



CNR: KAHC010368792014

NC: 2026:KHC:54700
CRL.A No. 992 of 2014
C/W CRL.A No. 1124 of 2014

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 992 OF 2014 (A)

C/W

CRIMINAL APPEAL NO. 1124 OF 2014 (A)

IN CRL.A No. 992/2014

BETWEEN:

1. PITCHAIAH
S/O ALAGAN
AGED ABOUT 61 YEARS
R/O # 115-11-F, 16TH WARD
DEVAGANAPATTA
PIRIYAKULAM TALUK
THENI DISTRICT-625 602
TAMILNADU.

...APPELLANT

(BY SRI. MOHAMMED KALEEM, ADVOCATE FOR
DR. BALASUBRAMANIAN V.K., ADVOCATE)

AND:

1. MANJUNATHA
S/O KARUPPAIAH
AGED ABOUT 31 YEARS
R/O NO.45, KUVEMPUNAGAR
DASARAHOSAHALLI
BEML NAGAR, K.G.F.
KOLAR DISTRICT-563 101.
2. THE STATE OF KARNATAKA
BEML NAGAR POLICE STATION
BANGARPET KOLAR-563 101



CNR: KAHC010368792014

NC: 2026:KHC:54700
CRL.A No. 992 of 2014
C/W CRL.A No. 1124 of 2014

REP BY PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE-560 001.

...RESPONDENTS

(BY MS.RAKSHITHA P.SINGH, ADVOCATE FOR
SRI. S.BALAKRISHNAN, ADVOCATE FOR R1;
SRI. K.NAGESHWARAPPA, HCGP FOR R2)

THIS CRL.A. IS FILED U/S.372 OF CR.P.C. PRAYING TO
SET ASIDE THE ORDER DATED 18.07.2014 PASSED BY THE
LEARNED PRESIDING OFFICER, FAST TRACK COURT, KGF IN
S.C.NO.181/2011 AND CONSEQUENTLY PASS A JUDGMENT OF
CONVICTION AGAINST THE ACCUSED BY SENTINCING HIM
FOR HAVING COMMITTED THE OFFENCE P/U SECTION 498-a,
306 OF IPC AND ALLOW THE APPEAL WITH COSTS.

IN CRL.A NO. 1124/2014

BETWEEN:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
SUB INSPECTOR OF POLICE
BEML NAGAR POLICE STATION
BANGARPET TALUK-563 114.

...APPELLANT

(BY SRI. K.NAGESHWARAPPA, HCGP)

AND:

1. MANJUNATHA
AGED ABOUT 28 YEARS
R/A NO.45, KUVEMPU NAGAR
DASARAHOSAHALLI
BEML NAGAR
KGF-563 101.

...RESPONDENT

(BY MS. RAKSHITHA P.SINGH, ADVOCATE FOR
SRI. S.BALAKRISHNAN, ADVOCATE)



CNR: KAHC010368792014

NC: 2026:KHC:54700
CRL.A No. 992 of 2014
C/W CRL.A No. 1124 of 2014

THIS CRL.A. IS FILED U/S.378(1) AND (3) CR.P.C BY THE S.P.P. PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED TO GRANT LEAVE TO APPEAL AGAINST THE JUDGMENT AND ORDER OF ACQUITTAL DATED 18.7.2014 PASSED BY THE PRESIDING OFFICER, FAST TRACK COURT, K.G.F., IN S.C.NO.181/2011, ACQUITTING THE RESPONDENT FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498(A) AND 306 OF IPC AND SET ASIDE THE JUDGMENT AND ORDER OF ACQUITTAL DATED 18.07.2014 PASSED BY THE PRESIDING OFFICER, FAST TRACK COURT, K.G.F., IN S.C.NO.181 OF 2011, ACQUITTING THE RESPONDENT FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498(A) AND 306 OF IPC ETC.

THESE APPEALS, COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

Sri.Pitchaiah, the father of the deceased Vijayalakshmi and the State have preferred appeals in Crl.A.Nos.992/2014 and 1124/2014, respectively against the judgment of acquittal passed by the Fast Track Court, K.G.F. in S.C.No.181/2011 dated 18.07.2014.

