



CNR: KAHC010292452019

NC: 2026:KHC:48389
CRL.A No. 1722 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 7TH DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE G BASAVARAJA
CRIMINAL APPEAL NO. 1722 OF 2019 (378(CR.PC) /
419(BNSS))

BETWEEN:

THE STATE OF KARNATAKA
RURAL POLICE,
CHIKKAMAGALUR,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-01.

...APPELLANT

(BY SRI. K. NAGESHWARAPPA, HCGP.)

AND:

1. CHANDAN
S/O. BASAVEGOWDA
AGED ABOUT 28 YEARS,
2. SRI. CHETHAN
S/O. BASAVEGOWDA
AGED ABOUT 30 YEARS,
3. SRI. CHANDRAMMA
W/O. BASAVEGOWDA
AGED ABOUT 50 YEARS,

ALL ARE RESIDING AT
NARAGANAHALLI VILLAGE,
HIREKOLALE POST,
CHIKKAMAGALURU TALUK -577101

...RESPONDENTS



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(BY SRI. P P HEGDE, SENIOR COUNSEL FOR
SRI. DHANUSH D. RAJ A/W SRI. KEDARNATH K. HANDRAL,
ADV'S FOR R1 TO R3.)

THIS CRL.A IS FILED U/S.378(1)AND (3) CR.P.C PRAYING
TO GRANT LEAVE TO APPEAL AGAINST THE JUDGMENT AND
ORDER DATED 05.04.2019 ON THE FILE OF THE II
ADDITIONAL DISTRICT AND SESSIONS JUDGE,
CHIKKAMAGALURU IN CRL.A.NO.131/2017 ACQUITTING THE
RESPONDENTS/ACCUSED FOR THE OFFENCES P/U/S
323,324,504 R/W 34 OF IPC.

THIS APPEAL, COMING ON FOR FINAL HEARING, THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

1. The State has preferred this appeal against the
judgment of acquittal passed by the II Addl. District and
Sessions Judge at Chikkamagaluru in Crl.A No.131/2017
dated 05.04.2019.

2. For the sake of convenience, the parties herein
are referred to as per their status before the trial Court.

3. Brief facts leading to this appeal are that on
30.08.2014 at 09.30 a.m. in front of the house of accused
Nos.1 to 3, Naraganahalli Village, Chikkamagaluru Taluk,
the accused questioned CW1-Asha while he came there



and abused her in filthy language. The accused also abused CW2-Manje Gowda in filthy language. Accused No.3 assaulted CW1-Asha with hands on her chest and back. Accused No.1 also assaulted CW2 on his leg and waist. Accused No.2 has outraged the modesty of CW1-Asha, he also assaulted CW2 with club on his back. Thus the accused have committed alleged offences.

4. After filing the charge-sheet cognizance was taken by the learned Magistrate and the case was registered in CC No.192/2015. Accused appeared before the trial Court and were enlarged on bail.

5. Upon hearing on charges, the trial Court has framed charges for the offences punishable under Section 323, 324, 354(b), 504 read with Section 34 of IPC and the same were read over and explained to the accused. Having understood the charges, Accused have pleaded not guilty and claimed to be tried.



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6. To prove the guilt of the accused, in all, 10 witnesses were examined as PW1 to PW10. 5 documents were marked as Exs.P1 to P5. one club was marked as MO.1. On closure of prosecution side evidence, statements of the accused under Section 313 of Code of Criminal Procedure were recorded. The accused have totally denied the evidence of prosecution witnesses. In his statement under Section 313 of Code of Criminal Procedure, accused No. 1 has stated that the complainant and her father and brother came to the house and made galata near their house. Hence, they have filed a complaint against them and to take revenge, false case is filed against them. Accused No. 2 has stated that on that day, he was not in the house, even then false case is filed against him. Accused No.3 has stated that complainant, her father and brother came to her house and made galata. Hence, she filed a complaint before the police. The accused did not choose to lead any defence evidence on their behalf.



