



CNR: KAHC010423292026

NC: 2026:KHC:46085-DB
CRL.A No. 1053 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF AUGUST, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO.1053 OF 2026

BETWEEN:

1. STATE BY HOSADURGA POLICE
REPRESENTED BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU -560 001.

...APPELLANT

(BY SRI. CHENNAPPA ERAPPA, HCGP)

AND:

1. CHINMAY YADAV
S/O. THIMMAPPA
AGED ABOUT 36 YEARS
OCC: FARMER
R/O. NAGAYYANAHATTI VILLAGE
HOSADURGA TALUK.

...RESPONDENT

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 378(1) AND (3) OF CR.PC (FILED U/S 419 (1) AND (3) OF BNSS) OF CR.PC PRAYING TO SET ASIDE THE JUDGMENT AND ORDER OF ACQUITTAL DATED 19.02.2026 PASSED BY THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, CHITRADURGA IN S.C.NO.131 OF 2022, ACQUITTING THE ACCUSED OF THE OFFENCES PUNISHABLE UNDER SECTIONS 448, 354-A, 354-B, 354-D, 307, 324, 506 OF IPC.

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by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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 matter is listed for admission and I have heard
learned High Court Government Pleader for the State.

2. This appeal is filed against judgment of acquittal
passed in S.C.No.131/2022 for the offence punishable under
Sections 448, 354A, 354B, 354D, 307, 324 and 506 IPC
praying this Court to convict the accused and sentence him.

3. The factual matrix of case of the prosecution is that
the accused being neighbouring resident of the victim at
Nagayyanahatty, though knowing fully well that she is already
married and is having three children, he was eve-teasing her
and was pestering her by making obscene gestures at her and
was inviting her to have sexual intercourse with him. Therefore,
having fed up with his attitude, she brought this fact to the
notice of her husband Lakshmana and by gathering panchayath



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in the village, this accused was got advised. Inspite of that as and when this accused used to see the victim in the village streets, he was following her and was seeking sexual favour from her, so he was avoiding to go out of her house as much as possible. That on 03.03.2022 at about 11.00 a.m. when she was alone in her house, the accused taking advantage of it, criminally trespassed in that house and inviting her to have sexual intercourse with him, he pulled her hands with robe. When she gave alarm, he threatened that he would kill her, if she does not co-operate with him. However, on hearing her scream, her father-in-law/Chikkappa came inside the house and on seeing him, accused took out a blade and caused injuries to the neck and cheek of the victim and when the said Chikkappa came to rescue his daughter-in-law, with that very blade, he caused injury to his right hand fingers. On hearing the noise of said scuffle, Rangaswamy, a neighbouring resident rushed into that house and on seeing him, the accused took to his heels; that the said Rangaswamy informed Lakshmana, who was in his field then and on returning from his land, he took the victim and his father went to the hospital and got them treated.



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When the victim was in the said hospital, the ASI by name Manjunatha received MLC intimation and he went there and received the written complaint from her and on returning to the Police Station, he registered the case, issued FIR and on the next day of the incident, in the presence of panchas, he prepared the mahazar of the place of occurrence as shown by Chikkappa and also got prepared the sketch of that place and on appearance of the accused, he voluntarily seized the blade in the presence of panchas, drew mahazar and got prepared the sketch of that place and recovered nighty of the victim in his police station in presence of panchas. He took the photographs and recorded the statement of witnesses and collected the wound certificates of the victims. Having collected all the material and also on closure of the investigation, filed the charge sheet and cognizance was taken. The accused was secured and he did not plead guilty and claims the trial.

4. Hence, the prosecution relies upon the evidence of P.W.1 to P.W.9 and also marked the documents Exs.P1 to P18 and Exs.R1 to R3 are also confronted and marked. But, accused



did not choose to lead any defence evidence and M.O.1 and M.O.2 are marked.

