



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH 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. 1830 OF 2024 (A)

BETWEEN:

The State of Karnataka,
By Hadadi Police,
Davanagere,
Represented By State Public Prosecutor,
High Court Building,
Bengaluru - 560 001.

...APPELLANT

(By Sri Vijay Kumar Majage, SPP-II)

AND:

1. Lohith,
S/o Kariganur Ramappa,
Aged About 36 Years,
R/o Jarikatte Village,
Davanagere Taluk – 577001.
2. Chandrashekarappa,
S/o Mariyappa,
Aged About 37 Years,
Salakatte Village, Jarekatte,
Davanagere Taluk and District – 577001.

...RESPONDENTS

(By Sri Aravind Desai, Advocate, for R1;
Smt K M Archana, Advocate, appearing as Amicus Curiae for
R2)

This Criminal Appeal is filed u/s 378 (1) and (3) Cr.P.C
praying to grant leave to appeal against the judgment and

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Location: HIGH
COURT OF
KARNATAKA



order of acquittal dated 07.10.2023 passed in S.C.No.111/2017 on the file of II Addl. District and Sessions Judge, Davanagere, thereby acquitting the accused for the offence p/u/s 494, 417, 323, 498A, 504, 354(B), 306, 302 of IPC and Sec. 3(1)(r)(s), 3(2)(v-a)(v) of SC/ST (POA) Act and etc.,

This Criminal Appeal, coming on for Admission 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 MR JUSTICE SREENIVAS HARISH KUMAR)

Heard Sri Vijay Kumar Majage, learned SPP-II, on admission of this appeal. Sri Aravind Desai, learned counsel for respondent No.1 and Smt. K.M.Archana, learned amicus curiae, for respondent No.2 are present.

2. The accused faced trial for the offences punishable under Sections 498A, 504, 302, 306, 323 read with Section 34 of IPC and Section 3(1)(xi) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. The trial court acquitted the accused of all these offences. The medical report states that it was a case of suicide. Therefore obviously Section 302 of IPC



will go out of picture. So far as Section 306 of IPC is concerned, the allegation is that accused used to harass the deceased because she belonged to scheduled caste. The trial court has negated this charge. It is not in dispute that the accused and the deceased married because of prior love between them and to the opposition of their families. In this view, harassment in the background of caste cannot also be imagined. There is no evidence about other manner of harassment that led the deceased to commit suicide. In this view, offence under Section 306 of IPC and the offences under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act also do not constitute. So far as the offence under Section 494 of IPC is concerned, there is no investigation at all. There is no proof with regard to prior marriage. Having found that the evidence brought on record does not implicate the accused, the trial court has recorded acquittal. We do not find any good ground to take a view that the trial court has committed any error in



appreciating the evidence. Appeal is devoid of merits, not fit for admission. Hence, the appeal is dismissed.

High Court Legal Services Committee is directed to remunerate Rs.5,000/- to Smt. K.M.Archana appointed as amicus curiae on behalf of respondent No.2.

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

**Sd/-
(K.S. HEMALEKHA)
JUDGE**

CKL
List No.: 1 Sl No.: 7