



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF FEBRUARY, 2025

PRESENT

THE HON'BLE MR. JUSTICE SREENIVAS HARISH KUMAR

AND

THE HON'BLE MR. JUSTICE K. V. ARAVIND

CRIMINAL APPEAL No. 410 OF 2019

BETWEEN:

1. MANJUNATH,
S/O SIDDAPPA,
OCC:SEPOY IN INDIAN ARMY,
R/O HOMBALAGHANTA VILLAGE,
HARAPANAHALLI TALUK,
DAVANAGERE DISTRICT-583 131.

...APPELLANT

(BY SRI HASHMATH PASHA, SENIOR COUNSEL FOR
SRI NASIR ALI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY POLICE SUB-INSPECTOR
HARAPANAHALLI POLICE STATION
REPRESENTED BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BANGLORE-560 001

...RESPONDENT

(BY SRI VIJAYKUMAR MAJAGE, ADDL. SPP-II)

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by VALLI
MARIMETHU
Location: High
Court of
Karnataka



THIS CRIMINAL APPEAL IS FILED UNDER SECTION 374(2) OF CR.P.C BY THE ADVOCATE FOR THE APPELLANT/S PRAYING TO SET ASIDE THE JUDGMENT OF CONVICTION DATED 11.02.2019 AND ORDER OF SENTENCE DATED 13.02.2019 PASSED BY THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, DAVANAGERE IN S.C.No.106/2015 - CONVICTING THE APPELLANT/ACCUSED FOR THE OFFENCE P/U/S 498(A),304(B),201 AND 302 OF IPC AND SECTION 3 AND 4 OF DOWRY PROHIBITION ACT.

THIS CRIMINAL 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 MR. JUSTICE K. V. ARAVIND

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE K. V. ARAVIND)

Heard Sri. Hashmath Pasha, learned Senior counsel for Sri. Nasir Ali, learned counsel for the appellant and Sri. Vijaykumar Majage, learned SPP-II for the respondent-State.

2. The accused in S.C.No.106/2015 on the file of the Principal District and Sessions Judge, Davanagere is in appeal against the judgment of conviction and order on sentence dated 11.02.2019. The trial court convicted the accused for the offences punishable under Sections 498A,



304B, 201 and 302 of Indian Penal Code, 1860 (for short 'IPC') and Sections 3 and 4 of the Dowry Prohibition Act, 1965.

3. The accused is sentenced to undergo life imprisonment with fine of Rs.10,000/- and in default of fine, six months simple imprisonment. For the offence punishable under Section 498A of the IPC, sentenced to one year simple imprisonment with Rs.1,000/- fine and in default of the fine, three months simple imprisonment. For the offence punishable under Section 304B of the IPC, is sentenced to undergo seven years simple imprisonment. For the offence punishable under Section 201 of the IPC, five years simple imprisonment with Rs.5,000/- fine and in default of fine, four months simple imprisonment. For the offence punishable under Section 3 of the Dowry Prohibition Act, 1965, sentenced to five years simple imprisonment with a fine of Rs.5,000/- and in default of the fine, four months simple imprisonment. For the offence punishable under Section 4 of Dowry



Prohibition Act, simple imprisonment for one year with fine of Rs.2,000/- and in default of fine, three months simple imprisonment. All sentences are made to run concurrently.

4. The Harapanahalli Police registered a case as UDR. Based on the complaint of PW2, the police registered case against the accused for the offences punishable under Sections 498A, 306 and 201 of the IPC.

5. The brief facts presented by the prosecution are that the deceased, Anuradha @ Poornima, was married to the accused on 15.11.2013. The accused was ill-treating the deceased by quarrelling with her for one reason or another. The deceased had taken educational loan before her marriage, which the accused had agreed to repay after the marriage. On 18.03.2015, at about 7:00 p.m., the accused caused the death of the deceased by hanging her with a saree in her bedroom. Since the death occurred within seven years of marriage, a case of dowry death under Section 304B of the IPC, was charged against the



accused. Additionally, the prosecution claims that after causing the death, the accused removed the body from the hanging saree, laid it on the floor of his house, and attempted to make it appear as if she had suffered an epileptic attack, with the intent to destroy evidence, an act punishable under Section 201 of the IPC.

