



CNR: KAHC010210192026

NC: 2026:KHC:44919-DB
CRL.A No. 537 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO.537 OF 2026

BETWEEN:

1. THE STATE OF KARNATAKA,
BY RAMANAGARA WOMEN POLICE STATION,
RAMANAGARA DISTRICT,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU.

...APPELLANT

(BY SRI. SUHAS GOWDA M., HCGP)

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

AND:

1. SRI. SANTHOSH @ YAMANOORU,
S/O LATE MANAPPA,
AGED ABOUT 26 YEARS,
R/AT BOMMANALA VILLAGE,
TURIYALU HOBLI, MASKI TALUK,
RAICHURU DISTRICT,
KARNATAKA.
2. XXXX,
REPRESENTED BY
SMT. CHELUVAMMA,
W/O CHANGALRAYA,
AGED ABOUT 55 YEARS,



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KOOLI WORKER,
KADASIKOPPA VILLAGE,
HAROHALLI HOBLI,
KANAKAPURA TALUK,
RAMANAGARA DISTRICT,
BENGALURU SOUTH.

...RESPONDENTS

(RESPONDENT NO.1 IS SERVED;
VIDE ORDER DATED 13.08.2026,
NOTICE TO R2 IS HELD SUFFICIENT)

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 378(1)(3) OF CR.P.C PRAYING TO GRANT LEAVE TO APPEAL AGAINST THE JUDGEMENT AND ORDER OF ACQUITTAL DTD 20.09.2025 PASSED BY THE LEARNED I ADDL. DISTRICT AND SESSIONS JUDGE, RAMANAGARA IN SPL.C.NO.25/2021, ACQUITTING THE RESPONDENTS-ACCUSED NO.1 OF THE CHARGED OFFENCE PUNISHABLE UNDER SECTION 376(2)(n) OF IPC, UNDER SECTION 6 OF POCSO ACT AND TO SET ASIDE THE JUDGEMENT AND ORDER DATED 20.09.2025 PASSED BY THE LEARNED I ADDL. DISTRICT AND SESSIONS JUDGE, RAMANAGARA IN SPL.C.NO.25/2021, IN SO FAR AS ACQUITTING THE RESPONDENTS-ACCUSED NO.1 OF THE CHARGED OFFENCE PUNISHABLE UNDER SECTION 376(2)(n) OF IPC, UNDER SECTION 6 OF POCSO ACT AND CONVICT AND SENTENCE THE RESPONDENT-ACCUSED NO.1 OF THE CHARGED OFFENCE PUNISHABLE UNDER SECTION 376(2)(n) OF IPC, UNDER SECTION 6 OF POCSO ACT, BY ALLOWING THE APPEAL.

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



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ORAL JUDGMENT

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

Heard the learned High Court Government Pleader appearing for the appellant/State.

2. This Court has issued notice to respondent No.1/accused and he is served and unrepresented. Notice to respondent No.2 is held sufficient.

3. The learned High Court Government Pleader appearing for the appellant/State would contend that this is a fit case for admission. The learned counsel would contend that the document of 8th standard admission of the victim girl was placed before the Court and also examined the Headmaster and the same is discussed by the Trial Court in paragraph No.23. The Trial Court also taken note of Section 34 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act' for short) in paragraph No.22 and also considered Section 94(2)(iii) of the Juvenile Justice (Care and Protection of Children) Act, 2015, which clearly indicates that the date of birth certificate from the school or matriculation or equivalent



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certificate by the concerned examination board has to be firstly preferred in the absence of which the birth certificate issued by the Corporation or Municipal Authority or Panchayat and it is only thereafter in the absence of these such documents the age is to be determined through "an ossification test" or "any other latest medical exam age determination test" conducted on the orders of the concerned authority, i.e., Committee or Board of Court.

4. In this regard, this Court also would like to rely upon the judgment of the Apex Court in the case of **P. YUVAPRAKASH v. STATE REP. BY INSPECTOR OF POLICE** passed in **Cri.A.No.1898/2023**, wherein it is categorically held with regard to consideration of the document. The Trial Court comes to the conclusion that the age of the victim is not proved, since there were two documents of Aadhar Card and also the school certificates are different and the same is discussed in paragraph No.23. With regard to the merits also, the Trial Court taken note of the evidence available on record and particularly in paragraph No.27 comes to the conclusion, which reads as follows:



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"Here in this case, apart from the proof of DNA report prosecution had failed to prove the age of the victim that she being a minor as on the date of the alleged crime. Hence, taking into consideration the evidence of the prosecution witnesses and the findings in the reported judgment referred above, as the prosecution had failed to prove the correct date of birth of the victim. The offence under the provision of POCSO Act cannot be made applicable. Victim being below 18 years at the time of commission of alleged offence is doubtful. On the other hand, as the offence under Secs.376(2)(l) & 376(2)(n) of IPC and under Secs.4, 5(L) & 6 of POCSO Act is alleged as the accuracy of the DNA report is disputed, as DNA report cannot form conclusive proof, the case of the prosecution cannot rest mainly on the evidence of the expert as per the DNA report. Neither the mother of the victim had stated with regard to any involvement of the victim with the sexual abuse by the accused and also the owner of the brick making factory having turned hostile, prosecution had failed to prove the guilt of the accused beyond reasonable doubt. In the circumstances, I extending the benefit of doubt in favour of accused. Hence, I hold the above point No.1 & 2 in the Negative."



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5. Having perused the reasoning given by the Trial Court in paragraph Nos.22, 23 and 27, though the learned High Court Government Pleader would vehemently contend that the age is proved, the same cannot be accepted. The Trial Court has not committed any error in considering the material on record, both in respect of age proof as well as the act of the accused and DNA test report is not the conclusive proof. The Trial Court also taken note of the evidence of the victim's mother and comes to the conclusion that neither the mother of the victim had stated with regard to any involvement of the victim with the sexual abuse by the accused and also the owner of the brick making factory having turned hostile, the prosecution has failed to prove the guilt of the accused beyond reasonable doubt. When such reasoning is given, not a case to admit the appeal and hence, the appeal is dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

Sd/-
(B.PRAMOD)
JUDGE

MD
List No.: 1 Sl No.: 10