



CNR: KAHC010085622019

NC: 2026:KHC:42429-DB
CRL.A No. 569 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF AUGUST, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO. 569 OF 2019

BETWEEN:

1. SRI NANJAPPA
S/O RAMAIAH,
AGED ABOUT 62 YEARS,
R/AT VADDARADODDI VILLAGE,
BIDADI HOBLI, RAMANAGAR TALUK
AND DISTRICT-571 511.

...APPELLANT

(BY SRI. VINAY N, ADVOCATE FOR
SRI. MANMOHAN P N, ADVOCATE)

Digitally signed
by DEVIKA M

Location: HIGH
COURT OF
KARNATAKA

AND:

1. MYNA @ MYNAVATHI
W/O RAVIKUMARA,
AGE MAJOR
2. BHAGYAMMA
W/O MARISWAMAIAH,
AGE MAJOR,
3. MUNIYAPPA
ALL ARE R/AT
VADDARADODDI



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VILLAGE,BIDADI HOBLI,
RAMANAGARA TALUK-571 511.

4. THE STATE OF KARNATAKA
BY BIDADI POLICE STATION,
RAMANAGAR DISTRICT,
REPRESENTED BY
THE STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BANGALORE-560 001.

...RESPONDENTS

(BY SRI.SATHVIK M, ADVOCATE FOR
SRI.SATYANARAYANA S CHALKE, ADVOCATE FOR R1 TO R3;
SRI. SUHAS GOWDA M, HCGP FOR R4)

THIS CRL.A IS FILED U/S.372 CR.P.C PRAYING TO SET
ASIDE THE JUDGMENT AND ORDER DATED 11.01.2019,
PASSED BY THE III ADDITIONAL DISTRICT AND SESSIONS
JUDGE, RAMANAGARA IN S.C.NO.67/2014, AND
CONSEQUENTLY CONVICT THE RESPONDENT NOS.1 TO 3 FOR
THE OFFENCES P/U/S 302 AND 201 R/W 34 OF IPC.

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)

Heard the counsel appearing for appellant, the
counsel appearing for respondent Nos.1 to 3 and also
learned HCGP for respondent No.4/State.



2. This appeal is filed against the order of acquittal for the offence punishable under Section 302 and Section 201 of IPC read with Section 34 of IPC.

3. The factual matrix of the case of prosecution is that prior to 07.03.2007, accused Nos.1 to 3 had some quarrel with deceased Ravikumar and assaulted him by using some deadly weapons knowing fully well that the said assault would cause death of Ravikumar and due to the said assault, Ravikumar died. Thereafter, in order to disappear and screening themselves from legal punishment, they have taken the body of deceased Ravikumar and thrown the same in the land of Ramaiah. Based on the complaint of Exs.P1 and P2 filed by the father, when the body was found in the sugarcane field, case was registered. The police investigated the matter and filed B report on 15.12.2008. Thereafter, the complainant has filed protest memo and sworn-in statement was recorded. The cognizance was taken and the case was committed to the Sessions Court for the



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offence punishable under Section 302 and 201 of IPC. The accused persons were secured and they did not plead guilty and claims the trial.

4. In order to prove the case, the prosecution has examined 15 witnesses as PWs.1 to P.W.15 and got marked 12 documents as Exs.P1 to P12. During the course of cross examination of P.W.2 and P.W.5 got marked two documents as Exs.D1 and D2. The accused persons were subjected to recording of statement under Section 313 of Code of Criminal Procedure and thereafter accused have not led any defence evidence. The Sessions Court having considered both oral and documentary evidence available on record, particularly the evidence of P.W.1-Nanjappa, who is the father of deceased Ravi Kumar filed complaint in terms of Exs.P1 and P2. In the first complaint, there is no suspicion, and only in the second complaint, after three days, i.e. on 10.03.2007, suspected the role of these accused persons. But P.W.1 says that since there was matrimonial dispute between



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Ravikumar and Mainavathi, accused have killed Ravikumar and they have burnt the dead body by using lorry tyre. It is also the evidence of P.W.1 that he has seen lorry tyre at eucalyptus plantation situated near the sugarcane field where they found the dead body of Ravikumar. But in Ex.P2, there is no mention with regard to above aspect of the matter and the complaint was lodged on 10.03.2007. The trial Court also taken note of the evidence of P.W.2- Lakshmmamma who is the mother of deceased Ravikumar also deposed with regard to illicit relationship of accused No.1-Mainavathi with accused No.3- Muniyappa.

