



CNR: KAHC010269962019

NC: 2026:KHC:54750-DB
CRL.A No. 1573 of 2019
C/W CRL.A No. 88 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO. 1573 OF 2019

C/W

CRIMINAL APPEAL NO. 88 OF 2019 (C)

IN CRL.A No. 1573/2019

BETWEEN:

STATE OF KARNATAKA
BY DODDABELAVANGALA
POLICE STATION,
DODDABALLAPURA TALUK,
REP. BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-01

...APPELLANT

(BY SRI. VIJAYKUMAR MAJAGE, SPP-II)

AND:

S. CHANNEGOWDA
SON OF SRINIVASA @ SINAPPA,
AGED 43 YEARS,
R/AT JALAGERE, SASALU HOBLI,
DODDABALLAPURA TALUK-561 203.

...RESPONDENT

(BY SRI. CHANDRAIAH, ADVOCATE)



CNR: KAHC010269962019

NC: 2026:KHC:54750-DB
CRL.A No. 1573 of 2019
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THIS CRL.A. IS FILED U/S 377 CR.PC., PRAYING TO MODIFY THE JUDGMENT AND ORDER DATED 13.12.2018 AND ORDER OF SENTENCE DATED 27.12.2018 IN S.C.NO.10026/2017 ON THE FILE OF THE COURT OF IV ADDITIONAL DISTRICT AND SESSIONS JUDGE AT DODDABALLAPURA FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 307 AND 504 OF IPC BY ENHANCING THE SENTENCE.

IN CRL.A NO. 88/2019

BETWEEN:

SRI. S. CHANNE GOWDA
S/O SRINIVAS @ SINAPPA,
AGED ABOUT 43 YEARS,
R/O. JALAGERE, SASALU HOBLI,
DODDABALLAPURA TALUK,
BENGALURU RURAL DISTRICT-561 203.

...APPELLANT

(BY SRI. CHANDRAIAH, ADVOCATE)

AND:

STATE BY DODDABELAVANGALA POLICE
DODDABALLAPURA TALUK,
REP. BY SRI A.P.P.,
HIGH COURT COMPLEX,
BENGALURU-560 001.

...RESPONDENT

(BY SRI. VIJAYKUMAR MAJAGE, SPP-II)

THIS CRL.A. IS FILED U/S.374(2) CR.P.C., PRAYING TO:
(A) CALL FOR THE RECORDS IN S.C.NO.10026/2017 ON THE FILE OF THE LEARNED IV ADDL. DISTRICT AND SESSIONS JUDGE, DODDABALLAPURA AND; (B) SET ASIDE THE ORDER OF JUDGMENT OF CONVICTION PASSED BY THE LEARNED IV



CNR: KAHC010269962019

NC: 2026:KHC:54750-DB
CRL.A No. 1573 of 2019
C/W CRL.A No. 88 of 2019

ADDL. DISTRICT AND SESSIONS JUDGE, DODDABALLAPURA IN S.C.NO.10026/2017 DATED 13.12.2018 AND ORDER DATED 27.12.2018 IN CONVICTING THE APPELLANT AND SENTENCING HIM TO UNDERGO SI FOR A PERIOD OF 4 YEARS WITH FINE AMOUNT OF RS.5,000/- AND IN DEFAULT TO PAY THE FINE AMOUNT HE SHALL UNDERGO SIMPLE IMPRISONMENT FOR 1 YEAR FOR THE OFFENCE UNDER SECTION 307 OF IPC, AND SI FOR 1 YEAR WITH FINE AMOUNT OF RS.1,000/- AND IN DEFAULT TO PAY THE FINE AMOUNT HE SHALL UNDERGO SIMPLE IMPRISONMENT FOR 3 MONTHS FOR THE OFFENCE UNDER SECTION 504 OF IPC.

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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ
and
HON'BLE MR. JUSTICE B.PRAMOD

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ)

The accused has preferred Crl.A No.88/2019, challenging the judgment of conviction and sentence passed against him by the trial Court, for the offence punishable under Section 307 IPC.

2. The State has preferred Crl.A No.1573/2019 seeking enhancement of the sentence imposed by the trial Court.



CNR: KAHC010269962019

NC: 2026:KHC:54750-DB
CRL.A No. 1573 of 2019
C/W CRL.A No. 88 of 2019

3. In brief, it is the case of the prosecution that on 11.04.2015 at about 03:00 p.m., when the accused was quarrelling with his wife, injured-Channe Gowda questioned him and tried to pacify the quarrel, at that time the accused abused him in filthy language and went inside the house and brought a knife and gave life threat to Channe Gowda and stabbed him on the right side of his chest, with an intention to commit his murder.

