



CNR: KAHC010068342019

NC: 2026:KHC:44682-DB
CRL.A No. 419 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO.419 OF 2019 (A)

BETWEEN:

SOBAGIAH
S/O. LATE DASAPPA
AGED ABOUT 60 YEARS
R/AT SINGONAHALLI VILLAGE
DODDAMAVATHUR POST
HULIYURDURGA HOBLI
KUNIGAL TALUK
TUMKUR DISTRICT-571 428

...APPELLANT

(BY SRI RAJU C. N., ADVOCATE)

AND:

1. S. K. RAMACHANDRA
S/O. LATE KARIYAPPA
AGED ABOUT 34 YEARS
R/AT SINGONAHALLI GRAMA
DODDAMAVATHUR POST
HULIYURDURGA HOBLI
KUNIGAL TALUK
TUMKUR DISTRICT-571 428
2. SMT. SHIVAMMA
W/O. KARIYAPPA
AGED ABOUT 55 YEARS
R/AT SINGONAHALLI GRAMA
DODDAMAVATHUR POST

Digitally signed
by
SHARADAVANI
B

Location: HIGH
COURT OF
KARNATAKA



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HULIYURDURGA HOBLI
KUNIGAL TALUK
TUMKUR DISTRICT-571 428

3. LINGARAJU
S/O. BORAIHAH
AGED ABOUT 45 YEARS
R/AT BANDAHALLI GRAMA
KUNIGAL TALUK
TUMKUR DISTRICT-571 428
4. SMT. JAYAMMA
W/O. LINGARAJU
AGED ABOUT 42 YEARS
R/AT BANDAHALLI GRAMA
KUNIGAL TALUK
TUMKUR DISTRICT-571 428
5. HANUMANTHAPPA @ HANUMANTHAIHAH
S/O. HANUMAIAH
AGED ABOUT 65 YEARS
R/AT NO.61/1, 9TH MAIN
4TH BLOCK, NANDINI LAYOUT
BENGALURU-560 096
6. STATE BY KAMAKSHIPALYA POLICE
BENGALURU
REPRESENTED BY S.P.P.
HIGH COURT OF KARNATAKA AT
BENGALURU-560 001

...RESPONDENTS

(BY SRI GANESH G. H., ADVOCATE FOR R-1 TO R-5 (ABSENT),
SRI SUHAS GOWDA M., H.C.G.P., FOR R-6)

THIS CRL.A. IS FILED U/S.372 CR.P.C BY THE ADVOCATE
FOR THE APPELLANT/S PRAYING TO SET ASIDE THE JUDGMENT
OF ACQUITTAL DATED 06.12.2018 ON THE FILE OF
LXXI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE,
BENGALURU IN S.C.NO.951/2008 - ACQUITTING THE
RESPONDENTS/ACCUSED 1 TO 6 FOR THE OFFENCES



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PUNISHABLE UNDER SECTIONS 498-A AND 304-B READ WITH 149 OF IPC AND SECTIONS 3 AND 4 OF DOWRY PROHIBITION ACT.

THIS APPEAL, COMING ON FOR FINAL HEARING, 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 Court admitted the appeal and matter is listed for final disposal.

2. This appeal is filed by the *de facto* complainant against as the judgment of acquittal dated 06.12.2018 passed by the trial Court in SC No. 951/2008 on the file of 71st Additional City Civil and Sessions Judge, Bengaluru, praying this Court to convict the accused for the offences punishable under Sections 498-A and 304-B r/w 149 of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961.

