



NC: 2026:KHC:53867-DB
CRL.A No. 1542 of 2019

CNR: KAHC010263962019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO.1542 OF 2019 (C)

BETWEEN:

SRI NAGENDRA
S/O. CARPENTER RAJANNA
AGED 36 YEARS
R/AT NAGANAHALLI VILLAGE
MYSURU TALUK AND DISTRICT

(PRESENTLY UNDERGOING
SENTENCE OF IMPRISONMENT
AT CENTRAL PRISON, MYSURU
CONVICT NO.19768)

...APPELLANT

(BY SRI GURU PRASANNA S., ADVOCATE)

AND:

STATE OF KARNATAKA
SRIRANGAPATNA POLICE STATION
SRIRANGAPATNA TALUK
MANDYA DISTRICT-571 438
REP. BY S.P.P.
HIGH COURT BUILDING
BENGALURU-560 001

...RESPONDENT

(BY SRI VIJAYKUMAR MAJAGE, S.P.P.,-II A/W
SRI RANGASWAMY R., H.C.G.P.)

Digitally signed
by
SHARAD DAVANI
B

Location: HIGH
COURT OF
KARNATAKA



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THIS CRL.A. IS FILED U/S.374(2) CR.P.C BY THE ADVOCATE FOR THE APPELLANT PRAYING TO SET ASIDE THE JUDGMENT OF CONVICTION AND ORDER OF SENTENCE DATED 27.02.2019 PASSED BY THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE, MANDYA (SITTING AT SRIRANGAPATNA) IN S.C.NO.5067/2016-CONVICTING THE APPELLANT/ACCUSED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 201 AND 302 OF IPC.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 16.09.2026, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ
and
HON'BLE MR. JUSTICE B.PRAMOD

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE B.PRAMOD)

This Criminal Appeal is filed by the appellant/accused against the judgment of conviction and order of sentence dated 27.02.2019 passed by the III Additional District and Sessions Judge, Mandya, sitting at Srirangapatna, in S.C. No.5067/2016. By the said judgment, the learned Trial Court convicted the appellant for the offences punishable under Sections 302 and 201 of the Indian Penal Code, 1860 (hereinafter referred to as the 'IPC').



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2. Heard Sri Guru Prasanna S, learned counsel for the appellant, Sri.Vijaykumar Majage, learned SPP-II along with Sri.Rangaswamy R, learned HCGP appearing for the respondent-State and pursued the evidence and material on record.

3. The factual matrix of the prosecution case is that the appellant took his minor son, Shivu, aged about six years, to an agricultural land near Brahmapura Village on 29.05.2016 and assaulted the child on the road and thereafter killed him by throwing mud balls at him or hitting him with mud balls. The further case of the prosecution is that the appellant concealed the dead body with the intention of screening himself from legal punishment. On 30.05.2016, PW.1-Leela first informant lodged a complaint. Consequently, Crime No.297/2016 was registered. After completion of the investigation, the police filed a charge sheet against the appellant for the offences punishable under Sections 302 and 201 of IPC.



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4. The Trial Court framed charges against the appellant for the aforesaid offences. The appellant pleaded not guilty and claimed to be tried. The prosecution, in support of its case, examined PWs.1 to 13 and marked Exs.P1 to P16 and MOs.1 to 5. After recording the statement of the accused under Section 313 of the Code of Criminal Procedure, 1973, the appellant did not lead any evidence in his defence.

5. The learned Trial Court, upon appreciation of the evidence on record, observed that though PWs.1 and 8 were treated as hostile, their evidence could not be discarded in its entirety. The learned Trial Court also took note of the fact that they are relatives of the accused and that there was no animosity or other reason for them to falsely implicate the accused. PW.3 is an independent witness and a resident of Naguvanahalli Village, where PWs.1 and 8 reside and where the accused had come along with his son. Upon an overall appreciation of the evidence on record, the learned Trial Court found the



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appellant guilty of the offences charged against him and accordingly convicted and sentenced him. Being aggrieved by the judgment of conviction and order of sentence, the appellant has preferred the present appeal.

6. The contentions urged on behalf of the appellant are as follows:

(i) The prosecution case is based on circumstantial evidence and the chain of circumstances is not complete;

(ii) PWs.1 and 8 did not support the prosecution case in all material particulars;

(iii) PWs.2 and 5 turned hostile before the Trial Court;

(iv) PW.3 was also treated as hostile in respect of certain portions of his evidence;

(v) The motive for the commission of the offence has not been proved;

(vi) The wife of the accused, namely Asha, was not examined;



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(vii) The alleged seizure and spot mahazar do not inspire confidence; and,

(viii) The statement of the accused recorded under Section 313 of the Code of Criminal Procedure, 1973, cannot be used to fill the gaps in the prosecution case.

