



CNR: KAHC010134172023

NC: 2026:KHC:54570-DB
CRL.A No. 569 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO. 569 OF 2023 (C)

BETWEEN:

SRI. RAMESH
S/O RADHAKRISHNA,
AGED ABOUT 32 YEARS,
RESIDING AT NO.26,
13TH MAIN ROAD,
K.P. AGRAHARA,
BENGALURU-560 068.

...APPELLANT

(BY SRI. DILRAJ ROHIT SEQUEIRA, ADVOCATE)

AND:

1. THE STATE BY
K.P. AGRAHARA POLICE STATION,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
OFFICE OF ADVOCATE GENERAL,
HIGH COURT BUILDINGS,
BENGALURU-560 001.
2. GAYATHRI
D/O LATE BABU,
AGED ABOUT 30 YEARS,
RESIDING AT NO.23
4TH CROSS, 6TH MAIN,



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INFRONT OF SUREKA SCHOOL,
MAGADI ROAD, K.P.AGRAHARA,
BANGALORE-560 023.

...RESPONDENTS

(BY SMT. SOWMYA R., HCGP)

THIS CRL.A. IS FILED U/S.374(2) CR.P.C., PRAYING TO:
(A) CALL FOR L.C.R IN S.C.NO.1359/2016 ON THE FILE OF THE
LVI ADDL. CITY CIVIL & SESSIONS JUDGE (CCH-57),
BENGALURU; (B) SET ASIDE THE JUDGMENT DATED
06.01.2023 PASSED IN S.C.NO.1359/2016 ON THE FILE OF
THE LVI ADDL. CITY CIVIL & SESSIONS JUDGE (CCH-57),
BENGALURU AND ACQUIT THE APPELLANT FOR THE OFFENCE
PUNISHABLE UNDER SECTION 302 AND 307 OF IPC.

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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ
and
HON'BLE MR. JUSTICE B.PRAMOD

ORAL JUDGMENT

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

This appeal is preferred by the accused against his
conviction and sentence passed by the Court of the LVI
Additional City Civil and Sessions Judge, Bengaluru City, in
SC No.1359/2016, for the offences punishable under
Section 302 and 307 of IPC.



2. The trial Court has sentenced the accused to undergo imprisonment for life and to pay fine of Rs.1,000/-, for the offence punishable under Section 302 IPC, and sentenced him to undergo imprisonment for five years and to pay fine of Rs.1,000/-, in default of payment of fine, to undergo S.I. for one year, for the offence punishable under Section 307 IPC.

3. We have heard Sri Dilraj Rohit Sequeira, the learned counsel for the appellant and Smt. Sowmya, the learned HCGP for the respondent-State. Perused the evidence and material on record.

4. Brief facts of the case: About three months prior to the date of incident, the father of the accused had approached the deceased Babu with a marriage proposal for his daughter Gayathri with the accused. The parents of Gayathri had agreed for the same. However, they subsequently came to know that the character and antecedents of the accused were not good and that



criminal cases were registered against him. Therefore, they dropped the marriage proposal. On 8.5.2016, the accused came near the house of the deceased, consuming alcohol and quarreled. In this regard, a complaint was lodged with the police. The accused was called to the police station and he was warned. He undertook not to cause any trouble in future. On 3.6.2016, at about 9.30 a.m., when the complainant Gayathri (PW1), daughter of deceased Babu, was sleeping in her room, the accused barged into the house holding a knife and stabbed her father Babu on the abdomen, back and other parts of the body. When Gayathri tried to intervene, the accused stabbed her on the neck with the knife and while she tried to prevent the assault, caused injuries to her right hand. Babu succumbed to the injuries sustained by him, while being shifted to the Hospital.

5. Based on the complaint-Ex.P1, lodged by Gayathri, a case in Cr.No.82/2016 was registered by PW21-PSI of Kempapura Agrahara Police Station, against



the accused for the offences punishable under Section 302 and 307 IPC. Upon investigation, charge sheet was filed.

6. On committal of the case to the Court of Sessions, charges were framed against the accused for the above offences. The accused pleaded not guilty and claimed to be tried.

7. To establish the charges, the prosecution got examined PWs.1 to 23 and got marked Ex.P1 to 34 and MOs.1 to 4. The defence got marked Ex.D1, the statement of PW2.

8. The trial Court, vide judgment and order dated 6/9.1.2023, convicted and sentenced the accused, as noted supra.

9. Assailing the impugned judgment, the learned counsel Sri Dilraj Rohit Sequeira contended that there are contradictions in the evidence of the eyewitnesses, PW1 and PW2. The eyewitnesses being highly interested witnesses, the trial Court was not proper in believing their



evidence to convict the accused. He contended that PW2 is the aunt of PW1, living in the house of the deceased for the past 20 years. But, she was made to identify the accused in the test identification parade. Except PWs.1 and 2, there are no other witnesses who speak about the incident. According to PW1, when she went to the police station, the police did not register the case and they sent them to the hospital, which is contrary to the evidence of PW12, the Head Constable, who has deposed that, he saw the victim on the road and therefore, took him in the autorickshaw to the hospital. The learned counsel further contended that the recovery of MO.1-knife is from the open place and the recovery was not conducted in accordance with law. He contended that the accused was falsely implicated and the trial Court on an erroneous appreciation of the material on record has convicted him. Hence, sought to allow the appeal and acquit the accused.

