



CNR: KAHC010152362019

NC: 2026:KHC:47164-DB
CRL.A No. 441 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO.441 OF 2019 (A)

BETWEEN:

STATE OF KARNATAKA BY
BASAVANAGUDI WOMEN POLICE STATION
BENGALURU CITY
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU-01

...APPELLANT

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

AND:

Digitally signed
by
SHABADAVANI
B
Location: HIGH
COURT OF
KARNATAKA

1. RAGHAVENDRA
S/O. SHYMASUNDER
AGED ABOUT 36 YEARS
2. SHYAMASUNDER
S/O. LATE DEVUDU SHETTY
AGED ABOUT 64 YEARS
3. SMT. CHAYA
C/O. SHYAMASUNDER
AGED ABOUT 58 YEARS



CNR: KAHC010152362019

**NC: 2026:KHC:47164-DB
CRL.A No. 441 of 2019**

ALL ARE RESIDING AT
NO.11/2, RAMA IYENGAR ROAD
V. V. PURAM
BENGALURU-04

...RESPONDENTS

(BY SRI S. SHANKARAPPA, ADVOCATE FOR R-1 TO R-3)

THIS CRL.A. IS FILED U/S.378(1) AND (3) CR.P.C BY THE STATE P.P. FOR THE STATE PRAYING TO GRANT LEAVE TO FILE AN APPEAL AGAINST THE JUDGMENT AND ORDER OF ACQUITTAL DATED 19.09.2018 IN S.C.NO.383/2010 PASSED BY THE LXXI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY, ACQUITTING ACCUSED/RESPONDENT FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498-A AND 304-B OF IPC AND SECTIONS 3 AND 4 OF D.P. ACT AND SET ASIDE THE JUDGMENT AND ORDER OF ACQUITTAL DATED 19.09.2018 PASSED IN S.C.NO.383/2010 PASSED BY THE LXXI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY, ACQUITTING ACCUSED/RESPONDENT FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498-A AND 304-B OF IPC AND SECTIONS 3 AND 4 OF D.P. ACT AND ALSO CONVICT AND SENTENCE THE ACCUSED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498-A AND 304-B OF IPC AND SECTIONS 3 AND 4 OF D.P. ACT, BY ALLOWING THE APPEAL.

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



CNR: KAHC010152362019

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)

Heard the learned HCCP for the State and learned counsel appearing for the respondent/accused.

2. The present appeal is filed by the State challenging the judgment of acquittal dated 19.09.2018 passed in S.C.No.383 of 2010 by the LXXI Additional City Civil and Sessions Judge, Bengaluru City (CCH-72), for the offences punishable under Sections 498A and 304B of IPC and under Sections 3 and 4 of Dowry Prohibition Act and prayed this Court to convict the accused by setting aside the judgment of acquittal.

3. The factual matrix of the case of prosecution before the Trial Court is that PW.1 Sathyanarayana Shetty had three daughters and one son and the marriage of his third daughter-Mamatha was performed with accused No.1



CNR: KAHC010152362019

on 02.07.2007 at Shivashakthi Convention Hall, Bangalore. It is the further case of prosecution that at the time of marriage, PW.1 given cash of Rs.2,50,000/- and gold and silver articles besides giving cash of Rs.50,000/- to bridegroom for purchase of clothes and other expenses in the presence of Venugopal and PW.6-Govindaraju. After the marriage, victim and accused No.1 have led marital life along with accused Nos.2 and 3, who are in-laws of victim. During her stay in the matrimonial home, accused persons demanded additional dowry from the parents' of victim and in that connection subjected the deceased to physical and mental harassment. She informed the said fact to her father PW.1 over phone and also wrote a letter on 22.04.2008 narrating the said mental and physical cruelty meted out by the accused persons. Thereafter, PW.1 along with his family members and relatives came to the house of the accused and after discussing with accused persons, have agreed to give Rs.20 Lakhs after selling his site.



CNR: KAHC010152362019

3.1. That on 28.04.2008 at about 7.45 p.m. accused No.2 informed PW.1 over a phone that his daughter has committed suicide by hanging in his house by using veil. Hence, the complaint has been filed before the Basavanagudi Women Police Station. Based on the said complaint, the Police have registered a case in Crime No.48 of 2008 and after investigation filed the charge sheet against accused Nos.1 to 3 for the offences punishable under Sections 498A and 304B of IPC and under Sections 3 and 4 Dowry Prohibition Act. The accused persons were secured before the Trial Court and they did not plead guilty and claimed trial. When an application was filed under Section 227 of CrPC and the same was also dismissed. Hence, in view of denial of all accusation, the prosecution has examined 17 witnesses as PW1 to PW17, got marked 15 documents as Exhibit P1 to Exhibit P15 and also got marked material objects as MO.1 to MO.96. On behalf of the defense, accused No.1 was examined himself



CNR: KAHC010152362019

as DW.1 and got marked 115 documents as Exhibit D.1 to Exhibit D.115.