7. The Learned SPP-II for the respondent- State submitted that the evidence of PW.3 clearly establishes that the accused was seen assaulting his son and thereafter taking the child towards the place of occurrence. Learned SPP-II further submitted that the evidence of PWs.1 and 8 establishes the presence of the accused with the deceased shortly before the occurrence. The medical evidence establishes that the death was homicidal in nature. The seizure of MOs.1 and 2, coupled with the conduct of the accused, lends further corroboration to the case of the prosecution. It is, therefore, contended that the conviction recorded by the



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Trial Court is justified and does not warrant interference in the present appeal.

8. After hearing the learned counsel appearing for the parties, the following point arises for consideration:

"Whether the judgment of conviction and order of sentence passed by the learned Trial Court for the offences punishable under Sections 302 and 201 of the IPC warrant interference by this Court?"

9. PW.12-Doctor, namely, Dr.Kumar M P, conducted the post-mortem examination of the deceased. His evidence, read with the post-mortem report marked as Ex.P16, establishes that the deceased had sustained 28 injuries. The medical evidence further establishes that the injuries were ante-mortem in nature. The injuries recorded include "an injury over the left frontal region, subdural haemorrhage over both occipital lobes, and multiple lacerations in the region of the liver". The cause of death is recorded as being due to the combined effect of the injuries sustained to the brain and liver. PW.12-Doctor



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further opined that the injuries noted in Ex.P16 were possible if a person was assaulted on ploughed agricultural land with pieces of mud or mud balls.

10. That apart, PW.3-Krishnappa, an independent witness, when he visited the place where the body was found, noticed multiple injuries on the body of the child and formed an impression that the child had been assaulted with mud balls. The medical evidence is, therefore, consistent with the ocular evidence and the surrounding circumstances. The homicidal nature of the death is thus proved from the material on record.

11. PW.8-Radhamma stated that the appellant had come to her house along with his son, Shivu. She further stated that she gave biscuits to Shivu and thereafter sent the appellant and the child away. Although it is contended by the appellant that PW8 did not support the prosecution case in every particular, her evidence materially establishes the following two circumstances:



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*(i) The appellant and the deceased were together;
and,*

*(ii) The child was in the company of the appellant
during the relevant period.*

The presence of the appellant with the child shortly before the occurrence is an important circumstance in this case.

12. PW.1-Leela also stated that the appellant came home along with his son, Shivu. She further stated that biscuits and juice were given to the child. The evidence of PWs.1 and 8, when read together, supports the circumstance that the appellant was accompanying the deceased child during the relevant period. The evidence of PW.1 cannot be discarded in its entirety merely because she has not supported the prosecution case on every aspect. The Court is entitled to rely upon those portions of her evidence which are material, reliable and consistent with the other material on record.



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13. The evidence of PW.3-Krishnappa, an independent witness, is material to the prosecution case. PW.3 stated that, at about 1.30 p.m. to 2.00 p.m., when he had gone to Naguvanahalli Circle to have tea, he saw the appellant walking with his son, Shivu. PW.3 further stated that the appellant was beating the child on the road with his hands. When PW.3 requested the appellant not to assault the child, the appellant replied, in substance, that the child was his and that he would do as he wished. PW.3 further stated that, when asked as to why he had come to Naguvanahalli, the appellant stated that he had come to the house of PW8-Radhamma. PW.3 further deposed that, at about 4.00 p.m. to 4.30 p.m., the appellant took the child towards Brahmapura.

14. On the following day, somebody informed PW.3 near the tea shop that a dead body had been found in the property of one Sunanda. PW.3 is an independent witness. He is a resident of Naguvanahalli Village, where the houses of PWs.1 and 8 are situated and where the



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appellant had come along with his son. There is nothing on record to suggest that PW.3 had any animosity or ill-will against the appellant. The fact that PW.3 was treated as hostile in respect of certain portions of his testimony does not wipe out his entire evidence from the record. The testimony of a witness who has been treated as hostile is not required to be rejected in its entirety. The Court is entitled to rely upon that portion of the evidence which is found to be reliable and consistent with the other material on record. In the present case, the material portion of the evidence of PW.3 relating to the presence of the appellant with the child and the assault remains relevant and receives support from the evidence of PWs.1 and 8, the medical evidence and the seizure proceedings.

