



CNR: KAHC010252162019

NC: 2026:KHC:46556-DB
CRL.A No. 793 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF AUGUST, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO.793 OF 2019 (A)

BETWEEN:

THE STATE OF KARNATAKA
BY KUMBALAGODU POLICE STATION
REPRESENTED BY
STATE PUBLIC PROSECUTOR
BENGALURU-01

...APPELLANT

(BY SRI CHENNAPPA ERAPPA, H.C.G.P.)

AND:

GURUTEJA S. G.
S/O. S. H. GOPALAKRISHNA
AGED ABOUT 32 YEARS
R/AT NO.734, KRISHNA KRUPA
10TH MAIN ROAD
VINAYAKA LAYOUT
NAGARABAVI II STAGE
BENGALURU-560 072

...RESPONDENT

(BY SRI A. N. RADHAKRISHNA AND
SRI K. N. SHASHIDHAR, ADVOCATES)

Digitally signed
by
SHARADAVANI
B

Location: HIGH
COURT OF
KARNATAKA



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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 APPEAL AGAINST THE JUDGMENT AND ORDER OF ACQUITTAL DATED 17.12.2018, PASSED BY THE VIII ADDITIONAL DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT, BENGALURU IN S.C.NO.68/2017 ON THE FILE OF THE ACQUITTING THE RESPONDENT/ACCUSED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498(A) AND 304(B) OF IPC AND SECTIONS 3 AND 4 OF D.P. ACT AND SET ASIDE THE AFORESAID JUDGMENT AND ORDER OF ACQUITTAL DATED 17.12.2018 PASSED BY THE VIII ADDITIONAL DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT, BENGALURU IN S.C.NO.68/2017 ON THE FILE OF THE ACQUITTING THE RESPONDENT/ACCUSED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498(A) AND 304(B) OF IPC AND SECTIONS 3 AND 4 OF D.P. ACT BY ALLOWING THIS CRIMINAL APPEAL AND ALSO CONVICT AND SENTENCE THE ACCUSED/RESPONDENT FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498(A) AND 304(B) OF IPC AND SECTIONS 3 AND 4 OF D.P. ACT.

THIS APPEAL, COMING ON FOR HEARING, 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 Sri Chennappa Erappa, learned HCGP and Sri A.N. Radhakrishna, learned counsel appearing for the respondent/accused.

2. This appeal is filed against the judgment of acquittal dated 17.12.2018 passed by the VIII Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru, for the offences punishable under Sections 498-A and 304-B of IPC and Sections 3 and 4 of Dowry Prohibition Act, and prayed this Court to set aside the judgment of acquittal and convict the accused.

3. The factual matrix of case of prosecution is that, accused married the deceased on 06.10.2013 at Krishnapriya Convention Hall, Kangeri and at the time of marriage, Rs.10,00,000/- was given as dowry. It was alleged that after the marriage, the accused was demanding additional dowry. PW2, with an intention to lead a good life had taken a house for rent and also purchased all the furniture and household



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articles for the deceased. But accused has harassed deceased physically and mentally demanding more money as dowry and parents of deceased Preksha had advised accused, but he did not heed to the advice and he was demanding more money on the ground that he wants to start hotel business and he picked up quarrel with the deceased.

4. Further, it is alleged that the accused had harassed the wife physically and mentally and as she was unable to bear the harassment on 01.05.2016 committed suicide by hanging using a veil and she was admitted to the hospital, when she did not respond to the treatment and succumbed at about 09.30 p.m. on the very same day. Based on the complaint, police have registered the case and after investigation, filed the charge sheet. The accused was secured before the Trial Court and he did not plead guilty and claimed to be tried. Hence, prosecution examined PW1 to 16 and got marked documents Exhibit P1 to Exhibit P9 and Exhibit D1 to D8 are marked i.e. statements as well as photo and letters. The Trial court having considered both oral



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and documentary evidence and on going through the entire evidence, comes to the conclusion that the prosecution fails to prove the case of demand and acceptance as well as subjecting her for cruelty by adducing cogent evidence and except the interested witnesses PW13, PW14 and PW15 and also PW2, nothing is placed on record and hence, comes to the conclusion that the material placed before the Court does not connect the accused persons to invoke the offences which have been invoked against them and acquitted the accused.

