



CNR: KAHC010221182019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF SEPTEMBER, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO.1161 OF 2019 (A)

BETWEEN:

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

...APPELLANT

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

AND:

Digitally signed
by
SHARAD
B

Location: HIGH
COURT OF
KARNATAKA

1. SRI VIDYA SAGAR
S/O. SIDDANNA
AGED ABOUT 34 YEARS
R/AT NO.2, BUILDING NO.205
C/O.BABU, 3RD CROSS, 6TH MAIN
NEELADRIHNAGAR, ELECTRONIC CITY
BENGALURU-560 100
2. SMT. SANGEETHA
W/O. RAJASHEKAR ALIAS
RAJANANDURU
AGED ABOUT 37 YEARS



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3. SRI RAJASHEKAR ALIAS
RAJANANDURU
S/O. MALLESHAPPA
AGED ABOUT 50 YEARS

RESPONDENT NOS.2 AND 3 ARE
R/AT NO.8/84, SHAHABAD ROAD
NEAR HKDP QUARTERS
PRASHANTH NAGAR, RAJAPURA
GULBARGA DISTRICT

...RESPONDENTS

(BY SRI M. SHARASS CHANDRA, 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 06.02.2019 ON THE FILE OF VIII ADDITIONAL DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT, BENGALURU IN S.C.NO.204/2017 ACQUITTING THE RESPONDENTS/ACCUSED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498A AND 304B READ WITH SECTION 34 OF IPC AND SECTIONS 3 AND 4 OF D.P. ACT AND SET ASIDE THE AFORESAID JUDGMENT AND ORDER DATED 06.02.2019 PASSED IN S.C.NO.204/2017 ON THE FILE OF VIII ADDITIONAL DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT, BENGALURU, ACQUITTING THE RESPONDENTS/ACCUSED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498A AND 304B READ WITH SECTION 34 OF IPC AND SECTIONS 3 AND 4 OF D.P. ACT AND ALSO CONVICT AND SENTENCE THE ACCUSED/RESPONDENTS FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498A AND 304B READ WITH SECTION 34 OF IPC AND SECTIONS 3 AND 4 OF D.P. ACT.

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 Mr. Suhas Gowda M, learned HCGP appearing for the State and Sri. M Sharass Chandra, learned counsel appearing for accused-respondent Nos. 1 to 3.

2. This appeal is filed against the judgment and order of acquittal dated 06.02.2019 in S.C.No.204/2017 by the VIIIth Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru, praying this Court to set aside the judgment of acquittal and convict and sentence the accused persons for the offences punishable under Sections 498A and 304B r/w 34 OF IPC Sections 3 and 4 of Dowry Prohibition Act, 1961.

3. The factual matrix of the case of prosecution is that:



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a) The accused No.1 stating that he would marry deceased Pooja, daughter of PW.1 and PW.1 had gone to the native place of accused i.e., Andhra Pradesh along with his relatives and there was pre-marriage talks and accused persons had demanded cash of ₹Rs.2,00,000/-, one gold chain-weighing 10 gms, one finger ring -weighing 5gms as dowry and also one gold mangalya chain, gold neck chain, ear studs and gold taali for the bride. The marriage was performed on 30.04.2015 at Arya Vaishya Kalyana Mantapa, Tandoor, as per Hindu customs. After the marriage, accused No.1 and deceased were living in Hyderabad for about 5 months and during that period, deceased became pregnant. Thereafter the accused No.1 left the job at Hyderabad and got a job in Bengaluru in December 2015 and set up a rented house near the house of her elder sister. During that time, the accused No.1 used to pick up quarrel with deceased over petty matters and was assaulting her stating that he had purchased a plot to construct the house and she should bring dowry to