3. The factual matrix of the case of the prosecution is that:



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a) The deceased Varalakshmi is the daughter of CWs. 1 and 2. The marriage of Varalakshmi was performed with accused No.1 on 20.12.2006 at Singonahalli Grama, Doddamavathur Post, Huliurdurga Hobli, Kunigal Taluk, Tumakuru District. Prior to the marriage, there was a marriage talks held in between the bride and the bridegroom families with regard to the dowry. The accused persons have demanded dowry of Rs.2,00,000/-. CW.1 has accepted to give dowry of Rs.1,40,000/-. But he is unable to give the said dowry amount at the time of marriage. When CW.1 did not pay the dowry amount of Rs.1,40,000/-, accused No. 2 did not allow the deceased Varalakshmi to lead a marital life with her husband- accused No. 1.

b) That being the case, after 11 months of the marriage, a panchayat was convened by the elders of the family. In the panchayat, the accused told to CW.1, if he pay the dowry amount of Rs.1,40,000/-, he will take back the Varalakshmi to his home to lead marital life. Accordingly CWs.1 and 2 have paid dowry amount of Rs.1,40,000/- to the accused No.1 in the presence of CW.7-Sobagaiah S/o late Sabagegowda, CW.8-



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Doddamariyappa @ Srikantaiah, CW.9- Ningaiah and CW.10- Sivanna. Thereafter, accused No.1 took his wife to Bengaluru and residing in a rented house. The accused persons have demanded Varalakshmi to bring additional dowry of Rs.20,000/- from her parental house. When she refused to bring the additional dowry amount, all the accused persons abused her in a filthy language, caught hold of her hairs, dragged her, assaulted her by means of hands and spit on her mouth and causing harassment and given torture to the deceased Varalakshmi and she is unable to bear the torture. Given by the accused persons. On 02.05.2008 at about 06.00 p.m. she came in contact with electric coil and due to electric shock, she died.

c) The CW.1 having come to know about death of his daughter, he went to the house of accused and saw the dead body of the deceased which was lying on the ground and CW2 went to the Kamakshipalya Police Station and lodged the complaint with CW.20-Police Sub-Inspector. Pursuant to the complaint, crime was registered in Crime No.188/2008 and police have registered the case against all the accused,



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recorded the statement of witnesses and also filed the charge sheet for the above offences. The accused persons were secured and accused did not plead guilty and claimed for trial.

d) The trial Court allowed the prosecution to lead the evidence and prosecution examined witnesses as PWs.1 to 15, got marked documents at Exs. P1 to P13 and material objects as MOs.1 and 2 were also marked. Through the cross examination of PWs.1,2 and 4, got marked Exs. D1 to D5. The accused were subjected to 313 Cr.P.C., statement and they did not choose to lead any defence evidence. The trial Court having considered the charges leveled against the accused persons and also the material available on record, answered all the points as negative in coming to the conclusion that no material before the Court for having demanded an amount of Rs.1,40,000/-, payment of Rs.1,40,000/- and also demanding additional dowry amount of Rs.20,000/- from parents and so also due to the torture of the accused persons, the deceased came in contact with the electrical coil and succumbed to electric shock to invoke Section 304B and so also having



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demand and acceptance invoke Sections 3 and 4 of Dowry Prohibition Act.

e) The trial Court having reassessed the evidence available on record comes to the conclusion that no material to convict the accused for the above offences were committed. In coming to the conclusion that from the oral testimony of prosecution witnesses coupled with documents that there was a marriage between both of them, but also death was an account of an electrical shock. When the deceased was boiling the water in an electrical coil, Exs. D1 to D5 clearly shows that the accused persons have not demanded dowry. PWs.1 and 2 have also not given dowry after the marriage and the accused persons have not harassed the deceased for additional dowry. The trial Court has also taken note of the evidence of DWs.1 and 2, who have deposed that they have not demanded any dowry from PWs.1 and PW2 and marriage was performed forcibly at the instance of the police when the accused No. 1 failed to marry the deceased Varalakshmi, even though he was having love affair with her and got acquitted.



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4. The present appeal is filed by the *de facto* complainant. Learned counsel appearing for the complainant would vehemently contend that, According to the *de facto* complainant, the evidence of PWs.1, 2, 3 and 4 are consistent with regard to the marriage of the first accused and the deceased Varalakshmi and was performed in the temple and also insisted for payment of dowry and additional dowry of Rs.20,000/-. The trial Court committed an error in accepting the defence evidence of DWs.1 and 2. The PWs.3 and 4 have spoken about demand and acceptance of amount of Rs.1,40,000/- towards dowry subsequent to the marriage, the trial judge has committed an error in acquitting the accused.