2. The brief facts leading to both the appeals are that, the BEML Nagar Police, Bangarpet Taluk, submitted the charge sheet against the accused for the offence under Sections 498(A) and 306 of IPC. It is alleged by the prosecution that the



CNR: KAHC010368792014

NC: 2026:KHC:54700
CRL.A No. 992 of 2014
C/W CRL.A No. 1124 of 2014

deceased Vijayalakshmi was residing with her husband and children at Door No.45, Kuvempu Nagara, Dasarahosahalli. Accused, being the brother-in-law of deceased Vijayalakshmi has returned back from Dubai about two months back prior to 31.08.2009 and residing with them. In the absence of her husband and children in the house, accused used to misbehave, abuse and scold her stating her to go and die somewhere and gave physical and mental torture to her for petty matters and instigated her to commit suicide. Unable to bear his physical and mental cruelty and torture, she committed suicide by hanging herself. Thus, the accused have committed the offence punishable under Sections 498(A) and 306 of IPC. After filing of charge sheet, a case was registered in C.C.No.378/2011. Then case was committed to the Court of Sessions. Thereafter, the same was registered in S.C.No.181/2011.

3. In pursuance of summons, accused appeared before the trial Court and enlarged on bail. On hearing the charges, trial Court has framed the charges against the accused for the alleged commission of offence. Same was read over and



CNR: KAHC010368792014

NC: 2026:KHC:54700
CRL.A No. 992 of 2014
C/W CRL.A No. 1124 of 2014

explained to the accused. Having understood the same accused pleaded not guilty and claimed to be tried.

4. To prove the guilt of the accused, prosecution has examined 15 witnesses as PWs.1 to 15, 20 documents were marked as Exs.P1 to 20 and one veil is marked as MO.1. On closure of prosecution said evidence, the trial Court has recorded the statement of accused under Section 313 of Cr.P.C. Accused has totally denied the evidence of prosecution witnesses. However, he did not choose to lead any defence evidence on his behalf. Having heard the arguments on both sides, trial Court has acquitted the accused.

5. Being aggrieved by this judgment of acquittal, the State and PW.1, father of the deceased have preferred these appeals.

6. Learned counsel for the appellant in Crl.A.No.992/2014 submitted that, the learned Sessions Judge has grossly erred in acquitting the accused even though the evidence placed before the Court was sufficient to hold that the accused has committed the offence. The trial Judge has further



CNR: KAHC010368792014

NC: 2026:KHC:54700
CRL.A No. 992 of 2014
C/W CRL.A No. 1124 of 2014

erred in believing Ex.C1-death note. The trial Court ought to have examined the said issue in detail before forming an opinion of acquittal. In fact, to prove the genuineness of Ex.C1, there is no evidence available on record and there is no proper reasoning given by the trial Court on this important and material issue. Ex.P6 is an admitted signature of the deceased and Ex.C1 is the disputed signature. In fact, perusal of the same in the naked eye, one can say that the signatures on both the documents cannot be done by one and are not similar. Though this fact was brought to the notice of the trial Court, trial Court has failed to consider the same. Further it is submitted that the trial Court has failed to appreciate the evidence in a proper perspective manner and sought for allowing this appeal.

7. Learned HCCP Sri.K.Nageshwarappa appearing for the State-appellant in Crl.A.No.1124/2014 has submitted that, the learned Sessions Judge has not properly appreciated the evidence of PW1-father of deceased, PW.2-mother of the deceased and PW.3-sister of the deceased in its proper perspective manner. The learned Sessions Judge has further



CNR: KAHC010368792014

NC: 2026:KHC:54700
CRL.A No. 992 of 2014
C/W CRL.A No. 1124 of 2014

failed to appreciate Ex.P1-Inquest Mahazar, which has been attested by PW.4. The trial Court has also not properly appreciated the evidence of other witnesses and sought for allowing this appeal.

8. As against this, the learned counsel for the accused-respondent Ms.Rakshitha P.Singh, would submit that, the trial Court has properly appreciated the evidence on record in accordance with law and facts. Absolutely that there are no materials to interfere with the impugned judgment of acquittal and sought for dismissal of the appeals.

9. Having heard the arguments on both sides and perusal of materials placed before this Court, the following points would arise for my consideration:

- (i) Whether the appellants-PW.1, father of the victim and the State have made out a ground to interfere with the impugned judgment of acquittal?
- (ii) What order?

10. My answer to the above points are as under:

Point no.1 : Negative



CNR: KAHC010368792014

NC: 2026:KHC:54700
CRL.A No. 992 of 2014
C/W CRL.A No. 1124 of 2014

Point No.2 : As per final order.