6. Although a charge sheet was not filed for the offences punishable under Section 302 of the IPC, and Sections 3 and 4 of the Dowry Prohibition Act, 1965, the trial court framed additional charges. The prosecution examined 20 witnesses and presented 30 exhibits and one material object in support of its case, while the defence also marked Exs.D1 to D5.

7. The trial court assessed the evidence on record and noted that the death of the deceased was not disputed by the accused. Consequently, the court shifted the burden of proof onto the accused to explain the circumstances surrounding the death of deceased, especially since he was living with the deceased prior to



her death. The trial court found that the accused failed to discharge this burden with convincing evidence. Based on the oral and documentary evidence presented, the court concluded that the evidence was sufficient to prove the guilt of the accused. Furthermore, it was held that there were no material contradictions among the prosecution witnesses, and their testimonies corroborated with each other. The court also determined that the accused had admitted to destroying the evidence. As a result, the trial court convicted the accused for offences punishable under Sections 498A, 304B, 201, and 302 of the IPC as well as Sections 3 and 4 of the Dowry Prohibition Act.

8. Sri Hashmath Pasha, the learned senior counsel appearing for the appellant submits that there was no demand for dowry. The marriage was organized by the accused, and part of the expenses was shared by the parents of the deceased. The amount paid was reimbursement for costs or, in other words, as a sharing of the marriage expenses. Regarding the other ornaments,



they were given as gifts to him and the deceased out of love and affection. The ornaments were part of traditional and religious practices.

8.1 Learned senior counsel submits that the charge sheet did not allege a demand for dowry. The narration of the incident in the charge sheet does not indicate a case of dowry death. No evidence was brought on record by the prosecution to prove that the death of the deceased was caused by another person, let alone the accused. The death of the deceased was not homicidal but a case of suicide. After noticing that the deceased had locked herself in the room, the accused broke open the door and attempted to get her treated. The conduct of the accused does not suggest that the death of the deceased was homicidal.

8.2 Learned senior counsel further submits that the post-mortem report includes a list of injuries. However, the list of injuries was not originally part of the post-mortem report; it was added at a later point. The list



of injuries, which is claimed to be part of the post-mortem report, is not original; it is a photocopy. Therefore, the post-mortem report and the enclosed list of injuries cannot be accepted as evidence due to their doubtful authenticity. The deceased was initially taken to Harapanahalli Hospital, where autopsy facilities were available. At the request of PW.6, who is a doctor by profession and the uncle of the deceased, the body was shifted to JSS Medical College for autopsy. The post-mortem report was prepared under the influence of PW.6 and, therefore, is not reliable. Furthermore, according to the testimony of PW.12, the doctor who conducted autopsy, the cause of death was due to pressure on the neck.

8.3 Learned senior counsel submits that it is a traditional and regional practice that when a person is unconscious, heat treatment is applied by heating a bangle piece to help the person regain consciousness. This practice is still in use. The alleged burn injuries noted in the post-mortem report are the result of this bangle



treatment. Other minor injuries in the form of abrasions were caused while shifting the deceased to the hospital, both at home and in the autorickshaw. The prosecution witnesses have admitted that the deceased was hanging from a saree already fixed to the ceiling. The prosecution evidence shows that the deceased went into the room and locked herself inside. The entire case of the prosecution is that the death of the deceased was due to hanging with the saree. However, the police did not seize the saree or send it for expert opinion.

8.4 Learned senior counsel further submits that the trial court, after examining the witnesses, framed an additional charge. However, the prosecution has not examined any witnesses on the additional charge, nor were any witnesses recalled to testify on the additional charge. There was no quarrel between the accused and the deceased over the repayment of the educational loan availed prior to the marriage. Before the marriage, the



accused had agreed to repay the loan and was doing so accordingly.

8.5 Learned senior counsel further submits that when the deceased met her mother in the hospital while visiting her sister, who delivered a baby, there was exchange of words between the deceased and her mother regarding the discrimination shown towards her in comparison with her sister. The deceased was a very sensitive woman and being disturbed by the treatment of her mother, she took an extreme step to commit suicide. It is further submitted by the learned senior counsel that all the witnesses were blood relatives of the deceased and have deposed against the accused out of anger. The accused gave a written statement, which should be accepted unless proven otherwise. With these submissions, learned senior counsel argues that the death of the deceased was a suicide and not a homicidal death as alleged by the prosecution.



