



CNR: KAHC010140162015

NC: 2026:KHC:41448
CRL.A No. 79 of 2015
C/W CRL.A No. 76 of 2015

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 79 OF 2015 (C) C/W

CRIMINAL APPEAL NO. 76 OF 2015 (C)

IN CRL.A No. 79/2015

BETWEEN:

SRI MADHUSUDHANA @ MADHU
S/O MOHAN
AGED ABOUT 22 YEARS
R/O 2ND CROSS
VIVEK NAGAR
ROBERTSONPET
K.G.F.-563 122

...APPELLANT

(BY SRI. N SRINIVAS, ADVOCATE)

AND:

STATE OF KARNATAKA BY
BETHAMANGALA POLICE STATION
BANGALORE TALUK-563 116
KOLAR DISTRICT

...RESPONDENT

(BY SMT.RASHMI PATEL, HCGP)

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 374(2) CR.P.C PRAYING TO SET ASIDE THE ORDER OF CONVICTION AND SENTENCE DATED 23.12.2014/13.01.2015 PASSED BY THE PRESIDING OFFICER, FAST TRACK COURT, KGF, KOLAR DISTRICT. - CONVICTING THE APPELLANT/ACCUSED NO.2 FOR THE OFFENCE P/U/S. 143, 147, 148, 323, 324, 307 R/W 149 OF IPC.



CNR: KAHC010140162015

NC: 2026:KHC:41448
CRL.A No. 79 of 2015
C/W CRL.A No. 76 of 2015

IN CRL.A NO. 76/2015

BETWEEN:

MANJUNATH
S/O MUNIVENKATAPPA
AGED ABOUT 24 YEARS
R/A T GOLLAHALLI VILLAGE
BETHAMANGALA, KGF
KOLAR-563 116

...APPELLANT

(BY SRI. A H BHAGAVAN., ADVOCATE)

AND:

STATE OF KARNATAKA
BY BETHAMANGALA POLICE STATION
BANGARPET TALUK, REP. BY THE
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDINGS
BANGALORE-560 001

...RESPONDENT

(BY SMT.RASHMI PATEL, HCGP)

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 374(2) CR.P.C PRAYING TO SET ASIDE THE JUDGMENT OF CONVICTION AND SENTENCE DATED 23.12.2014/ 13.01.2015 PASSED BY THE PRESIDING OFFICER, FAST TRACK COURT, KGF, KOLAR DISTRICT. - CONVICTING THE APPELLANT/ACCUSED NO.1 FOR THE OFFENCE P/U/S. 143, 147, 148, 323, 324, 307 R/W 149 OF IPC.

THESE APPEALS, COMING ON FOR HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



CNR: KAHC010140162015

NC: 2026:KHC:41448
CRL.A No. 79 of 2015
C/W CRL.A No. 76 of 2015

ORAL JUDGMENT

These criminal appeals are filed by the appellants/accused No.1 in Crl.A.No.76/2015 and accused No.2 in Crl.A.No.79/2015, being aggrieved by the judgment of conviction and order on sentence dated 23.12.2014 and 13.01.2015, respectively passed in SC.No.83/2012 by the Presiding Officer, Fast Track Court, KGF, for the offences punishable under Sections 143, 147, 148, 323, 324, 307 r/w 149 of Indian Penal Code, 1860 (for short, 'IPC').

2. The rank of the parties will be considered henceforth as per their rankings before the Trial Court.

Factual matrix of the case:

3. The complainant is a resident of T.Gollarahalli and he was working as an apprentice at KGF, BEML. He was living with his family members and was staying along with them. As on the date of the alleged incident, he was at home, on account of Ugadi festival. It is stated that he heard the voice of quarrel, which was being taken place in the street, therefore, he came out of his house and saw that his elder brother and his



CNR: KAHC010140162015

NC: 2026:KHC:41448
CRL.A No. 79 of 2015
C/W CRL.A No. 76 of 2015

neighbor-Manjunath were quarreling with each other on petty reasons. The said quarrel had been pacified by the elders and well-wishers and they were allowed to go to their respective houses.

