

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 29<sup>TH</sup> DAY OF AUGUST, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ**

**AND**

**THE HON'BLE MR. JUSTICE G BASAVARAJA**

**CRIMINAL APPEAL NO.551 OF 2018**

**BETWEEN:**

THE STATE BY J.C. NAGAR POLICE STATION,  
BANGALORE,  
REPRESENTED BY STATE PUBLIC PROSECUTOR,  
BANGALORE-01.

...APPELLANT

(BY SRI. RANJITH KUMAR N., HCGP)

**AND:**

1. SMT. REHATH JAN,  
WIFE OF MEHMOOD KHAN,  
AGED ABOUT 65 YEARS,

2. MEHMOOD KHAN  
WIFE OF MASOOM KHAN,  
AGED ABOUT 75 YEARS,

BOTH ARE R/AT NO.5, HARRIS ROAD,  
BENSON TOWN, BANGALORE - 560046.

3. SMT. NAVEEDA KHANUM @ NAVEEDA,  
WIFE OF SUHALL BAIG,  
AGED ABOUT 45 YEARS,  
R/AT 2<sup>ND</sup> CROSS, MILLERS ROAD,  
BENSON TOWN, BANGALORE - 560046.

...RESPONDENTS

(BY SRI. IRSHAD AHMED K., ADV. FOR R-1 TO R-3,  
V/O DATED: 23.02.2026 SRI. VENKATESH PRASAD G., ADV.  
FOR SMT. MEDHA HEGDE, ADV. FOR COMPLAINANT.)

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 DATED 28.09.2017 PASSED IN S.C.NO.518/2011 C/W S.C.NO.1357/2011 ON THE FILE OF XLV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-46) THEREBY ACQUITTING THE ACCUSED/RESPONDENTS FOR THE OFFENCE P/U/S 498(A) AND 304(B) R/W 34 OF IPC.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 10.08.2026 AND COMING ON FOR "PRONOUNCEMENT OF ORDERS" THIS DAY, THE COURT, DELIVERED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ  
and  
HON'BLE MR. JUSTICE G BASAVARAJA

**CAV JUDGMENT**

(PER: HON'BLE MR. JUSTICE G BASAVARAJA)

1. The State has preferred this appeal against the judgment of acquittal passed by the XLV Additional City Civil and Sessions Judge at Bengaluru in S.C No.518/2011 C/w S.C No.1357/2011 dated 28.09.2017.

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

3. Brief facts leading to this appeal are that, the Assistant Commissioner of Police JC Nagara Sub-Division, Bengaluru, submitted the charge-sheet against the

accused for the commission of offences under Section 498-A, 304-B read with Section 34 of IPC. It is alleged by the prosecution that on 07.04.2016, Noor Asma Khanum, the daughter of CW1/PW1-Iqbal was given in marriage to Fairoz Khan, who is deaf and dumb. Their marriage took place at Mukthiyar Manzil, Millers road, Bengaluru as per Muslim rites and customs. Thereafter, deceased started to reside with her husband CW6- Fairoz Khan along with her parents-in-law, who are accused No.1 and 3, accused No.2 is sister-in-law of the deceased. For one year of the marriage, Noor Asma Khanum (now deceased) was living happily with accused No.1 and 3 and her husband-CW6. Thereafter, the accused started to ill-treat and harass the deceased stating that, she did not know how to cook food. Further, the accused were making galata with deceased-Noor Asma Khanum for one or the other reason and they were abusing her in filthy language. On 13.03.2011, Noor Asma Khanam got up late and regarding the same, accused No.1 and 2 abused her in filthy language. Accused No.3 also abused her over the phone. Hence, all the

accused subjected the deceased Noor Asma Khanam to ill-treatment. On the following day i.e., on 14.03.2011 the deceased Noor Asma Khanum, unable to bear the ill-treatment meted by the accused, committed suicide at 02.00 p.m. in her matrimonial home by hanging. It is alleged that the deceased committing suicide is the result of ill-treatment and harassment meted out to her by the accused. The deceased-Noor Asma Khanum died within 7 years from the date of her marriage, due to ill-treatment and harassment by the accused, they being the parents-in-law and sister-in-law of the deceased. Thus the accused have committed the alleged commission of offences.

4. After filing of the charge-sheet, the cognizance was taken by the VIII ACMM Court, Bengaluru and case was registered against the accused for the commission of offences punishable under Sections 498-A and 304-B read with Section 34 of IPC in CC No. 14209/2011. Thereafter, the case was committed to the Court of Sessions as the alleged commission of offences are exclusively triable to the Court of Sessions. Thereafter, the case was registered

in SC No.1357/2011. The accused appeared before the Sessions Court and enlarged on bail.