9. Sri Vijaykumar Majage, learned SPP-II appearing for the State, submits that the prosecution has proved the payment of cash and jewelry at the time of the marriage between the accused and the deceased. The cash and jewelry were given at the demand of the accused. It is further submitted that the post-mortem report identifies external injuries on the deceased body, which casts doubt on the defence case of suicide. The oral testimony of the witnesses corroborates the documentary evidence and the surrounding circumstances, to hold the accused guilty of causing the homicidal death of his wife. The testimonies of the witnesses have proved the existence of a quarrel between the accused and his in-laws over the repayment of the educational loan. It is submitted that the conviction recorded by the trial court is based on the established evidence, which has proved the guilt of the accused. Thus, the learned counsel prays for the dismissal of the appeal.

10. We have considered the submissions of the learned counsel for the parties and perused the record.



11. It is the case of the prosecution that the accused was ill-treating the deceased, demanding for dowry, and caused her death by hanging her with the help of a saree. The investigation was initiated at the instance of PW.2, the father of the deceased, with a complaint as per Ex.P3. PW.2 states that the accused was given Rs.40,000/- in cash and 5 tolas of gold ornaments. He further states that the deceased informed him that the accused was demanding more money. This witness has admitted that the deceased visited her sister on 18.03.2015 in the hospital during her delivery. The incident took place on the same day. In cross-examination, he admitted that the accused had deposited an amount into the deceased bank account for the repayment of her educational loan. He also admitted that the accused had agreed to repay the educational loan at the time of their marriage. PW.2 admits that when the deceased was with her parents, the accused had taken her at her request. Here, a contradiction can be noted, as he



had earlier stated that the accused had taken the deceased forcibly from her parents house. It is also admitted in cross-examination that, as it was not possible for this witness to perform his daughter's marriage, the accused performed the marriage at his place. Additionally, it is admitted in cross-examination that he complained that his deceased daughter was killed by the accused, at the instance of his elder son-in-law, Umapathi.

12. PW.3 is the brother of the deceased. This witness was examined to prove demand for dowry. He states that the accused agreed to repay the outstanding educational loan at the time of the marriage. He testified that he suspected the accused of killing his sister because of the presence of blood in her nose, ears, and mouth. However, in cross-examination, he admitted that the accused and his sister were on cordial terms. He further admitted that, since his family was not financially capable of performing the marriage, the marriage was performed by the accused. PW.3 added that cash of Rs.40,000/- and



gold ornaments were given. This testimony proves that the family of the deceased was not capable of performing the marriage of deceased, and it was carried out by the accused. The cash paid was to share the marriage expenses. However, the testimony does not indicate that the accused made a demand for cash and jewelry.

12.1 PW.6 is a relative of PW.2. The testimony of this witness does not contradict PW.2 in terms of the claim that the marriage was performed by the family of the deceased. However, the testimony of this witness contradicts PW.2 statement regarding the accused taking the deceased from her parents' house. In cross-examination, it was admitted that the marriage was performed by the accused at his house. This witness also admitted that when a person is unconscious, heat treatment is given by heating a bangle to help the person regain consciousness.

12.2 PW.7 is a hearsay witness regarding the incident. However, in cross-examination, it was admitted



that the witness had given a statement to the police stating that the accused and the deceased were cordial and leading a happy married life.

12.3 PW.8 is the mother of the deceased. She admits that the deceased was very sensitive and admitted that the exchange of cash and ornaments at the time of the marriage was a gift, as per family tradition. She further admits that her family was not capable of repaying the educational loan or performing her daughter's marriage. She admits the repayment of the educational loan by the accused and the performance of marriage by accused at his place. This witness has admitted to a misunderstanding between herself and the deceased daughter. She also further admitted that after the death of her daughter, the amount of Rs.40,000/- and the gold ornaments were returned by the accused.

13. PW.12 is the doctor who conducted the autopsy on the deceased body. He identified five abrasion injuries, three burn areas, and the presence of five contusions. The



cause of death is certified as asphyxia, resulting from pressure on the neck structures, based on the perusal of the RFSL report, histopathology report, autopsy, and crime scene visit. This witness visited the place of the incident and admitted the breach of the tower bolt. It is further admitted that when a person is hanged with a soft cloth like a saree, strangulation marks are not always present. Additionally, it is admitted that some of the burn injuries were caused by bangle heat treatment.

