



CNR: KAHC010093062019

NC: 2026:KHC:52485-DB
CRL.A No. 605 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE R DEVDAS

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

CRIMINAL APPEAL NO. 605 OF 2019

BETWEEN:

THE CIRCLE POLICE INSPECTOR
HONNALI CIRCLE, HONNALI
REP BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING,
BENGLAURU-01.

...APPELLANT

(BY SMT. RASHMI JADHAV., ADDL. SPP.,)

AND:

1. PAVAN KUMAR
S/O SIDDAPPA MASTER,
AGED ABOUT 28 YEARS
R/O HOSAHALLI VILLAGE,
HONNALI TALUK AND DAVANAGERE
DISTRICT 577217.
2. SMT.GOWRAMMA
W/O YOGENDRAPPA,
AGED ABOUT 37 YEARS
R/O UPPARA KERI,
SASVEHALLI VILLAGE,
HONNALI TALUK AND
DAVANAGERE DISTRICT-5717217

...RESPONDENTS

(BY MS. ARCHANA K.M., FOR R1 & R2 V/O DTD. 27.08.2026

Digitally signed
by JUANITA
THIRU SWINI
Location: HIGH
COURT OF
KARNATAKA



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APPOINTED AS AMICUS CURIAE)

THIS CRL.A. FILED U/SEC.378(1) AND (3) CR.P.C., BY THE STATE PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED TO GRANT LEAVE TO APPEAL AGAINST THE JUDGMENT AND ORDER OF ACQUITTAL DATED 17.07.2018 IN S.C.NO.74/2017 PASSED BY THE PRL. DISTRICT AND SESSIONS JUDGE, DAVANAGERE ACQUITTING ACCUSED/RESPONDENTS FOR THE OFFENCE P/U/SEC.302,309 R/W 34 OF IPC AND ETC.

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

CORAM: HON'BLE MR. JUSTICE R DEVDAS
and
HON'BLE DR. JUSTICE K.MANMADHA RAO

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE R DEVDAS)

This Criminal Appeal is filed under Section 378(1) and (3) of Code of Criminal Procedure, 1973, by the State through the Circle Inspector of Police, Honnali Circle, Honnali, assailing the impugned judgment and order dated 17th July, 2018, passed by the learned Principal District and Sessions Judge, Davangere, in Sessions Case No.74/2017. The Sessions Court has acquitted the accused persons.



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2. The case of the prosecution is that the deceased-Prathibha, while working as Post woman in Hosahalli Village, developed friendship with accused No.1. Accused No.2 was the neighbour of the deceased-Prathibha and accused No.1 also was living nearby. However, Prathibha got married to a near relative-PW 12. Thereafter, accused No.1 went away to Bangalore since he secured a job at HDFC Bank. However, on 10.07.2016, at about 04.30 p.m., accused No.2 came to the house of the complainant (brother of the deceased) and asked the deceased to come and show her where she kept Rs.30/- which she had given to the deceased. Accordingly, the deceased went along with accused No.2 to her house. After sometime, the complainant and the others who were residing in the house and the neighbours heard the deceased screaming. Accordingly, all of them ran to the first floor of the neighboring building where accused No.2 was residing and they found the deceased lying in a pool of blood, she had no conscious. They also found accused No.1 also lying on



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the floor with blood stained clothes. Immediately, the complainant (brother of the deceased) took the deceased along with one another person on a two-wheeler to Gayathri Nursing Home which belongs to PW14, Doctor Chandrappa, who is the uncle of the deceased. However, the Doctor declared that Prathibha was no more.

3. It is further case of the prosecution that a complaint was lodged by the brother of the deceased- PW10, which was registered as Crime No.197/2016 for the offences punishable under Sections 302 and 109 read with Section 34 of the Indian Penal Code, 1860, against accused Nos.1 and 2. It is clarified at this stage that initially, the parents of accused No.1 were also arraigned as accused Nos.3 and 4. However, the charge sheet was laid only against accused Nos.1 and 2.

