



CNR: KAHC010119762019

NC: 2026:KHC:47696-DB
CRL.A No. 796 of 2019
C/W CRL.A No. 1031 of 2019
CRL.A No. 1102 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF SEPTEMBER, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO.796 OF 2019 (A)

C/W

CRIMINAL APPEAL NO.1031 OF 2019 (A)

CRIMINAL APPEAL NO.1102 OF 2019 (A)

IN CRL.A NO.796/2019

BETWEEN:

THE STATE OF KARNATAKA
BY YAGATI POLICE STATION
CHIKKAMAGALURU
REPRESENTED BY
STATE PUBLIC PROSECUTOR
BENGALURU-01

...APPELLANT

(BY SRI MOHAMMED AYUB ALI, ADDITIONAL S.P.P.)

AND:

1. SRI K. M. PRAKASH
S/O. MADIHALAPPA
AGED ABOUT 33 YEARS
BUSINESS
R/O. P. KODIHALLI
YAGATI HOBLI
KADUR TALUK-577 548

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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2. MADIHALAPPA
S/O. NINGAPPA
AGED ABOUT 70 YEARS
AGRICULTURIST
R/O. P. KODIHALLI
YAGATI HOBLI
KADUR TALUK-577 548
3. SMT. LAKSHMAMMA
W/O. MADIHALAPPA
AGED ABOUT 62 YEARS
HOUSEWIFE
R/O. P. KODIHALLI
YAGATI HOBLI
KADUR TALUK-577 548
4. SRI DHANANJAYA
S/O. MADIHALAPPA
AGED ABOUT 30 YEARS
AGRICULTURIST
R/O. P. KODIHALLI
YAGATI HOBLI
KADUR TALUK-577 548

...RESPONDENTS

(BY SRI P. B. UMESH, ADVOCATE FOR
SRI R. B. DESHPANDE, ADVOCATE FOR R-1 TO R-4)

THIS CRL.A. IS FILED UNDER SECTION 378(1) AND (3) CR.P.C BY THE S.P.P FOR THE STATE PRAYING TO GRANT LEAVE TO APPEAL AGAINST THE JUDGMENT AND ORDER OF ACQUITTAL DATED 31.07.2018, PASSED BY THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, CHIKKAMAGALURU IN S.C.NO.72/2016 C/W 90/2016, ON THE FILE OF THE ACQUITTING THE RESPONDENT-ACCUSED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498(A) AND 304(B) READ WITH SECTION 34 OF IPC AND SECTIONS 3 AND 4 OF D.P. ACT AND SET ASIDE THE JUDGMENT AND ORDER OF ACQUITTAL DATED 31.07.2018 PASSED BY THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, CHIKKAMAGALURU IN S.C.NO.72/2016 C/W 90/2016, ON THE FILE OF THE ACQUITTING THE



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RESPONDENT-ACCUSED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498(A) AND 304(B) READ WITH SECTION 34 OF IPC AND SECTIONS 3 AND 4 OF D.P. ACT BY ALLOWING THIS CRIMINAL APPEAL AND ALSO CONVICT AND SENTENCE THE ACCUSED-RESPONDENT FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498(A) AND 304(B) READ WITH SECTION 34 OF IPC AND SECTIONS 3 AND 4 OF D.P. ACT.

IN CRL.A NO.1031/2019

BETWEEN:

C. M. RAMESH
S/O. LATE MARIAPPA
AGED ABOUT 50 YEARS
R/O. CHIKKAGAUJA VILLAGE
LAKYA HOBLI
CHIKMAGALUR TALUK AND DISTRICT-577 501
...APPELLANT

(BY SRI GIRISH B. BALADARE, ADVOCATE)

AND:

1. STATE BY YAGATHI POLICE
CHIKKAMGALURU DISTRICT
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU-560 001
2. SRI K. M. PRAKASH
S/O. MADIHALAPPA
AGED ABOUT 36 YEARS
R/O. P. KODIHALLI
YAGATI HOBLI, KADUR TALUK
CHIKKAMAGALURU DISTRICT-577 101
3. MADIHALAPPA
S/O. NINGAPPA
AGED ABOUT 73 YEARS
AGRICULTURIST