Regarding Point No.1:

11. Before appreciating the evidence on record, it is necessary to mention here as to the scope of appellate Court in the judgments of acquittal in appeal. 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 SAHEBGOUDA RUDRAGAUDAR 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



CNR: KAHC010368792014

**NC: 2026:KHC:54700
CRL.A No. 992 of 2014
C/W CRL.A No. 1124 of 2014**

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 a 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.

12. I have examined the materials placed before this Court.



CNR: KAHC010368792014

NC: 2026:KHC:54700
CRL.A No. 992 of 2014
C/W CRL.A No. 1124 of 2014

13. This case arises out of the complaint filed by one Sri.Mariathangakumar, S/o Tresraj as to the death of deceased Vijayalakshmi. In his complaint, it is stated that he does not know about the cause of death. On the basis of this complaint, the Sub Inspector of Police, BEML Nagar Police registered a case in UDR No.10/2009 under Section 174 of Cr.P.C. and submitted an FIR to the Tahsildar, Bangarpet as per Ex.P15. Ex.P19 is the intimation of unnatural death to the Executive Magistrate. Thereafter, PW.12-Dr. K.Dhakshayani, the Tahsildar has lodged a complaint to the Sub Inspector of Police, BEML Nagar as per Ex.P10. On the basis of this complaint, a case was registered in Crime No.72/2009 against the accused Manju, S/o Karuppaiah for the offence under Sections 498(A) and 306 of IPC, in which it is stated as under:

"ವಿಷಯ: ಮೃತಕಾಗಿರುವ ವಿಜಯಲಕ್ಷ್ಮಿ, ಕೋಂ

ನೀಲಮೇಘಕಣ್ಣ, 27 ವರ್ಷ, ವಾಸ ಮನೆ ಸಂಖ್ಯೆ:45,

ಕುವೆಂಪು ನಗರ ರವರ ಮೃತದೇಹದ ಮೇಲೆ ಶವತನಿಖೆ

ಮಾಡಿರುವ ಬಗ್ಗೆ ವರದಿ

ಉಲ್ಲೇಖ: ಬೆಂಗಳೂರು ನಗರ ಪೊಲೀಸ್ ಠಾಣೆಯ ದು:ಸಂ 10/09

ಕಲಂ 174(c) CrPC

ಈ ಮೇಲ್ಕಂಡ ವಿಷಯ ಮತ್ತು ಉಲ್ಲೇಖದ ಬಗ್ಗೆ ತಿಳಿಸುವುದೇನೆಂದರೆ,
ಮೃತಕಾಗಿರುವ ಶ್ರೀಮತಿ ವಿಜಯಲಕ್ಷ್ಮಿ ರವರ ತಂದೆಯವರಾದ ಪಿಚ್ಚಯ್ಯ ಮತ್ತು
ತಾಯಿಯಾದ ಪಿಚ್ಚಮ್ಮಣಿ ರವರು, ಮೃತಳ ಮೈದುನನಾದ ಮಂಜುರವರನ್ನು



CNR: KAHC010368792014

NC: 2026:KHC:54700
CRL.A No. 992 of 2014
C/W CRL.A No. 1124 of 2014

ಆಪಾದಿತನನ್ನಾಗಿ ಮಾಡಿರುವುದರಿಂದ, ಸದರಿ ಮಂಜೂರವರ ವಿರುದ್ಧ ಕಲಂ 498(A),
306 ಭಾದಂಸಂ ರೀತ್ಯಾ ಕೇಸುದಾಖಲಿಸಿ ಅವರನ್ನು ಕೂಡಲೆ ಬಂಧಿಸಿ ಕಾನೂನು ರೀತಿ
ಕ್ರಮ ತೆಗೆದುಕೊಂಡು ಹಾಗೂ ವಿಚಾರನೆ ನಡೆಸಿ ಸದರಿ ಕೇಸಿನ ಬಗ್ಗೆ ಕೂಡಲೆ
ವರದಿಯನ್ನು ಸಲ್ಲಿಸುವುದು."

