



CNR: KAHC010373192026

NC: 2026:KHC:47913-DB
CRL.A No. 931 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF SEPTEMBER, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO.931 OF 2026

BETWEEN:

THE STATE OF KARNATAKA
BY CHANNARAYAPATTANA
TOWN POLICE STATION
CHANNARAYAPATTANA
HASSAN DISTRICT
REP BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA BUILDING
BENGALURU-560 001

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

...APPELLANT

(BY SRI MOHAMMED AYUB ALI, ADDL. SPP)

AND:

1. KARTHIK K. S.
S/O SHAMULINGAPPA
AGED ABOUT 28 YEARS
2. SAGAR A. M.
S/O MANJEGOWDA
AGED ABOUT 22 YEARS

BOTH ARE R/O ADAGURU VILLAGE
KASABA HOBLI



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CHANNARAYAPATNA TALUK
HASSAN DISTRICT

...RESPONDENTS

(BY SRI UTSAV GOWDA P S, ADVOCATE FOR R1;
R2 – SERVED, UNREPRESENTED)

THIS CRL.A IS FILED U/S 378(1) & (3) CR.PC (FILED U/S 419(1) & (3) BNSS) PRAYING TO SET ASIDE THE JUDGMENT AND ORDER OF ACQUITTAL DATED 01.08.2025 PASSED IN S.C.NO.63/2024 BY THE IV ADDL. DIST. AND SESSIONS JUDGE, HASSAN SITTING AT CHANNARAYAPATNA THEREBY ACQUITTING THE RESPONDENTS / ACCUSED FOR THE OFFENCE P/U/S 392, 302, 201 R/W 34 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 by the State challenging the judgment of acquittal dated 01.08.2025 passed in S.C.No.63/2024 by the IV Additional District and Sessions Judge, Hassan, sitting at Channarayapattana for the offences punishable under Sections 392, 302, 201 read with 34 of IPC and prayed this Court to convict the accused persons for the aforesaid offences.



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2. This matter is listed for admission. Heard the learned Additional SPP appearing for the State and also the learned counsel appearing for respondent No.1/accused No.1. Though, notice is served on respondent No.2/accused No.2, he is unrepresented.

3. The factual matrix of case of the prosecution while invoking the offences punishable under Sections 392, 302, 201 read with Section 34 of IPC against accused Nos.1 and 2 that on 20.11.2023 at about 03.00 to 3.30 p.m. the deceased Susheelamma was gracing goats near Keregodu Nayigundi of Adaguru village, Kasaba Hobli, Channarayapatna Taluk. At that time, accused persons with common intention to snatch gold ornaments worn by said Susheelamma went there and accused No.2-Sagar held the deceased-Susheelamma from back side and attempted to snatch the chain. At that time, Susheelamma turned around and tried to assault accused persons with sickle, then accused No.2 pushed the said Susheelamma and she rolled down towards the canal and became unconscious. Then, accused persons discussed among themselves that if they leave Susheelamma alive, there may be chances that she would



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inform their act of attempt to snatch the chain to all the villagers, thus, decided to take away her life. In furtherance of common intention, accused No.1 held the legs and accused No.2 held her head and closed her mouth and entered into the canal water and pushed Susheelamma under the big wooden log and pressed her inside the water to kill her by drowning and committed the murder. Thereafter, they take away her gold mangalya chain, two gold bangles and one ear stud and to remove the suspicion, thrown away the mangalya and one ear stud to the wetland and pledged two gold bangles weighing 23.860 grams, one gold mangalya chain weighing 29.130 grams at IIFL Finance, Channarayapatna for Rs.2,17,000/-. Out of that amount, accused No.2 kept Rs.45,000/- and accused No.1 given Rs.33,000/- to CW10-Reeta and Rs.30,000/- to CW11-Basavamani and Rs.60,000/- to CW12-Vasanthamma and spent the remaining amount. Hence, accused persons have committed the offences punishable Sections 392, 302, 201 read with Section 34 of IPC.

4. The police having registered the case, investigated the matter and having apprehended the accused, recorded the



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voluntary statement and conducted the panchanama and recovered the material objects. After completion of the investigation, filed the charge sheet. The cognizance was taken and criminal case was committed to the Sessions Court and the same is numbered as S.C.No.63/2024. The accused Nos.1 and 2 were on bail. 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 PW32 and got marked the documents at Ex.P1 to P79 and also recovered the material objects at MO1 to MO9. On closure of the prosecution evidence, accused persons were subjected to 313 statement and both of them denied the incriminating circumstances, but they did not choose to lead any defence evidence.