5. Being aggrieved by the judgment of acquittal, State has filed this appeal.

6. Learned HCGP appearing for the State, in his argument, would vehemently contend that the Trial Court has committed an error in appreciating the evidence available on record. The prosecution had clearly proved that there was a dowry demand and the demand was met by the complainant. He would vehemently contend that there is no dispute that she committed suicide by hanging. He would



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further contend that the Trial Court erred in holding that there was no evidence insofar as the harassment to the deceased demanding additional dowry. The death of the deceased has occurred within 7 years and there is a clear evidence that the deceased was subjected to harassment and fails to invoke the presumption under Section 113B of the Indian Evidence Act. The counsel would vehemently contend that evidence of PW2 and PW15, who are the parents and also PW13 and PW14 have spoken about the ill-treatment and the same is not considered. The Trial Court has erroneously drawn presumption that deceased might have committed suicide because of depression as her relationship with Prasad was broken and she was married him earlier and no material before the Court that accused has harassed the deceased. The very approach of the Trial Court is erroneous and has committed an error in not appreciating the evidence available on record in a proper perspective which has resulted in miscarriage of justice, it requires interference of this Court.



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7. Per contra, the learned counsel appearing for the respondent/accused would submit that it is emerged during the course of evidence that the deceased was fell in love with one Mr. Prasad and without the knowledge to the parents of the deceased earlier they married and there was a dispute with regard to the earlier marriage and the same is admitted by PW2 as well as PW15. Both mother and the father of the deceased admitted that there were 5 to 6 proceedings to that effect. The counsel also vehemently contend that while performing the marriage of the deceased with the accused and the same was suppressed and it is emerged in the course of evidence that the same came to the knowledge of the parents of the accused subsequently and prior to that they have not informed the same. The learned counsel also vehemently contend that even though prosecution mainly relies upon the evidence of PW14 and made the statement by these witnesses that an amount of Rs.10,00,000/- was paid, but the evidence of PW2 and PW14 is contrary to each other. PW14 says that an amount of Rs.1,00,000/- was paid and PW2 says that an amount of Rs.10,00,000/- was paid



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through this witness and there is a material contradiction. No such payment was made. The counsel also would submit that even though an evidence adduced before the Court that payment was made through bank, but no such document is produced and IO who has been examined before the Trial Court as PW16, has categorically admitted that no such document is recovered for having made the payment. The counsel would contend that the very marriage itself is a disputed marriage and marriage was held thrice in different places and admission of PW2 is very clear that in two occasions he did not participate in the marriage, but only ultimately the marriage was performed in Kengeri. The counsel also would contend that the Trial Court considering the material available on record has given the benefit of doubt in favour of the accused that there was no any material to connect the accused for the offences which have been invoked and hence rightly acquitted and hence no ground is made out to interfere with the findings of the Trial Court.



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8. Having heard the counsel appearing for the State as well as the counsel appearing for the respondent and also on re-appreciation of evidence available on record both oral and documentary evidence, 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 for the offences punishable under Section 498-A and 304-B of IPC and Sections 3 and 4 of DP Act and whether it requires interference of this Court?

ii) What order?

Regarding Point No.1:

9. Having perused the material available on record, it is very clear that though the marriage of deceased with one Prasad was denied by PW2 and PW4, but material is very clear that there was already a marriage between the deceased with Prasad. It is also important to note that there is a clear admission by PW2 and PW15-the parents of the deceased that they came to know about the same and also when the engagement was fixed with this accused and the



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same was cancelled earlier that is because there was no divorce proceedings between both the deceased as well as earlier husband-Prasad. It is also important to note that there is a clear evidence that marriage was performed thrice in different places. But the admission of PW2 is also very clear that when earlier marriage was taken place in different places, he was not participated. But in the subsequent marriage, they themselves have performed the marriage. It is also important in the cross examination that when the suggestion was made that the deceased did not come out from the earlier marriage with Prasad and she was not happy with the marriage of second marriage with this accused.