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construct the house and was harassing her and hence the sister of the deceased scolded the accused No.1 not to do so. When deceased Pooja was 9 months pregnant, PW.1 asked accused No.1 to send the deceased to her native place for delivery, and accused No.1 made galata stating that they had not given him the money/dowry demanded by him and deceased - Pooja gave birth to a baby boy on 01.08.2016 and when PW.1 and his wife went to see Pooja and her child, accused No.1 told them that he had spent Rs.50,000/- towards delivery expenses. Accused No.1 abused the parents of deceased Pooja saying that as he was working as a Software Engineer and if he had married somewhere else, would have got a car, bungalow etc., When is daughter, i.e., deceased Pooja had stepped into his house, his life was spoiled, that if they did not pay money to buy a flat, their relationship would be over and they should pay the delivery expenditure and take deceased with them for bananthana and thus, made galata.



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b) It is also an allegation that accused No.1 subjected deceased Pooja for dowry harassment. Therefore, Pooja went to her parental house with a child of 1 and 1/2 months old and at that time, all the accused persons went to Pooja's home and again made galata with the Pooja's parents stating that they have not given any dowry and if they give dowry of Rs.4,00,000/- , then only they will look after Pooja properly or else she should not return to her matrimonial house.

c) Further, it is also contented that on 02.04.2017, PWs.1 and his wife-PW.2 and Pooja had gone to the native of accused No.1 to attend the marriage of his younger brother, accused No.1 harassed her by insulting that she had brought only the child and not the dowry. He also made galata with PW.1 demanding dowry. The allegation in sum and substance is that after the marriage, deceased Pooja was subjected to dowry harassment and hence she took an extreme step of committing suicide in the matrimonial home.



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d) Based on the complaint of PW.1, as per Exhibit P4, though case was not registered but detailed complaint was given in terms of Ex.P1 and law was set in motion by considering the document of Ex.P1-complaint and police have investigated the matter and filed a charge sheet against the accused persons. The accused persons were secured before the trial Court and they did not plead guilty and claimed the trial.

e) The prosecution in order to prove its case, relied upon the evidences of witnesses as PWs.1 to 11, relied upon the documents as per Exs.P1 to P8, documents at Exs. D1 to D3 are confronted for the defence and material objects i.e., a mobile and rope are marked as MOs.1 and 2.

f) The trial Court having considered both oral and documents evidence on record comes to the conclusion that in the first complaint-Ex.P2, there are no any such allegations with regard to the dowry harassment, demand



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and acceptance of dowry and the case was improved by filing another complaint in terms of Ex.P1 and also trial Court comes to the conclusion that none of the evidence supports the case of prosecution with regard to accused persons subjecting the deceased for cruelty and dowry harassment and none of the witnesses supports the same except the relative witnesses of deceased Pooja like PW.1-father, PW.2-brother PW.6-mother and also PW.9-elder sister and no independent evidence before the Court with regard to the demand of dowry and acceptance as well as subjecting her for cruelty and there is no any proximity to cause of death and taking note of admissions on the part of PWs.1 and 2, that accused No.1 was only meeting all the expenses of deceased Pooja, their baby was also born in the house of the accused No.1 only and he only met all delivery expenses including payment of Rs. 50,000/- in the month of April just prior to the one month of her death and comes to the conclusion that there is no any material to connect the accused persons to the death of the



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deceased Pooja and acquitted. Being aggrieved by the acquittal, the present appeal is filed by the State.

4. Sri. Suhas Gowda M, learned HCGP appearing for the appellant-State in his arguments would vehemently contend that the trial Court failed to appreciate the evidence of PWs.1, 2 and PW.9, who is the sister of the deceased and PW.10-uncle of the deceased and so also the evidence of PW.2-brother of the deceased. There is a clear evidence that accused No.1 demanded additional amount of dowry over phone by saying that he is an engineer and if he had married another girl, he would have got the car, bungalow and inspite of demand of money made for the purchase of flat, though the same was spoken by said witnesses, the same is not considered by the trial Court.