5. On hearing the charges, the trial Court has framed the charges for the alleged commission of offences. Same was read over and explained to the accused. Having understood the same, accused pleaded not guilty and claimed to be tried.

6. To prove the guilt of the accused, in all, 22 witnesses were examined as PW1 to PW2. 20 documents were marked as Ex.P1 to Ex.P20. 4 material objects were marked as MO1 to MO4. On closure of prosecution side evidence, statement under Section 313 of CrPC was recorded. The accused have totally denied the evidence of prosecution witnesses. However, they did not choose to lead defence evidence on their behalf. But during the course of cross-examination of prosecution witnesses, one document is marked as Ex.D1.

7. Having heard the arguments on both sides, the trial Court has acquitted the accused of the alleged

commission of offences. Being aggrieved by the judgment of acquittal, the State has preferred this appeal.

8. The Learned HCGP, Sri Ranjith Kumar.N would submit that the impugned judgment and order of acquittal passed by the Court below is contrary to the facts and materials on record. The trial Court has failed to properly appreciate the oral and documentary evidence on record and came to an erroneous conclusion, thereby acquitting the accused, which has resulted in miscarriage of justice. Further, he would submit that PW1 is the complainant and father of the victim. PW2 is the mother, PW3 to PW5 are the brothers, PW6 is the uncle, PW7 is the wife of PW6 and PW8 is the aunt. If their evidence is appreciated in the proper perspective, then it clearly establish that accused were giving physical and mental torture to the deceased, on account of which, the deceased committed suicide. Hence, the accused are solely responsible for the death of the deceased.

9. The learned HCGP further contended that PW9 and 10 are neighbours. The trial Court has failed to

properly appreciate the evidence of said witnesses and acquitted the accused on erroneous grounds, which is liable to be set aside. The reasons assigned by the Court below for acquitting the accused are not in accordance with law, which has resulted in miscarriage of justice. While the learned Sessions Judge held that there is absolutely no whisper from the evidence regarding the demand of dowry etc. However, erred in not appreciating that the acts committed by the accused amounts to cruelty, which has driven the deceased to commit suicide and therefore, the accused have committed the offence punishable under Section 498-A of IPC.

10. It is further contended that the evidence of PW1 to PW5 is consistent and cogent with regard to the cruelty meted out to the deceased by the accused persons. The accused were taunting and ill-treating the deceased and unable to bear the said ill-treatment, the deceased has committed the suicide. Further, the trial Court has committed an error in holding that prosecution has failed to prove its case beyond all reasonable doubt that the

accused subjected the deceased to any ill-treatment or harassment and further erred in disbelieving the case of the prosecution on the ground of non-examination of CW6-husband of the deceased, without appreciating that he is a deaf and dumb and there are other sufficient evidence on record establishing guilt of the accused.

11. The learned HCGP further contended that the Court below erred in holding that there are discrepancies in the evidence of material witnesses of PWs.1 to 8 regarding alleged ill-treatment and harassment by the accused persons to the deceased and the trial Court has also committed an error in holding that there are no materials forthcoming from the prosecution to prove that deceased complained at any time earlier to her death that she was subjected to ill-treatment and cruelty.

12. The learned HCGP further contended that PW2 has stated in her evidence that accused No.2 and her husband i.e. accused No.3 was insisting to write to give the property. The deceased was informing her every day regarding the treatment given by the accused. Admittedly,

the deceased has died in the matrimonial home within seven years of her marriage. Hence, the trial Court was not justified in acquitting the accused of the charged offences. On all these grounds, sought for allow these appeals.

13. As against this, the learned counsel appearing on behalf of the respondents/accused would submit that, on the basis of the complaint filed by PW1-Iqbal, JC Nagara Police have registered the case in Crime No.28/2011 against accused Nos.1 to 3 for the commission of offences under Sections 498A, 304B, 302 read with Section 34 of IPC. After investigation, the Investigating Officer has dropped the offence under Section 302 of IPC and submitted the charge-sheet against the accused for the offences punishable under Sections 498A, 304B read with 34 of IPC. Accused 1 and 3 are the parent-in-laws of the deceased and accused No.2 is the sister-in-law of the deceased.

