



CNR: KAHC010133262026

NC: 2026:KHC:44618-DB
CRL.A No. 329 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO.329 OF 2026 (A)

BETWEEN:

THE STATE BY VIDYANAGAR POLICE STATION
VIDYANAGAR POLICE STATION
DAVANGERE
REPRESENTED BY
THE STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU-1

...APPELLANT

(BY SRI SUHAS GOWDA M., H.C.G.P.)

AND:

1. SHIVAPPA A. K. @ KABADDI SHIVU
@ SHIVAKUMAR @ KABADI SHIVU
@ CHIKANAHALLI SHIVU
S/O. MANJAPPA
AGED 39 YEARS
R/O. BEHIND APMC MARKET
HALECHIKANAHALLI VILLAGE
DAVANGERE
2. VIJAYANAIK @ VIJI @ VIJI
S/O. KRISHNANAIK
AGED 32 YEARS

Digitally signed
by
SHARADAVANI
B



Location: HIGH
COURT OF
KARNATAKA



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R/O. D.NO.1442
9TH CROSS, BHARATH COLONY
DAVANGERE

3. PAVANAKUMAR @ ANDI @ ANDI
S/O. RAMESH
AGED 26 YEARS
R/O. UNCHENGAMARA MANE
NEAR KARIBASAVESHWARA TEMPLE
KABBURU BASAPPA NAGARA
DAVANGERE
4. MALATHESHA BASAPPA NINGAPURA
@ MAHANTHESHA @ MAHANTHESHA
@ MANTHESHA @ MANTHA
S/O. LATE BASAVARAJ
R/O. 8TH CROSS
CHIKKANAHALLI VILLAGE
DAVANGERE
5. NAVENA G. PATIL @ PATIL
S/O. GOVINDAPPA
AGED 26 YEARS
R/O 3RD CROSS
CHIKANAHALLI VILLAGE
DAVANGERE
6. RAKESHA P. @ RAKI @ RAKI
S/O. PARUSURAM
AGED 26 YEARS
R/O. BEHIND APMC
OLD CHIKANAHALLI VILLAGE
DAVANGERE
7. MANJUNATHA M. @ KHARADAPUDI MANJA
@ KHARADAPUDI MANJA
S/O. MAHESHAPPA
AGED 26 YEARS
R/O. HARRALAIH NAGAR



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HALE CHIKKANAHALLI
DAVANGERE

8. VIJAYA S. @ T. T. VIJAYA
@ T. T. VIJAYA @ T. T. VIJU
S/O. SUBRAMANYA
AGED 26 YEARS
R/O. HALECHIKANAHALLI VILLAGE
TALUK-DAVANGERE
DAVANGERE
9. PARASURAMA @ PARASA @ PARSA
S/O. ANJENAPPA
AGED 34 YEARS
R/O. AHRAYA MANE
IN FRONT OF KTJ NAGARA POLICE STATION
DAVANGERE
10. MYLARI A. @ MYLARI
S/O. ANJENAPPA
AGED 29 YEARS
R/O. BEHIND APMC
OLD CHIKANAHALLI VILLAGE
DAVANGERE
11. RAMESH @ R. X. RAMA
@ R. X. @ R. X. RAMA
S/O. SAHADEVAPPA
AGED 31 YEARS
R/O. DOOR NO.13
NEAR MAREMMA TEMPLE
BUDAL ROAD, DAVANGERE
12. MANOJ N. @ KULAMBI
@ KULAMBI @ KULAMBI MANOJ
S/O. NAGARAJANAIAK
AGED 26 YEARS
R/O. 8TH CROSS



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BHARATH COLONY
DAVANGERE

13. SRINIVASA J. N. @ MOT BAL SEENA
@ MOT BAL SEENA
S/O. NAGAPPA
AGED 43 YEARS
OCC: DAVANGERE
MAHANAGARA PALIKE
25TH WARD MEMBER
R/O. DOOR NO.1180/03, KTJ NAGAR
18TH CROSS, NEAR SIDDA
DAVANGERE
14. SUBANI @ GABBAR @ GABBAR
S/O. GAIBUSAB
AGED 31 YEARS
R/O. DOOR NO.208/4
17TH CROSS, 1ST MAIN
KUMBARA ONI, KTJ NAGARA
DAVANGERE
15. AIJ KUMAR @ RABI @ RABI
S/O. AROGYASWMAY M.
AGED 51 YEARS
R/O. 4TH CROSS, KORACHARA ONI
AMBEDKAR NAGAR, RAMANAGARA
DAVANGERE
16. NEELAGIRI L. C. ALIAS NIKHIL @ NIKHIL
S/O. CHOWDAPPA
AGED 44 YEARS
R/O. DOOR NO.1235
4TH CROSS, GANDHINAGARA
DAVANGERE
17. PARAMESH ALIAS PARM
@ PARMESHI @ PARM
S/O. CHIKANNA



