



CNR: KAHC010034342019

NC: 2026:KHC:49034-DB
CRL.A No. 185 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO.185 OF 2019 (C)

BETWEEN:

MAHADEVA SWAMY
S/O. CHIKKA MAHADEVA
AGED 36 YEARS
COOLIE
R/AT MANEYAPANDA BELYAPPA'S
LINE HOUSE, CHENNANGOLLI ESTATE
DEVARAPURA COLONY
KADANGA MAROOR VILLAGE
VIRAJPET TALUK
KODAGU DISTRICT-571 218

...APPELLANT

(BY SRI N. S. SAMPANGI RAMAIAH, ADVOCATE
(AUTHORIZED BY HCLSC))

AND:

STATE BY VIRAJPET POLICE
VIRAJPET
REPRESENTED BY ITS S.P.P.
HIGH COURT BUILDING
HIGH COURT
BENGALURU-560 001

...RESPONDENT

(BY SRI RANGASWAMY R., H.C.G.P.)

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by
SHARADAVANI
B
Location: HIGH
COURT OF
KARNATAKA





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THIS CRL.A. IS FILED U/S.374(2) CR.P.C BY THE ADVOCATE FOR THE APPELLANT PRAYING TO SET ASIDE THE ORDER DATED 21.03.2018, PASSED BY THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, KODAGU-MADIKERI SITTING AT VIRAJPET IN S.C.NO.5025/2017, CONVICTING THE ACCUSED FOR THE OFFENCE PUNISHABLE UNDER SECTION 302 OF IPC AND SENTENCING HIM BY ORDER DATED 21.03.2018 FOR LIFE IMPRISONMENT AND ALSO TO PAY FINE RS.5,000/- ID, SI FOR 6 MONTHS EXTENDING BENEFIT OF SECTION 428 OF CR.P.C., AND ACQUIT THE APPELLANT AND SET HIM AT LIBERTY FROM THE ALLEGED OFFENCE.

THIS APPEAL, COMING ON FOR FURTHER 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 this appeal assailing the Judgment and Order of conviction and sentence passed against him by the II Additional District and Sessions Judge, Kodagu-Madikeri (sitting at Virajpet) in S.C.No.5025 of 2017 (hereinafter referred to as the 'Trial Court'), whereby he has been convicted for the offence punishable under Section 302 of Indian Penal Code (for short, 'IPC') and sentenced to undergo imprisonment for



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life and to pay fine of Rs.5,000/-, in default of payment of fine, to undergo SI for a period of six months.

2. Heard Sri N.S. Sampangi Ramaiah, learned counsel for the appellant, Sri Rangaswamy R., learned HCGP for respondent-State and perused the evidence and material on record.

3. It is the case of the prosecution that on 21.05.2017 at about 11.00 pm, in the coolie Line House situated in Chennangolli Estate, Padrapada village, the accused picked up a quarrel with his wife and assaulted her with a wooden club on the head and other parts of the body and committed her murder and thereby committed the charged offence punishable under Section 302 of IPC.

4. The complaint was lodged by Mahesh-PW.4 as per Ex.P10. On the said complaint, the PSI-PW.11 of Ponnampet Police Station registered a case against the accused in Crime No.52/2017 at about 9.30 am on 22.05.2017. The accused was arrested and incriminating



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materials like bloodstained club and cloths were recovered. On completion of the investigation, charge sheet was filed.

5. The learned Trial Court relying on the evidence of PWs.4, 5 and 16 namely the eyewitness, recovery of MOs.1, 6 and 7, coupled with the evidence of PWs.1 to 3, medical evidence of PW.7 and experts' evidence of PWs.13 and 15, held that the prosecution has clearly established that the accused has committed the murder of his wife, Malliga.