6. The Trial Court having considered the materials available on record though comes to the conclusion that it is a case of homicide, but held that the chain of circumstances have not been proved. The Trial Court though considered the evidence of PW24 who deposes before the Court that the accused persons only came and pledged the gold articles and



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borrowed the amount and identified the accused persons, but held that considering the CCTV footage which was seized did not disclose the very presence of the accused persons. The Trial Court also taken note of the charges levelled against accused No.2 that he pushed the deceased and she rolled down and fell on the canal from 15 to 20 feet height and held that but she has not sustained any injuries. Hence, the Trial Court accepted the argument of the counsel for the accused that there is a chance of accidental fall and drowning of the deceased and disbelieved the case of the prosecution and acquitted the accused extending the benefit of doubt.

7. Being aggrieved by the judgment of acquittal, the present appeal is filed by the State before this Court.

8. The learned Additional SPP would vehemently contend that PW24 identifies the accused persons stating that they came with gold ornaments and pledged the same and borrowed the loan and her evidence is very consistent in this regard. The counsel also would vehemently contend that the very approach of the Trial Court while discussing the evidence of PW24 is erroneous in coming to the conclusion that Ex.P44 -



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compact disc contains the video recordings from 04.00 to 04.45 p.m. and in the video, presence of the accused i.e., Karthik and Sagar were not seen. The counsel also would contend that the Trial Court committed an error in making an observation that CCTV footage of 05.00 to 6.00 p.m. also withheld by the Investigating Officer and comes to the conclusion that no hesitation to opine that the oral testimony of star witness PW24 is not corroborated with the material evidence and the very approach of the Trial Court is erroneous. The counsel also brought to notice of this Court paragraph 55 of the judgment of the Trial Court wherein discussion was made with regard to CDR details of the mobiles of accused Nos.1 and 2 and contend that inspite of relied upon the CDR report, the Trial Court comes to the conclusion that having perused the evidence of PW20 and PW21 that they are not empowered to give official documents of unauthorised mobile towers and it is difficult to place total reliance on Ex.P33 and P35 and the said approach is also erroneous. The counsel referring the paragraphs 55 and 59 of the judgment of the Trial Court would contend that matter requires reconsideration. The counsel also would contend that



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PW1, PW10 have identified the gold ornaments and stated that the same belongs to the deceased and their evidence also not properly considered by the Trial Court. Hence, it requires interference of this Court.

9. Per contra, the counsel appearing for accused No.1 in his arguments would vehemently contend that the very seizure and also the evidence of PW24 cannot be believed and the Trial Court has given detailed reasoning in paragraph 59 for the same. Though PW24 identifies the accused, but the CCTV footage and Ex.P44-compact disc which contains the video recording not tallies with the evidence of PW24. The counsel would contend that man may lie, but circumstances will not lie. Hence, Trial Court has not considered the evidence of PW24. The counsel also vehemently contend that with regard to the CDR is concerned, Trial Court taken note of evidence of PW20 and PW21 and held that both of them are not empowered to give official documents of unauthorised mobile towers. The counsel would vehemently contend that when the case is rest upon the circumstantial evidence, each chain link must be established but the same has not been established in the case



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on hand. The counsel would contend that PW3 who is the last seen witness has not supported the case of the prosecution and PW4 and PW5 also have not supported the case of prosecution for having received the money, cleared the loan by the accused persons and PW6 also not supported the case of the prosecution and other circumstances are also not supported the case of prosecution.

10. Having heard the learned counsel appearing for the respective parties and also on perusal of the material on record particularly, PM report, which is marked as Ex.P60 and also the final opinion, it is very clear that the said Susheelamma died on account of drowning. The Trial Court also comes to the conclusion that she might have fell down and died on account of drowning when she fell down in the canal. The cause of death is also an account of drowning and no dispute with regard to the cause of death is concerned.

11. Now, the Court has to consider the material available on record with regard to the circumstantial evidence is concerned. No doubt, prosecution mainly relies upon the evidence of PW24 wherein she has supported the case of



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prosecution deposing that the accused persons came and pledged the gold articles for an amount of Rs.2,17,000/- and PW24 also says that CCTV footage was secured by the Investigating Officer and compact disc also marked as Ex.P44. The Trial Court taken note that PW24 says that accused persons came and pledged the gold articles but held that in Ex.P44 - compact disc which contains the video recording from 4.00 to 4.45 p.m., the presence of accused Karthik and Sagar were not seen. The Trial Court also taken note that PW24 says that accused visited the Finance Office at 05.00 to 06.00 p.m. But prosecution only relies upon the CCTV footage from 04.00 to 04.45 p.m. The Trial Court held that even though the Branch Manager of the Finance Company clearly stated that she has seen the presence of the accused persons in the CCTV footage, why it was disappeared in the compact disc produced before the Court is not satisfactorily explained by the prosecution. Moreover, what prevented the Investigating Officer to seize the mobile of the Branch Manager or credit hash value of the video downloaded to the system from the mobile of PW24 is not satisfactorily explained. The Trial Court held that why CCTV



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footage of other than the period of 05.00 to 06.00 p.m. is not relied upon by the prosecution, there is no explanation at all in this regard and also mobile of PW24 which contains the same also not seized. When such being the case, the Trial Court comes to the conclusion that the evidence of PW24 is not corroborated with the material evidence.

