



CNR: KAHC010125142019

NC: 2026:KHC:44632-DB
CRL.A No. 580 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 580 OF 2019 (C)

BETWEEN:

H MANJUNATH
S/O HANUMANTHAPPA,
AGED ABOUT 40 YEARS,
OCC: AGRICULTURIST,
R/O JOLADAL VILLAGE-577 213
CHANNAGIRI TALUK,
DISTRICT - DAVANAGERE
PRESENTLY AT CENTRAL PRISON,
SHIMOGA, CTP NO.176

...APPELLANT

(BY SRI. GIREESHA R. J., ADV.)

AND:

STATE OF KARNATAKA
R/BY POLICE SUB INSPECTOR,
CHANNAGIRI POLICE STATION,
NOW R/BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560 001

...RESPONDENT

(BY SRI. RANJITH KUMAR N., HCGP.)

THIS CRL.A. IS FILED U/S.374(2) CR.P.C PRAYING TO
SET ASIDE THE JUDGMENT OF CONVICTION DATED



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12.10.2018 AND SENTENCE DATED 15.10.2018, PASSED BY THE PRINCIPAL DISTRICT AND SESSIONS JUDGE AT DAVANAGERE, IN S.C.NO.57/2017, CONVICTING THE APPELLANT/ACCUSED FOR THE OFFENCE P/U/S 302 OF IPC.

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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ
AND
HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ)

The accused is in appeal, challenging the impugned judgment and order of conviction and sentence passed against him by the Court of Prl. District and Sessions Judge, Davanagere in Sessions Case No.57/2017.

2. Learned Sessions Judge has convicted the accused for the offence punishable under Section 302 of IPC and sentenced him to undergo life imprisonment and to pay fine of Rs.5,000/-. In default to pay fine, to undergo simple imprisonment for a period of six months.



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3. We have heard the learned counsel for the appellant and learned HCGP for the respondent/State and perused the material on record.

4. In brief, case of the prosecution is that, on 23.12.2016 at about 4.45 p.m. in Joladal Village, Chennagiri Taluk, the accused, being the husband of the deceased-Anitha, suspecting her fidelity, assaulted her with a knife on her right chest and other parts of the body and committed her murder.

5. The first informant is the brother of the deceased, who on receiving the information about the incident, visited the spot, wherein he noticed the dead body of his sister lying with injuries. He lodged a complaint as per Ex.P7, based on which, the ASI-PW17 registered the case against the accused and forwarded the FIR-Ex.P8 to the Jurisdictional Court.

6. PW18-PSI took over the investigation on 24.12.2016 and arrested the accused on the very same



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day and recorded his voluntary statement as per Ex.P18. A knife-MO4 was recovered from a gutter at the instance of the accused, in the presence of panchas under a mahazar-Ex.P3. The articles seized from the spot and collected during investigation were sent for FSL examination. Police Inspector-PW16, on completion of investigation, filed the charge-sheet.

7. Before the trial Court, to establish the guilt of the accused, prosecution got examined 18 witnesses and got marked 18 documents and 10 material objects. The trial Court, based on the oral and documentary evidence adduced by the prosecution, convicted and sentenced the accused as mentioned supra.

8. PW1 is the panch witness to the spot mahazar-Ex.P1 under which MOs1 to 3 were seized. PW1 and PW3 are also the panch witnesses to Ex.P3 under which the blood stained knife MO4 was recovered at the instance of the accused. PW2 and PW12 are the children of the



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deceased and the accused. They are the eye-witnesses to the incident. PW4 is the inquest panch. Inquest report is marked as Ex.P6. PW5 is the complainant and brother of the deceased. PW6 and PW7 are the villagers who saw the dead body in the hospital. PW8 and PW9 are the relatives of the deceased. They are hear-say witnesses. PW10 is the Doctor who conducted the post mortem. The post mortem report is marked as Ex.P11. PW11-Assistant Engineer prepared the sketch as per Ex.P13. PW13 is a hear-say witness. PW14 and PW15 are the police personnel who assisted in the investigation. PW16 is the investigation officer who filed the charge-sheet. PW17 is the ASI who registered the FIR. PW18 is the PSI who conducted the partial investigation.

9. According to the prosecution, on 23.12.2016 at about 04.45 p.m., in Joladal village, on the road leading to Ammanagudda, in front of the house of one Shekharappa, when the deceased was returning to the house from the market, the accused, suspecting her fidelity, stabbed her



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with a knife on her chest and other parts of her body and committed her murder.

10. PW2 and PW12, the children of the deceased are the eye-witnesses to the incident. It is contended by the learned counsel for the appellant that both PW2 and PW12 being the child witnesses, they are tutored by the complainant and therefore, their evidence cannot be believed. He contended that PW2 in the cross-examination has totally denied the case of the prosecution and categorically stated that she has not witnessed the incident. Drawing the attention of the Court to the relevant portion of her cross-examination, he contended that after the incident, PW2 was staying in the house of her uncle i.e., the complainant, and she has admitted in the cross-examination that as per the say of her uncle, she has given evidence before the Court, during her chief examination.



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11. The learned counsel further contented that even the evidence of PW12 is also not believable, as she admitted in her evidence that she had come to the Court along with her aunt, i.e., complainant's wife.