5. Learned counsel for the complainant also brought to the notice that this Court Ex.P5-Inquest report. PW.6 also supported the case of prosecution and PW.7 is the witness and PWd.8 and 9 are the police constables, PW.10 is ASI, PW.11 is the PSI, PW.12 is ACP and PW.13 is also the PSI. The evidence of PW.14 is very clear regarding the FSL Report.



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6. The learned HCGP appearing for the State also reiterates the arguments of learned counsel for appellant before this Court that there was a demand and acceptance and PW3 and PW4 supports the case of prosecution. That even after the forceful marriage between the accused No.1 and deceased and continued the harassment and demanded additional dowry. Rs.1,40,000/- is accepted and subsequently another demand was made to the tune of Rs.20,000/- and hence this Court has to interfere with the findings of the trial Court and permit to convict the accused.

7. Though the respondent Nos. 1 to 5 represented through counsel, but the counsel did not choose to address his arguments.

8. Having heard the HCGP appearing for the State as well as the learned counsel appearing for the *de facto* complainant, while considering the materials available on record, the points that would arise for consideration of this Court are:



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"i) Whether the trial Court committed an error in acquitting the accused for the offence per Section 304B, 498A and Sections 3 and 4 of Dowry Prohibition Act?

ii) What order?"

Point No.(i):

9. It is very clear that accused No.1 and also the deceased Varalakshmi who fell in love and when the family members of the accused No.1 have refused and the very deceased herself had lodged the complaint and evidence of PWs.1 and 2 is clear that when their daughter had lodged the complaint, both of them have also accompanied her. Their evidence is also very clear that based on the complaint of victim girl, the police have secured the accused No.1 and advised that ultimately marriage was held between both of them. It is also the evidence of PW.1 that subsequent to the marriage, the other accused persons demanded dowry amount on the ground that at the time of marriage they have not given any dowry and also the husband of their daughter left the house only on the ground that no dowry was given and thereafter the other persons started harassing their daughter,



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Once again they gave the complaint and also made an attempt to send her out forcibly. When the police called and advised and according to their advice and talks were held in the presence of the Panchayatdars and in the Panchayat, the accused persons demanded an amount of Rs.2,00,000/. The same was finalized to pay an amount of Rs.1,40,000/- including the one pair of gold earrings and also one pair of hangings and accordingly they made the payment and also given the gold ornaments. Then accused took the daughter to Bengaluru and both of them started living there and other accused persons were visiting once in a week. Then again on the advice of the other accused persons, accused No.1 started to assault Varalakshmi and demanded an additional amount of Rs.20,000/- and the same was informed to her over the phone by the deceased. He went and made part payment of some amount and again the daughter informed that he was causing threat to commit the murder and she was replying that she will not continue her life and ultimately, has surprisingly received the information about death of his daughter. At his instance, documents at Exs.P1 and P2 and so also in his further chief-



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examination, Ex.P3 is marked. But in the cross-examination, he admits that the contents of the document at Ex.P1 is not in his handwriting.

10. That being the case, though PW.1 was having money in performing the marriage out of the income earned through agricultural land, but having paid Rs.1,40,000/- to the accused , no document is produced and no evidence having paid the money. He categorically admits in the cross-examination that there was no any letter correspondence between daughter and son-in-law and even did not see their photographs also. However, he admits that father of the accused No.1 did not agree for the marriage and also further admits that when his daughter had lodged the complaint, he and his wife accompanied her. He also admits that police secured accused No.1 and on their advice, marriage was performed in temple. It is also elicited that a complaint was given and compromise was taken place between them and in the complaint, he did not make the statement that she died on account of electric shock. The documents at Exs. D1 and D2 were also confronted to the witness. The other witness is PW.2,



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who is the mother of the deceased. Both PWs.1 and 2 categorically say that when their daughter and accused No.1 fell in love, their marriage was performed in the temple and PW.1 has not given any details in which phone number daughter was making phone call. It is also admitted that accused Nos. 4 and 5 were residing separately and also PW.1 categorically admits that for having been informed over the phone, he has not given any statement before the police and the evidence of PW.2 is also similar to the of evidence of PW.1 and she also admits that accused No.1 was staying in Bengaluru and he is working in Police Department and accused No.6 was also residing separately. She also admits that marriage was held in temple and their marriage is love marriage and admits that in view of both of them fell in love, they are not having cordiality between both the families.

