



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2025

PRESENT

THE HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR

AND

THE HON'BLE MRS JUSTICE K.S. HEMALEKHA

CRIMINAL APPEAL NO.1368 OF 2018

BETWEEN:

PUTTALAKSHMI
S/O. APPAJIGOWDA,
AGED ABOUT 30 YEARS,
R/O. BYADARAHALLI SALAGOPPALU,
KATTAYA HOBLI,
HASSAN TALUK & DISTRICT-573201.

... APPELLANT

(BY SRI T. VIJAY KUMAR, ADVOCATE FOR
SRI GIRISH B. BALADARE, ADVOCATE)

AND:

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MAHALAKSHMI B M
Location: HIGH
COURT OF
KARNATAKA

1. SANNEGOWDA @ SATHISHA
S/O. MANJE GOWDA,
AGED ABOUT 32 YEARS,
2. MANJE GOWDA
S/O LATE GANGE GOWDA,
AGED ABOUT 62 YEARS,
3. JAYAMMA
W/O. MANJEGOWDA,
AGED ABOUT 56 YEARS,
4. NINGARAJA
S/O. HARUVE GOWDA,
AGED ABOUT 39 YEARS,



5. LOKESHA
S/O. RAJE GOWDA,
AGED ABOUT 41 YEARS,
6. GOWRAMMA
W/O. RAMEGOWDA,
AGED ABOUT 55 YEARS,
7. NINGAJAMMA
W/O. RAJE GOWDA,
AGED ABOUT 59 YEARS,

THE RESPONDENT NOS.1 TO 7 ARE
R/O. BYADARAHALLY,
SALUKOPPALU VILLAGE,
KATTAYA HOBLI,
HASSAN TALUK & DISTRICT-573201.

8. STATE BY GORUR P.S.
HASSAN TALUK,
HASSAN DISTRICT.

REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BANGALORE-560001.

... RESPONDENTS

(BY SRI T.B. SANDESH, ADVOCATE FOR R-1 TO R-7;
SRI RANGASWAMY R., HCGP FOR R-8)

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 372 CR.P.C.
PRAYING TO SET ASIDE THE JUDGMENT DATED 13.04.2018 PASSED
BY THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE AT
HASSAN IN S.C.NO.73/2014 - ACQUITTING THE
RESPONDENTS/ACCUSED FOR THE OFFENCE P/U/S 417, 420, 376,
109 AND 506 R/W 34 OF IPC.

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

CORAM: HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR
and
HON'BLE MRS JUSTICE K.S. HEMALEKHA



ORAL JUDGMENT

(PER: HON'BLE MRS JUSTICE K.S. HEMALEKHA)

Against the judgment of acquittal in SC No.73/2014 dated 13.04.2018 on the file of the III Additional District and Sessions Judge at Hassan (hereinafter referred to as the 'Sessions Court' for short) for the offences punishable under Sections 417, 420, 376, 109 and 506 read with Section 34 of Indian Penal Code ('IPC' for short), the complainant is before this Court in this appeal.

2. The case of the prosecution is that accused No.1 on the pretence of marrying victim (PW.1), had physical relationship with her, which led to her becoming pregnant and later she had an abortion. Accused Nos.2 to 7 allegedly supported accused No.1. After accused No.1 married another woman, he and other accused threatened the victim's family when they tried to intervene. This led to a charge sheet, and the accused were tried for the offences punishable under Sections 417, 420, 376, 109 and 506 read with Section 34 of IPC.



3. The prosecution examined 9 witnesses as PW.1 to PW.9, marked documents at Exs.P.1 to P.13. Accused examined the Bank Manager as DW.1 and marked document at Ex.D.1. The Sessions Court by the impugned judgment acquitted the accused for the aforesaid offences, observing that the charges leveled against the accused are not proved. The evidence of PWs.1 to 3 does not inspire the confidence of the Court to bring home the guilt of the accused.