10. Per contra, the learned HCGP Smt. Sowmya contended that PWs.1 and 2 are eyewitnesses who have



categorically deposed that the accused stabbed the deceased with a knife. PW1 has also sustained injuries in the incident and therefore, she is the most reliable witness. The motive for the accused to commit the offence is also established. After the arrest of the accused, blood stained knife-MO.1 was recovered at his instance. Hence, she contended that the trial Court, on the basis of evidence and material on record, has rightly convicted and sentenced the accused for the charges levelled against him and sought dismissal of the appeal.

11. It is the case of the prosecution that about 3 months prior, the parents of Gayathri had agreed to the proposal of giving their daughter in marriage to the accused. Subsequently, they refused the proposal, as they came to know about the antecedents of the accused and the criminal cases registered against him. Prior to the incident in question, the accused had once come near the house of the deceased under the influence of alcohol and he had quarrelled. On the date of incident i.e., on



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3.6.2016, at about 9.30 am. he came to the house of the deceased armed with a knife and stabbed the deceased on the abdomen, back etc., and also attempted on the life of Gayathri-PW1, who tried to intervene, and caused injuries to her.

12. The deceased while being shifted to the hospital, breathed his last. PW17 conducted the post mortem examination. The post mortem report is marked as Ex.P16. The following external injuries were noticed on the dead body.

1. Obliquely placed stab wound present over left frontal region measuring 4 cm x 0.5 cm x bone deep, it is situated 3 cm from midline 8 cm above left eyebrow and 14 cm from left ear tragus. Outer lower end is blunt and inner upper end is sharp. Margins are clean cut.
2. Obliquely placed stab wound present over left parietal region measuring 3 cm x 0.5 cm x bone deep. It is situated 7 cm from midline and 8 cm from left ear. Outer lower end is blunt and inner upper is sharp. Margins are clean cut.



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3. Abrasion 6 cm x 0.5 cm present vertically over front of left lower chest 1 cm below left nipple.
4. Obliquely placed stab wound present over front of left upper abdomen measuring 3 cm x 0.5 cm x abdominal cavity deep. It is 7.5 cm from midline and 11 cm above left Anterior-superior-iliac-spine. Outer upper end is blunt with tailing for a length of 2.5 cm. vertically upwards and inner lower and is sharp. Margins are clean cut.
5. Vertically placed stab wound present over back of left side of upper chest measuring 3 cm x 0.5 cm x chest cavity deep. It is 10 cm from midline and 6 cm from tip of left shoulder. Lower end is sharp and upper end is blunt. Margins are clean cut.
6. Obliquely placed stab wound present over back of left side of upper chest measuring 2.5 cm x 0.5 cm x chest cavity deep. It is 13 cm from midline and 5 cm below injury No.5. Outer upper end is blunt and inner lower end is sharp. Margins are clean cut.
7. Obliquely placed stab wound present over back of right side of lower chest measuring 3 cm x 0.5 cm x chest cavity deep. It is 2 cm from



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midline and 19 cm below nape of neck. Outer lower end is sharp and inner upper end is blunt.

8. Abrasion 2 cm x 0.5 cm present over back of chest over midline. 13 cm below nape of neck. 5cm above injury No.7.

→ On further dissection of the injury No.4, the weapon after piercing the skin, subcutaneous tissue, muscles had made a nick on 9th rib cartilage and perforated small intestine and penetrated mesentery. 2000 ml of blood and blood clots were present inside the peritoneal cavity. This wound is directed upwards, inwards and backwards.

→ On further dissection of the injury No.5, the weapon after piercing the skin, subcutaneous tissue, muscles has pierced 1st intercostal muscle and made a nick on posterior aspect of apex of left lung. This wound is directed downwards, inwards and forwards.

→ On further dissection of the injury No.6, the weapon after piercing the skin, subcutaneous tissue, muscles, has pierced 3rd intercostal muscle and made a nick on posterior aspect of upper lobe of left lung. This wound is directed downwards, inwards and forwards.



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→ On further dissection of the injury No.7, the weapon after piercing the skin, subcutaneous tissue, muscles, has pierced right 9th intercostal muscle and made a nick on posterior aspect of lower lobe of right lung. This wound is directed upwards, inwards and forwards.

13. PW17 has opined that the death is due to shock and hemorrhage as a result of stab injuries sustained to chest and abdomen.

14. The incident has taken place inside the house of the deceased, where his daughter Gayathri (PW1) and Smt.Shanthi-PW2 were residing. They are the eye witnesses to the incident. Furthermore, PW1-Gayathri has sustained injuries in the incident, when she tried to rescue her father. She being an injured witness, her evidence cannot be brushed aside, as her presence at the scene of occurrence is very well established.