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AGED 37 YEARS
R/O. DOOR NO.643/10A
4TH CROSS, KAMRED LENEN NAGAR
NITUVALLI ROAD
DAVANGERE

18. KRISHNAPPA G.
S/O. GURUVANNA
AGED 59 YEARS
R/O. DOOR NO.765/89
3RD CROSS, SRIRAM EXTENSION
NITUVALLI, DAVANGERE
19. VEERESH B. @ DUMSI VEERESH
S/O. BASAVARAJA
AGED 29 YEARS
R/O. DOOR NO.1556, 13TH CROSS
BHARATH COLONY
DAVANGERE
20. SANTHOSHA KUMAR
@ ALIAS ITTAGI SANTHA
@ ITTIGE SANTHA
S/O. CHANDRAPPA
AGED 32 YEARS
DOOR NO.1383, 8TH CROSS
BEHIND MAREMMA TEMPLE
BHARATH COLONY
DAVANGERE
21. SRI RAVI KUMAR
S/O. DASAPPA
AGED ABOUT 45 YEARS
(BHOVI BY CASTE) DRIVER
NEAR ANJENYA TEMPLE
BENKI NAGARA
DAVANGERE DISTRICT
DAVANGERE

...RESPONDENTS



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THIS CRL.A. IS FILED U/S. 378(1) AND (3) CR.P.C., (FILED U/S 419(1) AND (3) OF BNSS) BY THE SPP AND CR.PC BY THE ADVOCATE FOR THE APPELLANT FOR STATE PRAYING TO GRANT LEAVE TO APPEAL AGAINST THE JUDGMENT AND ORDER OF ACQUITTAL DATED 19.08.2025 PASSED BY THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE AT DAVANGERE IN S.C.NO.175/2019 ACQUITTING THE ACCUSED NOS.1, 3 TO 13, 17, 19 AND 21 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 143, 147, 148, 120(b), 302 OF THE IPC R/W SECTION 149 OF IPC AND ACQUITTING THE ACCUSED NOS.14, 15, 16, 18, 20 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 143, 147, 148, 120(b), 302 R/W SECTION 149 OF IPC AND SECTIONS 3(2)(v), 3(2)(v-a) OF SC/ST (POA) ACT AND SET ASIDE THE JUDGMENT AND ORDER OF ACQUITTAL DATED 19.08.2025 PASSED BY THE COURT OF II ADDITIONAL DISTRICT AND SESSIONS JUDGE AT DAVANGERE IN S.C.NO.175/2019, ACQUITTING THE ACCUSED NOS.1, 3 TO 13, 17, 19 AND 21 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 143, 147, 148, 120(b), 302 R/W SECTION 149 OF IPC AND SET ASIDE THE JUDGMENT AND ORDER OF ACQUITTAL DATED 19.08.2025 PASSED BY THE COURT OF II ADDITIONAL DISTRICT AND SESSIONS JUDGE AT DAVANGERE IN S.C.NO.175/2019, ACQUITTING THE ACCUSED NOS.14, 15, 16, 18 AND 20 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 143, 147, 148, 120(b), 302 R/W SECTION 149 OF IPC AND SECTION 3(2)(v), 3(2)(v-a) OF SC/ST(POA) ACT AND CONVICT AND SENTENCE THE ACCUSED-RESPONDENTS 1, 3 to 13, 17, 19 AND 21 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 143, 147, 148, 120(b), 302 R/W SECTION 149 OF IPC AND CONVICT AND SENTENCE THE ACCUSED-RESPONDENT NOS.14, 15, 16, 18 AND 20 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 143, 147, 148, 120(b), 302 R/W SECTION 149 OF IPC AND SECTION 3(2)(v), 3(2)(v-a) OF SC/ST(POA) ACT.

THIS APPEAL, COMING ON FOR ADMISSION, 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)

This matter is listed for admission and we have heard Sri Suhas Gowda M., learned HCGP appearing for the State.

