



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CRIMINAL APPEAL NO. 58 OF 2026

BETWEEN:

SMT. ANITHA B C
W/O. RANGANATH
D/O. CHANDRAYAPPA,
AGED ABOUT 39 YEARS,
NO.436, 12TH CROSS,
KUVEMPUNAGAR EXTENSION,
HASSAN CITY - 573 201.

...APPELLANT

(BY SRI. NATARAJU T.,ADVOCATE)

AND:

1. STATE BY HASSAN EXTENSION POLICE,
REPTD. BY S.P.P.
HIGH COURT BUILDING,
BENGALURU-560 001
2. DIVAKARA,
S/O JANARDHANAIAH,
AGED ABOUT 33 YEARS,
NO.436, 12TH CROSS,
KUVEMPU NAGARA,
HASSAN-573201.
3. RANGANATHA N.J.,
S/O JANARDHANAIAH,
AGED ABOUT 35 YEARS,
HOUSE EWS.436, 12TH CROSS,
KUVEMPU NAGARA, HASSAN-573201.



4. JANARDHANAIAH,
S/O LATE RANGAIAH,
AGED ABOUT 67 YEARS,
NO.436, 12TH CROSS,
KUVEMPU NAGARA,
HASSAN-573201.
5. YASHODHAMMA,
W/O JANARDHANAIAH,
AGED ABOUT 53 YEARS,
NO.436, 11TH CROSS,
KUVEMPU NAGARA,
HASSAN-573201.

...RESPONDENTS

(BY SRI. RASHMI JADHAV. ADDL. SPP.)

THIS CRL.A. IS FILED U/S.378(4) CR.P.C PRAYING TO SET ASIDE THE IMPUGNED JUDGMENT OF ACQUITTAL DATED 30.10.2025 IN S.C.NO.255/2013 PASSED BY THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, HASSAN AND CONVICT THE ACCUSED FOR THE OFFENCE P/US/ 307,506,114 R/W SEC.34 OF IPC AND ALLOW THIS APPEAL.

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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ
and
HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL JUDGMENT

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

This is a victim's appeal filed under Section 372 of Cr.P.C., 1973 against the judgment of acquittal passed by the trial Court, acquitting respondents Nos.2 to



5 / accused Nos.1 to 4 of the offences punishable under Section 307, 506, 114 read with Section 34 of IPC.

2. Heard and perused the material on record.

3. It is the case of prosecution that on 19.12.2011 at about 10.30 a.m., in front of house No.435 at 12th cross, Kuvempunagar, at the instigation and abetment of accused Nos.2 to 4, accused No.1 rode his Yamaha Motorcycle bearing registration number KA-18-K2696 in a high speed and with an intention to commit murder, attempted to hit the complainant(PW1). However, one Ramegowda (CW.3), pulled her aside and prevented the mishap. Further, the accused gave threat to her life etc.

4. Before the trial Court, charges were framed against accused Nos.1 to 4, for the offence punishable under Section 307, 506, 114 read with Section 34 of IPC. In order to establish the charges, the prosecution got examined PWs. 1 to 8 and got marked Exs.P1 to P4. The defence got marked Exs.D1 to D5.



5. Vide impugned judgment, the learned Sessions Judge acquitted the accused of all the charges leveled against them, holding that there is an inordinate delay in lodging the complaint and there are contradictions in the evidence of PW.1 and other witnesses and therefore, the prosecution has failed to prove the guilt as alleged against the accused persons beyond reasonable doubt.

6. The learned counsel for the appellants contended that the complainant, none other than the victim in this case has supported the case of prosecution, but her evidence has not been properly appreciated in the right perspective by the trial Court. He contended that the complainant is the wife of accused No.2 and due to the matrimonial dispute, her husband and in-laws have made an attempt on her life. He contended that the trial Court has not properly appreciated the evidence and material on record and acquittal of the accused has resulted in miscarriage of justice.



