



CNR: KAHC010125502022

NC: 2026:KHC:46028
CRL.RP No. 448 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE VENKATESH NAIK T
CRIMINAL REVISION PETITION NO. 448 OF 2022
(397(Cr.PC)/438(BNSS))

BETWEEN:

MR. PRABHAKARAN
S/O PARAMASHIVAM
AGED ABOUT 39 YEARS
R/AT NO.232/2,S.L.V. COMPLEX
3RD MAIN, ANANTHANAGAR
MAIN,NEAR HUSKKAR,ANEKAL TALUK
BENGALURU- 560 100.

...PETITIONER

(BY SRI. SHARATH GOWDA G B,ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY ELECTRONIC CITY POLICE
STATION,BENGALURU
REPRESENTED BY SPP
HIGH COURT BUILDING
BNENGALURU 560 001.

...RESPONDENT

(BY SRI. Y S NAGHARISH, HCGP)

THIS CRL.RP IS FILED U/S.397 R/W 401 CR.P.C BY THE
ADVOCATE PRAYING TO SET ASIDE THE ORDER DATED
28.12.2020 PASSED IN S.C.NO.141/2019 ON THE FILE OF THE
IX ADDITIONAL DISTRICT AND SESSIONS JUDGE, BENGALURU



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RURAL DISTRICT, BENGALURU AND DISCHARGE THE PETITIONER/ACCUSED NO.2 FROM THE PROCEEDINGS TO SERVE THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION, COMING ON FOR FINAL HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL ORDER

Heard the learned counsel Sharath Gowda for revision petitioner and the learned HCGP for respondent/State.

2. The revision petitioner has filed this petition under Section 397 of Cr.P.C., now under Section 438 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).passed in S.C.No.141/2019 on the file of IX Addl. District and Sessions Judge, Bengaluru Rural District, Bengaluru, dismissing the discharge application filed by accused Nos.1 and 2 under Section 227 of Cr.P.C., now under Section 250 of Bharatiya Nagarik Suraksha Sanhita, (BNSS).

3. For the sake of convenience, the parties are referred to as per their ranking before the trial Court.



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4. Revision petitioner is accused No.2 and respondent is the State.

5. The brief facts of the case of prosecution are that accused Nos.1 and 2 were working as Supervisor and Asst. Manager respectively in Food World Supermarket Pvt. Ltd. Infosys Campus and the deceased Bharathi also working as Store Assistant in the same store. Accused Nos.1 and 2 often overly abuse and harass the deceased Bharathi. On 21.08.2015, Bharathi went to her office at about 07.05 a.m. and she was verbally abused and insulted by the accused persons relating to her work. Therefore, the deceased Bharathi being disturbed by the same, she returned to her house around 11.30 a.m. on the pretext that her health is not good. When the complainant who is the sister of Bharathi returned home at 4.45 p.m., she saw that the door was locked from inside and as nobody answered her call to open the door, she opened a window of the house and saw Bharathi who



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committed suicide by hanging herself to the hook placed in the roof. Hence, the first informant lodged complaint before the respondent. Thus, case was registered in Crime No.600/2015 for the offence punishable under Section 306 read with Section 34 of Indian Penal Code.

6. The matter was investigated by the investigating officer and charge sheet was filed for the aforesaid offence. The jurisdictional Magistrate took cognizance of the offence and committed the matter to the Sessions Court to set out for trial. At that juncture, accused Nos.1 and 2 had filed separate discharge applications under Section 227 of Cr.P.C., seeking to discharge them from this case. The trial court considering the material available on record, dismissed the said applications. Being aggrieved by the same, the revision petitioner has filed this revision petition.



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7. Heard the learned counsel Sri. Sharath Gowda, G B, for revision petitioner and Sri. Y S Nagharish, learned HCGP for respondent/State.

8. It is contented that the ingredients of Section 306 of Indian Penal Code will not be attracted and the revision petitioner and accused No.1 have been falsely implicated in this case. There are no *prima-facie* material against these accused persons. The alleged incident as per the prosecution occurred at 11.30 a.m, but accused No.2 - Prabhakaran, came to his work at 1.10 p.m. However, the trial Court has rejected the discharge application filed by the accused Nos.1 and 2 without observing the merits of the case. Further, the alleged death note is not at all produced before the Court even after lapse of 11 years.

9. Further, there is no direct allegation against the revision petitioner as to he had prompted the deceased to commit suicide and the revision petitioner was not at all present at the working place, when the alleged



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harassment took place. Therefore, there was no act of abetment on the part of revision petitioner that could have driven the deceased to commit suicide. Hence, he prayed to allow the revision petition.

10. Per contra, learned HCGP appearing for respondent/State vehemently contended that there is sufficient material against the revision petitioner and the grounds urged in the revision petition are not sufficient to allow the petition. In fact, accused No.2 had actively participated in abetting the deceased to commit suicide. The contentions raised by the revision petitioner with regard to of allegation made against him clearly show that the matter requires a full-fledged trial. Hence, the learned HCGP prays to reject the revision petition.

11. Having heard the learned counsel appearing for revision petitioner and the learned HCGP for respondent/State and on perusal of the material available on record, it clearly demonstrates that on 21.08.2015, the deceased



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Bharathi had been to her work. i.e. Food World Supermarket Pvt. Ltd. Infosys campus, where accused Nos.1 and 2 were working as Supervisor and Assistant Manager. As per the charge sheet material, deceased Bharathi was often abused and harassed by accused Nos. 1 and 2. As such, on 21.08.2015 both accused Nos.1 and 2 abused her in respect of her work and insulted her. Therefore, she came back to her house and committed suicide by hanging herself to the hook placed in the roof by leaving death note. The said death note seized under spot panchanama on the same day. The role attributed by accused Nos.1 and 2 has been stated by CWs.17 to 30. The Hon'ble Apex Court in the case **KANCHAN SHARMA v. STATE OF UTTAR PRADESH AND ANOTHER** reported in **(2021) 13 SCC 806** has held as under:

"14. In the judgment in S.S. Chheena v. Vijay Kumar Mahajan this Court reiterated the ingredients of offence of Section 306 IPC. Paragraph 25 of the judgment reads as under:

25. Abetment involves a mental process of instigating a person or intentionally aiding



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a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained. The intention of the legislature and the ratio of the cases decided by this Court is clear that in order to convict a person under Section 306 IPC there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and that act must have been intended to push the deceased into such a position that he committed suicide."

At this juncture, the learned counsel for revision petitioner contended that the deceased Bharathi returned to her home from office at 11.30 a.m. and committed suicide. Whereas, accused No.2 entered the office at 1.10 p.m. i.e., after the deceased had returned to her home. As such, accused No.2 has taken plea of alibi, but in order to ascertain the plea of alibi, it requires full-fledged trial and there is sufficient material against the revision petitioner i.e., accused No.2. Hence, the Trial Court has rightly rejected the discharge application. As such, there is no merit consideration in the present revision petition.



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12. In view of the above observation, this Court proceed to pass the following:

ORDER

- i. Criminal revision petition is ***dismissed***.
- ii. Considering the age of litigation, the trial Court is directed to expedite the trial without adjourning the matter unnecessarily.
- iii. Registry is directed to send copy of this order along with trial Court records to the trial Court, forthwith.

SD/-
(VENKATESH NAIK T)
JUDGE

SSD
List No.: 1 Sl No.: 36