4. It is necessary to notice here itself that accused No.1 stated in his statement recorded under Section 313 of Cr.P.C., that he was in love with the deceased-



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Prathibha. But, since they both belong to different community/castes and no sooner the parents of the deceased came to know about the friendship/relationship between the deceased and accused No.1, they got the deceased-Prathibha married to a near relative i.e., PW12. Thereafter, Accused No.1 went away to Bangalore and he was working at HDFC Bank, Jayanagara, III Block. Deceased-Prathibha used to make phone calls to accused No.1 and plead with him that she does not like her husband and she was married off against her wish. Therefore, she is prepared to elope with accused No.1. Deceased-Prathibha had also expressed her anguish that if her uncle-PW14, Doctor Chandrappa comes to know about this, he will not spare them. Therefore, Prathibha requested accused No.1 to come to their native place Sasivehalli. Accordingly, accused No.1 went to the native place, at the request of the deceased and he took the help of accused No.2 to meet the deceased in her house. However, when Pathibha came into the room in the house



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of accused No.2 and there were discussions held between the deceased and accused No.1, suddenly Prathibha took a knife which was in the kitchen and stabbed accused No.1 while saying that both of them will die. Thereafter, accused No.1 lost consciousness and when he regained consciousness in the hospital, he came to know that Prathibha had stabbed herself and died.

5. The prosecution examined 23 witnesses including some of the neighbours, who are said to have rushed to the house of accused No.2 on hearing the screams of the deceased. However, it is clear that there is no eye witness to the incident. The prosecution therefore was required to prove the case and the guilt of the accused persons relying on circumstantial evidence. The prosecution marked Ex.P.1 to Ex.P34 and material objects, including M.O.6 and 7, two knives, one having a wooden handle and another having a plastic handle. Nevertheless, it is clear that no fingerprints were found on the knives. PW-21 Police Sub-Inspector Sri.B.Ismail and PW-22 - Police Inspector



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Sri.A.K.Rudrappa have spoken about the fingerprints and have categorically stated that no fingerprints are found on the knives.

6. With the material available on record and the 313 statement made by accused No.1, the trial Court found that the accused No.1 and the deceased had fallen in love and decided to get married. But since Prathibha was forcibly married to a close relative, accused No.1 thereafter, went away to Bengaluru. The deceased called accused No.1 through phone and stated that she is not interested to lead marital life with her husband, so she informed accused No.1 to come to Sasvehalli in order to have a conversation. Accordingly, accused No.1 came to Sasvehalli to meet the deceased Prathibha. Accused No.2 brought Prathibha to her house and left the two in the room. The trial Court found that PW-2 and PW-12 have spoken about the relationship between the deceased and accused No.1. However, the other witnesses, PW-3 and PW-10 have denied that there was a love affair between



the deceased and accused No.1. Accordingly, the evidence of PW-1 and PW-10 has been discarded as not trustworthy. The trial Court found from the evidence on record that the deceased Prathibha died within 5 to 10 minutes after the stab injuries. The trial Court found that where the accused sets up a defence or offers an explanation, it is well settled that he or she is not required to prove his or her defence beyond reasonable doubt but only by preponderance of probabilities, as held by the Hon'ble Apex Court in the case of ***M.Abbas vs. State of Kerala*** reported in ***(2001) 10 SCC 103*** the case should be decided.

7. Further, while placing reliance on a decision of the Apex Court, reported in 2015 SAR (Criminal) 527 (SC) and 2014 Criminal Law Journal 4047 (SC), the trial Court held that since the accused No.1 has explained in a statement made under Section 313 of the Cr.P.C., what happened on the day of the incident, to that extent accused No.1 has discharged the burden, having regard to the facts and



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circumstances narrated herein above. Further, having regard to the fact that this is a case depending on the circumstantial evidences, the prosecution has failed to prove the guilt of the accused and the chain of circumstances was not complete. Accordingly, the accused persons were acquitted.

8. Learned Additional SPP submitted that PW-15, Dr.S.Rajkumar, who treated accused No.1 on 10.07.2016, when he was brought by the police to the Government Hospital at Honnalli has clearly stated that having regard to the nature of the wound/injuries found on accused No.1, it was clear that they were simple injuries. The same Doctor had also conducted the post mortem of deceased Prathibha and found that the incised wound over the left breast were deep and had pierced the left pleural membrane in the left mid clavicular line. The wound with torn lung tissue, was also found with blood in left pleural space; pericardial sac filled with blood. Left ventricle ruptured with edges torn out with blood clots was seen in



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remaining part of the heart. It was therefore opined that the above injuries are ante mortem in nature and according to the Doctor, the cause of death was due to asphyxia as a result of shock and hemorrhage due to stab injury to the heart and lungs left side. The Doctor PW-15 has clearly stated in the cross-examination that it is possible that the injuries sustained by accused No.1 could have been caused by injuries inflicted by the knife M.O.6 or M.O.7. However, insofar as the injury sustained by the deceased, Ex.P.8 - Post Mortem report, the Doctor has clearly stated that it is unlikely that such injuries are possible by self-infliction.

