



CNR: KAHC010036072019

NC: 2026:KHC:46089-DB
CRL.A No. 210 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF AUGUST, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO.210 OF 2019 (A)

BETWEEN:

THE STATE OF KARNATAKA
REPRESENTED BY THE DY.S.P.
SOMWARPET SUB-DIVISION
KUSHALNAGAR, KODAGU DISTRICT
REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU-01

...APPELLANT

(BY SRI CHENNAPPA ERAPPA, H.C.G.P.)

AND:

1. VASANTHA @ DODDAIAH
S/O. SANNAIAH
AGED ABOUT 38 YEARS
AGRICULTURIST
RESIDENT OF BADUBANALLI VILLAGE
SHANIVARASANTHE HOBLI
SOMWARPET TALUK-571 236
2. SMT. DEVAMMA
W/O. SANNAIAH
AGED ABOUT 58 YEARS
HOUSEWIFE
RESIDENT OF BADUBANALLI VILLAGE

Digitally signed
by
SHARADAVANI
B

Location: HIGH
COURT OF
KARNATAKA



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SHANIVARASANTHE HOBLI
SOMWARPET TAULK-571 236

3. SMT. RANI
W/O. DHANANJAYA
AGED ABOUT 34 YEARS
HOUSEWIFE
RESIDENT OF NEERUGUNDA VILLAGE
KODLIPET HOBLI
SOMWARPET TALUK-571 236

...RESPONDENTS

(BY SRI PRATHEEP K. C., ADVOCATE FOR R-1 TO R-3)

THIS CRL.A. IS FILED U/S.378(1) AND (3) CR.P.C. BY THE STATE P.P. FOR THE STATE PRAYING TO GRANT LEAVE TO APPEAL AGAINST THE JUDGMENT AND ORDER OF ACQUITTAL DATED 01.10.2018 PASSED BY THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, KODAGU, MADIKERI IN S.C.NO.36/2014 ACQUITTING THE RESPONDENT FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498A, 323, 306, 304B AND 302 READ WITH SECTION 34 OF IPC AND UNDER SECTIONS 3 AND 4 OF DOWRY PROHIBITION ACT AND SET ASIDE THE JUDGMENT AND ORDER OF ACQUITTAL DATED 01.10.2018 PASSED BY THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, KODAGU, MADIKERI IN S.C.NO.36/2014 ACQUITTING THE RESPONDENT FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498A, 323, 306, 304B AND 302 READ WITH SECTION 34 OF IPC AND UNDER SECTIONS 3 AND 4 OF DOWRY PROHIBITION ACT AND ALSO CONVICT THE RESPONDENT ABOVE NAMED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498A, 323, 306, 304B AND 302 READ WITH SECTION 34 OF IPC AND SECTIONS 3 AND 4 OF DOWRY PROHIBITION ACT IN ACCORDANCE WITH LAW.

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



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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)

Heard the learned HCCP for the State and learned counsel appearing for the respondent/accused.

2. The present appeal is filed by the State challenging the judgment of acquittal dated 01.10.2018 passed by the Prl.District and Sessions Judge, Kodagu-Madikeri, for the offences punishable under Sections 498A, 323, 306, 304B and 302 read with Section 34 IPC and under Sections 3 and 4 of Dowry Prohibition Act and prayed this Court to convict the accused by setting aside the judgment of acquittal.

3. The factual matrix of the case of prosecution before the Trial Court is that the marriage of deceased Smt.Ranjitha was performed with accused No.1 on 15.04.2009 as per Hindu customs. Accused No.2 is the



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mother-in-law and accused No.3 is the sister-in-law of the deceased. At the time of marriage, cash of Rs.20,000/- was given to accused No.1 and gold ring weighing 5 grams, Neck chain weighing 25 grams and ear stud were given to the deceased Ranjitha in the form of dowry as demanded by the accused persons. She lived happy marital life for a period of one year. After one year of her marriage, accused persons demanded additional dowry from the victim's family and in that connection subjected the deceased to physical and mental harassment. The complainant has conducted a panchayath in the village in presence of the elders and well wishers and advised accused persons and sent the deceased Ranjitha to the house of the accused persons. Again, A1 to A3 demanded more dowry and gave mental and physical cruelty to the deceased. On 24.11.2013 in the cattle shed of her husband consumed poison and attempted to commit suicide. The accused No.1 took her to the Government Hospital, Madikeri and later she was shifted to Bhanavi



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Hospital at Mysore. But on 03.12.2013 at about 11.20 p.m. she died while she was taking treatment. The cause of death is on account of alleged consumption of paraquat poison. Hence, the complaint has been filed. Based on the said complaint, the Police have registered a case in Crime No.133 of 2013 and after investigation filed the charge sheet against accused Nos.1 to 3 for the offences punishable under Sections 498A, 323, 306, 304B and 302 and read with Section 34 of IPC and under Sections 3 and 4 DP Act. They were secured before the Trial Court and they did not plead guilty and claimed trial.

4. Hence, the prosecution in order to prove its case, examined 14 witnesses as PW1 to PW14, got marked 22 documents as Exhibit P1 to Exhibit P22 and also got marked material objects as MO1 and MO2. The accused were subjected to 313 statement as contemplated under the provisions of Code of Criminal Procedure. The accused did not lead any defense evidence. The Trial Court having considered the material available on record particularly on



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going through the evidence of PW1 and PW2, who are the parents of the deceased and none of the independent witnesses have not supported the case of the prosecution and turned hostile. It is also taken note of the fact that the deceased and accused No.1 were residing along with two children and accused No.2 was residing in the house of her daughter accused No.3, comes to the conclusion that, the prosecution has failed to prove the guilt of the accused persons as alleged and acquitted the accused persons.