4. It is further stated that on 05.04.2011 around 04.00 pm, the said Manjunath started quarrelling again with the family members of the complainant. In the meantime, the father of Manjunath by name Munivenkatappa, pacified the matter and he told his son to go out. However, on the same day, at around 07.00 pm, the accused persons by holding iron rods and hockey sticks, came near the house of the complainant along with some persons who stated to be coming from KGF. All of them trespassed into the house of the complainant, dragged him from the house and started assaulting with hockey sticks and also with iron rod. Consequently, the complainant sustained injuries. In the meantime, the family members of the complainant came to rescue the complainant, however, they had also been assaulted and sustained injuries. After the incident, all the injured were shifted to the hospital for treatment.



NC: 2026:KHC:41448
CRL.A No. 79 of 2015
C/W CRL.A No. 76 of 2015

5. The respondent-Police have recorded the statement of the complainant while he was taking treatment in the hospital. Based on the said statement, the respondent-Police have registered a case, conducted investigation and submitted the charge sheet. The Trial Court after appreciating both oral and documentary evidence on record, convicted only accused Nos.1 and 2 and acquitted the rest of the accused.

6. The submissions of Sri.N.Srinivas, learned counsel for the appellant in Crl.A.No.79/2015 are that when the averments of the complaint indicated that all the accused persons had assaulted the complainant and his family members and caused injuries, acquitting some of the accused and convicted accused No.2 is highly arbitrary and illegal. If the averment of the complaint and the evidence on record are taken together, the benefit of acquittal should have been extended even to accused No.2 on parity. However, the Trial Court ignored to extend such benefit. Consequently, the impugned is passed which is required to be set aside.



NC: 2026:KHC:41448
CRL.A No. 79 of 2015
C/W CRL.A No. 76 of 2015

7. It is further submitted that PW.1 in his evidence stated clearly that accused No.1 assaulted on the head of the complainant and rest of the accused had assaulted with their hands and sticks. If the evidence of PW.1 further discloses that PW.1 and PW.11 stated to have assaulted him with iron rod and long chopper and caused injuries. Such being the fact, the overt act of accused No.2 in respect of such incident contains no evidence. However, the Trial Court rendered the conviction on the basis of the evidence of injured appears to be on the basis of probability. Hence, the same is liable to be set aside. Making such submissions, learned counsel for the appellant prays to allow the appeal.

8. Similarly, the submissions of Sri.A.H.Bhagavan, learned counsel for the appellant in Crl.A.No.76/2015 that the appellant is arrayed as accused No.1. Even though averment of the complaint would indicate that accused No.1 and others who came from KGF assaulted P.W.1 on his head, the Trial Court arrived at a conclusion that only accused Nos.1 and 2 assaulted P.W.1 and caused injuries to the victim appears to be unnatural and arbitrary.



CNR: KAHC010140162015

NC: 2026:KHC:41448
CRL.A No. 79 of 2015
C/W CRL.A No. 76 of 2015

9. It is further submitted that all the witnesses including the complainant are consistent that accused No.1 assaulted with iron rod on the head of the complainant. The Wound Certificate, which is marked as Ex.P10 would indicate that lacerated injury present on the frontal region 1 cm X ½ cm on the right side. However, the said injury is simple in nature. The opinion has not been obtained by the investigating officer as to whether the said iron rod contained any blood stains or not. Therefore, rendering the conviction in respect of the offence under Section 307 and other offences are not sustainable. However, the findings of the Trial Court in respect of offences of which he had been convicted liable to be set aside. Making such submissions, learned counsel for the appellant prays to allow the appeal.

10. *Per contra*, learned High Court Government Pleader for respondent-State vehemently submitted that the Trial Court after appreciating both the oral and documentary evidence on record, opined that both accused Nos.1 and 2 assaulted on the head of P.W.1-Anand with iron rod with an intention to commit murder. Consequently, the said Anand had sustained injuries.