12. Insofar as the recovery of the blood stained knife is concerned, learned counsel for the appellant contended that both PW1 and PW3 have given half-hearted evidence and they are treated hostile by the prosecution, hence, recovery of knife-MO4 is also doubtful.

13. Per contra, learned HCGP has contended that the prosecution has been able to establish that the appellant was suspecting the fidelity of his wife and he was quarrelling with her. On the date of incident, while the deceased was returning to the house from the market, with premeditation and preparation, he went to the spot armed with a knife and stabbed her multiple times and committed her murder. He contended that the evidence of PW2 and PW12 coupled with recovery of knife-MO4 at the



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instance of the accused establishes beyond reasonable doubt that the accused has committed the murder. Therefore, sought to confirm the judgment of conviction and sentence passed by the trial Court.

14. PW2 is the daughter of the deceased and the accused. In the chief-examination conducted on 14.09.2017, she completely supported the case of prosecution. Her cross-examination was conducted on 03.05.2018, after more than 7 months, wherein she has denied having witnessed the incident and stated that as per the say of her uncle, she has given the evidence in her chief-examination.

15. The learned Sessions Judge, while appreciating the evidence of PW2 has relied on a decision of the Hon'ble Apex Court in **Akil @ Javed v. State (NCT of Delhi)** reported in **(2013)7 SCC 125**, wherein the Apex Court has observed as under:



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"Evidence Act, 1872 - Ss. 155, 156, 137, 146 and 153 - Inference that witness has been won over/improperly induced to change his stand and give false testimony - False/Induced portion of testimony - When may be disregarded - Witness completely changing stand in cross-examination and exculpating accused, as compared to chief examination in which said witness had inculpated accused - Cross-examination held after delay of 2 months due to adjournment sought by defence counsel - Inference that may be drawn."

16. The trial Court relied on the above judgment and applied it to the case on hand and relied on the evidence of PW2, given in her chief examination.

17. In the instant case, even though PW2 has given a different version in her cross-examination, which is conducted after more than 7 months, the evidence of PW12, son of the accused and the deceased clearly establishes that the accused has committed the murder of his wife by stabbing her with a knife. In his deposition, PW12 has clearly stated that he, along with his sister



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(PW2), returned home from the school at about 04.30 p.m. and their mother had gone to the market. They went out to bring some eatables and at that time they saw their mother getting down from an auto rickshaw and proceeding to their house. Their father(accused) told their mother to give the Thali and then removed a knife from the pocket and stabbed her on the chest, thigh etc. Her mother screamed and collapsed. He ran towards her mother and pulled his father. He has further stated that his father used to quarrel with his mother alleging that she was moving with another person. PW12 has identified the knife/MO4.

18. PW12 was cross-examined by the defence, however he has withstood the cross-examination. The accused took a defence that in order to knock off his property, and at the instance of her uncle (complainant), he was deposing falsely before the Court. However, the said suggestion has been denied by PW12. In fact, no



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such suggestion was put to the complainant who was examined as PW5.

19. We have perused the Post Mortem report, which is marked as Ex.P11. The Post Mortem is conducted by PW10. The following injuries are noticed on the deceased:

"Described injuries are antemortem in nature.

- 1. A sharp cut wound measuring 6 cm x 2 cms, slightly vertically placed over right anterior chest, 2 cms from midline, 15 cms from right clavicle, depth could not be assessed elliptical, upper angle, blunt, lower angle, sharp edges everted, margins are cleanly cut regular, red in colour, blood clots present.*
- 2. A sharp cut wound measuring 3 cms x 1 cms obliquely placed over right lumbar region, at the level of umbilicus, 10 cms from midline with herniation of small bowel part.*
- 3. A sharp cut wound measuring 4 cm x 1 cm obliquely placed over right lumbar region just below the level of wound 2, 4 cms abover anterior, superior iliac spine, depth could not be assessed.*
- 4. A sharp cut wound measuring 3 m x 1 cms vertically placed over left of moms pubis 3 cms away from midline bone deep.*



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Wounds 2, 3, 4 all are elliptical in shape, edges cleanly cut, red in colour, margins are cleanly cut and regular, blood clots present."

20. The cause of death is on account of haemorrhagic shock due to injuries sustained to the chest by the sharp object.

21. PW10 has given his opinion regarding knife-MO4 stating that the injuries on the dead body are possible with the said knife.

22. PWs.1 and 3 the panch witness to the recovery of knife-MO.4 have been treated hostile by the prosecution. However, the evidence of PW3 establishes that MO4 was recovered from a gutter, at the instance of the accused. The blood stained knife and the clothes of the deceased and other articles were sent to FSL for examination and as per the FSL report-Ex.P17, human blood stains of B-group were found on those articles.



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23. Having re-appreciated the evidence and material on record, we are of the considered view that the prosecution has established the guilt of the accused for the offences charged against him beyond reasonable doubt. Hence, the appeal fails. Accordingly, appeal is ***dismissed***.

24. Copy of the order shall be communicated to the trial Court as well as the District Legal Services Authority, Davangere for awarding adequate compensation to PWs.2 and 12, the children of the deceased, as per law, under Karnataka Victim Compensation Scheme, 2011.

**Sd/-
(MOHAMMAD NAWAZ)
JUDGE**

**Sd/-
(G BASAVARAJA)
JUDGE**

KBM,HB
LIST NO.: 1 SL NO.: 7