



CNR: KAHC010327382026

NC: 2026:KHC:45810-DB
CRL.A No. 829 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO.829 OF 2026

BETWEEN:

STATE OF KARNATAKA
BY KARKALA TOWN POLICE STATION
UDUPI DISTRICT
REPT. BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU

...APPELLANT

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

(BY SRI MOHAMMED AYUB ALI, ADDL. SPP)

AND:

SRI HAMZATH
S/O ABBAS BEARY
AGED ABOUT 42 YEARS
R/AT ISMAIL MANZIL
CHANDRAHAGAR
PADOOR POST AND VILLAGE
UDUPI

...RESPONDENT



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THIS CRL.A IS FILED U/S 419(1) AND (3) OF BNSS PRAYING TO SET ASIDE THE JUDGMENT AND ORDER OF ACQUITTAL DATED 16.12.2025 PASSED IN SESSIONS CASE NO.14/2019 BY THE II ADDL. DISTRICT AND SESSIONS JUDGE, UDUPI (ITINERARY SITTING AT KARKALA) THEREBY ACQUITTING THE ACCUSED/RESPONDENT OF THE OFFENCES P/U/S 120(B), 143, 147, 148, 326, 364(A), 342, 302, 201 R/W SECTION 149 OF IPC AND ETC.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH
AND
HON'BLE MR. JUSTICE B.PRAMOD

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE H.P.SANDESH)

This appeal is filed challenging the judgment and order of acquittal dated 16.12.2025 passed in S.C.No.14/2019 by the II Additional District and Sessions Judge, Udupi (Itinerary sitting at Karkala) for the offences punishable under Sections 120(B), 143, 147, 148, 326, 364(A), 342, 302, 201 read with Section 149 of IPC.

2. The matter is listed for admission. Heard the learned Additional SPP appearing for the State.



CNR: KAHC010327382026

3. The factual matrix of case of prosecution is that during the last week of July 2011, accused met in front of shop of CW7 at Kabettu Cholpady and hatched a criminal conspiracy to kidnap the deceased-Hussain in the guise of hiring his Tata Sumo to extract ransom. On 31.07.2011, they formed an unlawful assembly, committed rioting, armed with deadly weapons like machetes and sticks and near Sanman Masjid, asked deceased to go to Haladi, while accused No.1 and accused Nos.3 to 5 followed him in Scorpio vehicle, kidnapped him for ransom and took him to Moodugoppa of Hosanagara Taluk to a remote place and demanded Rs.30,00,000/-. To extract money, kept him in confinement at Hazarat Shekul Akbar Anwar Dargha. Accused No.5 and accused Nos.8 and 9 held the deceased tightly, he hit him with hands, accused No.1 to 5 hit him with sticks and accused No.6 hit him with a machete and caused grievous injury and committed the murder of Hussain. For causing disappearance of evidence of offence, took the dead body of Hussain in Tata Sumo and threw it to Tunga river at Thirthahalli-Koppa road.



4. The prosecution has registered the case and arrested the accused persons and recorded the voluntary statement and conducted further investigation and filed the charge sheet against the accused persons. The accused persons did not plead guilty and claims the trial.

5. In order to prove the case of the prosecution, examined the witnesses as PW1 to PW33 and got marked the documents at Ex.P1 to P72 and also marked MO1 to MO24. The prosecution also adopted the evidence already led in the connected other split-up case in S.C.No.48/2013 to prove the charges against this accused. The Trial Court having considered the material on record comes to the conclusion that there was no chain link to establish the circumstantial evidence. In paragraphs 20 and 21, the Trial Court taken note that PW1 the wife and PW2 son of the deceased have not supported the case of persecution and so also taken on note of in paragraph 20 that when the case is rest upon the circumstantial evidence, chain link is not established. Except the official witnesses, no other witnesses have supported the case of prosecution and hence, extended the benefit of doubt in favour of accused.



CNR: KAHC010327382026

6. This Court in respect of accused No.6, quashed the proceedings in Crl.P.No.1056/2022 and other accused i.e., accused Nos.1 to 5 were subjected to trial in S.C.No.48/2013 and all of them have been acquitted. This accused is accused No.7. The Trial Court extended the benefit of doubt in favour of this accused and acquitted.

7. The learned Additional SPP appearing for the State in his arguments would vehemently contend that in order to prove the charges levelled against this accused, the evidence of PW33 is the material witness though other independent witnesses and relative witnesses have not supported the case of the prosecution. The Trial Judge ought to have considered the evidence of PW33.

8. Having heard the learned Additional SPP appearing for the State and also on perusal of the material available on record, it discloses that the case is rest upon the circumstantial evidence and the prosecution has to prove the charges levelled against the accused establishing each link and no such link is established by the prosecution. Already accused Nos.1 to 5 have been acquitted and there is no appeal against the order of



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CRL.A No. 829 of 2026**

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accused Nos.1 to 6 and this accused is accused No.7 and the prosecution also relies upon the evidence recorded in S.C.No.48/2013 in respect of accused Nos.1 to 5. The very evidence which was relied upon in the case of accused Nos.1 to 5 was also relied upon against this accused and the same is taken note of in paragraphs 4, 5, 6 of the judgment of the Trial Court and proceeded to consider the material on record. There is no any chain link evidence before the Court in order to establish the case. When the case is rest upon the circumstantial evidence, there must be a circumstance to prove the case against this accused by establishing chain link. But no such chain link evidence is available before the Court. Hence, we do not find any grounds to admit this appeal for reconsideration. Thus, the appeal is dismissed.

**Sd/-
(H.P.SANDESH)
JUDGE**

**Sd/-
(B.PRAMOD)
JUDGE**

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