



CNR: KAHC010027282026

NC: 2026:KHC:45811-DB
CRL.A No. 52 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE H.P.SANDESH

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO.52 OF 2026

BETWEEN:

THE STATE BY CIRCLE POLICE INSPECTOR
KUTTA CIRCLE
REPTD. BY THE STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU-1

...APPELLANT

(BY SRI CHENNAPPA ERAPPA, HCGP)

AND:

PANIYERAVARA AIYAPPA
S/O LATE TAMMU
AGED ABOUT 29 YEARS
C/O PEMMANDA
PONNAPPA @ MANJU'S LINE HOUSE
BALYAMANDURU VILLAGE
VIRAJPET TALUK
KODAGU DISTRICT-571251

...RESPONDENT

(RESPONDENT IS SERVED)

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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THIS CRL.A IS FILED U/S 419(1)-(3) OF BNSS PRAYING TO GRANT LEAVE TO APPEAL AGAINST THE JUDGEMENT AND ORDER OF ACQUITTAL DTD 07.07.2025 PASSED BY THE II ADDL. DISTRICT AND SESSIONS JUDGE, AT KODAGU-MADIKERI (SITTING AT VIRAJPET) IN SC.NO.5002/2021 ACQUITTING THE ACCUSED OF THE OFFENCE P/U/S 302 OF IPC AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH
AND
HON'BLE MR. JUSTICE B.PRAMOD

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE H.P.SANDESH)

This appeal is filed challenging the judgment of acquittal dated 07.07.2025 passed in S.C.No.5002/2021 by the II Additional District and Sessions Judge, Kodagu-Madikeri (sitting at Virajpet.

2. This matter is listed for admission. Heard the learned High Court Government Pleader appearing for the State.

3. The factual matrix of case of the prosecution is that the deceased-Mutha was residing with his wife-PW3-Paniyeravara Ammunni in a lane house of PW7-K Prakash. Their



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daughter PW2, Paniyeravara Seethe had come to home for the Kaial Muhurth festival. The accused who is the husband of PW2, visited the house of the deceased around 07.00 p.m., demanding that PW2 has to come with him immediately. In this regard, a quarrel ensued inside the house. Mutha refused to send his daughter-PW2 with the accused saying that today is the festival of Kaial Muhurth and after the festival, she will come to the house of the accused. Accused went away. Again, on the same night at 08.00 p.m., accused came to the line house of deceased and again asked PW2 to come with him immediately. At that time, deceased told the accused not to give trouble to his daughter PW2, following which, accused send both PW2 and PW3 inside the house and locked them from the outside and then, went to the front yard of the house, picked up a wooden stick/club and brutally assaulted Mutha 5 to 6 times on the head and face, leading to his death. The incident was witnessed by PW2 and PW3 through a window from inside the house. The deceased was later found in a pool of blood and placed on varanda by PW1 and other witnesses, who came to house around 02.00 a.m., on the night of festival.



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Based on the complaint of PW1, who is the son of the deceased, the police have investigated the case and filed the charge sheet against the accused for the offence under Section 302 of IPC. The accused was secured and he did not plead guilty and claims the trial.

4. In order to prove the case, the prosecution examined the witnesses as PW1 to PW21 and got marked the documents at Ex.P1 to P34 and also marked MO1 to MO5. The accused did not led any evidence after recording of 313 statement by the Trial Court. The Trial Court having considered the material on record, particularly the evidence of PW2 and PW3 who claims that they are the eyewitnesses stating that they witnessed the incident peeping through the window. But Trial Court in paragraph 22 taken note that both the spot sketch and the engineer sketch do not show the existence of any such window facing towards front yard where the incident allegedly took place. This constitutes a material contradiction making the claim of the eyewitnesses witnessing the assault made by the accused. In paragraph 23 also, Trial Court taken note of the evidence of PW2 and PW3 that they have admitted



