



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 680 OF 2013 (C)

BETWEEN:

G. R. ARUN KUMAR,
S/O RENUKA,
AGED ABOUT 32 YEARS,
R/AT NO.36,
1ST CROSS
1ST MAIN ROAD,
BAZAAR STREET,
UDAYANAGAR,
BANGALORE – 560 016.

Digitally
signed by
SUSHMA
LAKSHMI
B S
Location:
High Court
of
Karnataka

...APPELLANT

(BY SRI. M SHASHIDHARA, ADVOCATE)

AND:

STATE OF KARNATAKA ,
BY K R PURAM P.S.



BANGALORE – 560 036.

...RESPONDENT

(BY SRI. M. V. ANOOPKUMAR, HCGP)

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 374(2) OF THE CODE OF CRIMINAL PROCEDURE BY THE ADVOCATE FOR THE APPELLANT PRAYING TO SET ASIDE THE JUDGMENT OF CONVICTION DATED 27.06.2013, PASSED BY THE XLV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU, IN S.C.NO.225/2010, CONVICTING THE APPELLANT/ACCUSED FOR THE OFFENCE PUNISHABLE UNDER SECTION 498A AND 304B OF INDIAN PENAL CODE.

THIS CRIMINAL APPEAL, COMING ON FOR DICTATING ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



ORAL JUDGMENT

1. This criminal appeal is filed by the appellant/accused, being aggrieved by the judgment of conviction and order on sentence dated 27.06.2013 passed in S.C.No.225/2010 by the XLV Additional City Civil and Sessions Judge, Bengaluru (CCH.46), for the offence punishable under Sections 498A and 304B of Indian Penal Code (for short, 'IPC').
2. The rank of the parties will be considered henceforth as per their rankings before the Trial Court.

Factual matrix of the case:

3. The case of the prosecution is that the accused married the deceased Smt. Ananya Suraksha, sister of C.W.1, on 28.04.2008. At the time of marriage, it is alleged that the accused had received dowry of Rs.50,000/- cash and 15 tholas of gold. After the marriage, the deceased and the accused were residing at Udayanagar, within the limits of K.R. Puram police station. The deceased was working as a Computer Operator at K.S.R.T.C. and the accused was taking all the benefits thereof.



4. It is further alleged that the accused used to harass the deceased, both mentally and physically, demanding her to bring additional dowry an amount of Rs.1,00,000/-. As she could not meet the illegal demands of the accused, the deceased had committed suicide on 28.10.2009. Therefore, the complaint. Based on the complaint, the respondent - police have registered a case, conducted investigation and submitted the charge sheet.
5. In order to prove the case of the prosecution, the prosecution examined fifteen witnesses as PWs.1 to 15 and got marked 13 documents as Exs.P1 to P13 and also three material objects identified and marked as M.Os.1 to 3. On the contrary, the accused got examined two witnesses as D.Ws.1 and 2 and got marked two documents as Exs.D1 and D2. The Trial Court, after appreciating both oral and documentary evidence on record, recorded the conviction against the accused for the aforesaid offences.
6. Heard learned counsel Sri. M. Shashidhara, learned counsel for the appellant and Sri. M.V. Anoopkumar,



learned High Court Government Pleader for the respondent – State.

7. The submission of the learned counsel for the appellant is that the judgment of conviction and order on sentence passed by the Trial Court is erroneous and contrary to the evidence on record. Therefore, the same is liable to be set aside.
8. It is further submitted that the Trial Court has not appreciated the evidence properly, especially the evidence of PWs.1 to 4, who are the relatives of the deceased. The independent witnesses, namely, CWs.7 and 8, have not supported the case of the prosecution in respect of the alleged harassment. Moreover, there is a delay of seven hours in lodging the complaint, which is fatal to the case of the prosecution. However, the same has not been considered by the Trial Court.
9. It is further submitted that the alleged demand of dowry has not been proved by the prosecution. In the absence of evidence in respect of demand of dowry, recording the



conviction by assuming that the accused had demanded dowry and that, on account of the said demand, the deceased committed suicide is erroneous and arbitrary. Therefore, the judgment of conviction and order on sentence rendered by the Trial Court has to be set aside. Making such submission, the learned counsel for appellant prays to allow the appeal.