NC: 2026:KHC:41448
CRL.A No. 79 of 2015
C/W CRL.A No. 76 of 2015

CNR: KAHC010140162015

The evidence of P.W.1 would indicate that both accused Nos.1 and 2 assaulted on his head and caused injuries. Such being the fact, the findings of the Trial Court in rendering the conviction is proper and appropriate. Hence, interference with the findings is not appropriate and proper. Making such submissions, learned High Court Government Pleader prays to dismiss the appeal.

11. Having heard the learned counsel for the respective parties and on perusal of the findings of the Trial Court in rendering the conviction, it makes clear that the evidence of all the witnesses are required to be re-appreciated in order to ascertain the validity of the judgment passed by the Trial Court.

12. P.W.1 being the injured witness has stated in his evidence that on 05.04.2011, when he was watching TV at about 07.00 pm in his house, accused Nos.1 to 13 trespassed into his house and dragged him out to the veranda and started assaulting him. According to him, accused No.1 assaulted him with iron rod on his frontal region of the head and caused



NC: 2026:KHC:41448
CRL.A No. 79 of 2015
C/W CRL.A No. 76 of 2015

CNR: KAHC010140162015

bleeding injury. Accused No.11-Venkatamuniyappa assaulted on the right portion of the head with a rod. The accused who had come from KGF, had assaulted on his head with long chopper and also some of the accused assaulted his family members with hockey sticks and caused bleeding injuries to all of them.

13. In the complaint, which is marked as Ex.P1, he has stated that accused No.1 has assaulted on his head with iron rod and other persons assaulted him with iron rods and caused injuries to him. However, in his evidence he had stated that he had been assaulted by accused No.1 with iron rod on his frontal region of the head and accused No.11-Venkatamuniyappa assaulted him on his right frontal region of the head. This inconsistency in respect of the persons who caused injuries to him ought to have been considered by the Trial Court and his evidence ought to have been scrutinized properly since he is interested witness to the incident. Therefore, it can be inferred that the Trial Court has committed error in accepting the evidence of this witness in rendering the conviction.



CNR: KAHC010140162015

NC: 2026:KHC:41448
CRL.A No. 79 of 2015
C/W CRL.A No. 76 of 2015

14. Even on considering the evidence of other witness who are stated to be the injured, all of them are consistent in respect of the overt act of accused No.1 and even though they are consistently deposed about the overt act of other accused, none of the witnesses have specific in respect of overt acts of the other accused.

15. On going through the evidence of Doctor, who is examined as PW.14 has stated in his evidence that he has examined Smt.Venkatamma, Smt.Lakshamma, Smt.Venkatamma W/o Papaiah and submitted Exs.P7 to 9- Wound certificates. So far as Ex.P10 is concerned, it has not been marked through the Doctor, who allegedly issued the said certificate. Since all the witnesses have stated that accused No.1 assaulted PW.1 with iron rod and caused injuries, the author of the document which is marked as Ex.P10, ought to have been examined by the prosecution to prove the case. In the absence of proper proof of the said document, it cannot be arrived at a conclusion that the appellants had committed bleeding injuries on the head of the complainant. Therefore, the conviction rendered by the Trial Court appears to be unnatural



CNR: KAHC010140162015

NC: 2026:KHC:41448
CRL.A No. 79 of 2015
C/W CRL.A No. 76 of 2015

and the same is considered as erroneous. Therefore, the conviction rendered by the Trial Court is liable to be set aside.

16. Hence, I proceed to pass the following:

ORDER

- i) The appeals are ***allowed***.
- ii) The impugned judgment of conviction and order on sentence dated 23.12.2014 and 13.01.2015, respectively passed by the learned Presiding Officer, Fast Track Court, KGF in SC.No.83/2012 is set aside.
- iii) The appellants are acquitted for the offences punishable under Sections 143, 147, 148, 323, 324, 307 r/w 149 of Indian Penal Code, 1860.
- iv) Bail bonds executed, if any, stands cancelled.

**Sd/-
(S RACHAIAH)
JUDGE**

NR/-
List No.: 1 Sl No.: 31