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7. Having heard the arguments on both sides. The trial Court has acquitted the accused for the offences punishable under Section 354(B) read with Section 34 of IPC and convicted the accused for the offences punishable under Sections 323, 324 and 504 read with Section 34 of IPC and passed a sentence to undergo simple imprisonment for a period of three months for the offence punishable under Section 324 read with Section 34 of IPC. They are sentenced to pay fine of Rs.1,000/- each for the offence punishable under Section 323 of IPC and in default of payment of fine, shall further undergo imprisonment for a period of 10 days. They are further sentenced to pay fine of Rs.1,000/- each for the offence punishable under Section 504 of IPC, in default of payment of fine, they further undergo imprisonment for a period of 10 days.

8. Being aggrieved by the judgment of conviction and order on sentence, the appellants preferred the appeal before the II Addl. District and Sessions Judge, Chikkamagaluru in Crl.A No.131/2017 and the same came



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to be allowed on 05.04.2019. In view of the judgment passed by the first Appellate Court, accused Nos.1 to 3 are acquitted for the offences punishable under Sections 323, 324, 504 read with Section 34 of IPC.

9. Being aggrieved by this judgment of acquittal passed by the first Appellate Court, the State has preferred this appeal.

10. The learned High Court Government Pleader, Sri K.Nageshwarappa would submit that the judgment of acquittal passed by the first Appellate Court is illegal, improper and contrary to law. PW1 to PW3 material witnesses, have deposed as to the alleged incident. PW8 is the doctor, has deposed as to the treatment given by him to the injured witnesses and also issuance of wound certificates as per Exs.P4 and P5. Considering the evidence of the prosecution witnesses, the trial Court has rightly convicted the accused for the offences punishable under Sections 323, 324, 504 read with Section 34 IPC. But the



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First Appellate Court has not assigned proper reasons to reverse the judgment of conviction. The First Appellate Court has not properly appreciated the evidence on record in accordance with the facts. On all these grounds, sought for allowing this appeal.

11. As against this, learned Senior Counsel, Sri P.P.Hegde appearing for counsel for respondents, would submit that the trial Court has not properly appreciated the evidence on record in accordance with law and facts. The Appellate Court has properly appreciated the evidence of each material witnesses and acquitted the accused and absolutely that there are no grounds to interfere with the impugned judgment of acquittal passed by the first Appellate Court and sought for dismissal of this appeal.

12. Having heard the arguments on both sides and on perusal of materials, the following points would arise for my consideration:



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1. Whether the First Appellate Court has committed an error in reversing the judgment of conviction into acquittal?

2. What order?

REASONS:

13. I have examined the materials placed before this Court. The Investigating Officer has submitted the charge-sheet against the accused for the commission of offence punishable under Section 323, 324, 354B and 504 read with 34 of IPC. It is alleged by the prosecution that on 30.08.2014 at 09.30 a.m. in front of the house of accused Nos.1 to 3, Naraganahalli Village, Chikkamagaluru Taluk, the accused questioned CW1-Asha while he came there and abused her in filthy language. The accused also abused CW2-Manje Gowda in filthy language. Accused No.3 assaulted CW1-Asha with hands on her chest and back. Accused No.1 also assaulted CW2 on his leg and waist. accused No.2 has outraged the modesty of CW1-



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Asha. accused No.2 assaulted CW2 with club on his back. Thus the accused have committed alleged commission of offences.

14. The trial Court has acquitted the accused for the offences punishable under Section 354(b) read with 34 of IPC. The State or the victim have not preferred any appeal against the acquittal of the accused by the trial Court for the offence punishable under Section 354(b) read with Section 34 of IPC.

15. With regard to the offences punishable under Sections 323, 324, 504 read with 34 of IPC are concerned. The trial Court has convicted the accused for offences punishable under Sections 323, 324, 504 read with 34 of IPC. But the first Appellate Court has acquitted the accused for the aforesaid offences.