9. Learned Additional SPP would therefore submit that when the opinion of the Doctor is clear that the injuries found on the deceased in terms of the Post Mortem report at Ex.P.8 could not have been inflicted by Prathibha herself, the fingers would clearly point towards accused No.1, who has admitted that he was indeed present in the room along with Prathibha, even as per the



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313 statement given by accused No.1. Learned Additional SPP would therefore submit that the appreciation of evidence at the hands of the learned Principal District and Sessions Judge is not in accordance with the established principles of law. When it is clear that the injuries sustained by accused No.1 are simple injuries and whereas, the injuries found on the deceased were deep and could not have been self-inflicted, then the explanation sought to be offered by accused No.1 that the deceased Prathibha stabbed herself after stabbing accused No.1, is to be rejected as far from truth.

10. Learned Additional SPP places reliance on ***Chandrappa and others vs. State of Karnataka*** reported in ***(2007) 4 SCC 415*** and ***Premchand vs. The State of Maharashtra*** reported in ***(2023) 5 SCC 522***, wherein the Hon'ble Supreme Court has summarized a plethora of judicial pronouncements on consideration of statement made under Section 313 of Cr.P.C. The Hon'ble Supreme Court has clearly held that if the accused takes a



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defence and proffers any alternate version of events or interpretation, the Court has to carefully analyze and consider his statements. The trial Court has failed to consider the statement made by accused No.1 under Section 313 of Cr.P.C. in the light of the evidence on record, more particularly the oral evidence given by the Doctor, who conducted the post mortem of the deceased and has also treated accused No.1 when he was brought to the hospital. The trial Court should have accepted the statement made by the Doctor that the injuries found on the deceased could not have been inflicted injuries and therefore, it is accused No.1 alone, who has stabbed the deceased and accordingly, accused No.1 should be punished.

11. *Per contra*, learned Amicus Curiae appointed by the Court to represent respondents Nos.1 and 2 submitted that the chain of circumstances are incomplete as clearly held by the trial Court. Attention of this Court was drawn to the complaint lodged by PW-10, wherein it is stated



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that PW-2 came to their house at about 04.30 p.m. on 10.07.2016 and called the deceased to come to her house to show where she had kept Rs.30/-. After 10-15 minutes, PW-2 came back to their house and said that the deceased was acting somewhat and therefore, she called the complainant and all others, who were in the house to come and see the deceased. However, in the examination-in-chief, a different version is given by the complainant stating that after 10-15 minutes they heard the screams of the deceased and accordingly, all of them ran to the house of accused No.2. The trial Court has rightly noticed these discrepancies. Learned counsel submitted that having regard to the 313 statement given by accused No.1, the trial Court has rightly analysed the evidence brought on record. The only aspect of the matter which required consideration at the hands of the trial Court was whether the stab injuries found on the deceased were self-inflicted or were inflicted by accused No.1 and whether the injuries



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sustained by accused No.1 were his own self-inflicted injuries or whether they were inflicted by the deceased.

12. Having regard to the fact that no fingerprints were found on the two knives, there was no other alternate left to the trial Court than to decide in favour of the accused persons. In this regard, learned counsel would place reliance on a decision of the Hon'ble Apex Court in the case of **Chandrappa** stated *supra*, where it was held that an Appellate Court must bear in mind that in case of acquittal, there is double presumption in favour of the accused. Further, if two reasonable conclusions are possible on the basis of the evidence on record, the Appellate Court should not disturb the finding of acquittal recorded by the trial Court.

13. Heard learned Additional SPP for the appellant, learned counsel, Smt.K.M.Archana, Amicus Curiae for respondents Nos.1 and 2 and perused the appeal memo and the trial Court records.