14. The learned Counsel contended that, in Ex.D1- the statement recorded by the Investigating Officer, Fairouz

Khan, the husband of the deceased has clearly answered to the question No. 21 that there was no quarrel in between his wife and parents and the deceased was not unhappy with Fairoz Khan and the deceased used to watch mobile and TV, mother read Namaz and there was no feeling of unhappiness.

15. Further, to question No.31, he has stated that on 14.03.2011 at 10.00 a.m. he had breakfast and went to his shop. He came back home at 03.30 pm, he was surprised to see his wife's body. During that day his mother and his wife were at home. His father had gone to the factory. Her mother called the second brother, who helped her to take the wife's body from the "Noose". After Mamoo found his wife hanging from the fan.

16. Further, he has stated that a servant comes home to clean the vessels and there was no quarrel between his wife and the parents. Absolutely there is no allegation of dowry. Further he would submit that one boy had sent obscene messages. The police took him from Tiptur and enquired him and thereafter they came to know

that he was mentally unsound and used to send SMS to somebody through his mobile. He has admitted the same before the police. Further, police have not taken any action in this regard. Same is admitted by PW3-Thoufiq Khan, PW4-Mubarak. Due to these obscene messages sent to the deceased, she could not tolerate the same and due to black-mail made by the person who was sending the messages, the deceased has committed suicide. There are absolutely no allegations against the accused that they have ill-treated the deceased mentally and physically and the prosecution has failed to place the essential materials to constitute the alleged commission of offence by the accused. The trial Court has properly appreciated the evidence on record in accordance with law and acquitted the accused. That there are no materials to interfere with the impugned judgment of acquittal and on all these grounds sought for dismissal of this appeal.

17. Having heard the arguments on both sides and on perusal of material placed before us, the following points would arise for our consideration:

1. Whether the State has made out a ground to interfere with the judgment of acquittal passed by the trial Court?
2. What Order?

18. Our finding to the above point No.1 is in the negative, for the following reasons.

19. Before appreciating the evidence on record, it is apposite to refer to the judgments of the Hon'ble Apex Court in the case of CONSTABLE 907 SURENDRA SINGH AND ANOTHER v. STATE OF UTTARAKHAND reported in (2025)5 SCC 433; BABU SAHEBGOU DA RUDRAGOUDAR AND OTHERS v. STATE OF KARNATAKA reported in (2024)8 SCC 149; CHANDRAPPA v. STATE OF KARNATAKA reported in (2007)4 SCC 415; and H.D. SUNDARA v. STATE OF KARNATAKA reported in (2023)9 SCC 581. The principles governing exercise of appellate jurisdiction while dealing with an appeal against judgment of acquittal under section 378 of Code of Criminal Procedure are, the acquittal of the accused further strengthens the

presumption of innocence; the appellate court, while hearing an appeal against acquittal, is entitled to re-appreciate the oral and documentary evidence; the appellate court, while deciding an appeal against acquittal, after re-appreciating the evidence, is required to consider whether the view taken by the trial court is a possible view which could have been taken on the basis of the evidence on record; if the view taken is a possible view, the appellate court cannot overturn the order of acquittal on the ground that another view was also possible; and the appellate court can interfere with the order of acquittal only if it comes to a finding that the only conclusion which can be recorded on the basis of the evidence on record was that the guilt of the accused was proved beyond reasonable doubt and no other conclusion was possible. The interference by an appellate court for reversing the judgment of acquittal recorded by the trial court in favour of the accused has to be exercised only if the judgment of acquittal suffers from patent perversity; the same is based on a misreading/omission to consider material evidence on

record; and that no two reasonable views are possible and only the view consistent with the guilt of the accused is possible from the evidence available on record.

20. It is the case of the prosecution that the Assistant Commissioner of Police, JC Nagara Sub-Division, Bengaluru, submitted the charge-sheet against the accused for the commission of offences under Section 498-A, 304-B read with Section 34 of IPC. It is alleged by the prosecution that on 07.04.2016 the deceased Noor Asma Khanum, the daughter of CW1/PW1-Iqbal was given in marriage to Fairoz Khan, who is deaf and dumb. Their marriage took place at Mukthiyar Manzil, Millers road, Bengaluru as per Muslim rites and customs. Thereafter, deceased started to reside with her husband CW6- Fairoz Khan along with her parents-in-law, who are accused No.1 and 3, accused No.2 is sister-in-law of the deceased. For an year after the marriage, the deceased-Noor Asma Khanum was living happily with accused 1 and 3 and her husband-CW6. Thereafter, the accused persons started to ill-treat and harass the deceased stating that, she did not

