



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 368 OF 2026 (A)

BETWEEN:

THE STATE OF KARNATAKA,
BY UDAYAGIRI POLICE STATION
REPRESENTED BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU - 560 001

...APPELLANT

(BY SRI. RAHUL RAI K., HCGP)

AND:

1. TANVEER PASHA @ THANNU
AGED 26 YEARS
S/O SALEEM @ PANI SALEEM
R/AT DOOR NO.352, 18TH CROSS,
USMANIYA BLOCK, GOUSIYA NAGARA,
MYSURU.

2. SHAMIM @ MUNNA
AGED 56 YEARS
W/O SALEEM @ PANI SALEEM
R/AT DOOR NO.352, 18TH CROSS,
USMANIYA BLOCK, GOUSIYA NAGARA,
MYSURU

...RESPONDENTS

(BY SRI. B. LETHIF, ADVOCATE FOR R1 AND R2)

THIS CRL.A IS FILED U/S 378(1) AND (3) CR.P.C. (FILED
U/S 419(1) AND (3) OF BNSS) PRAYING TO A) GRANT LEAVE



TO APPEAL AGAINST THE JUDGMENT AND ORDER OF ACQUITTAL DATED 25.03.2025 PASSED IN SC/366/2022 BY THE VII ADDITIONAL DISTRICT AND SESSIONS JUDGE, MYSURU, THEREBY ACQUITTING THE ACCUSED NOS. 1 AND 2/RESPONDENT NO.1 AND 2, FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 114, 307 AND 504 READ WITH SECTION 34 OF THE INDIAN PENAL CODE, 1860.

THIS APPEAL, COMING ON FOR ADMISSION, 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 State has preferred this appeal, challenging the judgment dated 25.03.2025 passed by the Court of VII Additional District and Sessions Judge, at Mysore in SC.No.366/2022.

2. Vide impugned judgment, the trial Court has acquitted accused Nos.1 and 2 of the offences punishable under Section 504, 307 and 114 of IPC.

3. Heard the learned High Court Government Pleader for the State, learned counsel for



respondents/accused Nos.1 and 2 and perused the Material on record.

4. There is a delay of 228 days in preferring the appeal. I.A.No.1/2026 is filed to condone the delay.

5. It is the case of the prosecution that the complainant and accused are neighbours and their houses are situated opposite to each other. The accused were running a provision store and the persons who used to purchase cigarettes from the said shop used to smoke in the vacant place situated in front of the house of complainant. In this regard, the complainant had told the said customers of the accused not to smoke and not to make noise in front of their house. On 22.07.2021 at about 08:30 p.m., 4 to 5 boys were smoking in the passage situated in front of the house of the complainant and making noise. The complainant, PW.1, requested them not to smoke and not to make noise, as it was causing nuisance to the complainant and his family members. A heated exchange of words took place



between the said boys and the complainant. At that time, accused No.2 abused the complainant and quarreled with him. When the complainant called his brother (PW.2) over phone and informed him about the matter, accused No.2 called his son i.e. accused No.1 who also came to the spot. Though the accused were requested to resolve the dispute in the morning, they did not listen to their words, on the other hand, accused No.1 went inside the house, brought a knife and stabbed on the left side of the chest and abdomen of the complainant and when his brother intervened to rescue him, he stabbed him on left side of his abdomen and caused bleeding injuries and when CW.3- Sahil, intervened to pacify the quarrel, accused No.1 stabbed him on the left side of the abdomen and all the accused ran away from the spot.

6. It is the contention of the learner High Court Government Pleader that from the evidence of PWs.1 to 3 and the evidence of the doctor-PW.10 coupled with the wound certificates i.e., Exs.P12, 14 and 16, it is clear that



the prosecution has established that PWs.1 to 3 have sustained injuries and those injuries are caused by accused Nos.1 and 2.

7. In this case, PW.3, one of the injured has been treated hostile. The trial Court, while appreciating the evidence of the prosecution witnesses, particularly the injured witnesses, has observed that at the time of quarrel, there were about 50 to 70 neighbours gathered at the spot, but none of them are cited as eye-witnesses to the incident. PWs.4 and 5 are the friends of PWs.1 and 2 and they came to the scene of occurrence on the call given by PW.2. Further, PW.2 is a rowdy-sheeter and PWs.4 and 5 are supporters of PW.2. PWs.1 and 2 have clearly admitted that there was ill-will between them and the accused for the past 20 years.

8. The Trial Court has also taken into consideration the documents at Exs.D1 to D3 marked by the defence. Exs.D1 to D3 are the outpatient slips of PWs.1 to 3, as per which, some other persons assaulted



PWs.1 and 2 with a knife and long. As per Ex.P12, wound certificate of PW.1, accused No.1 assaulted him with a knife and long and in Ex.P14, the wound certificate of PW.2 it is stated that he was assaulted with a knife and long. The long has not been seized in this case.

9. There is clear contradiction in Ex.P12 and Ex.D1, that is the outpatient slip relating to PW.1. In Ex.D1, it is mentioned that one Saleem and others assaulted PW.1 with a sharp weapon. Whereas, the said Saleem is not an accused in the case. In Ex.P14, wound certificate of PW.2, the name of the accused is not mentioned, but only the weapon used for the assault was mentioned as knife and long. The trial court has therefore observed that these contradictions forthcoming in medical records, which are recorded on the information given by the injured immediately after the incident, clearly dent the prosecution case and give room to suspect the testimony of the injured namely PWs.1 and 2, as it is admitted by the said witnesses that there was long standing enmity



between them and the accused. Further, one of the injured PW.3 has not supported the case of prosecution and he has turned hostile. According to PW.3, when there was a quarrel between the accused and PWs.1 and 2, he tried to intervene and at that time PW.1 stabbed him on the left side of his abdomen with a knife. He being an injured witness has not at all stated that the accused have stabbed PWs.1 and 2 with a knife and long or stabbed him and inflicted injuries to them.

10. PWs.6 and 7, the independent panch witnesses to Ex.P2 spot mahazar and seizure mahazar have totally turned hostile and not supported the case of prosecution. PW.10, the doctor who treated the injured persons, in her cross-examination has stated that she has not observed blood stains in the clothes of the injured persons, at the time of examination and she has not collected any blood stained clothes. Taking into consideration the discrepancies and contradictions in the evidence of the prosecution witnesses, the trial Court has acquitted the



accused extending the benefit of doubt, assigning reasons. No compelling grounds are made to interfere with the judgment of acquittal passed by the Trial Court. Appeal is ***dismissed***. Consequently, I.A.No.1/2026 is ***dismissed***.

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

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

LDC
List No.: 1 SI No.: 12