6. Assailing the impugned judgment, the learned counsel for the appellant raised the following contentions:

- (i) The incident took place on 21.05.2017 at about 11.00 pm. However, the complaint was lodged belatedly on the next day at about 9.30 am. There is no proper explanation for delay in lodging the complaint;
- (ii) The so called eye-witnesses and other circumstantial witnesses are interested



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witnesses. PW.4 and PW.5 are closely related to the deceased. Hence, their evidence cannot be believed;

(iii) The conduct of the eye-witnesses in not rescuing the deceased creates a doubt about their presence at the time of alleged incident;

(iv) According to the prosecution, the accused was arrested on the next day at about 2.00 pm at the bus stand, on the other hand, the testimony of PW.16 reveals that the accused was very much present in the house and the police visited the scene of occurrence on the same day, and the accused was apprehended by the police from the house and taken to the police station on the same night;

(v) In the complaint-Ex.P10, PW.4 has stated that the accused ran away from the spot holding a club, on the other hand, the club was seized from the house, as admitted by the prosecution witnesses;

(vi) As per prosecution, even PW.1 and PW.2 are the eyewitnesses, but they have turned hostile to the prosecution;



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(vii) The incident, according to the prosecution took place at about 11.00 p.m., but the eyewitnesses have not informed the matter to the Estate owner, immediately thereafter, which creates a doubt about PW.4 and PW.5 being the eyewitnesses to the incident;

(viii) The son of the deceased and the accused, examined as DW.1, has stated that his mother fell in the bathroom and therefore, the deceased sustaining head injury, etc by fall is not ruled out;

(ix) In the alternative, the learned counsel for the appellant contended that even accepting the case of prosecution in its entirety, from the material on record, it is evident that there was a quarrel between the accused and the deceased and in the said quarrel, the accused in a heat of passion, has committed the offence and therefore, it is a case of culpable homicidal not amounting to murder;

The learned counsel for the appellant contended that the Trial Court has failed to consider the above aspects, and therefore, the impugned judgment and order of



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conviction and sentence passed by the Trial Court is not sustainable in law.

7. Per contra, the learned HCGP has contended as under:

(i) The delay in lodging the complaint has been properly explained by PW.4. Even other witnesses have stated that due to elephant menace during the night hours, they could not immediately report the matter to the police.

(ii) PW.1 and PW.2 have deposed about extrajudicial confession made by the accused and PW.4, PW.5 and PW.16-eyewitnesses have clearly stated that the accused has committed the murder by assaulting his wife Malliga with a club;

(iii) After the arrest of the accused, bloodstained club, and cloths of the accused are recovered and FSL report clearly shows that the articles were stained with 'A' group blood;

(iv) The eyewitnesses are natural witnesses who were residing in the same line house near the



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house of the accused and therefore, their evidence cannot be disbelieved;

The learned HCGP contended that the Trial Court having regard to the entire evidence and material on record and after assigning valid reasons, has rightly convicted the accused for the offence punishable under Section 302 of IPC and there are no justifiable grounds to reverse the said findings and therefore, sought to dismiss the appeal.

8. The deceased Malliga is the wife of the accused. PW.5 Mangalamma is the sister of the deceased and the complainant-Mahesh (PW.4) is the husband of PW.5. All of them were working in the Coffee Estate of PW.8-Belliyappa and they were residing in the Line Houses situated in the said Chennangolli Estate. The complaint at Ex.P10 would reveal that on 21.05.2017, the accused and his wife had been to shandy in Gonikoppa and they returned to their house from the shandy. At about 11.00 pm, the complainant heard quarrel taking place between them and



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the screaming of his sister-in-law, Malliga. Immediately, he along with his wife Mangalamma/PW.5 went to the house of the accused, wherein they saw the accused quarreling with his wife demanding money from her, to drink alcohol. They tried to pacify the quarrel, however the accused picked up a club and assaulted his wife on the back of her head, due to which she collapsed on the ground. The accused took the club in his hand and ran away from the spot.

9. In Ex.P10, it is clearly stated that the house of the owner was at a little distance and as it was dark, on the next day morning, the matter was informed to the owner and thereafter, PW.4 went to the police station and lodged the complaint.

10. According to the prosecution, PW.1, PW.2, PW.4, PW.5 and PW.16 are the eye-witnesses to the incident. It is not in dispute that all the said witnesses were collie workers residing in the same Line Houses, situated in the



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Estate of PW.8. PW.4, PW.5 and PW.16 have supported the case of the prosecution. They have stated that on hearing the quarrel, they went to the house of the accused and saw the accused assaulting his wife deceased with a club on her head. PW.1 and 2, though not deposed about the actual incident, their evidence goes to show that they heard the quarrel from the house of the accused. Further, they have stated that on the next day, the accused confessed before them about assaulting his wife with a club and committing the murder. They have deposed that, they went to the house of the accused and saw the dead body of his wife.