know how to cook food. Further, the accused persons were making galata with the deceased-Noor Asma Khanum for one or the other reasons and they were abusing her in filthy language. On 13.03.2011 the deceased-Noor Asma Khanum got up late and regarding the same, accused No.1 and 2 abused her in filthy language. Accused No.3 also abused the deceased over the phone. Hence, all the accused persons subjected the deceased Noor Asma Khanum to ill-treatment. On the following day i.e., on 14.03.2011 the deceased-Noor Asma Khanum, unable to bear the ill-treatment meted out by the accused, committed suicide in her matrimonial home by hanging. It is alleged that the deceased committing suicide is the result of ill-treatment and harassment meted out to her by the accused persons. The deceased-Noor Asma Khanum died within 7 years from the date of her marriage, due to ill-treatment and harassment by the accused persons, they being parents-in-law and sister-in-law of the deceased. Thus the accused have committed the alleged commission of offences.

21. To substantiate the case of the prosecution, the prosecution has examined 22 witnesses as PW1 to PW22, 20 documents marked as Exs.P1 to P20 and 4 material objects were marked as MOs.1 to 4.

22. PW1 has stated that he is the father of deceased-Noor Asma Khanum. He has also deposed as to the alleged ill-treatment said to have been given by the accused to his daughter and also deposed as to the contents of Ex.P1-complaint and Ex.P2-mahazar and photos Ex.P4 to P7, P8 & P9. He has deposed in his evidence as to the ill-treatment given by the accused as averred the complaint-Ex.P1. Further, he has deposed as to the contents of Ex.P1 and also spot panchanama conducted by the Police as per Ex.P2. Ex.P3 is the marriage invitation and Ex.P4 to P7 and Ex.P8 & P9 are photos of spot incident.

23. PW2-Smt. Sahera is the mother of the deceased, PW3-Thoufiq Khan, PW4-Mubarak, PW5-Imran Khan are the younger brothers of the deceased-Noor Asma Khanum. PW6-Nazeerulla Khan is the maternal uncle of

the deceased, PW7-Shahanaz is the wife of PW6, PW8-Zareen Taj is the niece of PW1 and PW2. They deposed as to the alleged ill-treatment given by the accused to the deceased.

24. PW9-Parveen Taj, PW10-Shabeena, PW11-Mujeeb Pasha, PW12-Shahajia, PW13-Saifulla, are said to be neighbours of the deceased. They have not supported the case of the prosecution. All these witnesses were treated as hostile witnesses by the prosecution and cross-examined by the Public Prosecutor. But in their cross-examination they have clearly stated that they do not know about the statement recorded by the police. Hence, the evidence of these witnesses is helpful to the prosecution.

25. PW14-Hanumantharayappa, ASI has deposed as to the arrest of the accused Rehath Jan, Mehmood Khan who were produced before the Investigating Officer.

26. PW15- Dr. B. M. Nagaraj has deposed as to the Post-Mortem examination of the dead body and also

issuance of Post-Mortem report -Ex.P13 and also report given by him as per Ex.P14.

27. PW16-Sudhakara.K.N, PSI has deposed as to the arrest of accused No.1 and 3.

28. PW17-Somanna, Head Constable has deposed as to the submission of the FIR to the Court as per Ex.P16.

29. PW18-Rehman Baig, ASI has deposed that on 02.04.2021, he has received the clothes of the deceased and ligature materials and produced the same before the Investigating Officer.

30. PW19-Tanveer Ahmad, Police Inspector has deposed as to receiving of complaint and registration of the case against the accused in Crime No.28/2011 and submitting the FIR to the Court as per Ex.P16. Further, he has deposed as to the rough sketch prepared by him as per Ex.P19 and P20.

31. PW20-Ashoka H. K. has deposed in his evidence as to handing over the dead body to the father of the deceased.

32. PW21-Ranganath has deposed as to the inquest panchanama conducted by him as per Ex.P11.

33. PW22-Munirathna Naidu has deposed as to the investigation conducted by him and submitting of the charge-sheet against the accused.

34. Though the prosecution witnesses, who are the close relatives of the deceased have deposed in their evidence as to the alleged mental and physical ill-treatment said to have been given by the accused, during the cross-examination of PW1, he has deposed that he did not go to the house of accused No.3. Accused No.1 was suffering from BP, diabetes and arthritis. He has also admitted that bedroom of the deceased was in the first floor and bedroom of the accused No.1 was in the ground floor. Further, he has clearly admitted that accused No.2 is residing in a separate house along with her husband.