12. The Trial Court also taken note that material evidence was withheld by the Investigating Officer and he ought to have explained the same. The Trial Court held that if the entire footage from 04.00 to 06.00 p.m. pertaining to the given date is placed before the Court, it would have certainly enlightened the Court to arrive at just conclusion. The same is withheld by the Investigating Officer. The Trial Court in paragraph 55 taken note that the prosecution only relies upon the CDR details in respect of accused persons is concerned. But categorically taken note of admissions of PW20 and PW21 that they are not empowered to give official documents of unauthorised mobile towers i.e., Ex.P33 and P35. So also in paragraph 57, the Trial Court also taken note of that if accused persons have confessed the crime and produced the gold



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receipt at Ex.P19 of IIFL finance. During interrogation, accused No.1 would have taken out the folded receipt i.e., Ex.P19 from his pocket and handed over to the Investigating Officer. From this document, they came to know about the pledging of robbed gold articles in the finance company. The Trial Court taken note that the date of offence and pledging of gold is 20.11.2023. But accused were apprehended on 08.12.2023. It is difficult to believe that from the date of incident till 08.12.2023, i.e., around more than 15 days, accused No.1 was roaming with the folded gold receipt in his pocket. The Trial Court also taken note that there is no fold marks visible on the said document. Hence, raises doubt that it is a created document. The Court finds substance in this line of argument. Ex.P18, the gold receipt seizure mahazar also not deposed about taking out the gold receipt from the pocket by accused No.1 in their presence and handing over the same to Investigating Officer. It appears that the document was created from the finance office in order to link the murder.

13. Apart from that, the case of the prosecution is that, accused No.2 tried to snatch the gold ornaments and held the



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victim from back side and when she resisted, he had pushed her. As a result, she fell down from the height of 15 to 20 feet, but there is no injuries on the deceased when she was rolled down and lost her conscious and to circumvent the nature of injuries also there is no such injuries and the same was also taken note of by the Trial Court. The very evidence of PW24 that in case of advancing gold loan, they used to hand over the cash or transfer the amount to the account of the customer only after receiving OTP by the customer to her mobile number. Around 05.45 to 06.00 p.m., they have paid cash to accused No.1 on 20.11.02.03. The remaining process was completed by putting the OTP received by the accused person. But the police did not show OTP number which was allegedly received by the accused to his mobile number. Investigating officer has not attempted to extract the OTP number available in the mobile belongs to accused No.1, which was allegedly sent by the finance company. It is also to be noted that it has come in the evidence of Branch Manager of IIFL - PW24 that in similar cases, the finance company applied seeking custody of the recovered gold articles. But for the reasons best known to



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them, in this case they have not filed any application for return of the MO1 and MO2 articles. This aspect also strengthens the defence of the accused persons. The document of the IIFL creates doubt and Investigating Officer also did not collect the CCTV footage for the relevant period from 05.00 to 06.00 p.m. instead of that collected the CCTV footage from 04.00 to 04.45 p.m. The Trial Court taken note of all these factors while acquitting the accused persons. When the case is rest upon the circumstantial evidence, each chain link must be established. But those chain links are also not found. When the case is rest upon circumstantial evidence, question of coming to other conclusions in the absence of establishing the chain of events does not arise. In view of the judgment of the Apex Court reported in **(2024) 3 SCC 544** in a case of **MALLAPPA AND OTHERS vs STATE OF KARNATAKA**, it is clear that while reversing the finding of the Trial Court, there must be a perversity in the finding which leads to miscarriage of justice. But in the case on hand, the same is not found since the Trial Court in detail discussed both oral and documentary evidence placed on record. Hence, the question of admitting this appeal



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does not arise as none of the circumstances point out the very role of the accused persons. Under such circumstances, it is not a case for admitting the appeal as contended by the learned counsel appearing for the State. Hence, we do not find any grounds to admit the case and the same is not warranted having considered the reasoning given by the Trial Court. Accordingly, the appeal is dismissed.

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

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

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