of PW-31 Ameer Jan to the effect that after registering missing complaint, twice he went in search of accused No.1, but he was not to be found is not disputed by the defence.

25. It is relevant to note that while PW-1 and others were searching for deceased Bhagyamma, her dead body was found in a trench in the land of PW-7 H.Hanumanthappa. The testimonies of PW-7 H.Hanumanthappa, his sister PW-8 Gangamma and PW-9 Narayana prove the fact that on 11.10.2014, they worked in the said land. After working for some time, PW-7 left the land and at around 4-00 p.m. his sister i.e., PW-8 informed him that unbearable foul stench was coming from the trench. He went back to the land and in the

trench he found dead body of a woman and he brought it to the notice of the police as per Ex.P11. On the directions of the concerned police, PW-12 Venkatesha has removed (disintered) the body from the trench.

26. After the fact of discovery of dead body came to the notice of the complainant, he along with PW-2 Lakshamma, PW-3 Chandrashekar and PW-4 Ananda went to the spot and identified the dead body as belonging to deceased Bhagyamma. In this regard complainant has given the complaint as per Ex.P2.

27. Ex.P3 is the mahazar drawn at the spot where the dead body was discovered. It is signed by PW-1 Girish and PW-17 Manjunatha. PW-17 has also identified the dead body as that of deceased Bhagyamma. His evidence on this aspect is not disputed by the defence.

28. After the discovery of dead body, the Investigating Officer requested PW-25 - K. Ramesh, Tahsildar, to conduct inquest. His evidence proves the fact that he drawing the mahazar while exhuming the dead

body as per Ex.P14 and inquest as per Ex.P19 in the presence of PW-16 D.R.Rajashekar, PW-17 Manjunatha, PW-18 Nagamma and Gangadhara. He has also recorded their statements and also the statements of PW-2 Lakshmamma, PW-3 Chandrashekar, PW-10 Prakasha and one Gurulingesha, who have stated about holding Panchayat on 01.10.2014 and that deceased Bhagyamma was sent with accused No.1 to the matrimonial home on 04.10.2014 is forthcoming. They have also expressed that since 05.10.2014, accused No.1 Ramalingaiah was absconding, they suspected his hand and also involvement of accused Nos.2 and 3. The testimonies of PW-1, 2, their relatives and persons acquainted with them establish the identity of the dead body as that of deceased Bhagyamma. PW-25 also identified the plastic bag in which the lower portion of the dead body was covered. PW-31 has subjected it to PF.77/2014 at Ex.P31.

29. It is pertinent to note that in the vicinity of the dead body, at a distance of about 180 feet, MO-8 blouse belonging to the deceased Bhagyamma was found and it

was seized through Mahazar Ex.P10. PW-7 H.Hanumanthappa and PW-19 R.Chandrashekar are witnesses to the said Mahazar. It appears that the prosecution has not elicited the fact of he being witness to Ex.P10. PW-19 R. Chandrasekhar has not supported the prosecution case with regard to the recovery of blouse of the deceased Bhagyamma through Ex.P10. During his cross-examination, he denied the suggestion that he was present when the said Mahazar was drawn and signed it. However, the evidence of PW-33, who is the Investigating Officer and PW-32, who is the scribe of Ex.P10 proves recovery of MO-8 blouse. PW-1, who is the brother of deceased Bhagyamma has identified it. He is also a witness to the Mahazar at Ex.P10.

30. PW-14 K.T.Raju and PW-13 Hanumantarayappa are cited as witnesses having seen the accused No.1 and deceased Bhagyamma together immediately prior to the death of deceased Bhagyamma. According to the prosecution PW-14 K.T.Raju saw accused No.1 and deceased Bhagyamma on the night of 04.10.2014 near

Malleshwara Temple and since they were quarrelling, he advised them not to quarrel and they went away saying that they were going to the land to feed water. However, he has not supported the prosecution case and claimed that he was at Bengaluru. He is treated hostile and cross-examined by the prosecution without any success.

31. However, PW-13 Hanumantarayappa has supported the prosecution case. His evidence establishes the fact that on the night of the incident, in the midnight, he was moving in his land, holding torch and he saw accused No.1 and deceased Bhagyamma in the land of Nagaraj Gupta and they were quarrelling and in fact, he heard deceased Bhagyamma saying "Don't kill me". In the torch light he could see them. As the charge in his battery was down, he went home and slept. At that time except accused No.1 and deceased Bhagyamma, no other person was present. This witness is treated hostile by the prosecution only with regard to subsequent information received by him to the effect that later he came to know that deceased was killed and buried in a trench adjoining

the land. He has also denied that in the early hours of next day, he saw accused Nos.1 and 3 going by holding shovel. It is pertinent to note that the defence has not at all cross-examined this witness with regard to his evidence of having seen accused No.1 and deceased Bhagyamma together immediately prior to her death. His evidence proves the fact that deceased Bhagyamma was last seen alive with accused No.1 and later her dead body was found.