Further he has admitted that the police have not recorded his statement that his daughter used to Call over phone every day at 11.00 a.m. regarding ill-treatment said to have been given by the accused.

35. Further PW1 has deposed in his cross-examination that:

"ದಿನಾಂಕ: ೧೩.೦೩.೨೦೧೧ಕ್ಕೆ ನನ್ನ ಮಗಳು ನನ್ನ ಮನೆಗೆ ಬಂದಿದ್ದಳೆಂದರೆ ಸರಿ. ಆಕೆಯ ಜೊತೆಗೆ ಆಕೆಯ ಇಬ್ಬರೂ ಮಕ್ಕಳು ಮತ್ತು ಆಕೆಯ ಗಂಡ ಕೂಡ ಬಂದಿದ್ದರೆಂದರೆ ಸರಿ. ಆ ದಿನ ಅವರುಗಳೆಲ್ಲ ಊಟ ಮಾಡಿಕೊಂಡು ಅವರ ಮನೆಗೆ ವಾಪಸ್ಸು ಹೋದರೆಂದರೆ ಸರಿ. ನನ್ನ ಮಗಳು ಆ ರಾತ್ರಿ ಅವರು ಮನೆಗೆ ಹೋದ ನಂತರ ಮಾರಿನೆಯ ದಿನ ಮಧ್ಯಾಹ್ನ ೨.೪೫ ಗಂಟೆಯವರೆಗೆ ನನ್ನ ಪತ್ನಿಗೆ ಫೋನ್ ಬರುವವರೆಗೂ ಆರೋಪಿತರ ಮನೆಯಲ್ಲಿ ಏನು ವಿಷಯ ನಡೆಯಿತೆಂದರೆ ನನಗೆ ಗೊತ್ತಿಲ್ಲ."

36. Further, he has admitted that,

"ದಿ: ೧೨.೦೩.೨೦೧೧ ರಂದು ರಾತ್ರಿ ೯.೦೦ ಗಂಟೆಯ ಮೇಲೆ ಮರುದಿನ ದಿ: ೧೩.೦೩.೨೦೧೧ ರ ಮಧ್ಯಾಹ್ನ ೩.೦೦ ಗಂಟೆಯವರೆಗೆ ಆರೋಪಿತರ ಮನೆಯಲ್ಲಿ ಯಾರು - ಯಾರು ಇದ್ದರೆಂದು ನನಗೆ ಗೊತ್ತಿಲ್ಲ ಎಂದರೆ ಸರಿ. ಆದರೆ ನನ್ನ ಹೆಂಡತಿ ಮತ್ತು ಮಗ ಮಧ್ಯಾಹ್ನ ಆರೋಪಿತರ ಮನೆಗೆ ಹೋದಾಗ ೮ ರಿಂದ ೯ ಜನರು ಇದ್ದರು. ೩ನೇ ಆರೋಪಿಯು ಆ ಸಮಯದಲ್ಲಿ ಹಿರಿಯೂರಿನ ತಮ್ಮ ಫ್ಯಾಕ್ಟರಿಯಲ್ಲಿದ್ದರು ಎಂದರೆ ಸರಿ ನಾವು ಆರೋಪಿತರ ಮನೆಗೆ ಹೋದಾಗ ಆರೋಪಿತರು ನಿಮ್ಮ ಮಗಳು ನೇಣು ಹಾಕಿಕೊಂಡು ತೀರಿಕೊಂಡಿದ್ದಾಳೆಂದು ತಿಳಿಸಿದರೆಂದರೆ ಸರಿ."

