



CNR: KAHC010197612019

NC: 2026:KHC:47798-DB
CRL.A No. 1284 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF SEPTEMBER, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO.1284 OF 2019

BETWEEN:

1. NATARAJ,
S/O. PUTTAPPA,
AGED ABOUT 55 YEARS,
R/AT E95/3,
BEHIND MEKKA MASJID ROAD,
MANGAMMANA PALYA,
BOMMANAHALLI,
BENGALURU-560038.

ALSO AT NO.13/20/2/3,
ITI KALONI ROAD,
BEHIND BASHA BUILDING,
MANGAMMANA PALYA,
BENGALURU SOUTH,
BOMMANAHALLI,
BENGALURU-560068.

...APPELLANT

(BY SRI. OMKAR MUTTAGI, ADVOCATE FOR
SRI. M. SHARASS CHANDRA, ADVOCATE)

AND:

1. SMT. RAJAMMA @ RAJESHWARI,
W/O. SREENIVASA,
AGED ABOUT 60 YEARS,

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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R/O. JAYANAGARA VILLAGE,
DANDIGANAHALLI HOBLI,
CHANNARAYA PATNA TALUK,
HASSAN DISTRICT-562160.

2. SMT. YASHODAMMA,
W/O. LATE CHANNAKESHA,
R/O. NAGASAMUDRA ROAD,
AD COLONY,
CHANNARAYAPATANA TOWN,
HASSAN DISTRICT-562160.
3. SRI. RAGHAVENDRA @ RAGHU,
S/O. SREENIVASA,
AGED ABOUT 30 YEARS,
R/O. JAYANAGARA VILLAGE,
DANDIGANAHALLI HOBLI,
CHANNARAYAPATNA TALUK,
HASSAN DISTRICT-562160.

...RESPONDENTS

(BY SRI. GIRISH B. BALADARE, ADVOCATE FOR R-1 TO R-3)

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 378(4) OF CR.P.C PRAYING TO SET ASIDE THE JUDGMENT DATED 24.11.2018 PASSED BY THE 4TH ADDITIONAL DISTRICT AND SESSIONS JUDGE, HASSAN DISTRICT (SIT AT CHANNARAYAPATNA) IN S.C.NO.67/2016- ACQUITTING THE RESPONDENT/ACCUSED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498-A, 304-B AND 302 OF IPC AND SECTIONS 3 AND 4 OF DOWRY PROHIBITION ACT, 1961.

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



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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 counsel for the appellant/defacto complainant and the learned counsel for respondent Nos.1 to 3/accused.

2. This appeal is filed against the judgment of acquittal dated 24.11.2018 passed in S.C.No.67/2016, acquitting the accused persons for the offences punishable under Sections 498A, 304B and 302 of IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961 ('DP Act' for short) and prays this Court to set aside the acquittal order and convict and sentence the accused persons.

3. The factual matrix of the case of the prosecution is that the marriage of Smt.Uma, the third daughter of P.W.9 was performed with accused No.3 in a mass marriage held on 03.06.2013, at temple of Adichunchanagiri. Smt.Uma started her marital life in her matrimonial home situated at Jayanagar



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of Channarayapatna Taluk. Accused No.1, who is the mother of accused No.3, was residing along with deceased Uma and her husband accused No.3 in the matrimonial home. The deceased Uma gave birth to a female baby in the said wedlock. That on 10.11.2015, at 1.00 p.m., the deceased Uma hanged herself using the veil to steel pipe of the roof of her matrimonial home, i.e., M.O.1 and M.O.2 and committed suicide. P.W.9 father of the deceased who received information through phone call from accused No.3 at 1.00 p.m. that his daughter committed suicide by hanging, rushed to the matrimonial home along with his wife P.W.12 Padmavathi, his friend P.W.3 Ramu and others and found the dead body of Uma. P.W.9 rushed to the police station and gave the complaint to P.W.14 who was the Station House Officer and registered the case as per the information given by P.W.9 in terms of Ex.P.7. P.W.9 also stated that at the time of marriage they gave 50 grams of gold and also cash of Rs.50,000/- to accused No.3 and performed the marriage. The deceased was subjected to physical and mental cruelty demanding additional dowry to bring cash and gold ornaments and he expressed that he is not able to make the payment of



additional dowry and panchayath was conducted. Thereafter, she was left in the matrimonial home. The police registered the case and investigated the matter and filed the charge-sheet. The accused were secured before the Trial Court and accused did not plead guilty and claimed the trial and hence, the prosecution examined P.W.1 to P.W.19 and also got marked the documents Exs.P.1 to 23. M.O.1 to M.O.3 are also marked.