32. As discussed earlier, the testimonies of PWs-1 to 6 prove that on 01.10.2014, a Panchayath was held to advise accused No.1 not to harass and trouble deceased Bhagyamma and on 04.10.2014, deceased was sent with accused No.1 to her matrimonial home. The accused have not disputed the fact that Panchayath was held and deceased was sent along with accused No.1 to her matrimonial home. However, she was not found alive by them and her dead body was found on 11.10.2014. The evidence of PW-13, Hanumantharayappa also proves that on the intervening night of 04/05.10.2014, he saw

accused No.1 along with the deceased and he was quarrelling with her. He heard deceased Bhagyamma pleading accused No.1 not to kill her.

33. Accused No.1, being the husband of deceased Bhagyamma has not come up with any explanation as to the whereabouts of deceased Bhagyamma when she was being searched by her brother and other relatives. He has also not come up with any defence of having parted her company. When complainant went in search of deceased Bhagyamma and enquired him, accused No.1 did not come up with any plausible explanation for the absence of deceased Bhagyamma from her matrimonial home. In fact, the evidence of PW-31 Ameer Jan who registered missing complaint and went to the house of accused No.1 to enquire reveals that accused No.1 was not found in his house and his sister did not reveal his whereabouts. As the husband of deceased Bhagyamma, accused No.1 did not make any endeavour to find out her or even file missing complaint. His conduct is inconsistent with his innocence. He was apprehended from the house of his

another sister Ashwathamma at Veerammanahalli of Gowribidanoor Taluk.

34. Accused more particularly accused No.1 has not disputed the fact that after the Panchayath deceased was sent with him to the matrimonial home. As already discussed after the disappearance of deceased Bhagyamma, accused No.1 has not taken any steps to search for her. PW-28 PSI Ambareesh has deposed to that Accused No.1 was traced at the house of his another sister Ashwathamma at Veerammanahalli. His evidence is not seriously disputed by the defence, except suggesting that he was not found at Veerammanahalli. Based on the voluntary statement of accused No.1, through mahazar at Ex.P22, the Investigating Officer recovered the clothes of the deceased Bhagyamma, viz., saree, petticoat, string used for tying the petticoat and a purse belonging to deceased Bhagyamma and a cotton towel belonging to accused No.1, which were thrown away by him after the incident. Similarly, the accused led the Investigating Officer to his house and produced the gold ornaments

belonging to deceased Bhagyamma, which he had concealed viz, a Saada Tali, Laxmi Tali, Four tali gundu, a pair of ear Studs (gundu) with plates (out of them one ear stud has no tirupu). Ex.P39 to 42 are the photographs captured at the time of PW-1 and 3 have identified the clothes and ornaments belonging to deceased Bhagyamma.

35. PW-23 Manjunath is a witness to the Mahazar at Ex.P22. Though he has deposed that accused No.1 was present at the land and he signed Ex.P22, he did not support the prosecution case and was therefore treated hostile. During his cross-examination, he denied that when accused produced the clothes and ornaments of deceased Bhagyamma and they were recovered through mahazar Ex.P22 he was also present. However, the evidence of PW-33, Investigating Officer proves Ex.P22. PW-1 Girish and PW-3, Chandrasekhar, who are the brother and relative of deceased have clearly identified the clothes and ornaments of deceased Bhagyamma. In fact, the evidence of PWs-2, 5 and 6 establish the fact that when the dead

body was found, it was naked and no ornaments were found on its body. The blouse of deceased Bhagyamma was found at a distance of about 180 feet from the place where the dead body was buried. In fact, PW-3 has clearly stated that after accused No.1 was arrested, he has produced the clothes of deceased Bhagyamma. Thus, the prosecution has proved recovery of material objects at the instance of accused No.1.

36. PW-24 Dr Rudramurthy conducted autopsy on the dead body of deceased Bhagyamma. He has given evidence on the same. During his cross-examination, PW-24 denied that if the body was decayed, external injuries were not visible. On the other hand he has specifically stated that when the body decays, the external injuries are prominently visible. PM report reveals that no external injuries were found on the person.