4. The Trial Court, while considering both oral and documentary evidence it has taken note of the fact that the evidence of prosecution witnesses not inspired the confidence of the Court. It has also taken note of contradictions in the prosecution case with regard to the demand of dowry and payment and so also with regard to the additional dowry demand is concerned, no cogent evidence is placed before the Court and comes to the conclusion that, the prosecution has failed to prove the guilt of the accused persons as alleged and acquitted the accused persons.

5. Being aggrieved by the judgment of acquittal, the present appeal is filed by the State.

6. Learned HCGP appearing for the State, in his argument, would vehemently contend that though the material on record discloses that the deceased was



CNR: KAHC010152362019

subjected to physical and mental harassment by the accused persons, the Trial Court has erred in appreciating the same. He would contend that the prosecution had clearly proved that there was a dowry demand and the demand was met by the complainant. He would contend that the Trial Court has failed to appreciate the Exhibit P.6-letter allegedly written by the victim stating that she was subjected to physical and mental harassment by the accused persons regarding demand of additional dowry by the accused persons. He would contend that the Trial Court has also failed to appreciate the evidence of relative witnesses, who were examined before it. He would further contend that death was taken place within seven years of marriage and presumption as provided under Section 113B of Evidence Act ought to have been drawn by the Trial Court, but the Trial Court has grossly committed an error in acquitting the accused, which has resulted in miscarriage of justice. Hence, he prays this Court to



CNR: KAHC010152362019

reconsider the evidence available on record and convict the accused persons.

7. Per contra, learned counsel for the respondent/accused would vehemently contend that, the Trial Court has meticulously considered the evidence available on record. He would contend that there is inconsistency in the evidence with regard to demand and acceptance of dowry and except evidence of PW.1, none of the prosecution witnesses speak about the same. He would further contend that in order to invoke the offences under Sections 304B and 306 of IPC and also Sections 3 and 4 of DP Act, there must be a cogent evidence before the Court and no such cogent evidence is available before the Court. Even PW.1, who is the father of the deceased, in his cross-examination admits that as per their customs, at the time of marriage, giving and taking of cash and golden articles is prevailing. The counsel also contend that when there is no any specific incident is stated subject to harassment, question of invoking the offence under



CNR: KAHC010152362019

Section 498A also does not arise. He would further contend that the Trial Court taking note of all these material available on record has rightly extended the benefit of doubt and acquitted the accused. Hence, no ground is made out to interfere with the findings of the Trial Court.

8. Having considered the contentions taken by the learned HCGP and learned counsel appearing for the respondents/accused and also on re-appreciation of evidence available on record both oral and documentary evidence, the points that would arise for the consideration of this Court are:

i) Whether the Trial Court has committed an error in acquitting the accused for the offences punishable under Section 498-A and 304B of IPC and Sections 3 and 4 of DP Act and whether it requires interference of this Court?

ii) What order?



CNR: KAHC010152362019

NC: 2026:KHC:47164-DB
CRL.A No. 441 of 2019

Regarding Point No.(i):

9. Having considered the grounds urged in the appeal memo and also the oral submission of the learned HCGP and the learned counsel for the respondents, the Court has to take note of the specific charges levelled against the accused persons. The allegation against the accused persons is that at the time of marriage they received Rs.2,50,000/- and gold and silver articles and also demanded additional dowry and subsequently the deceased was unable to bear the cruelty and torture, she took the extreme step of committing suicide on 28.04.2008. It is also the case of prosecution that there was a demand and acceptance of dowry and death was also taken place within seven years of the marriage.

10. Having considered the accusations made in the charge-sheet and also the material available on record, there is no dispute with regard to the marriage of the deceased and accused No.1 was solemnized on



CNR: KAHC010152362019

02.07.2007. It is also not in dispute that at the time of committing suicide, no one was present in the house of the accused persons. But no doubt that the death was taken place in the matrimonial home on 28.04.2008. It is also not in dispute that the death was taken place within seven years of the marriage and also there was a presumption under Section 113B of the Indian Evidence Act.

