



CNR: KAHC010204622026

NC: 2026:KHC:42336-DB
CRL.A No. 518 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF AUGUST, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO.518 OF 2026 (A)

BETWEEN:

STATE BY
CHIKKANAYAKANAHALLI POLICE
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU-560 001

...APPELLANT

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

AND:

PRASAD
S/O. LAXMANNA ALIAS LAKSHMAIAH
AGED ABOUT 26 YEARS
RESIDING AT DODDARAMPURA
GOLLARAHATTI, KANDIKERE HOBLI
CHIKKANAYAKANAHALLI TALUK
TUMAKURU DISTRICT

...RESPONDENT

(BY SRI GAGANDEEP E., ADVOCATE FOR
SRI AJIT P. B., ADVOCATE)

Digitally signed
by
SHARADAVANI
B

Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010204622026

THIS CRL.A. IS FILED U/S.378(1) AND (3) CR.P.C. (419(1) AND (3) OF BNSS) BY THE S.P.P. AND CR.P.C. BY THE ADVOCATE FOR THE APPELLANT FOR STATE PRAYING TO GRANT LEAVE TO APPEAL AGAINST THE JUDGMENT AND ORDER OF ACQUITTAL DATED 31.10.2025 PASSED IN SC NO.10035/2022 BY THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE, TUMAKURU (SITTING AT TIPUTUR), THEREBY ACQUITTING THE ACCUSED-RESPONDENT FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 307, 504, 506 AND 326 OF IPC AND SET ASIDE THE JUDGMENT AND ORDER OF ACQUITTAL DATED 31.10.2025 PASSED IN SC NO.10035/2022 BY THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE, TUMAKURU (SITTING AT TIPUTUR), THEREBY ACQUITTING THE ACCUSED-RESPONDENT FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 307, 504, 506 AND 326 OF IPC AND CONVICT AND SENTENCE THE ACCUSED/RESPONDENT FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 307, 504, 506 AND 326 OF IPC.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH
and
HON'BLE MR. JUSTICE B.PRAMOD



CNR: KAHC010204622026

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE H.P.SANDESH)

The matter is listed for admission and we have heard the counsel appearing for the State as well as the counsel appearing for the respondent.

2. The present appeal is filed by the State against the judgment of acquittal dated 31.10.025 passed in SC.No.10035/202 by the V Additional District and Sessions Judge, Tumakuru (sitting at Tiputur), for the offences punishable under Sections 504, 506, 326 and 307 of IPC and prayed the Court to convict the accused/respondent.

3. The factual matrix of the case of prosecution before the Trial Court is that, one Smt.Kavitha S.G-the complainant has lodged a complaint alleging that on 13.03.2025 at about 05.30 p.m., the accused attempted to assault her with sickle and when she tried to avoid the blow with the hand, sustained injury to her left thumb. It is further alleged that the accused dragged the complainant by holding her tuft, abused her in filthy language, so also caused the life threat. On the basis of



CNR: KAHC010204622026

said complaint, a case has been registered against the accused for the offences punishable under Sections 504, 506, 326 and 307 of IPC. The Police, after investigation, filed the charge sheet against the accused for the aforesaid offences. The accused was secured before the Trial Court. He did not plead guilty and claimed to be tried.

4. The prosecution, in order to prove the case, in all, examined 9 witnesses as PW1 to PW9 and got marked 17 documents as per Exhibit P1 to Exhibit P17. The veil and sickle used for commission of the offence were marked as MO.1 and MO.2. The defense have not led any evidence. However, the accused was subjected to statement under Section 313 Cr.PC. Exhibit D1 to Exhibit D3 were confronted and marked during the course of examination of prosecution witnesses.

5. The prosecution has produced both oral and documentary evidence of PW1 and PW4 who are the panch witnesses, injured witness-PW6, so also the Doctor, who examined the injured as PW2 and other witnesses and PW8-the Assistant Director of Forensic Science Laboratory (FSL). In the evidence of injured, at paragraph No.33, though the injured



CNR: KAHC010204622026

has deposed that accused inflicted the injury, but in the cross-examination, admitted that there was a civil dispute between the parties that they have orally partitioned the properties and also categorically admitted about ill-will between them with respect to the land and the encroachment and also with respect to the pathway. Further, PW6-injured, admitted that the complaint is in the handwriting of her uncle as she has sustained injury to her hand. She further admitted that she had been to the hospital at 06.30 p.m. on the bike with one Gopi of her village. She also admitted that she had been to Chikkanayakanahalli Police Station at 06.15 p.m. She further admitted before the Doctor, with respect to the assault by the accused, his name and also the weapon used for assault. PW6 has also admitted that the Police have not given notice to her before conducting panchanama and also admitted that said mahazar was typed and the printout was taken in the printer kept in the jeep, but she does not know how many pages the mahazar consists and also denied that she has not given any articles and no mahazar was conducted in her presence. With regard to assault is concerned, it is very clear that in Exhibit



CNR: KAHC010204622026

**NC: 2026:KHC:42336-DB
CRL.A No. 518 of 2026**

P4-wound certificate and Exhibit P5-MLC extract, produced by the prosecution that there is no mention with respect to the name of the accused and also as to who has assaulted and with which weapon.

6. The documents which are relied on by the prosecution at Exhibit P4-wound certificate and Exhibit P5-MLC extract also do not show that the complainant has undergone suture to the said wound. But there was a sutured wound. As per Exhibit P4-wound certificate, PW6 has sustained long vertical laceration 1 x 4 cms at middle of left thumb and small abrasion 0.5 x 0.5 cms at left hypo-thenar and 0.5 x 0.5 cms at left thenar area and injury No.1 is grievous and injury No.2 is simple in nature.