2. The factual matrix of case of prosecution is that the deceased Nagaraja @ Bulla Naga, member of the Scheduled Castes, who was involved in many heinous offences such as murder, attempt to commit murder and several other cases. It is further alleged that some of the accused persons are members of the Scheduled Castes and Scheduled Tribes, whereas accused Nos.14, 15, 16 and 18 are not belonging to the Scheduled Castes and Scheduled Tribes. There are several heinous cases are pending against these accused persons. According to the prosecution, some of the accused persons were also close



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friends and relatives of the deceased and they were persistently harbouring animosity against the deceased. They were involved in many business including illegal businesses. The deceased was also having jealous on some of the accused persons regarding their development in the business field. Due to the said reason, some of the accused persons conspired with each other to eliminate the deceased. In view of the said conspiracy, that on 11.05.2019 at about 09.00 p.m. when the deceased was sitting along with his friends i.e. CW7 and CW8 at Sogile, which is behind the KSRTC Bus Depot, some of the accused persons came to the spot and were hiding themselves, and were telephonically communicating the movement of the deceased to each other. Therefore, CW8 went towards Guru petrol bunk and the deceased also followed on a Honda Activa scooter belonged to CW7 as pillion rider and when they reached the I Cross of the KSRTC Bus Depot, at that time, accused Nos.1, 3, 4, 5, 6, 8, 10, 11, 12, 13, 15, 16 and 20 surrounded the deceased



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and accused Nos.1, 3, 4, 8, 10 and 15 were holding machetes in their hands, accused No.1 assaulted the head of the deceased with a machete, as a result, the deceased lost balance and fell down. At that time, accused Nos.1, 3, 10 and 15 brutally assaulted the deceased on the neck, head, back and both sides of his body with deadly weapons and also tried to assault CW7 with stones, however he escaped.

3. It is the further case of the prosecution that accused No.5 dropped a big stone on the head of the deceased and accused No.1 took the mobile phone belonged to the deceased and thereafter, all of them left the scene of occurrence. According to the prosecution, CW7, CW8, CW58 and CW59 took the deceased to the hospital, however, the doctor declared that the deceased was brought dead. The brother of the deceased filed a complaint against the accused persons. Based on the said complaint, the Station House Officer-CW19 registered a case against the accused persons. Thereafter, he handed



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over the case papers to CW92 for further investigation. Further, CW.92 directed the Police Sub Inspectors of KTJ Nagar Police Station, Extension Police Station and Vidyanagar Police Station to trace the accused persons. The I.O took accused Nos.1 to 6 and recorded their voluntary statements.

4. According to the prosecution, at the instance of the accused persons, Investigating Officer recovered 3 motorbikes, 7 mobile phones and the clothes of 10 accused persons under a recovery panchanama and sent them to judicial custody. He also recorded the statements of some witnesses and filed requisition before the Trial Court for police custody of the accused persons. After obtaining police custody of the accused persons, at their instance, he recovered the slipper of the accused No.1 by drawing a mahazar of the place where the accused persons had conspired. He also recovered 6 machetes used for commission of the offence by the accused persons.



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5. Further, it is the case of prosecution that, based on the voluntary statement of accused No.2, the Investigating Officer found the involvement of accused Nos.14 to 18 in the said case and directed to trace those accused persons and as per the direction, the police took custody of those accused persons and recorded their voluntary statements. It is the further case of prosecution that, he recovered 3 mobile phones and one bike at the instance of accused Nos.15 and 16, he once again visited the place where they had hidden the machetes. Further, at the instance of accused No.14, he recovered the mobile phone belonged to the deceased and also recorded the statement of the person who had made the machetes and found 16 different types of cut injuries on the body of the deceased when he visited the mortuary while conducting the inquest. After investigation, he filed the charge sheet against the accused persons.



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6. The accused persons were also secured before the Trial Court. They did not plead guilty and claimed to be tried.

7. Hence, the prosecution in order to prove its case examined 27 witnesses as PW1 to 27 and got marked 275 documents as per Exhibits P1 to P.275 and also got marked 82 material objects as MO.1 to Mo.82. The accused was subjected to 313 statement as contemplated under the provisions of Code of Criminal Procedure.