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R/O. P. KODIHALLI
YAGATI HOBLI, KADUR TALUK
CHIKKAMAGALURU DISTRICT-577 101

4. LAKSHMAMMA
W/O. MADIHALAPPA
AGED ABOUT 65 YEARS
R/O. P. KODIHALLI
YAGATI HOBLI, KADUR TALUK
CHIKKAMAGALURU DISTRICT-577 101

...RESPONDENTS

(BY SRI MOHAMMED AYUB ALI, ADDITIONAL S.P.P.
FOR R-1,
SRI P.B. UMESH, ADVOCATE FOR
SRI R.B. DESHPANDE, ADVOCATE FOR R-2 TO R-4)

THIS CRL.A. IS FILED UNDER SECTION 378(4) OF CR.P.C. BY THE ADVOCATE FOR THE APPELLANT PRAYING CALL FOR THE LOWER RECORDS AND TO SET ASIDE THE JUDGMENT DATED 31.07.2018 PASSED BY THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, CHIKKAMAGALURU IN S.C.NO.72/2016 - ACQUITTING THE RESPONDENTS/ACCUSED NOS.1 TO 3 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498(A) AND 304(B) READ WITH SECTION 34 OF IPC AND SECTIONS 3 AND 4 OF D.P. ACT.

IN CRL.A NO.1102/2019

BETWEEN:

1. C. M. RAMESH
S/O. LATE MARIAPPA
AGED ABOUT 50 YEARS
R/O. CHIKKAGAUJA VILLAGE, LAKYA HOBLI
CHIKKAMAGALURU TALUK AND DISTRICT-577 501.

...APPELLANT

(BY SRI GIRISH B. BALADARE, ADVOCATE)



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AND:

1. STATE BY YAGATHI POLICE
CHIKKAMAGALURU DISTRICT
REPRESENTED BY
PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU-560 001
2. DHANAJAYA
S/O. MADIHALAPPA
AGED ABOUT 33 YEARS
RESIDENT OF P. KODIHALLI
YAGATI HOBLI, KADUR TALUK
CHIKKAMAGALUR DISTRICT-577 101

...RESPONDENTS

(BY MR. MOHAMMED AYUB ALI, ADDITIONAL S.P.P.
FOR R-1,
SRI P. B. UMESH, ADVOCATE FOR
SRI R. B. DESHPANDE, ADVOCATE FOR R-2)

THIS CRL.A. IS FILED UNDER SECTION 378(4) CR.P.C BY
THE ADVOCATE FOR THE APPELLANT PRAYING TO CALL FOR
THE LOWER RECORDS AND TO SET ASIDE THE JUDGMENT
DATED 31.07.2018 PASSED BY THE PRINCIPAL DISTRICT
AND SESSIONS JUDGE, CHIKKAMAGALURU IN
S.C.NO.90/2016 AND THE ACCUSED ARE TO BE CONVICTED
FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498(A)
AND 304(B) READ WITH SECTION 34 OF IPC AND SECTIONS
3 AND 4 OF D.P. ACT.

THESE APPEALS, COMING ON FOR FINAL 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 Additional SPP for the State, learned counsel for the defacto complainant and learned counsel appearing for the accused/respondent Nos.1 to 4 in all the cases.

2. These appeals are filed by the State as well as defacto complainant challenging the acquittal order dated 31.07.2018 passed in S.C.No.72/2016 connected with S.C.No.90/2016 by the Principal District and Sessions Judge at Chikkamagaluru and prayed this Court to set aside the judgment of acquittal in both the sessions cases and convict the accused persons.