4. Heard learned counsel for the appellant and learned counsel for the respondents and perused the material on record.

5. Learned counsel appearing for the complainant contends that if the evidence of PW.1 to PW.9 is perused, all the witnesses have specifically deposed about the commission of the offence by the accused. Moreover, in such matters, the evidence of PW.1-victim plays a major role. She has specifically deposed against the accused regarding the commission of offence. Accused No.1, on the promise to marry her, had sexual intercourse, she became



pregnant, and her pregnancy was aborted by giving tablets. This evidence of PW.1 is not disproved by eliciting anything from the cross-examination of the victim girl. The sole testimony of the victim girl-PW.1 is sufficient to hold the accused guilty of charges leveled against them.

6. *Per contra*, learned counsel appearing for the accused, justifying the judgment of acquittal by the Sessions Court, submits that the case of the prosecution is not based on the true facts, the alleged offences against all the accused are rightly held not proved. There is contradiction and alteration in the evidence of the witnesses of the prosecution, more particularly, PW.1. The relationship between PW.1 and accused No.1 was in consensus. The engagement, pregnancy after that and promise to marry are a make believe story rightly disbelieved by the Sessions Court.

7. We have considered the contentions urged by the learned counsel for the parties and perused the material on record.



8. The charge framed against the accused was for the commission of offences punishable under Sections 417, 420, 376, 109 and 506 read with Section 34 of IPC.

9. The complaint states that PW.1 and accused No.1 were in a relationship for four years. Accused No.1's parents approached her family with a marriage proposal. A year before the complaint, they got engaged and dowry was given during the engagement. Accused No.1 frequently visited her home, but the marriage was repeatedly postponed. Two and half months before the complaint, accused No.1 had sexual intercourse with her and she found that she was pregnant and she informed her parents. PW.1's testimony is that she and accused No.1 studied upto 10th standard together, her statement provides a detailed account of her relationship with accused No.1. She states that after engagement, the relationship was based on an understanding that he would marry her. They had physical relationship, however, whenever she brought up the subject matter of marriage, he kept postponing it. In her cross-examination, PW.1



confirmed that she had sexual intercourse with accused No.1 multiple times over the four years prior to filing the complaint. She also admitted to becoming pregnant twice during that period, reinforcing the claim of a sustained physical relationship. There are contradictions and discrepancies in the complaint of PW.1 and her testimony that potentially raise questions about the credibility of her statements. In the complaint, PW.1 mentions her relationship for four years with accused No.1, but in her testimony, she also states that she and accused No.1 studied upto 10th standard. This suggests their acquaintance has started much earlier than the four years mentioned in the complaint. PW.1 admits in her cross-examination that she became pregnant during the relationship, yet she mentions only one pregnancy in the complaint. The failure to mention about the other pregnancy is a significant discrepancy. PW.1 states that she got engaged a year before filing a complaint. However, the complaint emphasizes how the engagement was followed by constant postponement of marriage. If the engagement was so recent, it could suggest that the delay in



marriage was not as prolonged as she portrayed it. This indicates exhaustion in her testimony. The details surrounding miscarriage also raise some inconsistency. PW.1 states that accused No.1 gave pills to her that led to miscarriage, the testimony of PW.1 is not supported by medical records or corroborative evidence. Without medical records or testimony from the doctor to substantiate her claim, it becomes difficult to prove that the miscarriage actually occurred as described. The absence of doctors testimony affects the credibility of PW.1's statement.

10. In the instant case, the victim was an adult at the time of the incident. The case of the prosecution only rests on the evidence of PW.1. The testimony of PW.1 read in totality clearly shows that there is no evidence which can be conclusively inferred by this Court that there was a fraudulent or dishonest inducement of PW.1 by accused No.1 to constitute an offence punishable under Section 417 of IPC. There is no perversity in the order passed by the Sessions Court to warrant interference by this Court and this Court pass the following:



ORDER

Criminal Appeal is hereby *dismissed*.

Sd/-
(SREENIVAS HARISH KUMAR)
JUDGE

Sd/-
(K.S. HEMALEKHA)
JUDGE