14. PW.14 is the mother of the accused. She stated that the deceased went to her room to change her saree while she was washing utensils. When she tried to call the deceased to cook food, the room door was locked and the deceased was not responding. The door was then forcibly opened and she found the deceased hanging from the saree tied to roof as a sling to make baby sleep. When the deceased was taken down and placed on the floor, she was unconscious. Bangle heat treatment was applied to revive her, but when she remained unresponsive, she was



shifted to the hospital where she was declared dead. She was partly treated as hostile by the prosecution and subjected to cross-examination. In cross-examination, she stated that when she was knocking the door, her son (the accused) and neighbors arrived and forcibly opened the door by breaking the inside tower bolt.

15. PW.20 is the Investigation Officer. This witness explained the course of the investigation. However, in cross-examination, this witness admitted that the inside tower bolt of the room door was broken.

16. The case of the prosecution is that the accused harassed the deceased for dowry, inflicted injuries, and killed her by hanging. The prosecution has examined witnesses to prove the demand for dowry and to connect the death of the deceased to dowry harassment. There are two sets of evidence before the Court. The first one is to prove the demand for dowry, and the second is to prove the death of the deceased. We proceed to analyze the evidence dealing with the demand for dowry.



17. The marriage of the accused and the deceased took place on 15.11.2013. According to the testimonies of the witnesses and the version of the prosecution, the accused demanded for dowry at the time of marriage. The accused was given Rs.40,000/- in cash and 5 tolas of gold. However, the defence theory is that the parents of the deceased expressed their inability to perform the marriage, and therefore, the marriage was performed in front of the accused house. The entire marriage expense was borne by the accused. A sum of Rs.40,000/- was given to the accused to share the marriage expenses. The deceased had borrowed an educational loan prior to the marriage, and the accused was discharging this loan, as he had agreed to do at the time of the marriage proposal. As far as the 5 tolas of gold, the defence claims that the gold was part of the usual customary ornaments given to the deceased and was not demanded by the accused.

18. PW.2, the father of the deceased, has stated that the accused and the deceased were given Rs.40,000/-



in cash and 5 tolas of gold. In cross-examination, he admitted that the accused had agreed to repay the educational loan of the deceased. It was further admitted that the accused had deposited money periodically into the account of the deceased, which was adjusted towards the educational loan. This witness also admitted that the marriage was performed by the family of the accused to avoid inconvenience to the deceased's parents. Additionally, he admitted that the accused and the deceased were cordial.

19. The evidence of PW.3, the brother of the deceased, confirms that the marriage was performed by the accused at his village, as the deceased family was not financially capable. The evidence of PW.6, though states that the accused was given cash and gold as dowry at the time of marriage, it contradicts the evidence of PWs.2 and 3 regarding the place of marriage and the performance of the marriage by the accused. However, in cross-examination, he admitted that the marriage was



performed at the house of the accused. PW.8, the mother of the deceased, admitted that the accused agreed to pay the educational loan of the deceased. She further stated that she had three daughters and all three were gifted ornaments equally. She also admitted that the gifts were given according to tradition and religious practices. It was also admitted that there is no receipt produced for the purchase of the gold.

20. The corroborative evidence of PWs.2, 3, 6, and 8 only establishes that Rs.40,000/- in cash and 5 tolas of gold were given to the accused at the time of marriage. All the witnesses admit that the accused performed the marriage at his house, as the parents of the deceased were not capable of performing the marriage. The evidence of witnesses utmost would prove payment of cash and 5 tolas of gold. However there is no evidence that the accused demanded for cash and gold as dowry. The practice of traditional and customary gifts to the married couple by either side of the parents is not an



unusual tradition. In fact, it is a tradition that the couple would be gifted with gold ornaments, depending on the affordability of the families. Some of the ornaments like mangalasutra, ring, mangalasutra chain, neck chains are gifted to couple by respective families in the traditional marriages. There is no evidence to prove that the accused made a demand for ornaments. Although it is claimed that 5 tolas of gold ornaments were given at the time of the marriage, the nature or type of these ornaments is not provided by the prosecution. The nature of the ornaments would be of material relevance in determining whether the gold was given as dowry or as a traditional gift.