37. The Medical Officer who conducted post mortem collected portion of her organs to enable the Investigating Officer to send it for DNA test. The order dated 10.11.2014 and 12.11.2014 record the proceedings before

the committal Court for collecting the blood sample of the son of deceased Bhagyamma for DNA test. In fact, in the charge sheet, the Investigating Officer has noted that the DNA report was awaited. It appears since the FSL, DNA division was overburdened with work, the report was not received by the trial Court. Since accused No.1 was in judicial custody, it appears that the trial Court proceeded with the trial. Since the identity of the dead body is established through the testimonies of PWs-1 to 6, the trial Court did not wait for receipt of DNA report. Anyhow, through the evidence placed on record the prosecution has proved that the dead body found in the land of PW-7 and removed from the trench is that of deceased Bhagyamma and she has met a homicidal death.

38. It is submitted by the learned counsel for accused that in the missing complaint at Ex.P1 it is stated that deceased Bhagyamma was wearing a white colour saree with red flowers and white blouse, whereas the blouse recovered near the place of incident and the saree recovered at the instance of accused were of different

colours (green colour). It is pertinent to note that in the missing complaint, the complainant has stated the colour of the clothes which deceased Bhagyamma was wearing when she left to matrimonial home on 04.10.2014, whereas her dead body was discovered on 11.10.2014. She was last seen with accused No.1 on the intervening night of 04/05.10.2014. In all probabilities, she might have changed the saree. Therefore, this fact would not go to the root of prosecution case.

39. The evidence of PWs-1 to 6 reveal that though deceased Bhagyamma was sent with accused No.1, their son remained with complainant and his family members. This piece of evidence is not disputed by the defence, though a suggestion is made to some of the prosecution witnesses that the children of accused No.1 are with his family. It is relevant to note that accused No.1 was having three children through his first wife and the suggestion may be referring to the said children.

40. When the deceased Bhagyamma went missing, she was in the matrimonial home or at least in the

company of accused No.1. It is within the exclusive knowledge of accused No.1 as to when she parted ways with him. Therefore, under Section 106 of the Indian Evidence Act, the burden is on accused No.1 to explain the absence of deceased Bhagyamma, which he has failed to. Even in the statement under Section 313 Cr.P.C also accused No.1 has not come up with any explanation for the absence of deceased, except giving bare denials. Through the testimony of witnesses coupled with the documents placed on record, the prosecution has proved the allegations against accused No.1 beyond reasonable doubt and we find no justifiable grounds to interfere with the conclusions arrived at by the trial Court.

41. So far as accused No.3 is concerned, the allegations against her are that after accused No.1 killed Bhagyamma, he took the assistance of accused No.3 to conceal the evidence. To prove this fact the prosecution has relied upon the evidence that accused No.3 pointed out the spot where the dead body of Bhagyamma was concealed and in this regard a mahazar was drawn as per

Ex.P21 and recovery of MO-11 shovel at her instance from her house. Even before the accused persons were arrested, the dead body was found and therefore, the place where the dead body was found was not within the exclusive knowledge of accused No.3 and consequently, the drawing of mahazar at the said place at the instance of accused No.3 cannot be treated as a material fact discovered on the information furnished by her.

42. So far as recovery of MO-11 shovel at the instance of accused No.3 through mahazar Ex.P20 is concerned, there are no specific marks on the same to connect it with the crime especially with the aid of mahazar at Ex.P21. With this evidence, we are not inclined to confirm the conviction and sentence of accused No.3 and therefore, she is entitled for an acquittal.

43. In the result, Crl.A.No.922/2017 filed by accused No.3 succeeds. However, Crl.A.No.1061/2017 filed by accused No.1 fails and accordingly, we proceed to pass the following:

ORDER

- (i) Crl.A.No.1061/2017 filed by accused No.1 under Section 374(2) of Cr.P.C. is dismissed.
- (ii) The judgment and order dated 17.04.2017 in S.C.No.5001/2016 on the file of IV Addl.District and Sessions Judge, Madhugiri, so far as accused No.1 is concerned is confirmed.
- (iii) Crl.A.No.922/2017 filed by accused No.3 under Section 374(2) of Cr.P.C is allowed.
- (iv) Accused No.3 is acquitted of the offence punishable under Section 201 I.P.C.
- (v) Her bail bond stands discharged.
- (vi) The Registry is directed to send back the trial Court records along with copy of judgment forthwith.

**Sd/-
JUDGE**

**Sd/-
JUDGE**