11. It is important to note that an admission is made that before performing the marriage, the victim's family were aware of the financial status of the accused persons and they are well off compared to them. It is also important to note that in the late night complaint was given. It is to be noted that PW.1 in paragraph No.4 deposed that Exhibit P.6-letter of the victim was given to the police on 03.06.2008. The prosecution has mainly relied upon the document i.e. Exhibit P.6, the letter allegedly written by the victim. In order to prove the said document, the Investigating Officers were examined as



CNR: KAHC010152362019

PW.16 and PW.17, who speak about Exhibit P.6-letter. PW16, in his evidence has deposed that the letter was given on 03.05.2008, but PW17, in his evidence says that the letter was given on 16.06.2008 and the mahazar witness statement is otherwise different. There is inconsistency in their evidence. PW1, in his cross-examination has categorically admitted that they used to invite his daughter and son-in-law for festival and they used to come to their house and further admits that he did not state anything about selling of the site and giving of an amount of Rs.20,00,000/- as additional dowry.

12. The PW2, who is none other than son-in-law of the PW1, deposed similar to the evidence of PW1. PW.3 not supported the case of prosecution and turned hostile. PW4 is the mahazar witness in respect of Exhibit P.10. PW.6 who is also son-in-law of PW.1, deposed in the same line as PW.1. PW7 and PW8 are the daughters of PW1. PW9 is another son-in-law of PW1 and all of them have admitted that the accused persons having immovable



CNR: KAHC010152362019

property and also doing agency business. They have not supported the case of prosecution and turned hostile.

13. It is also important to note that the in paragraph No.24, the Trial Court took note of the document at Exhibit P.6, wherein the letter is addressed by the daughter and the said document is also not sent to the handwriting expert to show that the said letter was written by the daughter. In paragraph No.25 also there is a clear admission that custody of gold and silver articles the same has given to the accused persons at the time of marriage and so also in turn the family of the accused also given the gold and the diamond articles. It is categorically admitted that MO.1 to MO.73 are silver articles, MO.74 to MO.96 are the gold articles seized by PW17 under mahazar Exhibit P.15 from the house of the accused. PW1 has admitted that he has not stated in the claim application that MO.1 to MO.96 were given as dowry at the time of marriage. The Trial Court has also taken note of MOs.77, 79 to 82,



CNR: KAHC010152362019

85, 91 and 93 and MO.7 to MO.73, an application was filed for interim custody. PW1 admitted that after the death of his daughter-Mamata, he received golden mangalya sara and golden tali from the Magistrate. The Trial Court having taken note of all these admissions available on record, particularly witnesses who have examined and are relative witnesses of the victim's family and no independent witnesses are examined, in order to prove the guilt of the accused beyond reasonable doubt.

14. With regard to the cruelty as well as the demand of additional dowry subsequent to the marriage, none of the witnesses speak about the particular incident of subjecting her for cruelty and torture. Merely because death was taken place within seven years of the marriage, the same cannot be a ground to invoke Section 304B of IPC and there must be a material before the Court. The evidence of the witnesses is inconsistent with regard to the demand and payment of Rs.2,50,000/- and also golden articles at the time of marriage.



CNR: KAHC010152362019

NC: 2026:KHC:47164-DB
CRL.A No. 441 of 2019

15. When such materials were assessed by the Trial Court by considering the same, rightly comes to the conclusion that the evidence of the prosecution witnesses not corroborates with each other and there are inconsistencies in the evidence of the prosecution witnesses. When such a reasoned order is given by the Trial Court, we do not find any ground to interfere with the findings of the Trial Court and the same not comes within the principles of the judgment of the Apex Court in the **MALLAPPA AND OTHERS V/s. STATE OF KARNATAKA** reported in **2024 (3) SCC 544** and while reversing the judgment of acquittal into conviction, there must be cogent and convincing evidence and only if perversity is found, the Court can reverse the same. Hence, we answer the point No.(i) in the Negative.

Regarding Point No.(ii):

16. In view of the discussions made above, we pass the following:



CNR: KAHC010152362019

**NC: 2026:KHC:47164-DB
CRL.A No. 441 of 2019**

ORDER

The appeal is dismissed.

**Sd/-
(H.P.SANDESH)
JUDGE**

**Sd/-
(B.PRAMOD)
JUDGE**

MKM
CT : VC
List No.: 1 SI No.: 10