21. When the marriage was fixed, the parents of the deceased expressed that they were not financially sound enough to perform the marriage. Additionally, they mentioned their un-readiness to perform the marriage due to the outstanding educational loan taken by the deceased. The accused volunteered to arrange the marriage at his house and also agreed to repay the



educational loan. This nature of proposal during a marriage is a rare circumstance. It cannot be ruled out that the parents of the deceased, out of a sense of moral obligation, may have offered to contribute or share the marriage expenses. In continuation of this obligation, the payment of Rs.40,000/- in cash cannot be disbelieved.

22. The demand for dowry by the accused is doubtful, considering the surrounding circumstances. The accused was employed and drawing a good salary. He volunteered to perform the marriage at his house at his own cost. In addition, the accused agreed to repay the outstanding educational loan of the deceased. The voluntary conduct of the accused in bearing the marriage expenses and repaying the educational loan cannot be ignored when examining the probabilities of the accused demanding dowry.

23. The evidence of PWs.2, 3, 6, and 8 proves that gold was given to the accused and the deceased. However, the specific type of ornaments allegedly given as dowry



has not been made available. The evidence of PWs.2, 3, 6, and 8 corroborates the defence stand that the gold was given as part of a customary and traditional practice.

24. The overall assessment of the evidence does not establish that the accused demanded for dowry. The mere payment of cash and gold ornaments at the time of marriage, unless it is proved that the demand was made by the accused, cannot be presumed to be dowry. The prosecution has failed to prove that the accused demanded dowry and that the cash and gold ornaments were given in response to such a demand.

25. The trial court has, in fact, recorded that the marriage took place in front of the house of accused. In view of the financial condition of the parents of the deceased, cash was shared towards marriage expenses. However, the trial court committed an error in concluding that the cash and ornaments were given at the demand of the accused as dowry.



26. The second aspect to be considered is the cause of death of the deceased. The prosecution has presented its case that the demand for dowry was the motive behind the death of the deceased. According to the prosecution, the death was homicidal, whereas the defence contends that it was a suicide.

27. Ex.P13 records the opinion regarding the cause of death as asphyxia resulting from pressure on the neck structure, based on the perusal of the RFSL report, histopathology report, autopsy, and crime scene visit.

28. PW.12, the doctor who conducted the autopsy and issued Ex.P13, noticed 13 injuries. This witness admitted to visiting the crime scene and admits that the tower bolt of the room door was broken. It was also admitted that certain injuries, such as abrasions, could have occurred while bringing the hanging person down and shifting her to the hospital by auto-rickshaw. This witness further explained that if a person hangs using soft clothes like a duppatta, saree, or similar items, hanging



marks may not be present. It was admitted that in rural areas, when a person is unconscious, bangle pieces are heated, and burns are applied to different parts of the body to regain consciousness. It was admitted that injuries 8 to 13 in Ex.P12 were caused by such treatment. The witness admitted that the material object used for hanging was not produced for examination to determine the injuries caused by it. Additionally, it was admitted that the first and second injuries could have been caused by self-strangulation. The testimony of this witness confirms that the tower bolt of the door was broken. This admission supports the defence case and corroborates the statement of PW.14, who mentioned that the deceased went to her room to change her saree, locked the door, and, when there was no response, the door was forcibly opened.

29. Ex.P7 (Spot Mahazar) records that the tower bolt was broken. The fact recorded in Ex.P7 has been admitted. Similarly, Ex.P7 is proved through the testimony of PW.5. Ex.P7, along with the testimony of PWs.4



and 5, corroborates the testimony of PW.14. PW.14 has deposed that she visited the deceased sister in the hospital during her delivery. PW.8 has testified and admitted the visit of the deceased and PW.14 to the hospital. PW.14 further testified that after visiting the deceased sister at Davanagere, they returned home. The deceased locked her room to change her saree. When PW.14 called the deceased to cook food, there was no response. When she knocked the door, the neighbors came to help and forcibly opened the door. Upon opening the door, the deceased was found hanging by the saree.