3. The factual matrix of the case of the prosecution is that the marriage of the deceased Chaya @ Chaitra was performed with accused No.1 on 23.08.2012. Accused No.2 is the father-in-law, accused No.3 is the mother-in-law and



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accused No.4 is the brother-in-law of the deceased. It is the further case of the prosecution that prior to the marriage of accused No.1 with deceased, a sum of Rs.50,000/- in cash, gold neck chain weighing 20 grams, gold ring weighing 10 grams, bracelet weighing 15 grams were given to accused No.1 and gold mangalaya chain weighing 40 grams, one pair of ear studs weighing 15 grams were given to the deceased. After the marriage, accused persons demanded additional dowry of Rs.1,00,000/- from the deceased's family and in that connection subjected the deceased to physical and mental harassment. That on 31.10.2015 at about 7.00 a.m., Chaya committed suicide by hanging herself in the house of the accused and immediately she was shifted to Birur Government Hospital, but she was succumbed. Hence, the complainant gave the complaint. Based on the said complaint, the police have registered the case and after investigation, filed the charge-sheet against the accused persons for the offences punishable under Sections 498A, 304B read with 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act. The accused persons did not plead guilty and claimed trial. Hence, the prosecution



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examined P.W.1 to P.W.12 and got marked 21 documents as Exs.P.1 to P.21 and also got marked MO1. On closure of the evidence of the prosecution, the accused persons were examined under Section 313 of Cr.P.C. The accused led the defence evidence by examining two doctors D.W.1 and D.W.2.

4. The Trial Court considered the evidence of the witnesses i.e., P.W.1 father of the deceased, P.W.10 brother of the deceased, P.W.2 and P.W.3 uncles of the deceased, P.W.4 relative witness, P.W.5 mahazar witness, P.W.6 spot mahazar witness, P.W.7 doctor, P.W.8 Tahsildar, who conducted the inquest and P.W.9 inquest witnesses and other witnesses are official witnesses. The Trial Court having considered both oral and documentary evidence available on record, comes to the conclusion that in order to prove the case of the prosecution, though these witnesses' evidences are relied upon, it is evident that there is no circumstances to show proximate live link between the effect of cruelty or harassment or in connection with dowry demand and death of the victim. There is no evidence regarding harassment or treating her with cruelty. Not a single neighbour of the deceased family were examined or



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supported the case of the prosecution. Even demand of any money at the time of marriage is also doubtful. There is no material to prove the charges levelled against the accused. Why the other accused were not called for panchayath or not advised except accused No.1, is also not forthcoming. There must be nexus between the cruelty meted out by accused and the suicide that the cruelty induced to victim to commit suicide. Not a single independent panchayathdars have come before the Court to depose that there was a panchayath. In order to raise presumption under Section 304B of IPC and Section 113B of the Evidence Act, the prosecution has to rule out possibility of death occurring otherwise than in normal circumstances. But there must be a material to come to such a conclusion that soon before occurrence there was cruelty or harassment and only in that circumstances, presumption under Section 113B of the Indian Evidence Act could be invoked. The Trial Court comes to the conclusion that there must be proximate and live link between the effects of cruelty based on dowry demand and the death. If no such material is available before the Court, the question of bringing the accused within the guilt in respect of



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the offences which have been invoked does not arise. The Trial Court also taken note of that no injuries were found on the dead body. The Trial Court also taken note of the evidence of the doctors, who have been examined as defence witnesses on behalf of the accused i.e., D.W.1 and D.W.2 and taken note of that the deceased was suffering from infertility problem. D.W.2 doctor has deposed before the Court clearly that the deceased was having deficiency and also she was overweight. Though she was aged about 19 to 20 years, she was weighing 73 kgs. and hence advised her to reduce the weight. The Trial Court having taken note of all these materials, comes to the conclusion that it is not a case for invoking the offences punishable under Section 498A, 304B read with Section 34 of IPC and Sections 3 and 4 of DP Act against the accused persons. The Trial Court acquitted the accused persons on the ground that there are no connecting material.

5. Being aggrieved by the judgment of acquittal, the present appeals are filed before this Court.

6. The learned Additional SPP appearing for the State in Crl.A.No.796/2019 would vehemently contend that the death



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was taken place within a period of 3½ years of the marriage. The learned counsel would contend that the very evidence of P.W.1 to P.W.4 and P.W.10 is very clear with regard to the harassment meted out to the deceased. As a result, she has taken the extreme step of committing suicide. The learned counsel would contend that when the evidence of P.W.1 to P.W.4 and P.W.10, who are the material witnesses have clearly deposed that the deceased was subjected to cruelty with regard to additional dowry of Rs.1,00,000/-, the Trial Court ought to have taken note of the same. The learned counsel would contend that when the death was taken place in the matrimonial home, Section 106 of the Evidence Act is pressed into service and there is no any explanation by the accused and hence, it is a fit case to reverse the judgment of the Trial Court.