15. PW1 has corroborated the complaint averments in material particulars. She has also spoken about the



motive and the previous incident. She has deposed that on 3.6.2016, at about 9.30 a.m., she was sleeping in the room and her father was sleeping in the hall. At that time, the accused barged into the house holding a knife. Seeing the accused, her aunt-Shanthi (PW2) screamed. Hence, she came out running from the room and saw the accused stabbing her father on his abdomen, chest, head etc. When she tried to intervene, the accused, with an intention to commit murder, stabbed her near the neck and caused injuries to her right hand. When they shouted, the neighbours rushed to the spot and at that time the accused fled away.

16. The evidence of PW1 is corroborated by PW2-Shanthi. Both the said witnesses have withstood the cross-examination. Their presence in the house is not only natural but very well established. There is nothing elicited in their cross-examination to disbelieve their evidence, insofar as accused stabbing the deceased and PW1 with the knife.



17. PW3 is the wife of the deceased. Her evidence reveals that at the time of incident she was not present in the house, as she had gone for work. Similarly, Pw4, another daughter of the deceased is a hearsay witness. However, both the said witnesses have deposed regarding the motive.

18. It is the contention of the learned counsel for the appellant that according to PW1, when she went to lodge the complaint, the police did not receive it and they sent her father to the hospital. Whereas PW12, the Head Constable has stated that, he saw the injured-Babu (deceased) coming by walk and therefore, he took him to the hospital. The said discrepancy pointed out by the learned counsel will not take away the entire case of the prosecution. If the evidence of PW12 is perused, it is clear that he saw the injured-Babu as well as his daughter-Gayathri. The deceased informed him that the accused had stabbed both of them. PW12 has stated that he informed the matter over phone to the police station and



then took the victims to the hospital, wherein the doctor after examining Babu, declared him dead.

19. PW1, though not mentioned the presence of PW12, has stated that she along with others shifted her father in the autorickshaw to the hospital, however, her father died on the way to the hospital. She has further stated that she also took treatment for the injuries sustained by her.

20. The prosecution has got examined the medical officer -PW16, who treated PW1, the injured. She has deposed that on 3.6.2016, at 10.00 am., Gayathri (PW1) was brought by the police with a history of assault. On examination, she found the following injuries:

- a. Cut incized wound on the right side of the neck 4 x 0.5 cm.
- b. Lacerated wound 3 x 0.5 cm. over the back of right little finger.
- c. Lacerated wound 2.1 cm over right thumb.



The above injuries are mentioned as simple in nature. The wound certificate of PW1 is marked as Ex.P15.

21. PW16 has stated that the injured-PW1 has given history before him that she was assaulted by Ramesh (accused) with a knife on 3.6.2016 at 9.30 am.

22. The material on record clearly establishes that PW1 sustained the above noted injuries during the incident, which proves her presence at the spot. There are no major or fundamental contradictions, to discard her evidence. Her evidence is consistent and trustworthy. It is well settled that the testimony of an injured has its own relevancy and efficacy and an injured would not allow the real culprit to escape and falsely implicate another person. The evidence of injured witness has greater evidentiary value and cannot be doubted on account of minor contradictions.

23. In the case on hand, the evidence of PW1, injured is reliable and acceptable. Her evidence is further



corroborated by the evidence of PW2. The witnesses have also spoken about the motive for the accused to commit the offence. As already stated, in Ex.P1 itself, PW1 has mentioned about the earlier incident which took place on 8.5.2016 with regard to the accused coming near the house and quarrelling and the complainant reporting the matter to the police. PW20-the ASI, has stated that on 9.5.2016, the complainant had visited the police station and gave a complaint against the accused and a case was registered in LPT No.233/2016. The accused assured that henceforth he would not cause trouble and would not quarrel. The complaint given by PW1 is marked as Ex.P25. The undertaking given by the accused is marked as Ex.P26.

24. The learned counsel for the appellant would contend that the alleged recovery of knife at the instance of the accused was not in accordance with law, as the voluntary statement of the accused was not recorded in the presence of panch witnesses.



25. The accused was arrested on 6.6.2016. The evidence of I.O.-PW21 does not indicate that the voluntary statement of the accused was recorded in the presence of panch witnesses. However, he has stated that in the presence of panch witnesses, a button knife (MO.1) was seized from the place shown by the accused under a mahazar-Ex.P6. Both the panch witnesses, PWs.9 and 10 have supported the case of prosecution. However, this case is based on the eyewitnesses account. Their evidence is reliable and acceptable.

26. From the material on record, the prosecution has established that the accused with an intention to commit murder, came to the house of the deceased armed with a knife and stabbed the deceased Babu and committed his murder. Further, attempted to commit the murder of Gayathri-PW1 and inflicted injuries to her. Hence, the judgment and order of conviction and sentence passed by the trial Court does not warrant interference. Accordingly, the following:



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ORDER

Appeal is **dismissed**.

In view of dismissal of the appeal, I.A.No.3/2026 is
dismissed.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

Sd/-
(B.PRAMOD)
JUDGE

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List No.: 1 Sl No.: 21