



CNR: KAHC010159592026

NC: 2026:KHC:37980-DB
CRL.A No. 398 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 398 OF 2026 (A)

BETWEEN:

THE STATE OF KARNATAKA BY
CHANNAPATNA RURAL POLICE STATION,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560 001.

...APPELLANT

(BY SRI. RANJITH KUMAR N., HCGP (PH))

AND:

1. KUMARA @ NARAYANAKUMARA
S/O KRISHNAMURTHY
@ KAPANIGOWDA,
AGED ABOUT 50 YEARS,
R/AT APPAGERE VILLAGE,
CHANNAPATANA TALUK,
RAMANAGARA DISTRICT-562 160.
2. SMT. PREMAKUMARI
D/O LATE BORAMANCHAIAH,
AGED BOUT 44 YEARS,
HOME MAKER,



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RESIDING AT BEHIND
HALE KABBALAMMA TEMPLE,
APPAGERE VILLAGE,
CHANNAPATTANA TALUK,
RAMANAGRA-562 160.

...RESPONDENTS

(BY SRI. UMESH MOOLIMANI, ADVOCATE FOR R1 (PH);
SRI. HARISH N.R., ADVOCATE FOR R2 (PH))

THIS CRL.A. IS FILED U/S 378 CR.PC (FILED U/S 419 OF BNSS) PRAYING TO: (A) GRANT LEAVE TO APPEAL AGAINST THE JUDGEMENT AND ORDER OF ACQUITTAL 11.09.2025 IN SPL.C.NO.32 OF 2020 PASSED BY THE 1ST ADDITIONAL DISTRICT AND SESSIONS JUDGE, RAMANAGARA, ACQUITTING THE ACCUSED/RESPONDENT FOR THE OFFENCES PUNISHABLE UNDER SEC.376(A)(B) OF IPC 1860 AND SECTION 4 AND 6 OF POCSO ACT 2012; (B) SET ASIDE THE JUDGMENT AND ORDER 11.09.2025 IN SPL.C.NO.32 OF 2020 PASSED BY THE 1ST ADDITIONAL DISTRICT AND SESSIONS JUDGE, RAMANAGARA, ACQUITTING THE ACCUSED/RESPONDENT FOR THE OFFENCES PUNISHABLE UNDER SEC.376(A)(B) OF IPC 1860 AND SECTION 4 AND 6 OF POCSO ACT 2012; AND (C) CONVICT AND SENTENCE THE RESPONDENT-ACCUSED FOR THE CHARGED OFFENCES PUNISHABLE UNDER SEC.376(A)(B) OF IPC 1860 AND SECTION 4 AND 6 OF POCSO ACT 2012, BY ALLOWING THE APPEAL.

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



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ORAL JUDGMENT

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

The State has preferred this appeal against the judgment of acquittal dated 11.09.2025 passed by the Court of the I Additional District and Sessions Judge, Ramanagar in Spl.C.No.32/2020.

2. By the impugned judgment, the trial Court has acquitted the accused of the offences punishable under Section 376(A)(B) of IPC, 1860 and Section 4 and 6 of POCSO Act, 2012.

3. We have heard the learned High Court Government Pleader for the State, learned counsel for respondent No.1/accused and the learned counsel for respondent No.2/defacto complainant. Perused the evidence and material on record.

4. In brief, it is the case of the prosecution that on 21.02.2020 at about 12 noon at Appagere Village of Channapatna Taluk, when the victim girl aged below 12



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years was playing in front of the house, accused took her inside his house, on the pretext of giving her money to buy eatables and closed the doors and made her to lie down on the cot and committed penetrative sexual assault on her.

5. The law was set into motion on the complaint of the aunt of the victim, examined as PW2. On the basis of her complaint, case was registered against the accused. Upon completion of the investigation, charge sheet was filed.

6. Before the trial Court, the prosecution got examined 11 witnesses and got marked 10 documents and 7 materials objects.