37. Further, regarding the complaint at Ex.P1, the evidence of PW1 in his cross-examination is that:

“ನನ್ನ ಮಗಳಿಗೆ ಆರೋಪಿತರನ್ನು ಸೇರಿಕೊಂಡು 10 ಜನರು ಹೊಡೆದಿದ್ದಾರೆಂದು ಸುಳ್ಳು ಸಾಕ್ಷ್ಯ ಹೇಳುತ್ತಿದ್ದೇನೆಂದರೆ ಸರಿ. 10 ಜನರು ಮನೆಯಲ್ಲಿದ್ದುದರಿಂದ ಅವರೇ ನನ್ನ ಮಗಳಿಗೆ ಹೊಡೆದು ಕೊಂದಿದ್ದಾರೆಂದು ಅನುಮಾನದ ಮೇಲೆ ಹೇಳುತ್ತಿದ್ದೇನೆಂದರೆ ಸುಳ್ಳು. ನನ್ನ ಮಗಳಿಗೆ ಮಗಳಿಗೆ ಮನೆಯಲ್ಲಿಲ್ಲದ್ದು 10 ಜನ ಸೇರಿ ಹೊಡೆದಿದ್ದಾರೆಂದು ಕಂಪ್ಲೆಂಟ್ ಕೊಟ್ಟಿದ್ದೇನೆ. ಪೊಲೀಸರು ತಮ್ಮ ಕರ್ತವ್ಯ ಮಾಡಲಿಲ್ಲ, ನಾನು ಏನೂ ಓದಿಲ್ಲ, ನನಗೆ ಯಾವ ಭಾಷೆಯೂ ಓದಲು ಮತ್ತು ಬರೆಯಲು ಬರುವುದಿಲ್ಲ, ನಿ.ಪಿ.1ರಲ್ಲಿ ಏನು ಬರೆದಿದ್ದಾರೆಂದು ನನಗೆ ಗೊತ್ತಿಲ್ಲ ಎಂದರೆ ಸರಿ. ಪೊಲೀಸರು ಬರೆದಿದ್ದಕ್ಕೆ ಸಹಿ ಮಾಡು ಎಂದಿದ್ದಕ್ಕೆ ನಾನು ಸಹಿ ಮಾಡಿದ್ದೇನೆ, ಅವರು ನನ್ನ ಪ್ರಕಾರ ಕಂಪ್ಲೆಂಟ್ ಬರೆಯಲಿಲ್ಲ, ನಿ.ಪಿ.1ರಲ್ಲಿರುವ ಮಾಹಿತಿಯ ಪ್ರಕಾರ ಫಿರ್ಯಾದಿಯನ್ನು ಕೊಟ್ಟಿಲ್ಲ, ಪೊಲೀಸರು ನಿ.ಪಿ.1 ಕ್ಕೆ ಸಹಿ ಮಾಡು ಎಂದಿದ್ದಕ್ಕೆ ನಾನು ಸಹಿ ಮಾಡಿದ್ದೇನೆ. ನಿ.ಪಿ.1ರ ಕಂಪ್ಲೆಂಟಿನಲ್ಲಿ ಏನು ಬರೆದಿದ್ದಾರೆಂದು ನನಗೆ ಗೊತ್ತಿಲ್ಲ. ಆದರೆ ಸಹಿಯನ್ನು ನಾನು ಮಾಡಿದ್ದೇನೆ.”

38. Further, he has clearly admitted that from the date of the death of his daughter, he has not visited the house of the accused. Further, he has admitted that he has put his signature in the mahazar-Ex.P2 in the police station and he does not know the contents of Ex.P2.

39. Though PW2 to PW8 have deposed as to the alleged ill-treatment given by the accused in their

examination-in-chief, however, in the cross-examination of PW2, She has clearly deposed that accused No.2 was living separately. It is also admitted by PW2 that there were maid servant in the house for cooking, washing clothes and cleaning utensils. Further, PW2 admitted that accused No.3 was at Hiriyur on the date of alleged incident and even the name of accused No.2 was not shown in the complaint. It is admitted by PW2 that accused No.1 was suffering from BP and diabetes and her bedroom was on the ground floor and the bedroom of the deceased was on the first floor.

40. PW3 has deposed in his examination-in-chief itself that his elder sister, deceased-Noor Asma Khanum was in cordial terms with her husband and as per the evidence of PW3, on the earlier day of the alleged incident the deceased was in happy mood and she went to the house of her husband. He has further admitted that he has not given any statement to the police. PW3 has partly turned hostile to the case of the prosecution. Further, he has clearly admitted that:

"ನನ್ನ ಅಕ್ಕ ತನ್ನ ಅತ್ತೆಗೆ ಏನು ಇಷ್ಟ ಅದನ್ನು ಮಾಡಿಕೊಡುತ್ತಿದ್ದಳು ಎಂದರೆ ನಿಜ. ನನ್ನ ಅಕ್ಕ ಪ್ರೀತಿಯಿಂದ ಎಲ್ಲರನ್ನು ಮತ್ತು ನನ್ನ ಭಾವನನ್ನು ಚೆನ್ನಾಗಿ ನೋಡಿಕೊಳ್ಳುತ್ತಿದ್ದಳು ಎಂದರೆ ನಿಜ. ನನ್ನ ಅಕ್ಕಳಿಗೆ ಪ್ರೀತಿಯಿದ್ದುದರಿಂದಲೇ ಅವಳು ಎಲ್ಲವನ್ನು ಚೆನ್ನಾಗಿ ಮಾಡಿಕೊಂಡು ಹೋಗುತ್ತಿದ್ದಳು ಎಂದರೆ ಸರಿ."