4. The Trial Court having considered both oral and documentary evidence, framed the charges against the accused persons for the above offences and comes to the conclusion that cause of death of Uma is not in dispute and it is only a suicidal one. The Trial Court taken note of the evidence of P.W.9 father of the deceased, his wife P.W.12, his friend P.W.3 Ramu and P.W.4 Shobha, who supported the case of the prosecution. The Trial Court has taken note of the nature of injuries sustained by the victim i.e., oblique ligature mark dry and parchementied and abrasion 1 x 1 cm. on right side of neck. Though an allegation was made that she was killed, but the Trial Court considering Ex.P.21 post mortem report and also the evidence of the doctor P.W.15, comes to the conclusion



that it is a case of hanging and no material is found with regard to the taking away the life by the accused persons. The Trial Court also taken note of with regard to subjecting her for harassment and cruelty soon before her death. Proximities of alleged harassment and death to be appreciated and considering the evidence available on record, it is the case of the prosecution that at the time of marriage, they gave 50 grams of gold and also 50,000/- cash. The Trial Court taken note of inconsistencies in the evidence of the prosecution witnesses and brought to notice of the witnesses in the cross-examination that in the complaint it is not stated how much amount was paid. But the learned counsel appearing for the defacto complainant contend that even after she gave birth to a baby girl also she was subjected to harassment and to that effect, none of the witnesses speaks about the same except the evidence of P.W.9 and P.W.12.

5. The Trial Court also taken note of the evidence of P.W.7, who is the elder sister of P.W.9, who has given the evidence to the effect that there was a contract in the marriage talks that 50 grams of gold ornaments and cash of Rs.50,000/-



to be paid to accused No.3 by P.W.9. But she has admitted in the cross-examination that she has no personal knowledge on the demand of dowry from the accused. The evidence of P.W.7 will not come to the aid of the prosecution. The Trial Court taken note of the discrepancies in the evidence of P.W.9 regarding payment of Rs.50,000/- and also the statement made before the police as Rs.30,000/- and the statement made before the Tahsildar as Rs.30,000/- and so also the estimates of jewelry shop which cannot be accepted as a document to believe the existence of fact in issue. There are no materials whatsoever that accused No.3 received cash of Rs.50,000/- and 50 grams of gold ornaments at the time of the marriage. The Trial Court comes to the conclusion that material is not sufficient to connect the accused persons for the offences punishable under Sections 498A, 304B and 302 of IPC and Sections 3 and 4 of the DP Act and acquitted the accused persons.

6. Being aggrieved by the acquittal order, the defacto complainant has filed this appeal before this Court.



7. The learned counsel for the appellant/defacto complainant would vehemently contend that the Trial Court failed to consider the evidence of P.W.9, P.W.12 and P.W.7 and their evidence is very clear regarding demand and acceptance of dowry. The Trial Judge also committed an error in considering the material on record and erroneously comes to the conclusion that there are no sufficient material to show that the deceased Uma was subjected to harassment demanding dowry soon before the death by any of the accused. The learned counsel would contend that panchayaths were held before her death, though not examined any of the witnesses and the Trial Court ought to have taken note of the same.

8. Per contra, the learned counsel for the respondent Nos.1 to 3/accused would contend that with regard to the deceased had informed about the harassment is concerned, no materials are placed before the Court. Even for making phone call and informing the same also, no material is collected. The learned counsel would contend that for having conducted the panchayath also, none of the witnesses speaks about the same. The learned counsel would contend that P.W.7 is the relative of



the complainant P.W.9 and her evidence also not supports the case and she also turned hostile. Only for limited purpose she gave the evidence and she is not having any personal knowledge about the demand and acceptance of dowry. The learned counsel also would contend that marriage was a mass marriage at Adichunchanagiri temple. None of the witnesses speaks about the harassment and proximity to cause of death and also the cruelty. The Trial Court rightly taken note of the evidence available on record and not committed any error.

9. Having heard the learned counsel for the appellant/defacto complainant and the learned counsel for respondent Nos.1 to 3/accused and having re-appraised the material available on record, the points that would arise for the consideration of this Court are:

- (i) Whether the Trial Court committed an error in acquitting the accused persons for the offences punishable under Sections 498A, 304B and 302 of IPC and Sections 3 and 4 of DP Act and whether it requires interference of this Court.
- (ii) What order?



Point No.(i):

10. Having heard the respective learned counsel and also on perusal of the material on record, first of all, with regard to the offence under Section 302 of IPC is concerned, the Court has to take note of the evidence of the doctor who has been examined as P.W.15. According to the evidence of the doctor, it is a case of hanging and not a case of homicidal. The learned counsel for the defacto complainant would contend that P.W.2, who is the inquest witness, categorically says that there was an injury. To that effect, the doctor P.W.15 has given an explanation that injury could be caused in a case of use of the veil. The material which was used for committing the hanging is M.O.1 and M.O.2 i.e., veil pieces. When such being the case and also when there is no any evidence before the Court that it is a case of homicidal, the Trial Court rightly comes to the conclusion that it is not a case for invoking Section 302 of IPC.