4. The complaint is lodged by Smt.Parvathamma, wife of the injured. In Ex.P1- Complaint she has stated that on 11.04.2015 at about 03:00 p.m., when she and her husband were near their house, the accused was quarrelling with his wife. When her husband questioned him as to why he is always quarrelling, the accused abused her husband and then went inside the house and brought a knife and stating that he will not leave him alive, stabbed on the right side of his chest. When she screamed, the neighbours namely K. Venkatesha bin Krishnappa, J.C. Channa Keshava bin Nagaraj and



NC: 2026:KHC:54750-DB
CRL.A No. 1573 of 2019
C/W CRL.A No. 88 of 2019

CNR: KAHC010269962019

Shamaraju bin Channakrishnappa came and pacified the quarrel and took her husband to Doddaballapura Government Hospital. She has further stated that the accused while going away, threw the knife at the spot.

5. As per the wound certificate-Ex.P4 issued by the doctor-PW3, the injured sustained 1 deep lacerated wound over right side of chest, 10 x 5 cm vertical exposing pectoralis major.

6. The complainant is examined as PW1. In her evidence, she has deposed that by the time she came out of the house, her husband was already bleeding from the chest. She has not stated that she has seen the accused stabbing her husband on the chest. However, she has deposed about the injuries sustained by her husband and his clothes being stained with the blood. She has identified her signature in Ex.P1, however, in the cross examination, she denied having stated as per the complaint averments.



NC: 2026:KHC:54750-DB
CRL.A No. 1573 of 2019
C/W CRL.A No. 88 of 2019

CNR: KAHC010269962019

7. The injured is examined as PW2. He has stated that on 11.04.2015 at about 03:00 p.m., he heard the quarrel between the accused and his wife. Therefore, he went and questioned them as to why they were quarreling. At that time the accused abused him in filthy language and saying that he will not leave him alive, went inside the house and brought a knife and stabbed on the right side of his chest. He has further stated that initially he was taken to Doddaballapura Hospital and from there shifted to Victoria Hospital. He gave his statement to the police while he was in Doddaballapura Hospital, as per Ex.P3.

8. PW4 is a panch witness to the spot mahazar-Ex.P2. Insofar as the incident is concerned, he has turned hostile to the prosecution.

9. PW5 is an eyewitness to the incident. He has corroborated the evidence of injured-PW2. He has also deposed about shifting the injured to the hospital.



CNR: KAHC010269962019

NC: 2026:KHC:54750-DB
CRL.A No. 1573 of 2019
C/W CRL.A No. 88 of 2019

10. PW7 is the PSI who received the complaint from PW1 and registered the case against the accused.

11. PW8 is the Police Inspector who upon completion of investigation filed the charge sheet.

12. PW9 is the Scientific Officer, RFSL Mysuru, who issued the report-Ex.P10, upon Serological examination. As per Ex.P10 report, the clothes were stained with human blood of 'O' group origin.

13. PW10 is the constable who recorded the statement of the injured in the hospital.

14. A careful examination of the material on record reveals that the accused and the injured are neighbours. The evidence of PW2 would also show that they are related to each other. On 11.04.2015 at about 03:00 p.m., when the accused was quarrelling with his wife, PW2 went and questioned him as to why they are quarreling. At that time the accused is alleged to have gone inside the house and brought a knife and abused him and also stabbed on



CNR: KAHC010269962019

NC: 2026:KHC:54750-DB
CRL.A No. 1573 of 2019
C/W CRL.A No. 88 of 2019

the right side of his chest stating that he will not leave him alive. PW2, the injured was immediately taken to Government Hospital, Doddaballapura for treatment. The doctor - PW3 has deposed that at about 04:50 p.m., on 11.04.2015, the injured Channe Gowda was brought to the hospital with a history of assault took place at about 03:15 p.m., on the same day and on examination, he found that he had sustained a deep cut lacerated wound over right side of the chest measuring 10 x 5 x 5 cm vertical exposing pectoralis nature. He has stated that after first aid treatment, the patient was referred to the Victoria Hospital, Bengaluru. The injured obtained treatment in Victoria Hospital and on verification of the X-ray, he found that the above injury was simple in nature. The wound certificate issued by PW3 is marked as Ex.P4. PW3 has also stated that the injury is likely to occur if an assault made with a sharp edged weapon like MO3. The medical document regarding the treatment given to the injured at Victoria Hospital are not produced.



CNR: KAHC010269962019

NC: 2026:KHC:54750-DB
CRL.A No. 1573 of 2019
C/W CRL.A No. 88 of 2019

15. In view of the evidence of the injured-PW2 and also the evidence of PW5 and the medical evidence, the prosecution has established that the accused inflicted injuries on the right side of the chest of PW2 with a knife.

16. The case of the prosecution is that the accused with an intention to commit the murder, stabbed the deceased on the chest and therefore, he has committed an offence punishable under Section 307 of IPC.

17. The learned SPP-II contended that in view of the nature of the injury and the part chosen by the accused to inflict the injury, the trial Court was not justified in imposing a meager sentence. Therefore, he seeks to impose maximum sentence on the accused.