5. P.W.3- Anandkumar being the brother of deceased Ravikumar also deposed with regard to an illicit relationship of accused No.1 with accused No.3- Muniyappa.

6. P.W.4-Asha being the younger sister of deceased Ravikumar deposed that accused No.1 Mainavathi is her sister-in-law and she used to roam with



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accused No.3- Muniyappa. Her brother used to inform the same to her.

7. P.W.5 - Munihanumaiah also reiterated the fact that accused No.1-Mainavathi is the wife of deceased Ravikumar and accused No.2-Bhagyamma is the mother-in-law and accused No.3 is the junior son-in-law of accused No.2. Only for proving of relationships, P.W.5 was examined.

8. The evidence of PWs.6 and 7 were also taken note of by the Sessions Court and so also the medical evidence not supports the case of prosecution which is marked as Ex.P9. There is no positive evidence before the Court with regard to cause of death and ultimately final opinion was given that as the body was in highly decomposed state, the cause of death could not be inferred even after FSL report and so also with regard to Ex.P7-polygraphy test. In respect of the said test, P.W.12- Dr. S Malini was examined and the test is



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negative. Having considered all this material, the Sessions Court comes to the conclusion that there is no material to connect the accused persons to the death of Ravikumar and acquitted them. Being aggrieved by the judgment of acquittal, the present appeal is filed before this Court.

9. The counsel appearing for the appellant would vehemently contend that the Sessions Judge failed to notice that deceased Ravi Kumar was residing with respondent Nos.1 to 3 in the house belonging to respondent No.2 and the deceased was missing for over 15 days. However, the respondent Nos.1 to 3 did not file any missing complaint. This conduct of respondent Nos. 1 to 3 clearly goes to show that respondent Nos.1 to 3 have murdered the deceased and thrown the dead body in the sugarcane field. The same has not been properly appreciated and no complaint was filed despite lapse of more than 15 days from the date of death and the Sessions Court ought to have taken note of the said fact into consideration. He further submits that the body of



the deceased was found in a decomposed state and even in the said state, what was evident was that both the legs and the right hand of deceased were missing. The post mortem report reveals that vital organs of the deceased including the heart, liver, kidneys, urinary bladder, penis, and scrotum were all missing. These materials have not been examined by the learned Sessions Judge. The counsel would also submit that PWs.1,2 and 4 show that the strained relationship between accused No.1 and the deceased and all of them have spoken about the differences between husband and wife and also she was roaming along with accused No.3. It is further submitted that the Sessions Court also fails to appreciate the material on record and has committed gross error in acquitting the accused.

10. Sri. Suhas Gowda M, learned HCGP appearing for respondent No.4/State would submit that the Sessions Court fails to consider the material available on record



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particularly the evidence of PWs.1 to 5 and also the other evidence available before the Court.

11. Sri. Sathvik M, learned counsel appearing for respondent Nos.1 to 3 would submit that the Sessions Court has taken note of overall evidence available on record and no material points out the role of these accused persons and hence, rightly comes to the conclusion that no material available to point out the role of these accused and rightly acquitted the accused.

12. Having heard the counsel appearing for appellant, the counsel appearing for respondent Nos.1 to 3 and also learned HCGP for respondent No.4/State, the points that would arise for the consideration of this Court is:

"Whether the Sessions Court committed an error in acquitting the accused for the offence punishable under Section 302 and 201 read with Section 34 of IPC and the same requires interference of this Court for convicting from acquittal?"