11. The above witnesses, in their evidence have explained the reasons for not informing the matter immediately to the Estate owner and the Police. There is nothing elicited in their cross-examination to disbelieve their evidence with regard to accused assaulting his wife with a club on the head. Even though the defense has examined the son of the deceased and accused as DW.1,



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who has stated that his mother fell in the bathroom, however he has not stated about his mother sustaining injuries after she fell in the bathroom. Further, according to DW.1, he slept at about 7.00 p.m. which shows that even if his mother had fallen in he bathroom, it was prior to 7.00 pm, whereas all the witnesses have categorically stated that at about 11.00 p.m., the accused quarreled with his wife and assaulted her with the club. There is no reason to disbelieve the evidence of PW.4, PW.5 and PW.16 insofar as the accused assaulting this wife with a club on the head etc.

12. As per Post Mortem Report-Ex.P11 and the evidence of the Doctor-PW.7, cause of death is due to shock and hemorrhage as a result of injuries to vital organs, such as brain, lung and lung bone. PW.7 has found the following external injuries on the dead body:

1. Lacerated wound 3X4 cm over right parietal region of Scalp, underlying bone fractured. Vault of the Skull.



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2. Evidence of bleed from right ear seen

3. Lacerated wound ½ X ½ cm over floor of right external ear pinna at the outer end of external meatus.

4. Fracture of 3rd, 4th and 5th ribs over the anterior aspect of chest on right side.

5. Contusion /Bruises, Blackish brown discoloration over wide area covering both thighs, hips, and gluteal region on either side.

6. Fracture of right thigh bone (Femur) near Knee end.

On desertion of Cranium and Spinal Canal area:

1. Skull and Vertebra: Fracture of Vault of the Skull i.e., right parietal region 3x2 c.m.,

13. The witnesses have stated that the accused had consumed alcohol and he was quarrelling with his wife demanding money to drink alcohol. The material on record reveals that it was the accused who picked up quarrel with his wife, demanding money to drink alcohol and then assaulted her with a club. As per the P.M. Report, the



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deceased has sustained multiple injuries including the injuries to her head, bleeding from right ear, fractures of ribs, femur etc. Considering the same, the contention of the learned counsel for the appellant that the incident occurred in a sudden quarrel and therefore, the case does not fall under the definition of murder, cannot be accepted.

14. Insofar as the recovery of MO.1, MO.6 and MO.7 are concerned, according prosecution, after the arrest of the accused at his instance, the said material objects namely, the wooden club, T.shirt and pant of the accused were recovered under a mahazar Ex.P17.

15. In Ex.P10, PW.4 has stated that after assaulting the deceased, the accused ran away holding the club. As per prosecution, the accused was arrested at the bus stand on the next day at about 2.00 pm. However, the evidence of PW.16 goes to show that on the very same night, the accused was detained by the witnesses and in



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the morning they had informed the matter to PW.6, the Writer in the Estate and then the matter was informed to the Estate owner-PW.8. Thereafter, the police were informed about the incident, who came to the spot and took the accused to the police station. In view of the said evidence of PW.16, the case of the prosecution that the accused was arrested on the next day at the bus stand appears to be doubtful. However, from the evidence of PW.16 as well as of PW.9-pancha witness to Ex.P.17, it is seen that the club and the cloths of the accused were seized at the instance of the accused. Those articles namely, MO.1, MO.6 and MO.7 were sent for FSL examination, as per the RFSL report-Ex.P.24, they were stained with human blood. Further, the cloths of the deceased and MOs.1, 6 and 7 were stained with 'A' group blood.

16. We have appreciated the entire evidence and material on record. We have no hesitation to hold that the



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prosecution has proved that the deceased Malliga died a homicidal death and the accused has assaulted on her head and other parts of her body with MO1 and committed the murder. The charges levelled against the accused has been established by the prosecution by adducing cogent and acceptable evidence. The judgment and order of conviction and sentence passed by the Trial Court is therefore in accordance with law. Hence, we proceed to pass the following:

ORDER

The Appeal is dismissed.

In view of dismissal of the main appeal, pending I.A.No.2/2026 does not survive for consideration and the same shall stand dismissed.

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

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

MKM : CT:VC