14. The father of deceased Sri. Pitchaiah was examined as PW.1. He has deposed in his evidence that deceased Vijayalakshmi is his daughter. About five years ago, she married Neelamegha Kannan. Out of the said wedlock, she gave birth to a child, who unfortunately died at the age of 13 months. She was residing in her husband's house, which was a joint family consisting eight members. Neelamegha Kannan was working in Bengaluru. He used to go to duty at 05:00 a.m. and return to home at about 6.00-7.00 p.m. There was no difference of opinion between the husband and wife. Prior to the death of his daughter, her sister-in-law, namely Jansi and her husband were ill-treating his daughter. Accused is the younger brother of his son-in-law. He came from Dubai prior to one month from the death of Vijayalakshmi. After that he started to quarrel and abuse the deceased. His daughter informed this to him as well as the misbehavior of the accused over phone. PW.1 advised her to inform that to her father-in-



CNR: KAHC010368792014

NC: 2026:KHC:54700
CRL.A No. 992 of 2014
C/W CRL.A No. 1124 of 2014

law. But she has not done because of shun and shyness. His daughter was an M.Sc. graduate. On 31.08.2009, he received a phone call informing him that his daughter had fallen in the bathroom, had become unconscious and was in a coma, and had been admitted to the Government Hospital. On reaching the Government Hospital, he saw his daughter and found that she had passed away. He also noticed certain injuries on her body. Later, he came to know that his daughter had allegedly committed suicide by hanging, unable to bear the harassment meted out to her by her sister-in-law, her mother-in-law, Muniyamma, and the accused, Munjunath.

15. PW.2 Pitchayamani, mother of the deceased has deposed that accused and her sister-in-law gave harassment to her daughter and subjected her to cruelty. In petty mattress they used to abuse her. Due to the ill-treatment of the accused, she committed suicide by hanging.

16. PW.3-Dhanalakshmi, sister of the deceased has deposed that the deceased and her husband cordially living and the accused came to BEML Nagara house from Dubai two



CNR: KAHC010368792014

NC: 2026:KHC:54700
CRL.A No. 992 of 2014
C/W CRL.A No. 1124 of 2014

months back and used to ill-treat the victim. Earlier there was no complaint against the accused nor he lived with the family for long period so as to give harassment which is so severe in nature to drive the victim to suicide.

17. PW.4-Sathish has deposed as to the Inquest Mahazar-Ex.P1. PW.5-Prabha, PW.6-Nagaraj, PW.7-Selvaraju, PW.8-V.Srinath, PW.9-Amaresh and PW.10-Neelamegha Kannan, husband of the deceased, all these witnesses have not supported the case of prosecution and hence, they are treated as hostile witnesses with permission of the Court.

18. PW.11-Dr.Loganayagi has deposed as to the examination of dead body and issuance of P.M. report as per Ex.P7.

19. PW.12-K.Dhakshayani, Tahasildar has deposed in her evidence that she has conducted inquest panchanama as per Ex.P1. The parents and sister of the deceased have given the statement. On the basis of that statement, she lodged a complaint to the police as per Ex.P10.



CNR: KAHC010368792014

NC: 2026:KHC:54700
CRL.A No. 992 of 2014
C/W CRL.A No. 1124 of 2014

20. PW.13-SFM.Muntaz, Retired Circle Inspector, PW.14-Srikanta B.N., Police Inspector, PW.15-Madhusudhan, P.S.I. have deposed as to their respective investigation.

21. Ex.C1 is the death note. In this regard, the trial Court has observed in paragraph no.15 that, in Ex.C1-death note, there is no allegation on the husband and the family nor specifically attributing ill-treatment by the accused.

22. In paragraph no.21, the trial Court has observed that PW.12-Tahsildar K.Dhakshayani has conducted inquest and has deposed as to the seizure and death note written in Tamil language on 31.08.2009. On the same day she has handed over the same to the police. The police have drawn mahazar and seized the same. But in Ex.P9-Mahazar, it revealed the contrary version and it is written that the same is seized on 01.09.2009. Why the same is not seized inspite of knowing the same on 31.08.2009 itself is leading to doubt the prosecution case. Even there is no allegation on the accused in that death note-Ex.C1.



CNR: KAHC010368792014

NC: 2026:KHC:54700
CRL.A No. 992 of 2014
C/W CRL.A No. 1124 of 2014

23. On careful examination of the entire evidence on record, this Court has noticed that the prosecution has not placed any cogent, convincing, clinching and corroborative evidence before the Court. The prosecution has also failed to prove the essential ingredients to prove the offence under Section 306 IPC. Viewed from many angles, I do not find any legal or factual error in the impugned judgment passed by the trial Court. Considering the facts and circumstances of the case and also keeping in mind the aforesaid decisions, I answer Point No.1 in the Negative.

Regarding Point No.2:

24. For the foregoing reasons and discussions, I proceed to pass the following:

ORDER

The appeals are ***dismissed***.

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