16. This case arise out of the complaint filed by PW1-Asha as per Ex.P1 which reads as under:



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"ನಾನು ಈಗ ೨ ತಿಂಗಳಿಂದ ಜಿಕ್ಕಮಗಲೂರು **KSRTC** ಡಿಪೋದಲ್ಲಿ ಕಂಪ್ಯೂಟರ್ ಅಪರೇಟರ್ ಆಗ ಕೆಲಸ ಮಾಡಿಕೊಂಡಿರುತ್ತೇನೆ. ನರಗನಹಳ್ಳಿ ವಾಸಿಯಾದ ಬಸವೇಗೌಡರ ಮಗನಾದ ಚಂದನ ಎಂಬುವವನ ಪರಿಚಯವಾಗಿ ಕಳೆದ ವರ್ಷದ ಸಾಲಿನಲ್ಲಿ ನನ್ನನ್ನು ಕ್ಷೀತಿಸಿ ಮದುವೆ ಆಗುತ್ತೇನೆಂದು ನಂಜನಿ ನನ್ನನ್ನು ಅನುಭವಿಸಿ ಮತ್ತೆ ಮದುವೆ ಆಗುವುದಿಲ್ಲವೆಂದು ಮೋಸ ಮಾಡಿದ್ದು ಈ ಬಗ್ಗೆ ಕಳೆದ ವರ್ಷ ಅಕ್ಟೋಬರ್ ತಿಂಗಳಿನಲ್ಲಿ ಗ್ರಾಮಾಂತರ ಪೊಲೀಸ್ ಠಾಣೆಗೆ ನಾನು ದೂರು ನೀಡಿದ್ದು ಈ ಬಗ್ಗೆ ಚಂದನ್ ಬಗ್ಗೆ ಪೊಲೀಸರು ಕೇಸ್ ದಾಖಲು ಮಾಡಿದ್ದರು. ಈಗ ಕೇಸ್ ವಿಚಾರಣೆ ಹಂತದಲ್ಲಿದ್ದು, ಈಗ ಚಂದನನು ನನಗೆ ಆಗಾಗ್ಗೆ ಡಿಪೋ ಬಳಿ ಬಂದು ಕೇಸ್ ರಾಜಿ ಮಾಡಿಕೊಟ್ಟೇನು ವಾಪಸ್ ತೆಗೆದುಕೊಂಡು ನಾನು ಮದುವೆ ಆಗುತ್ತೇನೆ ಎಂದು ಹೇಳಿದ್ದು ಆಗಾಗ್ಗೆ ಅವರ ಮನೆಯ ಮೊಬೈಲ್ ನಂಬರ್ 9663002157 ರ ಮೊಬೈಲ್‌ನಿಂದ ನನಗೆ ಮೆಸೇಜ್ ಮಾಡುತ್ತಿದ್ದು, ನನ್ನೆ ದಿವಸ ದಿನಾಂಕ 29-8-2014 ರಂದು ರಾತ್ರಿ ಸುಮಾರು ಹತ್ತು ಗಂಟೆಯ ಸಮಯದಲ್ಲಿ ಅವರ ಮನೆಯ ಮೊಬೈಲ್‌ನಿಂದ ನನಗೆ ಮೆಸೇಜ್ ಮಾಡಿ ಬೆಳಗ್ಗೆ ಬೋಲಿ ರಾಮೇಶ್ವರ ದೇವಸ್ಥಾನಕ್ಕೆ ಬರಲು ತಿಳಿಸಿದ, ನಾನು ಅವನು ನನ್ನನ್ನು ಮದುವೆ ಆಗಬಹುದೆಂದು ಈ ದಿವಸ ದಿನಾಂಕ 30-8-2014 ರಂದು ಬೆಳಗ್ಗೆ 8:00 ಗಂಟೆಗೆ ಬೋಲಿ ರಾಮೇಶ್ವರಕ್ಕೆ ಬಂದೆ ಚಂದನನು ದೇವಸ್ಥಾನದ ಒಳಗೆ ಕರೆದುಕೊಂಡು ಹೋಗಿ ಅಲ್ಲಿನ ಕೊಂಬನ್ನು ನನ್ನ ಕೊಠಡಿಗೆ ಕಟ್ಟಿದ, ಸದ್ಯಕ್ಕೆ ನನ್ನನ್ನು ಈ ಲೀತಿ ಮದುವೆಯಾಗಿದ್ದೇನೆ, ಮುಂದೆ ಮನೆಯವರ ಒಪ್ಪಿಗೆ ಪಡೆದು ಶಾಸ್ತ್ರ ಪ್ರಕಾರ ಮದುವೆ ಆಗುತ್ತೇನೆ ಎಂದು ತಿಳಿಸಿದ, ನಂತರ ಯಾರೋ ಸ್ನೇಹಿತರು ಬಂದರೆಂದು ತಿಳಿಸಿ ನನಗೆ ನನ್ನ ತಂದೆಯೊಂದಿಗೆ ಮನೆಗೆ ಬರಲು ತಿಳಿಸಿಹೋದ, ನಂತರ ನಾನು ನನ್ನ ತಂದೆಗೆ ವಿಷಯ ತಿಳಿಸಿ ನಂತರ ನಾನು ನನ್ನ ತಂದೆಯವರ ಜೊತೆಯಲ್ಲಿ ಹಾಗೂ ನನ್ನ ತಮ್ಮ ವೇದಮೂರ್ತಿ ಮತ್ತು ನಮ್ಮ ಗ್ರಾಮದ ವಾಸಿ ರಾಧಾ ಮತ್ತು ಕೆಂಪನಹಳ್ಳಿ ವಾಸಿ ಉಮೇಶ ರವರ ಸಂಗಡ ನರಗನಹಳ್ಳಿಗೆ ಚಂದನ್ ಮನೆಯ ಬಳಿ ಈ ದಿವಸ ಬೆಳಗ್ಗೆ 9.30 ಗಂಟೆಗೆ ಹೋದೆವು. ನಮ್ಮನ್ನು ಮನೆಯ ಮುಂಭಾಗ ಬಂದದ್ದನ್ನು ನೋಡಿ ಚಂದನನ ತಾಯಿ ಚಂದ್ರಮ್ಮ ಮತ್ತು ಚಂದನನ ಅಣ್ಣ ಚೇತನ ಹಾಗೂ ಚಂದನ ರವರು ಏಕಾಏಕಿ ಬೇವರ್ನಿ ಮುಂಡೆ ಇಲ್ಲಗೆ ಯಾಕೆ ಬಂದಿದ್ದೀಯ ಎಂದು ಭೈಯ್ದಲ್ಲದೇ ನನಗೆ ಚಂದ್ರಮ್ಮರವರು ಕೈಯಿಂದ ಎದೆಗೆ, ಬೆನ್ನಿಗೆ ಹೊಡೆದುದಲ್ಲದೆ, ಚೇತನನು ನನ್ನನ್ನು ಎಳೆದಾಡಿದ, ನಂತರ ನನ್ನ ತಂದೆಗೆ ಚೇತನನು ದೊಣ್ಣೆಯಿಂದ ಬೆನ್ನಿಗೆ ಹೊಡೆದಿರುತ್ತಾನೆ. ಚಂದನನು ಏನೋ ಸೂಳೆ ಮಗನೆ ಎಂದು ನನ್ನ ತಂದೆಯ ಸೊಂಟಕ್ಕೆ ಕಾಳಿನಿಂದ ಹೊಡೆದಿರುತ್ತಾನೆ. ನಮ್ಮ ಕುರಾಟ ಕೇಳಿ ನಮ್ಮ ಜೊತೆಯಲ್ಲಿ ಬಂದಿದ್ದ ಉಮೇಶ, ರಾಧಾ ಹಾಗೂ ಇತರರು ನೇರ ಜಗಳ ಜಡಿಸಿ ವಾಪಸ್ ಕರೆದುಕೊಂಡು ಬಂದರು ಆ ಸಮಯದಲ್ಲಿ ನನ್ನ ತಮ್ಮ ವೇದಮೂರ್ತಿಯ ಮೊಬೈಲ್ ಜಿದ್ದು ಹೋಗಿರುತ್ತೆ ನಾನು