10. *Per contra*, learned High Court Government Pleader for the respondent vehemently justified the judgment of conviction and order on sentence and stated that the marriage between the deceased and the accused is admitted and the death has occurred within seven years from the date of marriage. PWs.1 to 4, who are the witnesses and family members of the deceased, are consistent in respect of demand of dowry at the time of marriage and even after the marriage. The death has occurred in the matrimonial house. Having considered the evidence on record properly, the Trial Court rendered the conviction and there is no irregularity in appreciating the evidence. Therefore, the appeal deserves to be



dismissed. Making such submissions, learned High Court Government Pleader for the respondent prays to dismiss the appeal.

11. Having heard learned counsel for the respective parties and on perusal of the findings of the Trial Court, it is relevant to advert to the proposition of law in respect of the provision under Section 304B of IPC. The main ingredients which are required to be looked into are:

- a) Soon before the death of the deceased, she was subjected to cruelty and harassment in connection with demand of dowry.
- b) The death of the deceased was caused by any burn or bodily injury or some other circumstance which was not normal.
- c) Such death occurs within seven years from the date of marriage.
- d) That the victim was subjected to cruelty or harassment by her husband or any relatives of her husband.
- e) Such cruelty or harassment should be for or in connection with demand of dowry.



12. The Hon'ble Supreme Court in a plethora of judgments, opined that, "soon before her death" means the interval between cruelty and death should not be much. There must be existence of a proximate and live link between the effect of cruelty based on the dowry demand and the death concerned.
13. Regard being had to the ratio laid down by the Hon'ble Supreme Court as stated supra, now it is relevant to refer the evidence of the material witnesses relevant for the disposal of this appeal. PWs.1 to 4 are the material witnesses and also interested witnesses and it is required to analyze their evidence for the purpose of re-appreciation.
14. P.W.1 is the brother of the deceased. As per his evidence, there was a demand of Rs.1,00,000/- and 20 tholas of gold and a bike at the time of marriage. However, he stated that Rs.50,000/- and 15 tholas of gold were given as dowry at the time of marriage. He further stated that his sister was happy in her matrimonial home till six months from the date of



marriage and there was a constant demand of dowry by the accused. Therefore, one acre of landed property was gifted to the deceased in Sy.No.44-B of Gopannahalli village, Davanagere District. In spite of the said gifted property, the accused used to harass the deceased for the purpose of bringing additional dowry. Even though P.W.1 withstood the cross-examination, the fact remains that he neither convened any panchayath nor lodged any complaint before the police regarding the alleged demand for additional dowry. Therefore, the evidence of P.W.1 appears to be unnatural and cannot be accepted. However, the Trial Court committed error in relying on the evidence of this witness. Hence, the evidence of P.W.1 cannot be accepted as reliable.

15. P.W.2, P.W.3 and P.W.4 are the mother and brothers of the deceased. The mother of the deceased has stated in her evidence that an additional dowry of Rs.1,00,000/- was demanded by the accused and it was paid through her younger son. The other two witnesses also endorsed the said statement. However, these witnesses are



interested witnesses and there are no independent witnesses to establish that additional dowry of Rs.1,00,000/- was paid on demand. Moreover, these witnesses are hearsay witnesses to the alleged cruelty and harassment. No efforts have been made either to conduct a panchayath or to lodge a complaint before the police to set right the alleged issue that existed between the deceased and the appellant. Therefore, their evidence does not hold any credibility in respect of cruelty and harassment.

16. The evidence of independent witness namely, P.W.11, who is stated to be the resident of the opposite house of the deceased, shows that she has turned hostile in respect of alleged cruelty and harassment.
17. Having considered the evidence of these material witnesses, I am of the considered opinion that the ingredients of Section 304B of IPC would not get attracted. However, the Trial Court has failed to take note of these facts and has rendered the conviction for the offences stated supra, which is liable to be set aside.



18. In the light of the observations made above, I proceed to pass the following:

ORDER

- i) The Criminal Appeal is *allowed*.
- ii) The judgment of conviction and order on sentence dated 27.06.2013 passed in S.C.No.225/2010 by the learned XLV Additional City Civil and Sessions Judge, Bengaluru City (CCH.46), for the offences punishable under Sections 498A and 304B of IPC is set aside.
- iii) The accused is acquitted for the offences punishable under Sections 498A and 304B of IPC.
- iv) Bail bonds executed, if any, stand cancelled.

**Sd/-
(S RACHAIAH)
JUDGE**