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13. It is settled law that in case of acquittal while reversing the judgment of Apex Court has taken note of certain principles like our Criminal Jurisprudence is essentially based on the premise that no innocent shall be convicted as guilty. All the safeguards and the jurisdictional values of criminal law, are intended to prevent any failure of justice and the said aspect is discussed in the case of ***Mallappa and Others versus State of Karnataka reported in (2024) 3 Supreme Court Cases 544***, the Apex Court while dealing with acquittal cases are concerned relied upon 6 principles i.e. the principles which come into play while deciding an appeal from acquittal could be summarized in paragraph No.42 of the Judgment which reads as under:

"42. Our criminal jurisprudence is essentially based on the promise that no innocent shall be condemned as guilty. All the safeguards and the jurisprudential values of criminal law, are intended to prevent any failure of justice. The principles which come into play while deciding an appeal from acquittal could be summarized as:



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- (i) Appreciation of evidence is the core element of a criminal trial and such appreciation must be comprehensive – inclusive of all evidence, oral or documentary;*
- (ii) Partial or selective appreciation of evidence may result in a miscarriage of justice and is in itself a ground of challenge;*
- (iii) If the court, after appreciation of evidence, finds that two views are possible, the one in favour of the accused shall ordinarily be followed;*
- (iv) If the view of the trial court is a legally plausible view, mere possibility of a contrary view shall not justify the reversal of acquittal;*
- (v) If the appellate court is inclined to reverse the acquittal in appeal on a re-appreciation of evidence, it must specifically address all the reasons given by the trial court for acquittal and must cover all the facts;*
- (vi) In a case of reversal from acquittal to conviction, the appellate court must demonstrate an illegality, perversity or error of law or fact in the decision of the trial court."*

Having considered the said principles, it is very clear that the Court has to appreciate that evidence is the core element of a criminal trial and such appreciation must be comprehensive, inclusive of all evidence, oral or documentary or partial or selective appreciation of evidence may result in a miscarriage of justice and that itself a ground of challenge. If the Court, after



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appreciation of evidence, finds that two views are plausible, the one in favour of accused shall ordinarily be followed and in view of the trial Court is a legally plausible view, mere possibility of a contrary view shall not justify the reversal of the acquittal and the appellate Court is inclined to reverse the acquittal in appeal on a re-appreciation of evidence and it must specifically address all the reasons given by the trial Court for acquittal and must cover all the facts and reversal of acquittal to conviction. The appellate Court must demonstrate an illegality, perversity or error of law or fact in the decision of the trial Court.

13. Having considered the principles laid down in the judgment referred supra and also considering the material on record before this Court, no doubt in the case on hand, the deceased Ravikumar was missing from last 15 days. It has to be noted that wife who is accused No.1 and also accused No.2- mother-in-law in their house only the son-in-law i.e. deceased Ravi Kumar was residing and



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also he was a driver and pursuing his avocation at Bangalore. He used to visit the house of accused Nos.1 and 2 and also the case of the prosecution is that based on the statement of PWs.1 to 4 that there were differences between husband and wife and also it is the allegation that accused No.1 being the wife of deceased was having an illicit relationship with accused No.3. But in the case on hand, except PWs.1 to 4 who are the interested witnesses deposes before the Court that there was an illicit relationship between accused No.1 and accused No.3. There was difference between deceased Ravikumar and his wife, i.e. accused No.1. None of the witnesses i.e. independent witnesses speaks about the same.

14. It is also important to note that in Ex.P1 there is no any suspicion when the first complaint was lodged by father of deceased Ravikumar on 07.03.2007 in terms of Ex.P1 and no such allegation of illicit relationship. But after 3 days, when the second complaint was given in terms of Ex.P2, the same is stated in the complaint. No



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doubt, the trial Court also took note of the fact that wife had not filed the complaint when the husband was missing for a period of 15 days and also discussed about the provisions of Section 106 of the Indian Evidence Act, 1872. That is also one of the suspicious circumstances. But the said suspicious circumstances cannot be a sole basis for convicting the accused and the said aspect has been taken note of by the trial Court. But it has to take note of the conduct of wife and also it has to be noted that when suspicion was raised about accused Nos.1 to 3, the prosecution also subjected her for polygraphy test in terms of Ex.P7. The said test also conducted and the same is negative and to that effect also, P.W.12 is also examined before the trial Court. With regard to suspicion is concerned, there is no any material before the Court. It is also to be noted that when the police have conducted the investigation and B report was filed on 15.12.2008, the same was challenged by filing a protest memo. Based on the protest memo, the complainant was examined and



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cognizance was taken and case was proceeded against accused persons for the offence punishable under Sections 302 and 201 read with Section 34 of IPC. In order to substantiate the very role of accused Nos.1 to 3 that they have committed murder as alleged in complaint Ex.P2, that they committed murder in the house of accused No.2 and thereafter they have thrown the dead body in sugarcane field and there is no evidence as to the said aspect. During the course of investigation and also with regard to post mortem report at Ex.P9 which is marked before the Court is also very clear that no material to come to a conclusion to give a opinion for the cause of death in view of the fact that body was decomposed and there is no medical evidence before the Court and in order to convict the accused persons and also there is no any material before the Court to point out that the role of these accused persons. The case is based only upon the suspicion and suspicion is not a ground to convict the accused. The trial Court also while acquitting the accused



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in detail taken note of the said fact into consideration in paragraph Nos.39, 40 and 41 and even discussed the evidence of PW5. In paragraph No.42, the complainant to substantiate his contention, has examined one Shivalingaiah as P.W.6 and he says that about 8 to 9 years back to the date of his evidence, he was constructing a house at Huchhammanadoddi and some of them came to dig the foundation. At that point of time only, he has brought the food to the workers including Nanjappa. At that time, Shivanna has disclosed him that in-laws of Ravikumar have killed him. The material available before the Court is that only they came to know about the body of Ravikumar was found in the sugarcane field and thereafter they speak about the same.

15. The trial Court also observed in paragraph No.42 that the portion of evidence of P.W.6 would show that his evidence that Shivanna has disclosed him that the in-laws of Ravikumar have killed him and it will come within the purview of hearsay evidence. The trial Court



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also taken note of the evidence of P.W.8-Kiran who deposed that Ravikumar being his co-brother was running an auto and he does not know as to how he has died and so also the evidence of P.W.9-Mariyappa being a villager of Vaddaradoddi who deposed that he has seen the dead body of Ravikumar in a sugarcane field. All these materials were taken note of including the evidence of P.W.11 who is the Assistant Director of FSL, examined seven items of property and issued Ex.P6 report and his specific evidence is that on examination of seven items of property, he does not found any residues of volatile poisons, pesticides, barbiturates, benzodiazepine and group of drugs and the evidence of P.W.11 will not come to the aid of prosecution, so also considered the evidence of P.W.12 – Dr. S Malini, who conducted the polygraph test of accused Nos.1 and 2 and her evidence also will not come to the aid of prosecution. The pre-test interview was also conducted and accordingly she has formulated the questions and the analysis also does not indicate with



regard to the role of accused persons. When all these materials were considered by the trial Court inclusive of medical evidence and the evidence of prosecution witnesses i.e., PWs.1 to 4, it is not clear with regard to the differences between the accused and the deceased and no details are given with regard to the differences between deceased Ravikumar and his wife i.e. accused No.1. When such being the material available on record, it is not a fit case to reverse the finding of the trial Court keeping in view the principles laid down in the judgment referred supra and on re-appreciation of evidence in this appeal and even with regard to two views, the trial Court has not committed any error. Even in the absence of any material before this Court pointing out the very role of the accused persons, the question of entertaining the appeal does not arise and on re-appreciation of evidence also, no material is found particularly incriminating evidence against accused Nos.1 to 3. Hence, it is not a case for reversing the judgment of trial Court.



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

ORDER

Appeal is ***dismissed***.

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

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

SSD
List No.: 1 Sl No.: 15