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ಜಿಕ್ಕಿತ್ತೆಯ ಬಗ್ಗೆ ಅಸ್ವತ್ತಿಗೆ ದಾಖಲಾಗಿದ್ದು ಜಿಕ್ಕಿತ್ತೆ ಪಡೆಯುತ್ತಿರುತ್ತೇನೆ ನನಗೆ ತಾಳ ಕಟ್ಟದಂತೆ
ಮಾಡಿ ಮನೆಗೆ ಬರಲು ತಿಳಿಸಿ ಮನೆಯ ಬಳಿ ಬಂದ ನನಗೂ ಮತ್ತು ನನ್ನ ತಂದೆ
ಮಂಜೇಗೌಡಲಗೂ ಅವಾಜ್ವಾಣಿ ಬೈದು ಹೊಡೆದು ಗಾಯಗೊಳಿಸಿದ, ಮೇಲ್ಕಂಡವರು ನನಗೆ
ಅವಮಾನ ಮಾಡಿದ ಮೇಲ್ಕಂಡವರ ಮೇಲೆ ಕಾನೂನು ಕ್ರಮಕ್ಕಾಗಿ ಕೋರುತ್ತೇನೆ."

17. As per this complaint accused No.3-
Chandramma assaulted with hands to PW1 on her back
and her chest. Accused No.2-Chethan has dragged PW1
then accused No.2 assaulted to father of PW1-Asha on his
back.

18. PW1 - Asha has deposed in her evidence that
accused No.3 assaulted with hands on her back and torn
her clothes. His younger brother has Videographed the
same. Accused No.2 questioning the same and till the
deletion of the said videograph accused Nos.1 and 2
assaulted to his younger brother. When she intervened to
separate clash, accused No.2 also assaulted him and torn
her clothes. Accused No.2 gave blow to the father of PW1
with club and also assaulted her father on his waist.



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19. PW2-Manjegowda the father of PW1 has deposed that accused Nos.1 and 2 assaulted to CW1 on her back and head. Accused No.2 dragged his daughter. When he intervened to separate the clash, accused No.2 gave blow to him with club(MO1) on his back.

20. PW4-Vedamurthy who is none other than the younger brother of PW1, has deposed in his evidence that accused No.1 had dragged PW1. Accused No.2 gave blow to his father-CW2 with club on his back and legs. Accused Nos.1 and 2 assaulted to him on his back and head and also threatened his life and started to videograph from his mobile. The accused snatched the mobile.

21. PW5-Radha said to be the eye-witness, has deposed that on the date of incident, accused Nos.1 and 2 assaulted CW2 with club on his waist and legs. Accused Nos.1 and 2 also assaulted CW5-Vedamurthy, he and CW6 intervened and separated the clash. Accused No.3-Chandramma dragged CW1 by holding her hair.



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22. PW6-Prabhakar Raj has deposed as to the registration of the complaint in Crime No.364/2014 and submitted the FIR to the Jurisdictional Court.

23. PW7-Rakesh, PSI has deposed as to the investigation conducted by him.

24. PW8-Dr.Ramesh has deposed as to the treatment extended to the injured and the injuries as per Ex.P4 and also deposed as to the opinion given by him as per Ex.P5.

25. PW9-Eshwar said to be attester to the panchanama and another pancha PW3-Ranganatha have deposed as to the mahazar as per Ex.P2 and also seizure of MO1.

26. PW10-Umesha who is the hear-say witness, has partly supported to the case of the prosecution.

27. A careful examination of the entire evidence on record, make it crystal clear that accused No.3-



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Chandramma gave blow to PW1 with hands on her chest and back. Accused No.2-Chethan dragged PW1. Accused No.2 gave blow to father of PW1 with club on his back.