11. The prosecution relies upon the evidence of PWs.3 and 4 and the evidence of PWs.3 and 4 is contrary to the evidence of PW.1. PW.3 says that the family members of the accused No.1 did not agree to solemnize the marriage of the deceased and complaint was given by her and police advised



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the parties to settle this issue and at that time they demanded an amount of Rs.2,00,000/- and it was decided to give an amount of Rs.1,40,000/- and time was taken. But, this evidence shows that at the time of marriage itself a demand for dowry was made and the time was taken by the parents of the deceased. He categorically admitted that he did not participate in the compromise between the parties and so also he did not attend any panchayat between the family members of the accused as well as victim. However, he admits that after the compromise, she was sent to Bangalore. The witness of PW.4 also deposes similarly regarding demand and a compromise. But he admits in the cross examination after the settlement only and panchayat marriage was performed and the version of PW.4 is also contrary to the evidence of PWs.1 and 2.

12. PW.5 speaks about both husband and wife, living in Bengaluru in a rented house. He also says that Varalakshmi died on account of electric shock, and, this witness was treated as hostile and categorically admits that when she found the deceased, there was an electric connection as per the switch board and the same was not in order on account of trip. When



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the same was set right and put the light, found the dead body and also categorically admits that near the dead body, there was an electric water coil used to heat the water and this evidence also does not support the case of the prosecution.

13. The other witness is PW.6, who speaks about compromising the matter between the husband and wife and demand of Rs.20,000/- but never speaks about payment, but only says that parents of Varalkshmi decided to make the payment of Rs.1,40,000/-. This witness also admits that marriage was performed at the instance of the police

14. Having taken note of the evidence available before the Court, as per the PM report at Ex.P10, it is very clear that cause of death is on account of shock, as a result of electrocution and no doubt, death was on account of electrocution and it is not the case that accused was present at the time of death of the deceased. The evidence of PW.5 is very clear that the electric connection was not in order, found the dead body and near the dead body, there was an water



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heating electric coil. When such material available on record, it is nothing but an electric shock she died.

15. In order to invoke Sections 3 and 4 of DP Act also, it is admitted that deceased and accused No.1 fell in love and when the family of the accused did not accept to perform their marriage, the complaint was given by the deceased herself and family of the accused No.1 was secured and he agreed to marry her and their marriage was performed in the temple. In this connection, PWs.3 and 4 depose before the trial Court that demand was made at the time of marriage talks itself. But the evidence of PWs.1 and 2 is contrary to each other regarding demand and acceptance of dowry. When such evidence is contrary to each other and the evidence of PWs.1 to 4 does not inspires the confidence of the Court and trial Court taken note of the fact that these are all the materials available on record and rightly comes to the conclusion that it is not a case for invoking Section 304B of IPC as well as Section 3 and 4 of DP Act.

16. Having perused all materials, we are not satisfied with the contention raised by the learned counsel appearing for



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the *de facto* complainant that trial Court has committed an error and so also the submission of learned HCGP appearing for the State. There is no force in the contention of the respective counsel to come to other conclusion and also it is settled position of law in a case of reversal of acquittal case into conviction, there must be a cogent and intrinsic evidence before the Court to come to only one conclusion, not different conclusion. If the finding is not perverse, the question of reversing the same doesn't arise in view of law laid down by the Hon'ble Supreme Court in the case of **RAJESH PRASAD V. STATE OF BIHAR**, reported in **2022 (3) SCC 471**. Hence, we do not find such circumstances in the case on hand to reverse the finding of the trial Court and the point is answered in the ***negative***.

Point No.(ii):

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



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ORDER

Appeal is ***dismissed***.

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

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

BSV
List No.: 1 Sl No.: 14