7. The learned counsel for the appellant/defacto complainant in Crl.A.Nos.1031/2019 and 1102/2019 would vehemently contend that the marriage was taken place on 23.08.2012 as per the Hindu customs. The death was taken place in the matrimonial home on 31.10.2015. The learned counsel would vehemently contend that P.W.1 has categorically



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stated in the complaint that he received a phone call from the deceased before committing the suicide that she was subjected to dowry harassment and on the very next day, she took the extreme step of committing suicide. The learned counsel would contend that there is a proximity to cause of death, as she was subjected to harassment in the previous day and she took the extreme step on the next day and that itself is a proximity to cause of death. The learned counsel would vehemently contend that after the marriage in 2012, when they had no issues for a period of 3 years, they went and examined with the doctors and the evidence of the doctors D.W.1 and D.W.2 will not come to the aid of the accused persons and hence, this Court has to exercise its appellate jurisdiction and prays this Court to set aside the judgment of the Trial Court and convict the accused persons and sentence them.

8. Per contra, the learned counsel appearing for the respondent/accused in his arguments would vehemently contend that the Trial Court rightly comes to the conclusion that there is no any connecting material before the Court to invoke Sections 498A as well as Section 304B of IPC. There is



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no any proximity to cause of death and though an allegation was made in the complaint Ex.P.1 that the deceased made a call to her parents in the previous day and she committed suicide, to substantiate the same, the Investigating Officer has not collected any material that there was a call made by the victim to her parents regarding subjecting her for harassment. The learned counsel also contend that the Trial Court rightly comes to the conclusion that though an allegation was made in the further statement that panchayath was made, but none of the panchayath witnesses were examined before the Trial Court to support the case of the prosecution. The learned counsel also vehemently contend that the evidence of the doctors D.W.1 and D.W.2 is very clear with regard to the fact that there were no issues and she was having fertility problem and that disorder may have lead the deceased to take the decision of committing suicide and that is evident from the evidence of D.W.2 and hence, the Trial Court rightly extended the benefit of doubt in favour of the accused by considering the evidence available on record.



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9. Having heard the learned Additional SPP appearing for the State, the learned counsel for the defacto complainant and also the learned counsel for the respondent/accused and on re-appraisal of both oral and documentary evidence available on record, the points that would arise for the consideration of this Court are:

- (i) Whether the Trial Court committed an error in acquitting the accused persons for the offences punishable under Sections 498A, 304B read with Section 34 of IPC and Section 3 and 4 of DP Act?
- (ii) What order?

Point No.(i):

10. Having heard the respective learned counsel and also on re-appreciation of both oral and documentary evidence available on record, there is no dispute that the marriage was taken place on 23.08.2012. It is also not in dispute that the deceased committed suicide in the matrimonial home on 31.10.2015. The main case of the prosecution is that the deceased made a phone call in the previous day on 30.10.2015



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and complained about subjecting her for dowry harassment and also it is stated that a dowry demand of Rs.1,00,000/- was made. To substantiate the same, there is no any independent evidence before the Court except relying upon the evidence of relative witnesses P.W.1 to P.W.4 and P.W.10. It is important to note that when the prosecution says that panchayath was held, to prove the factum of panchayath also no witnesses were examined and the Trial Court taken note of the same. It is also important to note that the defence evidence led by the accused is very clear that the deceased was suffering from infertility problem and there were no issues. There is no dispute with regard to the fact that both husband and wife went to the doctors from 2014 till June 2015. It is also important to note that the doctor D.W.2, who has been examined subsequently after the examination by D.W.1 in 2014, categorically deposes that the deceased came to the hospital. This doctor has managed her complaint and even X-ray was also taken. D.W.2 deposes that he has taken consent of both deceased and her husband for IUI treatment (Intra Uterine Insemination). He has signed all the documents in Ex.D13. The report is very



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clear that if a person is suffering from polycystic ovarian syndrome, then they will be having psychiatrist and mood disorders. Such persons may have suicidary tendency. This witness was subjected to cross-examination. In the cross-examination, it is elicited that her weight was 73 kgs. At that time, her age was 19 years and hence he advised her to reduce the weight. It is also his evidence that he has done two times Intra Uterine Insemination, but could not get the results. Ex.D.15 does not bear his signature. His evidence is very clear that the deceased Chaitra used to accompany her husband whenever she had come for treatment.