15. The evidence of PW.3 is also relevant to the last-seen circumstance. The deceased was last seen alive in the company of the appellant. PW.3 had seen the appellant assaulting the child. Thereafter, the child was found dead with multiple injuries. The proximity between



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the last-seen circumstances, the assault witnessed by PW.3 and the subsequent discovery of the dead body forms a significant link in the chain of circumstances.

16. MOs.1 and 2, namely, the T-shirt and pants, were seized from the house of the appellant. The seizure is spoken to by PWs.6 and 7. The relevance of the seizure is further supported by Ex.P15, the voluntary statement of the accused, wherein he stated that he would lead the police to the place where he had murdered his son and to the clothes worn by him. The seizure evidence constitutes a corroborative circumstance when considered along with the other evidence on record.

17. The absence of proof of motive is not, by itself, sufficient to dislodge the prosecution case when the other circumstances establish the involvement of the accused. Motive may constitute a relevant circumstance, but it is not an indispensable requirement in every case where the prosecution has otherwise established the occurrence and



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the involvement of the accused through cogent and reliable evidence. In the present case, the material circumstances are sufficient to connect the appellant with the death of the deceased, independent of any further proof of motive. Therefore, the failure of the prosecution to establish motive is not fatal.

18. Section 106 of the Indian Evidence Act, 1872, does not relieve the prosecution of its primary burden of proving its case. However, once the prosecution establishes the foundational circumstances that the appellant was in the company of the deceased, was seen assaulting him and that the child was thereafter found dead with multiple injuries, the circumstances surrounding the death would fall particularly within the knowledge of the appellant.

19. The accused, in his statement recorded under Section 313 of the Code of Criminal Procedure, 1973, has not furnished any plausible explanation regarding the fatal



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injuries sustained by his son or the circumstances under which the child died. Such failure to explain the incriminating circumstances constitutes an additional link in the chain of circumstances. It is not treated as a substitute for the evidence adduced by the prosecution but has been considered in the overall assessment of the case.

20. From the above discussion, the following links in the chain of circumstances are continuous and complete:

- (i) The presence of the appellant with the deceased shortly before the occurrence;*
- (ii) The last-seen circumstance;*
- (iii) The direct evidence of assault spoken to by PW3;*
- (iv) The subsequent discovery of the dead body;*
- (v) The medical evidence regarding the injuries; and,*
- (vi) The seizure proceedings and the statement attributed to the accused.*



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21. On a cumulative assessment of the evidence on record, the prosecution has established the following circumstances:

- (i) Shivu died a homicidal death;*
- (ii) The appellant was in the company of the deceased shortly before the occurrence;*
- (iii) PW.3 witnessed the appellant assaulting the child;*
- (iv) The appellant thereafter proceeded with the child towards the relevant locality;*
- (v) The deceased was subsequently found dead with multiple injuries consistent with an assault on agricultural land;*
- (vi) The medical evidence corroborates the nature and manner of the injuries; and,*
- (vii) MOs.1 and 2 were seized during the course of investigation pursuant to the statement attributed to the accused.*



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22. The aforesaid circumstances are consistent with the guilt of the appellant. The last-seen circumstance, the evidence relating to the assault, the medical evidence, the discovery of the dead body and the corroborative seizure evidence, when considered cumulatively, form a complete and unbroken chain of circumstances pointing towards the guilt of the appellant in causing the death of his son. The prosecution has, therefore, established the guilt of the appellant beyond reasonable doubt.

23. The evidence on record further establishes that, after causing the death of the deceased, the appellant concealed the dead body with the intention of causing disappearance of the evidence of the offence and thereby screening himself from legal punishment. The act of concealment, viewed in the light of the other proved circumstances, establishes the ingredients of the offence punishable under Section 201 of the IPC. The conviction of



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the appellant for the offences punishable under Sections 302 and 201 of the IPC is, therefore, justified.

24. Upon reappraisal of the entire evidence on record, we find that the findings recorded by the learned Trial Court are based on proper appreciation of the evidence and are supported by cogent and convincing reasons. We find no error, illegality or perversity in the judgment of conviction and order of sentence warranting interference in exercise of appellate jurisdiction. Accordingly, the point for consideration is answered in the ***negative***. Hence, we proceed to pass the following:

ORDER

The Criminal Appeal is ***dismissed***.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

Sd/-
(B.PRAMOD)
JUDGE