7. The Learned Sessions Judge vide impugned judgment, acquitted the accused by extending the benefit of doubt.

8. It is the contention of the learned High Court Government Pleader and the learned counsel for the



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defacto complainant that the victim girl was aged only 8 years at the time of incident, she has supported the case of the prosecution and her evidence is further supported by the evidence of her parents as well as the medical evidence. They contended that as per the medical evidence, seminal stains were found on the clothes of the victim and the doctor has given opinion that sexual intercourse cannot be ruled out and therefore, contended that the trial Court was not justified in acquitting the accused.

9. Learned counsel for the accused contended that there is delay in lodging the complaint, PW5 said to be an eye witness has not supported the case of prosecution and there are material contradictions in the evidence of the victim-PW1. He further contended that the accused has taken a specific defence that there used to be frequent quarrels between himself and the parents of the victim and that has been admitted by PW1 and further, there is delay in conducting the medical examination of the victim.



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He contended that the trial court, having appreciated the entire evidence and material on record has acquitted the accused and this being an appeal preferred against the judgment of acquittal, no compelling grounds are made out to reverse the said judgment. He, accordingly sought to dismiss the appeal.

10. According to the prosecution on 21.02.2020 at about 12 noon, the accused took the minor girl aged below 12 years to his house, on the pretext of giving her money for eatables and then closed the door of the house and committed penetrative sexual assault on her.

11. It is the specific case of the prosecution that on hearing the screaming voice of the child, CW3-Smt. Lakshmamma, knocked the door and when the door was not opened, she pushed the door hardly and went inside the house and found the victim lying on the cot and the accused had removed his clothes and slept over the child. On seeing Lakshmamma, the accused ran away.



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12. Smt. Lakshmamma is examined as PW5. She has given a complete go by to the prosecution case. She has denied the occurrence of any such incident.

13. The victim who is examined as PW1 has supported the case of the prosecution in her chief examination. However, in the cross-examination it has been elicited from her by the defence that there used to be frequent quarrels between the accused and the complainant and there was a dispute in connection with the accused spitting on the road. It is also elicited that on the date of incident i.e. on 21.02.2020, as it was a Shivaratri festival day, they went to Mahadeshwara temple to have food around 12.30-01.00 p.m. and by the time they returned, it was 04.00 p.m.

14. According to the prosecution the incident took place at about 12.00 on 21.02.2020. If the evidence of the victim is accepted, then at about 12.30-1.00 p.m., the victim along with her parents went to a temple and returned at 04.00 p.m., which means, after the incident,



the victim and her parents have gone to the temple and returned in the evening. Not lodging any complaint on the same day, on the other hand going to the temple, when such an incident took place is very unnatural. There was no complaint lodged on the very day of the alleged incident. The complaint was lodged on the next day.

15. According to the prosecution, on a statement made by Lakshamma, the parents of the victim came to know about the incident. However, the said Lakshamma examined as PW5 has turned hostile and not supported the case of prosecution.

16. Insofar as the medical evidence is concerned, PW9 is the doctor who examined the victim girl. She has stated that on 22.02.2020 she received the requisition from the police to examine the victim. She found inflammation in vagina and fourchette with inflammation hymen irregular opening of about 10 mm and also perineum inflammation. She collected 7 articles including the clothes of the victim and sent them for FSL



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examination. She issued the certificate marked as Ex.P5. She has opined that she found seminal stains on the pant of the victim, as per the FSL report. Hence she opined that there were signs suggestive of recent sexual intercourse.

17. In the cross examination of PW9, she admitted that, she had mentioned in Ex.P5 in column No.17 that the clothes of the victim were washed. After washing the clothes they could not find the stains on them. She further admitted that they have collected the washed clothes of the victim and sent for FSL examination. She further admitted that there were no external injuries of any nature found on the body of the victim during the examination and there would be possibility of swelling or abrasion in case of forcible sexual assault and injuries on the private parts of the victim. However, she has not found any such injuries. Admittedly, the prosecution has not collected the clothes of the accused or the semen to compare with the stains found on the victim's clothes. The medical evidence does not fully corroborate the testimony of the victim girl.



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Having regard to all the facts and circumstances, and appreciating the oral and documentary evidence on record, the trial Court has acquitted the accused, giving him the benefit of doubt. We find no illegality or perversity in the impugned judgment. Hence, the appeal is ***dismissed.***

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

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

HB
List No.: 1 Sl No.: 10