28. On careful examination of the entire evidence on record, I do not find consistency in the evidence of prosecution witnesses and also the contents of complaint-Ex.P1. PWs1, 2, 4 and 5 have exaggeratedly deposed before this Court that the accused Nos.1 and 2 are assaulted to PW2 with club.

29. The material witnesses also not been substantiated with medical evidence. Ex.P4 the wound certificate pertaining to PW1-Asha reveals that she has sustained following injuries.

1. *Abrasion over center of chest (sternum)
under 6 cm long red in colour.*

2. *Abrasion over right scapular region of back
measuring 6 cms linear 3 in number red in colour.*

30. Doctor has opined that the injuries are simple in nature and also deposed that the name of the accused



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also not shown in the wound certificate. PW8 Dr. Ramesh has not whispered anything against this accused. He has also not explained as to why he has not disclosed the name of the accused who has assaulted PW1-Asha. The evidence of PW1 and contents of Ex.P1 are not consistent to the injuries shown in wound certificate-Ex.P4.

31. Ex.P5 is the Medical Certificate pertaining to PW2-Manje Gowda, which reveals that he was admitted to the hospital with the history of assault and he has not suffered any injuries. He was admitted to the hospital with the complaint of pain and tenderness over back. The name of the accused also not disclosed by him before the Medical Officer. The doctor has also not whispered anything against these accused. The doctor has not explained anything as to non-disclosure of the name of accused in the wound certificate.

32. The alleged weapon, i.e., MO1 said to have been used for the commission of offence, is and also not



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disclosed in the wound certificate. If really the accused assaulted PW2 with Club-MO1, as alleged by the prosecution, he would have sustained more injuries. But, except tenderness, as stated by PW2 before the doctor, absolutely that there are no injuries found on the body of PW2.

33. Viewed from any angle, absolutely that there are no cogent, convincing or corroborative, trustworthy evidence to constitute the offence under Section 323, 324 read with 34 of IPC.

34. With regard to the offence under Section 504 read with Section 34 of IPC is concerned. Absolutely there is no evidence to constitute the offence under said section. PW1 has stated that the accused has abused her in filthy language like 'Beverisi Munde'. Mere abuse as 'Beverisi Munde' alone, is not sufficient to come to the conclusion that the accused has committed the offence punishable under Section 504 of IPC. To prove the guilt of the



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accused for the offence punishable under Section 504 read with 34 of IPC, the prosecution has to prove the following ingredients.

(a) Essential Ingredients.- *An offence under this section has following essential ingredients:*

(i) Intentionally insulting a person and thereby giving provocation to him.

(ii) The person insulting must intend or know it to be likely that such provocation will cause him to break the public peace or to commit any other offence.

35. In the case on hand, there are no evidence to prove the aforesaid essential ingredients to constitute the offence under Section 504 read with Section 34 of IPC.

36. Viewed from any angle, I do not find any legal or factual error to interfere with the judgment of acquittal passed by the first Appellate Court. Considering the facts and circumstances of the case and also keeping in the mind of the Judgment of Hon'ble Apex Court in the Case of



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CONSTABLE 907 SURENDRA SINGH AND ANOTHER v. STATE OF UTTARAKHAND reported in (2002)5 SCC 433; BABU SAHEBGOU DA RUDRAGOUDAR AND OTHERS v. STATE OF KARNATAKA reported in (2024)8 SCC 149; in the case of CHANDRAPPA v. STATE OF KARNATAKA reported in (2007)4 SCC 415, in which principles governing exercise of appellate jurisdiction while dealt with, I am of the considered opinion that, the prosecution has failed to prove the guilt of the accused beyond all reasonable doubt. Accordingly, I answer point No.1 in the ***Negative.***

37. For the foregoing reasons and discussions, I proceed to pass the following:

ORDER

Appeal is ***dismissed.***

Sd/-
(G BASAVARAJA)
JUDGE