



CNR: KAHC010065632025

NC: 2026:KHC:41966
CRL.A No. 309 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 309 OF 2025 (C)

BETWEEN:

SRI. M. SACHIN,
S/O. MOTAIAH,
AGED ABOUT 23 YEARS,
OCCUPATION LABOUR,
R/AT BHADRAKALI,
HEMMAKKI VILLAGE,
MUDIGERE TALUK,
CHIKKAMAGALURU – 577 132.

...APPELLANT

(BY SRI. P. P. HEGDE., SENIOR ADVOCATE FOR
SRI. BHAIKAV G. V., ADVOCATE)

AND:

STATE OF KARNATAKA
BY KALASA POLICE STATION,

Digitally
signed by
SUSHMA
LAKSHMI B
S
Location:
High Court
of Karnataka



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CHIKKAMAGALURU DISTRICT,
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BANGALORE - 560 001.

...RESPONDENT

(BY SRI. S. JAVEED., HCGP)

THIS CRL.A IS FILED U/S 374(2) CR.PC BY THE
ADVOCATE FOR THE APPELLANT PRAYING TO SET ASIDE THE
JUDGEMENT DATED 18.09.2024 AND SENTENCE DATED
20.09.2024, IN S.C.NO.133/2019, BY THE COURT OF II ADDL.
DISTRICT AND SESSIONS JUDGE AT CHIKKAMAGALURU,
CONVICTING THE APPELLANT/ACCUSED, FOR THE OFFENCE
P/U/S 326, 307, 504 AND 506 OF IPC.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



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ORAL JUDGMENT

1. This criminal appeal is filed by the appellant/accused, being aggrieved by the judgment of conviction dated 18.09.2024 and order on sentence dated 20.09.2024 passed in S.C.No.133/2019 by the learned II Additional District and Sessions Judge at Chikkamagaluru, for the offence punishable under Sections 326, 307, 504 and 506 of Indian Penal Code (for short, 'IPC').
2. The rank of the parties will be considered henceforth as per their rankings before the Trial Court.

Factual matrix of the case:

3. The case of the prosecution is that on 10.06.2019 at about 10:00 a.m., P.W.1 was talking with P.W.9. Having seen the said incident, the accused on 17.06.2019 at about 8:30 a.m., when P.W.1 was returning from Nagasampigemakki Village towards Bhadrakali Village, started abusing P.W.1 in filthy language with the intention of causing harm and assaulted him with a club on his back. Consequently, P.W.1 fell down, again, the accused



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tried to hit him on his head with the said club. However, P.W.1 defended himself by raising his hands, as a result of which his left hand got fractured. It is further stated that again, accused assaulted on the legs of PW1, as a result of which, both the legs of P.W.1 got fractured. Further, P.W.1 had been insulted and abused in a public place and also threatened with dire consequences. Hence, the complaint.

4. Based on the said complaint, the respondent-police registered a case, conducted an investigation, and submitted a charge sheet.
5. In order to prove the case of the prosecution, the prosecution examined fifteen witnesses as PWs.1 to 15 and got marked 23 documents as Exs.P1 to P23 and also three material objects identified and marked as M.Os.1 to 4. The Trial Court, after appreciating both oral and documentary evidence on record, recorded the conviction against the accused for the aforesaid offences.



6. Heard Sri. P.P.Hegde, learned Senior Counsel for Sri. Bhairav G.V., learned counsel for the appellant and Sri. S. Javeed, learned High Court Government Pleader for the respondent – State.
7. The submission of learned counsel for the appellant is that the judgment of conviction and order on sentence passed by the Trial Court is erroneous and contrary to the evidence on record. Therefore, the same is liable to be set aside.
8. It is further submitted that the Trial Court even though convicted the appellant for the offences punishable under Sections 307, 326, 504, 506 of IPC, the ingredients of the aforesaid provisions do not get attracted on the facts and circumstances of the case. The prosecution has not produced any X-ray report of P.W.1 to establish that the injured had sustained fracture injuries to his legs and hand. In the absence of production of the X-ray report, arriving at a conclusion that the injured had sustained



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fracture injury on the legs and hand is erroneous and such conviction cannot be sustained.

9. It is further submitted that to attract the provisions under Section 307 of IPC, the intention of the person who caused the injuries must be considered. The accused in this case had not used any deadly weapon or lethal weapon to cause injury. Moreover, there are no independent witnesses to support the case of the prosecution.
10. It is further submitted that the prosecution has failed to prove that the incident of assault had occurred with an intention to commit murder of the complainant. Therefore, conviction in respect of offence under Section 307 of IPC cannot be sustained. However, the Trial Court has committed error in appreciating the evidence of the witnesses and rendered the conviction which is liable to be set aside. Making such submissions, the learned counsel for the appellant prays to allow the appeal.