30. As the deceased was unconscious, a bangle piece was heated and burns were applied to her eyebrow and parts of her leg. She was then shifted to the hospital in an auto-rickshaw. The testimony of PW.14 corroborates with Ex.P7. According to the opinion of the doctor, the injuries noted in Ex.P12 were consistent with this account. The evidence of PW.14 that the deceased was taken to the hospital in the auto-rickshaw further corroborates the



evidence of PW.12 regarding the possible injuries as noted in Ex.P12. The overall consideration of the evidence of PW.12, PW.13 and Ex.P13, establishes that the cause of death was self-strangulation by the deceased. The other injuries found on the deceased were the result of burn injuries caused by the bangle to regain consciousness, and the abrasions caused while she was shifted to the hospital in the auto rickshaw. The prosecution has failed to prove that the accused caused the death of the deceased.

31. The other witnesses supporting the prosecution have stated that there were differences between the accused and the parents of the deceased regarding the demand for dowry. However, the testimony of these witnesses lacks corroborative evidence. The evidence of each witness contradicts the testimony of the others. When the testimony of PW.14, the mother-in-law of the deceased, who was with the deceased at the time of the incident, is corroborated by the evidence of PW.12 and



Exs.P12 and P13, the testimony of other incidental witnesses does not hold much significance.

32. The trial court has found that PW.14 and PW.15 have corroborated the testimonies of each other. The evidence of PW.15 proves that the accused was present at the scene and was attempting to open the room door. However, according to the testimony of PW.14, the accused was not home. In cross-examination, PW.14 admitted that when the room door was forcibly opened, the accused was also present along with other persons. There are no contradictions in the testimony of PWs.14 and 15 regarding the presence of the accused when the door was forcibly opened.

33. The trial court, after analyzing the testimony of PWs.14 and 15, discredited the evidence of PW.15 and accepted the testimony of PW.14, concluding that the accused was not present in the house at the time of the incident. However, the trial court failed to appreciate the evidence of PW.14. According to PW.14, after the



deceased returned from the hospital, she went to her room to change her saree while PW.14 was washing utensils outside. When PW.14 knocked on the door to call the deceased to cook food, when there was no response, she knocked loudly. Neighbors, hearing the noise, came to her assistance and forcibly opened the door. PW.14 stated that the accused was not present when she initially went to call the deceased to cook food, but by the time the neighbors helped to open the door, the accused was also present. This minor detail in the testimony of PW.14 has been ignored by the trial court. Nevertheless, the evidence of PW.14 corroborates the testimonies of PW.12 and Exs.P12 and P13, proving that the door was locked from the inside, and when it was forcibly opened, the tower bolt was broken. The medical evidence further proves that the death was caused by self-strangulation and that the injuries found on the body were due to burn injuries caused by the bangle and abrasions sustained while shifting the deceased to the hospital in an auto-rickshaw.



34. The case of the prosecution is that the accused caused the deceased's death using saree. It is admitted by the prosecution that the saree was not recovered and subjected to expert examination. This is a major discrepancy by the prosecution in proving the guilt of the accused. The prosecution has referred to the injuries and marks found on the neck of the deceased and attempted to establish that it is a case of homicidal death. However, the prosecution has failed to establish this circumstance to connect the accused to the crime. When the saree was available at the crime scene, there is no reason as to why same was not recovered.

35. The presence of the accused in the house, at most may lead to suspicion. However, the involvement of the accused in causing the death of the deceased is not proved. In the absence of established evidence to prove the guilt of the accused beyond reasonable doubt, the accused cannot be held guilty of causing the death of the deceased.



36. The conclusion and assessment of evidence by the trial Court are contrary to the evidence on record. The recording of the conviction is without any basis and is not sustainable.

37. In view of the aforesaid reasoning, the following,

ORDER

- i) *Appeal is **allowed**.*
- ii) *The judgment of conviction dated 11.02.2019 and order of sentence dated 13.02.2019 passed by the Principal District and Sessions Judge, Davanagere, in S.C.No.106/2015 is set-aside.*
- iii) *The accused is acquitted of all the offences charged against him.*
- iv) *The bail bond and surety bond executed by the accused stands cancelled.*



*v) Send back the trial court records
forthwith with a copy of this judgment.*

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

**Sd/-
(K. V. ARAVIND)
JUDGE**