11. With regard to invoking of Section 498A of IPC is concerned, the learned counsel for the appellant would vehemently contend that the evidence of P.W.9 and P.W.12



CNR: KAHC010197612019

**NC: 2026:KHC:47798-DB
CRL.A No. 1284 of 2019**

could be considered. But both these witnesses P.W.9 and P.W.12 are the parents of the deceased and except these two witnesses, none of the witnesses speaks about subjecting the deceased for cruelty. No specific incident is narrated by P.W.9 and P.W.12 that she was subjected to cruelty. However, the learned counsel for the appellant made an attempt to prove that they demanded an amount of Rs.30,000/- even after she gave birth to a girl baby and to that effect, no averment is found in the complaint Ex.P.7 and none of the witnesses speaks about the same including P.W.9 for having demanded additional dowry. With regard to the demand and acceptance is concerned, it has been noted that marriage was held in the temple and the same was a mass marriage and normally at the time of conducting the marriage in Hindu customs, both the families offer gold. Some of the bills are produced before the Court. But none of the witnesses speaks that in their presence they demanded gold. When such being the case, the very case of the prosecution cannot be accepted in respect of Section 498A of IPC as well as Sections 3 and 4 of DP Act. P.W.9 and P.W.12, who are the interested witnesses, even gone to the



extent of making an allegation against the accused that they committed the murder. But no such material is available before the Court and it is a case of exaggeration.

12. In respect of the offence under Section 304B of IPC is concerned, there must be a proximity to the cause of death. The material discloses that the deceased committed suicide in her matrimonial home on 10.11.2025 at 1:00 p.m. and she was shifted to hospital by neighbours and the accused was not there. With regard to any incident on that day is concerned, no material is placed on record. In order to connect the accused and that there was a proximity to cause of death is concerned, even any harassment to take the extreme step of committing suicide is concerned, nothing is placed on record. Though it is contended that panchayath was held thrice, none of the witnesses were examined before the Court that panchayat was held with regard to subjecting her for cruelty or for any harassment including the dowry harassment and no any independent witnesses. The Trial Court taken note of all these materials while considering the same. It is contended that the Trial Court in paragraph No.12 has taken note of the evidence



CNR: KAHC010197612019

**NC: 2026:KHC:47798-DB
CRL.A No. 1284 of 2019**

of P.W.9, who is key witness in the present case has given evidence to the effect that he gave cash of Rs.50,000/- and 50 grams of gold ornaments as dowry to accused No.3 at the time of marriage. He has further explained that one gold chain was given to accused No.3 and one chain to his daughter and one necklace, one ear rings, hangings and one finger gold ring to his daughter. With regard to demand of additional dowry is concerned, the same was discussed in detail. The evidence of P.W.9 tested in the cross-examination. He has admitted that marriage of his daughter was held in the mass marriage conducted in Adichunchanagiri temple and also categorically admits that he does not know that there is any prohibition of dowry in a mass marriage and he gave above gold ornaments to his daughter and one chain was given to accused No.3. He has stated that he did not state before the Investigating Officer that he gave cash of Rs.30,000/- to accused No.3 and there was a marriage talk with this condition. He has three daughters and a son and he has been eking out his livelihood on earning through coolie and his earning was suffice to lead his family and he had no sufficient income to give that much of above



NC: 2026:KHC:47798-DB
CRL.A No. 1284 of 2019

cash and gold arguments. The same was taken note of by the Trial Court while considering the evidence of P.W.9.

13. The Trial Court also taken note of the evidence of P.W.12, who has given the evidence in the line of the evidence of her husband P.W.9. Except these two witnesses, there are no sufficient evidence to show that the deceased Uma was subjected to harassment demanding dowry soon before her death by any of the accused. The Trial Court also taken note of that in the evidence of the prosecution witnesses there are material contradictions and the same is discussed in paragraph No.14. Having taken note of the evidence available before the Court, we are of the opinion that the Trial Court has not committed any error in considering the material available on record and there is no any cogent evidence before the Court to reverse the finding of the Trial Court in view of the judgment of the Apex Court in the case of **MALLAPPA AND OTHERS v. STATE OF KARNATAKA** reported in **(2024) 3 SCC 544**, wherein it is held that in a case of reversal, there must be a perverse finding and if any evidence is left out while considering the material, which leads to miscarriage of justice,



CNR: KAHC010197612019

only under such circumstances, the Court can interfere with the findings of the Trial Court. The Apex Court held that even if two views are possible, the benefit goes in favour of the accused. In the case on hand also, two views are also not possible having re-appraised the evidence of P.W.9 and P.W.12 and other witnesses and no such circumstances is also warranted. Hence, we do not find any grounds to reverse the finding of the Trial Court. Accordingly, we answer the point in the negative.

Point No.(ii):

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

ORDER

The appeal is dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

Sd/-
(B.PRAMOD)
JUDGE

MD
List No.: 1 Sl No.: 9