7. The learned counsel further contended that the evidence of the complainant, examined as PW.1 is supported by the evidence of her father, PW.2 as well as PW.3 and PW.6, independent witnesses. PW.6 is an eye witness, whose evidence also discloses that the incident has taken place, however, the learned Sessions Judge has failed to take into consideration the above evidence of prosecution witnesses and erroneously acquitted the accused.

8. It is the specific case of the prosecution that on 19.12.2011 at about 10.30 a.m., accused No.1 with an intention to commit the murder, rode his bike in a high speed and tried to hit the complainant-PW.1, however one M. Ramegowda saved her by pulling her aside. It is the further case of the prosecution that accused Nos.2 to 4 being present at the spot, instigated and abetted accused No.1 to commit the murder of complainant.



9. The incident took place on 19.12.2011 at about 10:30 a.m. The complaint was lodged on 23.12.2011. PW1 in her cross-examination has admitted that on 22.12.2011 she had lodged one more complaint against the accused, alleging dowry harassment, criminal intimidation and attempt to commit murder etc., not pertaining to present incident. However, she has not whispered anything about the incident which took place on 19.12.2011, in the said complaint. The defence got marked Ex.D1., which is the complaint dated 22.12.2011 as well as Ex.D2, the further statement of the complainant. Neither in Ex.D1 nor in Ex.D2, she has made any allegations or whispered about the incident which allegedly took place on 19.12.2011.

10. While appreciating the evidence of PW.1, the trial Court has taken into consideration the admission made by her that on 19.12.2011, she had appeared before the Magistrate Court at Hassan in respect of the complaint lodged against her by accused No.3 and obtained bail and on that day they appeared before the court at 11:00 a.m.



and returned to the house at 04:30 p.m. On the same day, her parents also came to Hassan and left to their village at the same time. In her complaint, she has stated that on 19.12.2011 she came to the house of her husband in the morning to obtain bail. However, she has not stated at what time she came to the house of the accused. In the chief examination she has stated that her parents had come to her husband's house at about 10:30 a.m. The trial Court has taken into consideration these contradictions and inconsistencies and held that the same creates doubt, that on 19.12.2011, the incident as alleged had taken place.

11. The complainant (PW.1) is none other than the wife of accused No.2. Accused No.1 is the brother and accused Nos. 3 and 4 are the parents of accused No.2. Admittedly, there is a matrimonial dispute between the parties and several cases are pending between them. It has also come on record that even accused No.3 i.e., father-in-law of the complainant has lodged a complaint



against the parents of PW.1 and one Taranath. According to PW.1, on 19.12.2011 at about 10:30 a.m. she along with her parents and others came to Hassan to obtain bail and at 10:30 a.m. her parents and one Basavanna and Ramegowda came to her husband's house and while she was talking to them, accused No.1 came on his motorcycle in a high speed and attempted on her life. Basavanna is examined as PW.3. Contrary to the evidence of PW.1, he has stated that it was accused No.2 who rode the bike and tried to hit the complainant - PW.1. His evidence goes contrary to the evidence of PW.1 and does not lend corroboration. Further, it is the case of prosecution that person by name M. Ramegowda pulled the hand of PW.1 and saved her. The said witness, cited as CW.3 in the charge sheet has not been examined, as he was reported to be dead. The complaint was lodged belatedly. Though a complaint was lodged by PW.1 alleging dowry harassment, criminal intimidation etc. subsequent to the incident in question, she has not alleged or whispered anything about



the said incident which took place on 19.12.2011. Considering all these aspects the trial Court has come to the conclusion that the prosecution has failed to prove the guilt as alleged against the accused beyond reasonable doubt. We see no illegality or perversity in the judgment passed by the trial Court. There is no merit in the appeal. Accordingly, the appeal is ***dismissed***.

In view of the dismissal of the appeal on merits, I.A.No.1/2026 does not survive for consideration. The same is dismissed.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

Sd/-
(VENKATESH NAIK T)
JUDGE