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14. It is clear from the facts narrated herein above that the only question which is required to be considered by the Court is whether the injuries found on the deceased Prathibha were self-inflicted or whether they could not have been self-inflicted. Similarly, the stab injuries found on accused No.1 were self-inflicted or could not have been self-inflicted. The fact that accused No.1 has not denied his presence in the room in the house of appellant No.2, this Court need not go into the last found theory. Even according to the complainant, as stated in the written complaint and in the chief-examination, it is the case of the prosecution that on hearing the screams of the deceased, the complainant and all other inmates of the house and neighbours rushed to the first floor of the neighbouring house of the complainant, which belonged to appellant No.2. In the room, they found the deceased lying in a pool of blood. They also found accused No.1 also lying on the floor in the same room. This Court finds certain loose ends having regard to the oral evidence



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given by the prosecution witnesses and that of the Doctor. If the house of appellant No.2 is the neighbouring house of the deceased, then on hearing the screams of the deceased, if the complainant and others have rushed to the house of appellant No.2 which is on the first floor, they would have still found the deceased alive. Even according to the Doctor, the deceased after receiving the stab injuries on the chest, would have been alive for about 5 to 10 minutes. There was every chance of the deceased herself stating as to what happened. Nevertheless, that is not forthcoming from the evidence found on record. It is also clear from the reading of the case that there is no eye witness for the incident and therefore, the Court has to depend on circumstantial evidence.

15. We find that in a somewhat similar case in ***Adabala Parsuramudu @ Pada Kapu vs. State of Andhra Pradesh*** reported in ***(1975) 4 SCC 116***, the accused person contended that the deceased girl stabbed the accused first and thereafter, it was not known to him



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how she got the stab injury. The suggestion was that the deceased committed suicide by giving dagger blow on the left side of her chest. The Hon'ble Supreme Court found from the evidence of PW-15, the Medical Officer of the Government Hospital, who performed the autopsy on the dead body of the deceased and the evidence of PW-13, who examined the injuries on the person of the accused and eye-witness i.e., PW-3, PW-7 and PW-8 collaborated with each other and were therefore found trustworthy. But in the present case, since there is no eye-witness to the incident and the prosecution has to fall back on circumstantial evidence, we have to look into the evidence brought on record. We are with the learned Additional SPP insofar as the statement made by accused No.2 is concerned, which is clearly unbelievable. Accused No.2 has stated that after she called the deceased to her house, she went away along with her husband to the market. This statement is clearly contrary to the 313 statement made by accused No.1. Accused No.1 has clearly stated that on



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accused No.2 bringing the deceased to her house, she left the deceased and accused No.1 in the room. To that extent, it is clear that there is no denial or doubting of the case that the deceased was in the room in the house of appellant No.2 along with appellant No.1. Therefore, what is required to be analysed is whether the injuries were self-inflicted by the deceased or whether they were inflicted by accused No.1 on the deceased.

16. Having regard to the established position of law that it is for the prosecution to adduce evidence and establish beyond doubt that the act has been committed only by accused No.1 and none else, for that purpose, the evidence brought on record, including two knives, which were produced as M.Os.6 and 7, admittedly, do not have the fingerprints of accused No.1. It is therefore possible to accept the version given by accused No.1 that the deceased herself gave a blow with the knife to accused No.1 and thereafter, stabbed herself. The statement



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made by the Doctor PW-15, which is sought to be relied upon by the learned Additional SPP, will not conclusively decide this issue. Moreover, as rightly submitted by the learned Amicus Curiae, the Hon'ble Supreme Court in the case of **Chandrappa** *supra* has held that if two reasonable conclusions are possible on the basis of the evidence on record, the Appellate Court should not disturb the finding of acquittal recorded by the Trial Court.

17. We are therefore of the considered opinion that the impugned judgment and order cannot be interfered with. The impugned judgment is well considered and does not have any infirmity. Accordingly, we proceed to **dismiss** the appeal.

18. The accused persons, who have been brought before this Court today are permitted to be released and set free.



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19. Registry is directed to return the Sessions Court Records to the Trial Court, along with a copy of the judgment forthwith without any delay.

20. This Court places on record the able services rendered by Smt. Archana K.M., learned Amicus Curiae, appearing on behalf of respondents No.1 and 2. The Registry is directed to pay the maximum fee/honorarium that is permissible under the Karnataka State Legal Services Authority Regulations, 1997, to the learned Amicus Curiae Smt. Archana K.M.

Ordered accordingly.

**Sd/-
(R DEVDAS)
JUDGE**

**Sd/-
(DR.K.MANMADHA RAO)
JUDGE**

DL,MH
CT: JL