18. Learned counsel for the appellant contended even accepting the case of the prosecution, it is not a case wherein, the accused had any intention to inflict any such injuries which would cause death, on the other hand, even according to the prosecution the injured itself provoked



CNR: KAHC010269962019

NC: 2026:KHC:54750-DB
CRL.A No. 1573 of 2019
C/W CRL.A No. 88 of 2019

the accused and under such circumstances, the accused in a sudden quarrel and on provocation caused a simple injury to him and therefore, the trial Court was not proper in convicting him for the offence punishable under Section 307 IPC.

19. As already stated, the accused and the injured are neighbours and they are related to each other. It is not the case of the prosecution that the accused had any animosity against the injured. A perusal of the cross examination of PW2, the injured goes to show that the accused and his wife were quarrelling inside the house. It is not the case of the prosecution that the accused had initiated the quarrel with PW2. It is only when the injured went and questioned the accused as to why he was quarrelling with his wife, a quarrel took place between them and in that moment, the accused abused and caused one injury with a knife on his right chest.



CNR: KAHC010269962019

NC: 2026:KHC:54750-DB
CRL.A No. 1573 of 2019
C/W CRL.A No. 88 of 2019

20. Even the trial Court has observed that accused had no such criminal intention and there was no such preparation, but at the spur of the moment, the incident of assault might have taken place. However, observing that the injury was caused on the vital part of the body with a sharp-edged weapon like MO3, held that the ingredients of Section 307 are attracted.

21. Neither the injured-PW2 nor the eyewitness-PW5 have stated that after stabbing the accused once again tried to stab the injured. If there was any intention on the part of the accused, he would have given multiple blows, as he was armed with a knife.

22. MOs.1 to 3 are the blood-stained clothes and knife, which were produced by the complainant. They are seized under a Mahazar-Ex.P2. As per FSL report, the said articles were stained with blood. All the said articles were stained with human blood of 'O' blood group.



CNR: KAHC010269962019

NC: 2026:KHC:54750-DB
CRL.A No. 1573 of 2019
C/W CRL.A No. 88 of 2019

23. Perusal of the wound certificate and the evidence of the doctor/PW3 goes to show that the injury sustained by PW2 is a simple injury. A cumulative effect of the entire material on record goes to show that in a sudden quarrel and on grave and sudden provocation, the accused has caused one injury on the right side of the chest of PW2, which injury as per medical evidence is a simple injury. It cannot be said that the accused had premeditated the act or caused the injury to PW2, with an intention to commit the murder. The accused has voluntarily caused a simple injury on grave and sudden provocation and therefore, the act committed by the accused will attract the offence punishable under Section 334 of IPC. Further, the material on record establishes that the accused has also committed an offence punishable under Section 504 of IPC.

24. Section 334 of IPC is punishable with imprisonment of either description for a term which may



CNR: KAHC010269962019

NC: 2026:KHC:54750-DB
CRL.A No. 1573 of 2019
C/W CRL.A No. 88 of 2019

extend to one month, or with fine which may extend to five hundred rupees, or with both.

25. Section 504 of IPC is punishable with imprisonment of either description for a term which may extend to two years, or with fine, or with both..

26. The incident took place in the year 2015. Admittedly, the accused and the injured are neighbours and they are related to each other. Subsequent to the incident in question, no untoward incident took place between them. The accused has no criminal antecedents. The incident was on account of a sudden quarrel and on provocation. Hence, imposition of fine will meet the ends of justice. Accordingly, the following:

ORDER

- i) Crl.A.No.88/2019 is ***allowed in part.***
- ii) The judgment dated 13.12.2018 and order on sentence dated 27.12.2018 passed in S.C.No.10026/2017,



CNR: KAHC010269962019

NC: 2026:KHC:54750-DB
CRL.A No. 1573 of 2019
C/W CRL.A No. 88 of 2019

by the Court of IV Additional District and Sessions Judge at Doddaballapura, convicting and sentencing the accused/appellant for the offence punishable under Section 307 of IPC is ***set aside***.

iii) The accused/appellant is ***convicted*** for the offence punishable under Section 334 of IPC. His conviction under Section 504 of IPC is ***confirmed***.

iv) For the offence punishable under Section 334 of IPC, the accused/appellant is sentenced to pay a fine of Rs.500/- and in default to pay the fine amount, he shall undergo simple imprisonment for a period of one week.

v) For the offence punishable under Section 504 of IPC, the accused/appellant is sentenced to pay a fine of Rs.25,000/- (Rupees Twenty Five Thousand only) and in default of payment of fine amount, he shall undergo simple imprisonment for a period of six months.



CNR: KAHC010269962019

NC: 2026:KHC:54750-DB
CRL.A No. 1573 of 2019
C/W CRL.A No. 88 of 2019

vi) He shall deposit the fine amount before the trial Court within a period of one month from the date of receipt of copy of the order.

vii) The fine amount on deposit/recovery shall be paid as compensation to the wife of PW2, i.e., PW11-Smt. Parvathamma, as it is submitted that PW2 is no more.

viii) Crl.A.No.1573/2019 is ***dismissed***.

Copy of the judgment shall be communicated to the trial Court, by the Registry.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

Sd/-
(B.PRAMOD)
JUDGE