5. Learned HCGP further argues that the trial Court has also failed to take note of the fact that the death has occurred within 7 years of marriage, the



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ingredients of the Sections 498A and 304B r/w 34 of IPC Sections 3 and 4 of Dowry Prohibition Act, 1961 are not considered by the Trial Court. Hence, he argues that this is a fit case for reversing the acquittal into conviction and appreciation of the evidence is not properly made by the trial Court. He therefore, seeks to allow this appeal.

6. Per contra, learned counsel appearing of the accused-respondent Nos.1 to 3 Mr. Sharass Chandra brought to the notice of this Court to the detailed discussion made by trial Court stating that only in the second complaint, on the next day wherein there was an improvement in making the allegation of dowry demand and acceptance, as well as additional demand of dowry, the case was set in motion and when the complaint was given by the deceased Pooja's brother- PW.2, as per Ex.P2, law was not set in motion. He also brought to the notice of this Court that post mortem was conducted and inquest was also made just even prior to the registration



of the case and the same has also taken note of by the trial Court.

7. Learned counsel for respondents also brought to the notice of this Court that clear admission on the part of PW.1 that the accused No.1 was very cordial with their family and whenever needed, he met the expenses even for the marriage of brother-in-law who is PW.2 and he made the payment of Rs.50,000/- just one month prior to the marriage of PW.2 to be held in the month of May, 2017.

8. It is also brought to the notice of this Court that after the death of Pooja, within next 2 days her brother PW.2 got married. He would contend that there was a difference between PW.2 and the deceased Pooja as she was not happy with the marriage of PW.2 with his fiancé and she was objecting for the same. This has come out in the evidence of witnesses. He also brought to the notice of this Court that even the child was aged about 9 months,



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was staying in the neighbour's house for a period of 2 days, but her parents and also the brother-PW.2 never went and took the child and all these factors clearly disclose that there was no cordiality between PW.2 and deceased Pooja and for that reason only she committed suicide and not for any dowry harassment by accused No.1.

9. Having heard the learned counsel appearing for the parties and having re-appraised both the oral and documentary material available on record, 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 and, whether it requires interference of this Court to convert the acquittal into conviction and sentence the accused for the offences punishable under Section 498A and 304B r/w 34 OF IPC Sections 3 and 4 of Dowry Prohibition Act, 1961?

ii) What order?"

Point No.(ii):

10. Having taken note of the materials available on the record, there is no dispute with regard to the fact that



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marriage was held on 30.04.2015 and death was occurred in the matrimonial home on 04.05.2017. It is also important to note that on the date of the incident also PW.2 did not go to the house of his sister Pooja, instead, accused No.1 only went and met PW.2 and deceased Pooja was not even willing to attend the marriage of her brother and the same was going to be held within a span of 4 to 5 days and he went and met accused No.1 outside and not in the house of the deceased. Though accused No.1 went to the house of the deceased to bring her to meet her brother outside the house, the same was not done as she took the extreme step of committing suicide in the meanwhile.

11. Having perused the admission of PWs.1 and 2 in their evidence, it is very clear that accused No.1 only meeting all expenses to take care of the child till nine months of its birth and deceased Pooja was staying with the house of the accused even at the time of delivery. It is also important to note that no post mortem report is



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produced before the Court and no medical evidence is also produced to that effect. It is evident from the records that post mortem as well as spot mahazar were drawn earlier to the registration of the case. Therefore, the trial Court rightly comes to the conclusion that the version of the prosecution dislodges having taken note of the fact that at the first instance, complaint was not registered and only when the complaint was given by PW.2 in terms of Ex.P2, later case was registered.

12. It is also important to note that subsequently on the next day the complaint was given as per Ex.P2, wherein the allegations are made and there are improvements in the complaint. The same is also taken note of in paragraph no.32 by the trial Court while considering the evidence of PW.6 and she is the mother of the deceased, though she has supported the case of prosecution, and an allegation is made that there was a demand in pre-marriage talks by the accused persons, but the same is not mentioned in the complaint at Ex.P2 at the



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first instance and the improvement is made subsequently in Ex.P1, which was given on the next day and the same is only narrated as an afterthought and the same is taken note of by the trial Court. There is clear improvement in the case of prosecution and immediately after the death, there was no complaint and though it is stated by the PW.2 in the complaint regarding she did not make any efforts to come and meet her brother.