11. Having perused these materials available on record, it is very clear that the deceased was having some psychiatric issues and mood disorders and such person may have suicidal tendency also. But in order to prove the factum of subjecting her for harassment, there is no any material before the Court and none of the witnesses speaks about the same. With regard to the panchayath also, none of the witnesses were examined. With regard to the additional demand for dowry is also concerned, none of the witnesses speaks about the same



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except the relative witnesses of P.W.1 to P.W.4 and P.W.10. Having considered overall material available on record, when they were not having issues for a period of 3½ years, they went to the hospital and subjected to examination with doctor D.W.1 in 2014 and even in 2015 also they were subjected to medical examination and always the husband used to accompany the deceased. The Trial Court also given the reasoning in paragraph No.61 considering the principles laid down in the judgments which have been discussed from paragraph No.57 onwards, and rightly comes to the conclusion that there is no any evidence regarding harassment or treating her with cruelty. It is also the case of the prosecution that accused No.1 was called to the panchayath, but none of the other accused persons were called to the panchayath and none of the witnesses, who attended the panchayath were also not examined. Having considered all the materials available on record, including the evidence of the defence witnesses D.W.1 and D.W.2 doctors, it is very clear that she was having some mood disorder and also psychiatric issues and that problem will tend to taking a decision of committing suicide. There must be



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a proximity to cause of death and taking the decision of committing suicide. Only for the reason that she has committed suicide in the matrimonial home, the same cannot be a ground.

12. No doubt, the learned Additional SPP contend that the accused has to explain under Section 106 of the Evidence Act and also there is a presumption under Section 113B of the Evidence Act. If the material available before the Court suggests that the accused persons have subjected her for cruelty, only under such circumstances, presumption can be considered and hence, the Trial Court rightly given the reasoning that there are no material. Though it is stated in the complaint Ex.P.1 that the deceased made a phone call to her parents, the Investigating Officer has not collected any CDR. Whether the deceased called and informed about the harassment on the previous day and took the extreme step, to that effect also there is no any material before this Court. The Trial Court also taken note of the documents at exhibit 'D' series i.e., Exs.D.1 to 15 while considering the proximity to cause of death is concerned. Exs.D.1 to 4 are the photographs, Exs.D.5 to 11 are the hospital records of Ashirvad Hospital and



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other hospital reports, Exs.D.12 and 13 are the reports of Sathya Sai Hospital as well as Lakshmi Medicare Hospital, Ex.D.14 is the MDS health card and Ex.D.15 is the consent letter for artificial insemination and consent was given by both the deceased as well as her husband in the year 2015 just prior to death of the deceased and hence, it is very clear that throughout they were in treatment. When such being the case, we do not find any perversity in the finding of the Trial Court and the Trial Court in detail has taken note of the evidence of the prosecution witnesses as well as defence witnesses of D.W.1 and D.W.2 and rightly comes to the conclusion that the accused persons are entitled for acquittal.

13. The Apex Court in its judgment in the case of **MALLAPPA AND OTHERS v. STATE OF KARNATAKA** reported in **(2024) 3 SCC 544**, held that in case of perversity in giving the finding as well as miscarriage of justice, under such circumstances only the Court can reverse the same and otherwise if any two views are possible also, the benefit goes in favour of the accused person. We do not find any such perversity and miscarriage of justice in considering the



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evidence by the Trial Court. The Trial Court having considered the material on record acquitted the accused persons and no ground is made out to reverse the same. Hence, we answer the point in the negative.

Point No.(ii):

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

ORDER

The appeals are dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

Sd/-
(B.PRAMOD)
JUDGE

MKM/MD
List No.: 1 Sl No.: 8