5. Being aggrieved by the judgment of acquittal, the present appeal is filed by the State.

6. Learned HCGP appearing for the State, in his argument, would vehemently contend that though the material on record discloses that the deceased was subjected to physical and mental harassment by the accused persons, the Trial Court has erred in appreciating the same. He would contend that the prosecution had clearly proved that there was a dowry demand and the



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demand was met by the complainant. He would vehemently contend that the Trial Court erred in holding that there was no evidence insofar as the harassment to the deceased demanding additional dowry and the same has been proved by the prosecution by tendering the evidence of PW.1 and PW.2. The Trial Court also failed to appreciate the evidence of PW.9, PW.10 and PW.11 independent witnesses. Though they have not supported the case in totality, but their evidence is consistent with regard to the panchayath was held when she was not able to bear the torture. He would contend that death was taken place within seven years of marriage and presumption as provided under Section 113B of Evidence Act ought to have been drawn by the Trial Court. But the Trial Court has grossly committed an error in acquitting the accused, which has resulted in miscarriage of justice. Hence, he prays this Court to reconsider the evidence available on record and convict the accused persons.



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7. Per contra, learned counsel for the respondent/accused would vehemently contend that, the Trial Court has meticulously considered the evidence available on record. He would further contend that in order to invoke the offences under Sections 304B and 306 of IPC and also Sections 3 and 4 of DP Act, there must be a cogent evidence before the Court and no such cogent evidence is available before the Court. Though the prosecution relied upon the evidence of PW.9, PW.10 and PW.11 who are the independent witnesses, but they have not supported the case of prosecution and turned hostile. Even PW.1 and PW.2 who are the parents of the deceased, in their cross-examination admit that as per their customs, at the time of marriage they have given new clothes and gold ornaments to her daughter out of love and affection. He would further contend that the Trial Court taking note of all these material available on record has rightly extended the benefit of doubt and acquitted the accused.



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Hence, no ground is made out to interfere with the findings of the Trial Court.

8. Having heard the counsel appearing for the State as well as the counsel appearing for the respondents/accused and also on re-appreciation of evidence available on record both oral and documentary evidence, the points that would arise for the consideration of this Court are:

i) Whether the Trial Court has committed an error in acquitting the accused for the offences punishable under Section 498-A, 323, 306, 304B and 302 read with Section 34 of IPC and Sections 3 and 4 of DP Act and whether it requires interference of this Court?

ii) What order?

Regarding Point No.1:

9. Having considered the grounds urged in the appeal memo and also the oral submission of the learned HCGP and the learned counsel for the respondents, the



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Court has to take note of the specific charges levelled against the accused persons. The allegation against the accused persons is that at the time of marriage they received Rs.20,000/- and 40 grams of gold and also demanded additional dowry and subsequently the deceased was unable to bear the cruelty and torture, she took the extreme step of committing suicide on 24.11.2013. It is also the case of prosecution that there was a demand and acceptance of dowry and death was also taken place within seven years of the marriage.

10. Having considered the accusations made in the charge-sheet and also the material available on record, there is no dispute with regard to the marriage of the deceased and accused No.1 was solemnized on 15.04.2009. It is also not in dispute that she committed suicide on 24.11.2013 in the matrimonial house. It is also not in dispute that the death was taken place within seven years of the marriage and also there was a presumption under Section 113B of the Indian Evidence Act. In order to



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prove the charges levelled against the accused persons, the prosecution mainly relied upon the evidence of PW.1 and PW.2 and independent witnesses PW.9, PW.10 and PW.11, but they have not supported the case of prosecution and turned hostile. But with regard to the cruelty as well as the demand of additional dowry subsequent to the marriage, none of the witnesses speak about the particular incident of subjecting her for cruelty and torture. Merely because death was taken place within seven years of the marriage, the same cannot be a ground to invoke Section 304B of IPC and there must be a material before the Court. The evidence of the witnesses is inconsistent with regard to the demand and payment of Rs.20,000/- and 40 grams golden articles at the time of marriage.

11. It is important to note that though an allegation is made in the charge sheet that after one year of the marriage the victim was subjected to harassment of dowry, but the admission on the part of PW.1 and PW2 is



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very clear that whenever they visit the house of the accused, they extended hospitality and there was a cordiality in maintaining the relationship. It is also important to note that in the cross-examination, PW1 admits that for about two years accused No.1 and her daughter have led marital life happily. She also admitted that, as per their customs, at the time of marriage they have given new clothes and ornaments to her daughter out of love and affection as gift. She further admits that the accused took her daughter Ranjitha to the hospital for treatment immediately after she consumed poison and he was looking after her in the hospital. She further admitted that accused No.2 was residing in the house of her daughter i.e. accused No.3 and even she has admitted that accused No.1 had not demanded for money during that period. Though it is stated that Panchayath was conducted, but none of the panchayath witnesses were examined. It is also their case that one Jayamma was sent along with the deceased to the accused house after



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conducting panchayath and said Jayamma was also not examined before the Court.

12. When such materials were assessed by the Trial Court by considering the same, rightly comes to the conclusion that the evidence of the prosecution witnesses not corroborates with each other and there are inconsistencies in the evidence of the prosecution witnesses. When such a reasoned order is given by the Trial Court, we do not find any ground to interfere with the findings of the Trial Court and the same not comes within the principles of the judgment of the Apex Court in the **MALLAPPA AND OTHERS V/s. STATE OF KARNATAKA** reported in **2024 (3) SCC 544** and while reversing the judgment of acquittal into conviction, there must be cogent and convincing evidence and only if perversity is found, the Court can reverse the same. Hence, we answer the point No.1 in the Negative.



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Regarding Point No.(ii):

13. 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**

MKM
List No.: 1 SI No.: 13