8. The Trial Court having considered the material on record comes to the conclusion that though it is a case of homicide, but the prosecution has failed to prove the guilt of the accused as alleged as both oral and documentary evidence not corroborates with each other and recovery of incriminating articles at the instances of the accused persons are also taken note of by the Trial Court and comes to the conclusion that according to the prosecution and also family witnesses, there were 3 machetes were at



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the spot, but according to the prosecution, at the instance of accused No.2, 6 machetes were also seized. Though it is the case of the prosecution that 6 machetes were made in the shop of PW11, but he has not supported the same. The same is taken note of in paragraph No.109 and in paragraph No.110 also, the Investigating Officer-PW25 who gave answers about recovery of the above said materials, but in the cross-examination, he admitted the suggestion that at the time of recovery, no videography had been done and with regard to the recovery, the evidence of witnesses are doubtful. In paragraph No.114, the contradictions in the evidence of PW1 and PW4 that both of them had seen 3 machetes at the spot and during the course of investigation, at the instance of the accused Nos.2, 6 machetes were recovered, which creates a lot of doubts about the recovery of the material objects also taken note of in paragraph No.114 and so also in paragraph No.116.



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9. Even though, PW8 and 12 being the public servants have fully supported the case of prosecution and the witnesses of this case were hesitant to give their evidence as they were afraid of the background of the accused persons and recovery is also not proved. The expert opinion also taken note of, but FSL report does not disclose that clothes of the accused contains the blood of the deceased. Therefore, the Trial Court taken note of the said discrepancies in detail and with regard to the CDR is concerned in paragraph Nos.128, 129 and 130 and exhibits which have been marked were also considered and CDR also they did not testify as to how and on which dates these accused persons assembled in one place and which location does show that they were in the same location. Nothing is recovered to connect the accused persons by using the CDR also. The Test Identification Parade also taken note of that PW2 and PW3 who identified some of the accused persons in jail in the presence of Executive Magistrate, but failed to identify the



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accused persons before the Court. Hence, the very Test Identification Parade also not comes to the aid of the prosecution. The Trial Court also extracted in paragraph No.142 taken note of Investigation Agency did not use the Dog Squad and also neither testified such assistance was taken up if they examine any person connected with the Dog Squad and also taken note of CCTV footage in paragraph Nos.143 and 144 and there is no sufficient material before the Court that CCTV also not supported the case of prosecution for involvement of the accused in the crime. In paragraph Nos.146 and 147, the trial Court has taken note of DNA Report of the blood stains found on those articles and they only stated that they belonged to the deceased. But no material before the Court that merely finding the human blood of the same group as the deceased on the articles is not sufficient to conclude that the blood stains indeed belongs to the deceased. It was the duty of the Investigating Agency to take the assistance of DNA Experts to match the blood of the deceased with



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the blood stains found on the incriminating articles and the same is also not done.

10. The Trial Court, in paragraph No.145 also taken note of the defense of the accused that deceased was a rowdy sheeter against whom the several serious criminal cases were registered and the same is not in dispute. The record shows that the Investigating Agency has admitted this suggestion. According to the defense, there were several persons who had enmity with the deceased and it could be any of them who may have committed the murder. Having taken note of overall material available on record, the Trial Court comes to the conclusion that no material points out the very role of these accused persons in committing the offence.

11. Having considered the reasoning of the Trial Court discussed in detail, nothing indicates the very involvement of accused persons and no doubt it is a barbaric act and life was taken, but an allegation was



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made against the accused persons and it is also important to note that he is a rowdy sheeter and having enemies more in his life. Though, learned HCGP appearing for the State, in his argument would vehemently contend that the clothes of the accused were seized and also weapons are seized, but there is no positive evidence before Court. There is no any RFSL Report with regard to the clothes of the accused persons contained with the blood group of the deceased. Apart from that with regard to the recovery is concerned also, the witnesses' evidence is not clear and the recovery pancha witnesses is also doubtful and also at the spot there were 3 weapons i.e. machetes at the spot according to the mother and brother, at the instance of accused No.2, 6 machetes were seized at the spot and all these materials are not corroborated by placing any evidence. When such being the case, the very contention of the learned HCGP that the matter requires reconsideration does not arise.



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12. In view of the reasoning given by the Trial Court which has been discussed above, the same is not warranted for reconsideration and the scope for entertaining the acquittal appeal is very clear that if any perversity is found and also the evidence of the prosecution witnesses has not been considered in a proper perspective which has resulted in miscarriage of justice, then only this Court can reverse the finding of the trial Court and such circumstance is not warranted in the case on hand to admit. No grounds are made out to admit the appeal and for reconsideration.

13. Accordingly, we pass the following:

ORDER

Appeal is ***dismissed***.

Sd/-
(H.P.SANDESH)
JUDGE

Sd/-
(B.PRAMOD)
JUDGE