41. In the cross-examination of PW4, he has stated as under:.

"ಘಟನೆಯಾದ ಒಂದು ದಿನದ ಮುಂಚೆ ನನ್ನ ಅಕ್ಕ-ಭಾವ ಮತ್ತು ಆಕೆಯ ಚಿಕ್ಕ ಮಗಳು ನಮ್ಮ ಮನೆಗೆ ಬಂದಿದ್ದರು ಎಂದು ನಿಜ. ನನ್ನ ಅಕ್ಕ ಮತ್ತು ಭಾವ ಚೆನ್ನಾಗಿ ಪ್ರೀತಿಯಿಂದ ಇದ್ದರು ಎಂದರೆ ನಿಜ. ನನ್ನ ಅಕ್ಕ ನಮ್ಮ ಅತ್ತೆಗೆ ಊಟ ಬಡಿಸಬೇಕು ಎಂದರೆ ವಾಪಸ್ಸು ಗಂಡನ ಮನೆಗೆ ಹೋದಳು ಎಂದರೆ ನಿಜ."

42. Further, he has admitted that accused No.1 was looking after the deceased, when he was coming to Bengaluru from Hiriyur he was paying Rs.2,000/- to Rs.2,500/- to the deceased. PW4 has clearly admitted that he did not personally know regarding the alleged incident.

43. PW7-the wife of PW6, has deposed in her evidence that she does not know what had transpired in the house of the deceased on the date of incident. Further, she has stated that Rehat Jan has informed that

Asma had committed suicide by hanging. PW8 has deposed in her evidence that she do not know the contents of the statement recorded by the police.

44. The prosecution has not examined CW6. The brothers of the deceased who are examined as PW3 to PW5 have admitted that the deceased was receiving obscene messages by some person. PW22 has also admitted that PW4-Mubarak the brother of the deceased, told him that since a month prior to the death of deceased-Noor Asma Khanum, she was receiving obscene messages from mobile No.9731983560 to her mobile No.9845020766. But he did not make any enquiry to ascertain as to whom the alleged mobile number belonged to. Further, he has admitted that the deceased was receiving obscene messages from some person and the said person was arrested by the police. Thereafter, he was set at liberty on the ground that he was mentally unsound. Same is also admitted by PW3 to PW5. This admission made by the material prosecution witnesses goes to show

that the deceased might have committed suicide due to obscene messages often sent to her on her mobile.

45. The learned counsel for the respondent has pointed out as to the contents of Ex.D1 said to have been recorded by the Investigating Officer. PW22-Investigating Officer has also clearly admitted that PW4-Mubarak has stated before him that for the past one month, his sister Noor Asma Khanum was receiving obscene messages from Mobile No.9731983560 sent to her mobile No.9845020766.

46. The Ex.D1 is marked during the course of cross-examination of PW22-IO. The IO has clearly admitted that he has recorded the statement of CW6 as per Ex.D1 and he has affixed the signature on the statement recorded and he has recorded the statement with the assistance of CW18 and CW19, as CW6 was dumb and deaf. CW18 and CW19 are the teachers in Dr. Chandrasekhar Institute of Speech and Hearing Centre, Bangalore, CW6 is the husband of deceased, but he has not been examined before the Court. However, the contents of Ex.D1 are

admitted by the IO, that he has recorded the answers given by CW6. same reads as under:

"1) *What is your name?*

*Feroz Khan*

2) *What is your father's name?*

*Matokhan (finger spelled)*

*What is your Mother's name?*

*Rijkhan*

3) *What is your age?*

*37 yrs.*

4) *What is your address?*

*(Showed the written address slip)*

5) *Since How long you are in this address?*

*Since 13 yrs.*

6) *What is your edu. qualification?*

*VI Std. discontinued*

7) *What are your doing now?*

*Having Readymade garment Business along with bida.*

8) *What is his income for living?*

*Rs.8,000/- month.*

9) *What business?*

*Men's clothes - selling.*

10) *How many brothers & sisters do you have?*

*They are 4 brothers and 3 sisters.*

11) *Where they are staying? Since how long.*

*They are all staying close to each other. Since (childhood) a longtime.*

12) *Are they staying together? are they married?*

*All are married and they are all staying separately. One sister was in Madras.*

13) *Who are all staying with you?*

*Parents of Firoz, a handicapped younger brother, wife of Firoz, two daughters of Firoz.*

