



CNR: KAHC010013442019

NC: 2026:KHC:54388-DB
CRL.A No. 68 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO.68 OF 2019 (C)

BETWEEN:

VENKATESH
S/O. TIRUMALAI AH
AGED ABOUT 60 YEARS
R/O. CHIKKENAHALLI
KASABA HOBLI
KANAKAPURA TALUK
RAMANAGARA DISTRICT-571 511

...APPELLANT

(BY SRI N. S. SAMPANGI RAMAIAH, AMICUS CURIAE)

AND:

STATE OF KARNATAKA BY
KANAKAPURA RURAL POLICE STATION
KANAKAPURA TALUK
RAMANAGARA DISTRICT-571 511
REPRESENTED BY LEARNED S.P.P.
HIGH COURT OF KARNATAKA
BENGALURU-560 001

...RESPONDENT

(BY SRI VIJAYKUMAR MAJAGE, S.P.P.-II A/W
SMT. SOWMYA R., H.C.G.P.)

Digitally signed
by
SHARADAVANI
B
Location: HIGH
COURT OF
KARNATAKA





CNR: KAHC010013442019

THIS CRL.A. IS FILED U/S.374(2) CR.P.C BY THE ADVOCATE FOR THE APPELLANT PRAYING TO SET ASIDE THE JUDGMENT AND ORDER OF CONVICTION AND SENTENCE DATED 19.07.2016 PASSED BY THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, RAMANAGARA TO SIT AT KANAKAPURA IN S.C.NO.5067/2014-CONVICTING THE APPELLANT/ACCUSED FOR THE OFFENCE PUNISHABLE UNDER SECTION 302 OF IPC.

THIS APPEAL, COMING ON FOR 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)

This appeal is preferred by the accused against the Judgment and Order of conviction and sentence dated 19.07.2016 passed by the Court of the II Additional District and Sessions Judge, Ramanagara, sitting at Kanakapura, in SC No.5067 of 2014, wherein the accused has been convicted for the offence punishable under Section 302 IPC and sentenced to undergo rigorous imprisonment for life and to pay fine of Rs.10,000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of six months.



CNR: KAHC010013442019

2. Heard both sides and perused the material on record.

3. The gist of the prosecution case is that, the accused was having an illicit affair with deceased Smt.Lakshmi, an Anganawadi Worker. He had received a sum of Rs.14,000/- from the deceased, which she had borrowed from a Finance Ltd. As she was insisting the accused to repay the said amount, on 21.07.2014 at about 09.00 p.m., when she was asleep, the accused committed her murder by strangulating with her saree.

4. The first informant is one Krishna, son of the deceased. The complaint is marked as Exhibit P2. In the complaint, it is stated that his mother was an Anganawadi Worker and his father is no more. His mother was having an affair with the accused and both of them were living together. Since his mother was demanding the accused to return the amount borrowed from the society, the accused was abusing and threatening her that he would finish her



CNR: KAHC010013442019

off if she continued to demand money. It is further stated that the villagers had pacified the quarrel between the deceased and the accused.

5. According to Exhibit P2-complaint, the complainant was not present when the incident took place. On 21.07.2014 at about 11.45 p.m. he was informed by his brother-in-law-Puttaswamy that his mother had been murdered. On the next day morning at about 06.00 a.m. he went along with his wife and found his mother lying dead in the house and noticed injury marks over the neck etc.

6. Complainant-Krishna is examined as PW2. He has deposed about the illicit relationship between the deceased and the accused. He has stated about the loan borrowed by the deceased, and quarrel between the deceased and the accused. However, his testimony do not reveal that the accused was present in the house on the date of incident i.e. on 21.07.2014. According to him, he



CNR: KAHC010013442019

was informed regarding the incident by his brother-in-law Puttaswamy (PW4). His evidence shows that he went to the house of the deceased on the next day morning and at that time, the police were already present. Thereafter, he lodged a complaint as per Exhibit P2.

7. PW3 is the daughter of the deceased and PW4 is the husband of PW3. Both the said witnesses have deposed about the deceased and the accused having an illicit relationship. They came to know about the incident through someone. They too went to the spot on the next day morning. Their testimonies goes to show that by the time they went to the spot, the police were already present.

8. The next material witness is PW12, who is a relative of the deceased. She has also deposed about the illicit relationship between the accused and the deceased. She has stated that the deceased had borrowed a loan of Rs.45,000/-. However, she came to know about the same



CNR: KAHC010013442019

after the incident. She has stated that the deceased had given the amount to the accused and in this regard they were quarreling.

9. The testimonies of the above witnesses would only show that the accused and the deceased were having an illicit relationship and they were living together. Insofar as the deceased borrowing loan and giving the same to the accused, except the oral testimony, there is no other material placed on record to establish the same. PW12 has stated that the deceased had borrowed a sum of Rs.45,000/-, which she came to know after her death. PW2, PW3 and PW4 have not stated that the deceased had borrowed a sum of Rs.45,000/- and how much amount she had given to the accused. Further, their evidence do not reveal that the accused was present in the house on the night of 21.07.2014. Though PW2 has stated that he received the information on the night itself, he went to the spot on the next day morning and at that time, the police were already present. As per Exhibit P2, the complainant



CNR: KAHC010013442019

was informed about the incident by his brother-in-law Puttaswamy (PW4) and in turn, one Narayani informed about the incident to PW4-Puttaswamy. The said Narayani has not been examined by the prosecution.

10. The post mortem was conducted by PW14. The post mortem report is marked as Exhibit P18. The cause of death was due to asphyxia as a result of compression of neck.

11. As per Exhibit P18, several injuries were noticed on the dead body. According to the prosecution, the deceased was strangled with a saree. The said saree-MO1 was allegedly recovered at the instance of the accused. As per PW14, there was a cut injury on the neck. The MO1, which was recovered at the instance of the accused, did not contain any blood stains. The said material object was not sent for FSL examination and there is no FSL report. Both the panch witnesses namely, PW8 and PW9 to the recovery mahazar-Exhibit P13, have



CNR: KAHC010013442019

turned hostile. There is no evidence placed on record to show that at the relevant time, the accused was seen with the deceased. Except for the evidence of PW2 to PW4 and PW12 to the effect that the accused and the deceased were having an illicit relationship and there was some financial dispute between them, there is no other convincing evidence placed on record to connect the accused with the crime. The case of the prosecution rests on circumstantial evidence. It is settled law that in a case resting on circumstantial evidence, the circumstances must form a complete chain pointing only towards the guilt of the accused and must exclude every hypothesis of innocence. Therefore, the accused is entitled to the benefit of doubt.

12. Hence, we proceed to pass the following:

ORDER

(i) The appeal is **allowed**.

(ii) The Judgment and Order of conviction and sentence dated 19.07.2016, passed in



CNR: KAHC010013442019

SC.No.5067/2014 by the Court of II Additional District and Sessions Judge, Ramanagara, sitting at Kanakapura, for the offence punishable under Section 302 of IPC, is set aside.

(iii) Accused is acquitted of the offence under Section 302 of IPC.

**Sd/-
(MOHAMMAD NAWAZ)
JUDGE**

**Sd/-
(B.PRAMOD)
JUDGE**

MKM
List No.: 1 SI No.: 8