7. Further, PW2-Doctor has deposed that he does not know who had accompanied the patient and further admitted that he has not seen blood-stains on the cloth. Further, deposed that he has not mentioned in the wound certificate as to the galata took place at Doddarampura and what was the metal object used for assaulting and also with respect to the time of assault stated by the patient. He further admitted that



CNR: KAHC010204622026

patient had not taken treatment before coming to the hospital, in any other hospital.

8. Hence, the Trial Court comes to the conclusion that the evidence of PW2 and also the evidence of PW6 who is the injured not corroborated with each other and apart from that the Doctor as PW.2 has categorically admitted that the nature of injuries found in Exhibit P4 could be possible if a person falls on wired fence. PW2 also categorically admitted that the Police have not sent MO2 and sought any opinion from him. The trial Court, taking note of such materials, in paragraph No.36 in detail and considered the evidence of PW4 and also the evidence of PW2 and so also the documentary evidence of Exhibit P4 and Exhibit P5, has held that nothing suggests about the very role played by the accused persons.

9. The other witnesses, who have been cited as eye-witnesses have also not supported the case of prosecution. Since PW.6 has not stated the name of the accused before the Doctor, the same creates a doubt with respect to the involvement of the accused in the alleged offence and also in the complaint there was no mention of witnessing the incident



CNR: KAHC010204622026

NC: 2026:KHC:42336-DB
CRL.A No. 518 of 2026

by CW2 and CW3 at the alleged spot of incident. Further, PW6 having admitted that there is a land dispute with respect to the complainant and the accused, there might be the chances of false implication of the accused.

10. The trial Court relied upon the judgment of the Apex Court in **Rajesh Prasad v. State of Bihar**¹, wherein the Apex Court, while considering the material and approach or reasoning of the High Court, if it is perverse, where incontrovertible evidence has been rejected by the High Court, based on suspicion and surmises which are rather unrealistic, at paragraph 31.2.1 of the judgment, has observed thus:

"31.2.1. *Where the approach or reasoning of the High Court is perverse:*

(a) *Where incontrovertible evidence has been rejected by the High Court based on suspicion and surmises, which are rather unrealistic. [State of Rajasthan v. Sukhpal Singh, (1983) 1 SCC 393 : 1983 SCC (Cri) 213 : AIR 1984 SC 207]] For example, where direct, unanimous accounts of the eyewitnesses, were discounted without cogent reasoning. [State of U.P. v. Shanker 1980 Supp SCC 489 : 1981 SCC (Cri) 428]]*

¹ 2022 (3) SCC 471



CNR: KAHC010204622026

NC: 2026:KHC:42336-DB
CRL.A No. 518 of 2026

- (b) *Where the intrinsic merits of the testimony of relatives, living in the same house as the victim, were discounted on the ground that they were "interested" witnesses. [State of U.P. v. Hakim Singh [State of U.P. v. Hakim Singh, (1980) 3 SCC 55 : 1980 SCC (Cri) 534 : AIR 1980 SC 184]]*
- (c) *Where testimony of witnesses had been disbelieved by the High Court, on an unrealistic conjecture of personal motive on the part of witnesses to implicate the accused, when in fact, the witnesses had no axe to grind in the said matter. [State of Rajasthan v. Sukhpal Singh, (1983) 1 SCC 393 : 1983 SCC (Cri) 213 : AIR 1984 SC 207]]*
- (d) *Where dying declaration of the deceased victim was rejected by the High Court on an irrelevant ground that they did not explain the injury found on one of the persons present at the site of occurrence of the crime. [Arunachalam v. P.S.R. Sadhanantham] (1979) 2 SCC 297 : 1979 SCC (Cri) 454]]*
- (e) *Where the High Court applied an unrealistic standard of "implicit proof" rather than that of "proof beyond reasonable doubt" and therefore evaluated the evidence in a flawed manner. [State of U.P. v. Ranjha Ram, (1986) 4 SCC 99 : 1986 SCC (Cri) 374]]*
- (f) *Where the High Court rejected circumstantial evidence, based on an exaggerated and capricious theory, which were beyond the plea of the accused; [State of Maharashtra v. Champalal Punjaji Shah, (1981) 3 SCC 610 : 1981 SCC (Cri) 762]] or where acquittal rests merely in exaggerated devotion to the rule of benefit of doubt in favour of the accused. [Gurbachan Singh v. Satpal Singh, (1990) 1 SCC 445 : 1990 SCC (Cri) 151]]*



CNR: KAHC010204622026

(g) Where the High Court acquitted the accused on the ground that he had no adequate motive to commit the offence, although, in the said case, there was strong direct evidence establishing the guilt of the accused, thereby making it unnecessary on the part of the prosecution to establish "motive". [State of A.P. v. Bogam Chandraiah, (1986) 3 SCC 637 : 1986 SCC (Cri) 357 : AIR 1986 SC 1899] "

11. Therefore, it is clear that where acquittal would result is gross miscarriage of justice, then only the Court can consider, admit and re-appreciate the evidence. The evidence of injured and medical evidence of PW2 and no history was given, the evidence of prosecution witness of PW2, PW6 and documentary evidence at Ex.P4 and P5 and the same is not corroborated each other.

12. Having taken note of material available on record, the same will not come to the aid of prosecution to consider this matter. Hence, no grounds are made out to admit the appeal considering the material on record.

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



CNR: KAHC010204622026

NC: 2026:KHC:42336-DB
CRL.A No. 518 of 2026

ORDER

The appeal is **dismissed**.

Sd/-
(H.P.SANDESH)
JUDGE

Sd/-
(B.PRAMOD)
JUDGE

MKM
List No.: 1 SI No.: 8