14) *Are you married? & got children?*

*Yes. I have two children.*

15) *What - male/female?*

*Female children.*

16) *Age of children?*

*one 4 yrs old, second 7 months old.*

17) *Does the children go to school? which school?*

*Yes, elder one to a nearly play school.*

18) *Where the brother's, sister's children are studying?*

*I don't know, but they all go to school.*

19) *Is your wife educated?*

*X std - studied & learnt typing.*

20) *Were you happy with your wife?*

*Yes. I was happy with my wife & children.*

21) *Was there any quarrel between your wife & parents?*

*No.*

22) *Who used to do the cooking in the house?*

*My wife.*

23) *Who used to clean the vessels?*

*A servant comes home to clean the vessels.*

24) *Who used to clean the house?*

*the same servant.*

25) *Whether the mother was unhappy with the Firoz's wife?*

*No. She (mother) used to watch movies on T.V. then read namaz - there was no feeling of unhappiness.*

26) *Was there any quarrel between them for not doing any household work?*

*No. My mother and my wife were very friendly and nice to each other.*

28) *Whether your sister Naveeda come home frequently?*

*When we have a special occasion or some times when she cooks special food, she will come. They were friendly.*

29) *Whether she will command the wife to work?*

*No, she used to feed my children and be with us for sometime & go.*

30) *Was there used to be quarrel between the wife & Naveeda? details?*

*No. My wife never used to complain such thing.*

31) *What happened on 14th March 2011?*

*At 10 'o' clock I had my breakfast and went to my shop. He came back home at 3.30 p.m. He was surprised to see his wife body.*

*During that day my mother, my wife were at home my father had gone to the factory.*

*My mother called the 2nd brother who helped her to take the wife's body from the 'noose'.*

*After the 'mamoo' found my wife hanging from the fan.*

32) *Was there any quarrel on 13/3/2011?*

*They had been to the Father-in-laws house. Amina the first daughter went out to play, I was sitting there and my wife & father-in-law were angrily talking with each other. After that they left her home and came back to Firoze's house at 9 pm. Then she prepared some food. At 10 PM had dinner and went to sleep. At that time she received a call over her mobile and she was talking till about 12AM-long time. (signed)*

34) *Did his wife express anything to Firoz?*

*No, she did not.*

35) *Did he feel bad when his daughter admitted in a school?*

*No - It was only a play school.*

36) *Have you got any thing to say about the death of your wife?*

*After the heated argument of my wife and her father this has happened - may be!*

37) *Your mother and sister were they quarrelled with your wife usually?*

*No, never they used to be very nice to each other and go out together.*

38) *Did your father anytime scold/abused her for not doing the household work?*

*My father liked my wife-they were nice. My wife did only cooking not the household work. The servant did the household work.*

*The witness Firoz Khan has been examined by me and my colleague Ms. Roopa in sign language and interpreted the witness's replies in English."*

47. A perusal of this statement of the husband of the deceased makes it clear that the accused have not ill-treated the deceased as alleged by the prosecution. On careful examination and appreciation of the entire evidence on record independently, we do not find cogent, corroborative, convincing, clinching and believable legal evidence to convict the accused for the alleged commission of offence. We do not find any legal error or infirmities in the judgment of acquittal passed by the trial Court. Accordingly, the State has not made out any

grounds to interfere with the impugned judgment of acquittal passed by the trial Court.

48. Considering the facts and circumstances of this case and also keeping in the mind the aforesaid decisions, the impugned judgment of acquittal does not warrant interference. Accordingly, we answer Point No.1 in Negative.

**Regarding Point No.2:**

49. For the aforesaid reasons and discussions, we proceed to pass the following:

**ORDER**

- i. Appeal is **dismissed**.
- ii. The registry is directed to communicate this order to the trial Court along with the copy of this judgment.
- iii. The registry is also directed to send the copy of the judgment to the Member Secretary of DLSC to award compensation as required under Section 357-A and the Karnataka Victim Compensation Scheme,

2011, to PW1-Iqbal and PW2-Smt. Sahera, parents and children of the deceased, in accordance with law.

**Sd/-  
(MOHAMMAD NAWAZ)  
JUDGE**

**Sd/-  
(G BASAVARAJA)  
JUDGE**

kbm/DHA