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that there is a dispute between the husband (accused) and wife (PW2) and they frequently quarrel between them. PW1 has admitted that when he returned to house at 02.00 a.m., he found the accused at the spot. The Trial Court also taken note of the fact that when accused inflicted the injury and caused 11 injuries, police have failed to seize the cloth of the accused. The Trial Court also taken of the evidence of PW7, who is the owner of the line in which the victim along with family were residing, wherein he has not disclosed regarding existence of window facing towards the front yard to the lane house of deceased. The Trial Court also taken note of evidence of PW16 who has assisted the Investigation Officer at the time of mahazar and inquest mahazar; PW17 who has guarded the dead body; PW18 who has carried seized articles to FSL; PW19 to PW21 are the Investigating Officers who have conducted the investigation and held that none of these witnesses have deposed the existence of a window to the line house of deceased facing front yard. Having taken note of these witnesses' evidence, Trial Court comes to the conclusion that PW2 and PW3 cannot be the eye witnesses to the incident since there was no



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existence of window and photographs at Ex.P6 to P10 also do not disclose the line house or existence of window to the line house. In paragraph 28 also, Trial Court taken note that accused blood stain clothes were not seized. But PW1 says that accused was very much present when he came to the house at 02.00 a.m. in the early morning. The Trial Court also taken note that accused was limping when he was produced before the Court. On enquiry, he has stated that during a scuffle between himself and deceased, he met injuries to his left leg. But prosecution did not collect any medical records of accused having sustained injuries either in the incident or subsequent to incident while he was ran away from the spot. Thus, Trial Court held that non-explanation of injuries on accused is doubtful. The Trial Court in paragraph 30 taken note with regard to the evidence of PW3 and PW4 who claims as eye witnesses and also taken note of the engineer sketch at Ex.P22 and spot sketch at Ex.P30 prepared by the IO, wherein existence of window to room where PW2 and PW3 were confined facing towards front yard is not mentioned. The Trial Court also listed out the discrepancies in the evidence of the prosecution in



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paragraph 30 and so also in paragraph 30(f) taken note that MO1 was not recovered at the instance of accused under Section 27 of the Evidence Act. First of all, the blood stain on MO1 and also at the spot collected during investigation is also doubtful since there was a clear evidence of PW3 that there was a heavy rain on the date of incident. If there was rain, presence of blood stain at the spot and on MO1 which was thrown near the Banana plant is also doubtful.

5. Having taken note of all these materials on record, the Trial Court comes to the conclusion in paragraph 31 that from the above said circumstances, the case of prosecution is doubtful and hence, benefit of doubt given in favour of the accused as there was no chain link even though prosecution mainly contend that there are eyewitnesses to the incident i.e., PW2 and PW3 since, their evidence is not inspires the confidence of the Court, Hence, the case is rests upon the circumstantial evidence as there were no any other witnesses in respect of the incident is concerned. In the absence of direct evidence as well as the chain link of circumstantial evidence, the Trial Court acquitted the accused.



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6. The main contention of the learned High Court Government Pleader appearing for the State is that the very presence of the accused at the spot is not in dispute and PW1 also categorically deposes that accused was very much present when he came to the house at 2.00 a.m. and the evidence of PW2 and PW3 also not considered in a proper perspective by the Trial Court.

7. Having heard the learned counsel for the State and also considering the material on record, it discloses that while acquitting the accused, the Trial Court has given the reasoning that evidence of PW2 and PW3 cannot be believed as there was no window towards the front yard of the house to peep through witnessing the incident of assault made by the accused on the deceased. Apart from that there is no any seizure at the instance of accused and cloth of accused also not seized. As per the evidence of PW3, on the date of the incident, there was a heavy rain and with regard to the collection of blood stains on the spot and on the weapon which was thrown near the Banana plant is also very doubtful. When such reasoning is given the by the Trial Court considering the material on record, we do not



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find any grounds to come to the conclusion that the matter requires reconsideration by admitting the appeal. The Court while considering the matter for admission has to take note that whether it is a case for reconsideration or not. But when there is no recovery at the instance of the accused under Section 27 of the Evidence Act and no other linking evidence before the Court, question of admitting the matter for reconsideration does not arise. Hence, we do not find any grounds to admit the appeal for reconsideration.

8. In view of the discussions made above, we pass the following:

ORDER

The appeal is dismissed.

**Sd/-
(H.P.SANDESH)
JUDGE**

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

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