13. In paragraph no.34, the mother who has been examined as PW.6 has admitted that she had kept the mangalya chain of deceased pooja with her and therefore her daughter had not worn it in the marriage of her brother-in-law. It is also important to note that the brother of accused No.1 also recently married and at that time, she was not wearing the mangalya chain. This also corroborates the defence of the accused No.1 that it was her parents and brother of deceased who took her gold ornaments and she was not happy about the same.



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14. In view of the admission on the part of PWs.1, 2 and 6, it is very clear that the accused No.1 was only taking care of Pooja and the child in all the aspects. Even he made the payment of Rs.50,000/- to PW.1 just prior to one month of her death and the same is also admitted by PW.1 that he has received an amount of ₹ Rs.50,000/-. It is also not in dispute that the marriage of the brother of the deceased i.e. PW.2 was also fixed and death occurred only one week ahead of the marriage and it is crystal clear that the deceased was not happy with that marriage and PW.9 who is the sister of the deceased also examined and her evidence also taken note of by the trial Court in paragraph no.37 wherein she has admitted that delivery of her sister took place in the house of accused No.1 and her mother used to visit pooja's house frequently and she has not seen any galata between the accused No.1 and her sister Pooja and hence the trial Court comes to the conclusion that all these facts implies that there was no harassment to the deceased by accused persons.



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15. The trial Court having taken note of admission on the part of PWs.9, 1 and 2, having considered overall evidence available before the Court and also not marking of PM report and no medical evidence and also the evidence which are available before the Court comes to the conclusion that evidence does not support the case of the prosecution and hence, we do not find any perversity in the finding of the trial Court and trial Court having considered the material available on record, comes to a right perspective in appreciating the evidence.

16. It is settled law that if the finding is not perverse and the evidence has been considered and there is no any miscarriage of justice, the question of interfering with finding of the trial Court does not arise in view of the judgment of Hon'ble Supreme Court in the case of **MALLAPPA AND OTHERS V/s. STATE OF KARNATAKA** reported in **2024 (3) SCC 544** , wherein it is held as under:



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"...42. Our criminal jurisprudence is essentially based on the promise that no innocent shall be condemned as guilty. All the safeguards and the jurisprudential values of criminal law, are intended to prevent any failure of justice. The principles which come into play while deciding an appeal from acquittal could be summarized as:

(i) Appreciation of evidence is the core element of a criminal trial and such appreciation must be comprehensive – inclusive of all evidence, oral or documentary;

(ii) Partial or selective appreciation of evidence may result in a miscarriage of justice and is in itself a ground of challenge;

(iii) If the Court, after appreciation of evidence, finds that two views are possible, the one in favour of the accused shall ordinarily be followed;

(iv) If the view of the Trial Court is a legally plausible view, mere possibility of a contrary view shall not justify the reversal of acquittal;

(v) If the appellate Court is inclined to reverse the acquittal in appeal on a re-appreciation of evidence, it must specifically address all the reasons given by the Trial Court for acquittal and must cover all the facts;

(vi) In a case of reversal from acquittal to conviction, the appellate Court must demonstrate an illegality, perversity or error of law or fact in the decision of the Trial Court...."

Having considered the principles in the judgment cited *supra*, we do not find any grounds to reverse the acquittal



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judgment into conviction. Hence answer the point as ***negative***.

Point No.(ii):

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

ORDER

Appeal is ***dismissed***.

Sd/-
(H.P.SANDESH)
JUDGE

Sd/-
(B.PRAMOD)
JUDGE

BSV
List No.: 1 Sl No.: 11