5. The Trial Court having considered both oral and documentary evidence, while considering the point for consideration while invoking the offences which have been invoked, considered both oral and documentary evidence and found discrepancies in the evidence of the prosecution, particularly taking note of the evidence of the victim, who has been examined as P.W.2 and so also the other injured, who has been examined as P.W.5 and according to the prosecution, he has sustained injuries. The Trial Court in paragraph Nos.14 to 26 in detail considered the evidence available on record and inconsistencies in the evidence of P.W.2, P.W.5. and P.W.6. The star witnesses are P.W.2 and P.W.5 and even considered the material on record, particularly in paragraph No.26 that Doctor has not recorded as to who has assaulted the said alleged victims, wherefore the wound certificates cannot be relied upon. Apart from that, P.W.2 was treated on 03.03.2022 and P.W.5 on 07.03.2022 and the same would create lot of doubt in the case of prosecution. Even the MLC intimation shows that in



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respect of P.W.2, intimation was issued to the concerned Police on the same day and in respect of P.W.5, it was sent on 07.03.2022. This fact would totally rule out that on the date of incident itself, P.W.5 was also taken to the hospital either by P.W.6 or by P.W.7, much less by one Rajappa. Even it is not possible to hold that P.W.5, suffered injuries on 03.03.2022 itself. If at all he has suffered injury on the said day, he ought to have rushed to the hospital on that day itself. Going to the hospital four days after the incident would suggest that he might have suffered injury by some other means. Hence, comes to the conclusion that prosecution case is shrouded in doubt and there is a total inconsistency in its oral and documentary evidence.

6. The Trial Court also taken note of the evidence of P.W.2, who is the victim and she also denies the very seizure of M.O.2 and says that it does not belong to her. The FSL report was also taken note of in paragraph No.23 that though P.W.9 admitted that he did not send M.O.2 to FSL and he also admitted that in Ex.P14, it is stated that P.W.5 suffered injuries to his left hand fingers. When there is no FSL report with



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regard to M.O.2 is concerned, though the same was seized, it appears to be planted and the same is taken note of by the Trial Court.

7. Apart from that, with regard to the nature of injuries are concerned, the same is discussed in paragraph No.25 by the Trial Court that the injuries which were mentioned as simple was fabricated as grievous and also the scope of Section 320 of IPC is also discussed in the judgment of the Trial Court. Further, P.W.6 totally turned hostile by saying that he was not at all present at the time of incident nor he witnessed it and the only witnesses remain are P.W.2 and P.W.5 and the evidence of both the witnesses is inconsistent. Hence, the Trial Court acquitted the accused persons.

8. However, learned High Court Government Pleader for the State would vehemently contend that when the victim has deposed before the Court that she was subjected to assault when an attempt was made to outrage her modestly and when the accused tried to get sexual favour from the victim and forceful attempt was made and P.W.5 had sustained injuries, the Trial Court ought not to have acquitted the accused



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considering the wound certificate and also the evidence of the injured and medical evidence before the Court. But, having considered the said submission, we have perused the reasoning of the Trial Court and the Trial Court, found inconsistencies in the evidence of P.W.2 and P.W.5 and even though P.W.5 has sustained injury, but he went to the hospital after four days, but, P.W.2 though went to the hospital on the very same day, M.O.2 was not identified by her and the records disclose that the same was not sent to FSL and no FSL report and also though says that there was blood stained injuries and clothes were also stained with blood, there is no report with regard to the same.

9. The P.W.9, who conducted investigation also says that there were blood stains on M.O.2, but no such blood stains on M.O.2. Therefore, seizure of M.O.2 by P.W.9 comes under the clouds of doubt and the very case of the prosecution is shrouded with suspicion and the Investigating Officer has categorically admitted that he has conducted further investigation on the instructions of Higher-ups.



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10. When such materials are available before the Court, question of reconsideration of this matter does not arise. Hence, it is not a case for admission and no grounds are made out to admit the appeal.

11. In view of the discussion made above, we pass the following:

ORDER

The appeal is ***dismissed.***

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

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

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List No.: 1 Sl No.: 9