11. *Per contra*, learned High Court Government Pleader for the respondent – State vehemently justified the judgment of conviction and order on sentence and stated that the evidence of P.W.1 coupled with the evidence of the doctor – P.W.10 clearly establishes the gravity and nature of the case as well as impact of the injury. The Trial Court has rightly rendered the conviction on appreciating both oral and documentary evidence on record. There are no grounds made out by the appellant to interfere with the findings. By making such submissions, learned High Court Government Pleader for the respondent prays to dismiss the appeal.
12. Having heard learned counsel for the respective parties and on perusal of the findings of the Trial Court, it is relevant to reappreciate the evidence of the prosecution's witnesses.
13. P.W.1 stated in his evidence that on 10.06.2019 at about 10:30 a.m., while he was coming from the house of his friend, he happened to meet P.W.9, who was standing



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near the house of one Sachin. He spoke with her and asked her as to where she was going. On seeing that, the accused called P.W.1 and asked him to meet him. Further it is stated that P.W.1 had been threatened for having spoken with P.W.9. It is further stated that on 17.06.2019 at about 8:30 a.m., he had been assaulted by the accused with a wooden club both on his legs and hand. Consequently, he had sustained injuries. In the cross-examination, a suggestion was made that he sustained such injuries due to a fall from his bike on the road. P.W.1 denied the said suggestion.

14. P.W.2 is stated to be the witness of Exs.P.4 to 6 - notice, spot mahazar and sketch respectively, supported the case of the prosecution.
15. P.W.3 is the witness to Ex.P.7-seizure Mahazar. He supported the case of the prosecution.
16. P.Ws.4 to 6 are stated to be the eyewitnesses to the incident. However, they have turned hostile to the case of the prosecution.



17. P.W.7 is the mother of P.W.1 stated in her evidence that she received an information from one Vijay who is her neighbour that her son had been assaulted by the accused. On receiving the said information, she rushed to the hospital and met her son who was taking treatment in the hospital. She supported the case of the prosecution.
18. P.W.8 is the relative of P.W.1 supported the case of the prosecution. However, he is not an eyewitness to the incident.
19. P.W.9 is stated to be the lover of accused has turned hostile and not supported the case of the prosecution.
20. P.W. 10 is the doctor who treated P.W.1 and submitted his report as per Ex.P.13. As per Ex.P.13, injuries No.2 to 4 and 6 are grievous in nature. However, the prosecution has failed to get the X-ray report marked to substantiate that P.W.1 sustained fracture both on his legs and hand.



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21. P.W.11 and other four witnesses are the official witnesses. Their evidence in respect of alleged incident gives no credence. Therefore, their respective evidence need not be looked into.
22. Having gone through the evidence of all the witnesses and also the wound certificate produced by the prosecution, no doubt, P.W.1 sustained injuries on account of assault by the accused. However, the prosecution has failed to establish the ingredients of Sections 326, 307, 504 and 506 of IPC.
23. It appears that the Trial Court has failed to appreciate the evidence of injured and the doctor-P.W.10 properly, consequently, the impugned judgment is passed which appears to be erroneous in respect of the aforesaid offences. However, on considering the injuries caused to P.W.1 and also the wound certificate of the doctor, the prosecution has failed to secure the X-ray report to substantiate the fracture injuries. Unless it is proved through the X-ray report that P.W.1 had sustained fracture



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injuries, the Court cannot come to the conclusion that fracture injury had been caused to P.W.1. It is needless to state that usually fracture injuries are occurred inside the legs and hand or any part of the body. Without seeing the X-ray report, it is hard to arrive at a conclusion to such extent. However, the trial Court committed grave error in rendering the conviction in respect of the offence under Section 326 of IPC.

24. It is relevant at this stage to state about Section 307 of IPC. The Hon'ble Supreme Court in the case of ***Harikishan Vs. Sukhbir Singh***¹ held that intention of knowledge of the accused must be such as its necessary to constitute murder. The question of intention to kill or the knowledge of death in terms of Section 307 of IPC is a question of fact not of law. It would all depend on the facts of the given case. It is further emphasized that at the time of considering the offence under Section 307 of

¹ AIR 1988 SC 2127



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IPC, the Court has to see, the intention of the accused not the injury.

25. In the present case, the injury has not occurred on the vital part of the body or the prosecution has not established the intention of the accused to commit murder of PW1. Therefore, in the absence thereof, the conviction rendered by the trial Court appears to be erroneous and untenable in respect under Section 307 of IPC appears to be erroneous.

26. Similarly, the prosecution has failed to establish the ingredients under Sections 504 and 506 of IPC. Therefore, the conviction in respect of the aforesaid offences also not proper.

27. In the light of the observations made above, I proceed to pass the following:

ORDER

- i) The Criminal Appeal is *allowed - in - part*.



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- ii) The judgment of conviction dated 18.09.2024 and order on sentence dated 20.09.2024 passed in S.C.No.133/2019 by the learned II Additional District and Sessions Judge at Chikkamagaluru is modified as under:
- iii) The conviction rendered for the offences under Sections 326, 307, 504 and 506 of IPC is set aside.
- iv) The appellant is convicted for the offence punishable under Section 324 of IPC and he is sentenced to undergo simple imprisonment already undergone during trial.
- v) The concerned Jail Authority is directed to release the appellant forthwith, if he is not required in any other cases.



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- vi) The Registry is directed to communicate this order to the concerned Jail Authority forthwith.

Sd/-
(S RACHAIAH)
JUDGE

JS/-
List No.: 1 Sl No.: 47