10. It is also important to note that when the marriage was taken place in the year 2013 immediately, the differences arise between them, hence gave a complaint with Sahayavani and also gave statements in this regard. The very statement made by the deceased is very clear that she has categorically stated that she will not take any decision of committing suicide and she will adjust with her husband and



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so also the accused also given an undertaking in terms of Exhibit D6. Hence, it is clear that immediately after the marriage also there was a differences between both of them. The husband accused also given an undertaking in terms of Exhibit D5 on the very same day i.e. 27.01.2014. But he categorically says that both husband and wife will live with his salary whatever he earns and they will not depend upon their parents for money. It is also emerged during the course of evidence that the parents of the deceased took care of their daughter and she was living her life in a lavish manner and it is also emerged that though it is suggested to PW2 and PW15-parents but though they denied, but there is clear admission in the evidence that she was leading her life as she was the only daughter to her parents and PW.13 maid servant admits her lavish life.

11. Regarding payment of dowry is concerned, the Trial Court also took note of in paragraph 55 that there are no documents pertaining to the financial transactions between PW2 and also the son-in-law for having made the



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payment and though PW2 has stated that he gave the money on different occasions and same is not forthcoming. Even the evidence of the IO was discussed in paragraph No.54 and also nowhere it shows that payment is being made by PW2 to the accused. The bank statement submitted by the prosecution along with their application under Section 91 of CrPC also taken into consideration that is evident that no such payment was made. It is important to note that there is a clear admission that prior to the marriage there was no any demand and the same is admitted. When such being the case, question of invoking Sections 3 and 4 of D.P. Act does not arise if there was no any demand and acceptance of dowry prior to the marriage. But only contention is that subsequent to the differences arise between both the husband and wife they demanded Rs.25,00,000/- but made the payment of Rs.10,00,000/- that too through CW7 who has been examined as PW14. But the evidence of PW14 is contrary to the evidence of PW2. But he claims that through him in his presence only a payment of Rs.1,00,000 was made. But it is not his evidence that



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through him a payment was made. But only in his presence payment was made. There is an inconsistent evidence in the evidence of PW2 as well as PW14. The PW.2 claims he made the payment of Rs.10 lakh and there are major contradictions.

12. It is also important to note that the Trial Court also discussed in paragraph No.49 that when the independent witness PW8 who is the neighbour of the deceased was examined before it, has deposed that relationship of the accused and deceased is very cordial and further deposed that the accused has maintained the deceased in a good manner and this evidence also not supports the case of the prosecution. The prosecution also relied on the evidence of homemaker of the deceased and the accused who has been examined as PW13. In her cross-examination, she has categorically stated that she lived only in the said house for a period of one month. The Trial Court in paragraph No.47 taken note of cross-examination of PW13, wherein she has categorically admits that deceased was leading a luxurious



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life and the accused was living happily with simple life. This implies that it was the deceased who wanted a luxurious life and accused was a little stingy about spending money and also he had to spend the money according to his income and also the undertaking given by the accused himself in terms of Exhibit D5 is very clear that they happy to live with their salary earnings.

13. When such materials were assessed by the Trial Court particularly the evidence of the IO, who has been examined as PW16, he categorically admits that when the documents were summoned for invoking Section 91 of CrPC from the bank, it does not disclose anything about payment made by PW2 in favour of the accused. In order to invoke the offences against the accused, the very ingredients of the offence under Section 498-A, there is no any material and none of the witnesses speak about the cruelty. With regard to the demand and acceptance of dowry under Sections 3 and 4 of D.P Act is concerned, there is no any materials. With regard to the offence under Section 304-B is concerned



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also, there is no dispute that she died on account of hanging herself and medical evidence also supports the case that cause of death is on account of 'Respiratory failure' as a result of hanging in terms of Exhibit P7. There is no dispute with regard to the cause of death also. But when there is no any proximity to comes to a conclusion that she died on account of harassment of accused and also any such material before the Court not found, we do not find any grounds to comes to a other conclusion that on account of the act of the accused only she took the extreme step of committing suicide by hanging herself.

14. When such a reasoned order is given by the Trial Court, we do not find any ground to interfere with the findings of the Trial Court and the same not comes within the principles of the judgment of the Apex Court in the **MALLAPPA AND OTHERS V/s. STATE OF KARNATAKA** reported in **2024 (3) SCC 544** and while reversing the judgment of acquittal into conviction, there must be cogent and convincing evidence and only if perversity is found, the



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Court can reverse the same. Hence, we answer the point No.1 in the Negative.

Regarding Point No.(ii):

15. 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**

MKM
List No.: 1 Sl No.: 8