



CNR: KAHC010447352026

NC: 2026:KHC:45784-DB
CRL.A No. 1114 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.1114 OF 2026 (A)

BETWEEN:

THE STATE BY
MOLAKALMURU POLICE STATION
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU-1

...APPELLANT

(BY SRI MOHAMMED AYUB ALI, ADDITIONAL S.P.P.)

AND:

1. SMT. KARIBASAMMA
W/O. CHANDRANNA
AGED ABOUT 44 YEARS
OCC: LABOURER
R/AT CHIKKUNTHI VILLAGE
MOLAKALMURU TALUK
CHITRADURGA-577 535
2. BORANNA @ BORIAIAH
S/O. BADA KATAIAH
AGED ABOUT 44 YEARS
OCC: AGRICULTURIST
R/AT SANNAKANNARAHATTY VILLAGE

Digitally signed
by
SHARADAVANI
B
Location: HIGH
COURT OF
KARNATAKA



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KUDLIGI TALUK
BELLARY-583 135

3. THIPPESWAMY
S/O. PUTAGOSI PAPAIAH
AGED ABOUT 44 YEARS
OCC: WORKER IN BRICK FACTORY
R/AT SANNAKANNARAHATTY VILLAGE
KUDLIGI TALUK
BELLARY-583 135

...RESPONDENTS

THIS CRL.A. IS FILED U/S. 378(1)(4) CR.PC (FILED U/S. 419(1)(3) BNSS) BY THE ADVOCATE FOR THE APPELLANT-STATE AND STATE P.P. PRAYING TO GRANT LEAVE TO APPEAL AGAINST THE JUDGMENT AND ORDER DATED 07.03.2026 ACQUITTAL PASSED IN S.C.NO.26/2015 ON THE COURT OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE CHITRADURGA, ACQUITTING THE ACCUSED/RESPONDENTS AND SET ASIDE THE JUDGMENT AND ORDER OF ACQUITTAL DATED 07.03.2026 PASSED IN S.C.NO.26/2015 ON THE COURT OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, CHITRADURGA BY ALLOWING THIS CRIMINAL APPEAL AND ALSO CONVICT AND SENTENCE THE ACCUSED/RESPONDENT NOS.1 TO 3 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 302 AND 201 READ WITH SECTION 34 OF IPC AND SECTION 23 OF JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT-2000 AND SECTION 25 OF THE COMMISSION FOR PROTECTION OF CHILD RIGHTS ACT-2005 IN ACCORDANCE WITH LAW.

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



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ORAL JUDGMENT

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

This matter is listed for admission. We have heard Sri.Mohammed Ayub Ali, learned Additional SPP for the State.

2. The present appeal is filed by the State against the judgment of acquittal dated 07.03.2026 passed in SC.No.26/2015 by the Principal District and Sessions Judge, Chitradurga, for the offences punishable under Sections 302, 201 read with Section 34 of IPC and Section 23 of the Juvenile Justice (Care and Protection of Children) Act, 2000 and Section 25 of the Commission for Protection of Child Rights Act-2005 and prayed this Court to convict the accused/respondent.

3. The factual matrix of case of prosecution is that accused No.1 is the mother of the victims. It was alleged that her husband PW2 was not caring her, and her two children were also not listening to her words, they use to retort, and were quarrelling with her and totally ignored her. That on 26.11.2014 at about 01.30 a.m. in their house situated at Chikkunti of Molakalmuru taluk, when both of them were asleep



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in the bedroom, accused No.1-mother had dropped a size stone on the heads of her children, as a result, instantly caused their death. In order to screen the said fact, she kept her blood stained clothes and mobile in a plastic bag and threw them at a distance from her house at two different places. Accused Nos.2 and 3, with a common intention, along with accused No.1 have committed murder. It was alleged that Karibasamma i.e. accused No.1 was insisting accused No.3 to return her lent money of Rs.2,00,000/- and also she declined to have extra marital life with accused No.2 and hence charges were framed against all the accused persons for the offences punishable under Sections 302 and 201 read with Section 34 of IPC and Section 23 of Juvenile Justice (Care and Protection of Children) Act, 2000 and Section 25 of the Commission for Protection of Child rights Act-2005.

4. The accused persons were secured before the Trial Court and they did not plead guilty and claimed to be tried. Hence, prosecution in order to prove the charges leveled against the accused persons, examined 25 witnesses as PW.1 to PW.25 and got marked Exhibit P1 to Exhibit P35 and also



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marked the material objects as MO.1 to MO.21. Except the examination of accused No.1 as DW1, no other defense evidence is led before the Court.

5. The Trial Court, having considered the material on record, when the case is rest upon the circumstantial evidence, comes to the conclusion that the prosecution has failed to establish the chain link to prove the charges leveled against the accused persons and most of the witnesses have turned hostile. No circumstantial evidence is available before the Court. Trial Court also having considered the material on record in paragraph No.29 gave a finding that the same does not disclose any crime directly committed by these accused persons and comes to the conclusion that prosecution was not able to bring home the guilt either in respect of accused No.1 or accused Nos.2 and 3 and acquitted the accused. Being aggrieved by the said judgment of acquittal, the present appeal is filed before this Court.

6. The learned Additional SPP, in his argument, would vehemently contend that the Trial Court fails to consider



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particularly the evidence of PW4, who had last seen the accused persons when he woke up in the early morning, noticed the dead body of two children and also the learned Sessions Court has not considered the evidence led by the prosecution i.e. PW4, who has spoken about last seen together of accused No.1 along with accused Nos.2 and 3 at the house of PW1 and even had spoken about the presence of accused Nos.2 and 3 with the dead bodies of the deceased. He would further contend that though the PM reports marked at Exhibit P30 and Exhibit P31 of the deceased children, which reflects the murder of both the young children with crushing of their heads by throwing heavy object on the heads and Exhibit P35 the report of RFSL shows that MO1 was sent for chemical analysis. The said report reveals about the presence of human blood was found and it belongs to 'B' Group. The RFSL report reveals that the death of Nagamurthy and Thippesha was occurred due to smashing of their heads and it was not a suicide or natural, but was a homicidal. But the Trial Court has erred in appreciating the same and has wrongly comes to the conclusion and acquitted the accused.



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7. Learned Additional SPP also brought to the notice of this Court about presence of these accused persons on the previous night of the incident. But the material evidence mainly relied on by the prosecution i.e. PW.4, in his evidence categorically admitted that he is not aware of who has committed the murder and so also the evidence of PW12 will not come to the aid of the prosecution. When the case rests upon the circumstantial evidence, merely because of the death of two children on account of homicidal, the Court cannot convict the accused persons even though FSL report is also speaks about homicidal that was occurred due to smashing of their heads and based on these two materials and only on that ground, the Court cannot convict and there must be a chain link to establish the circumstances when the case is based upon the circumstantial evidence.

8. The Trial Court in paragraph No.18 has also taken note of the fact that after examination of PW1 and PW2, the accused Nos.2 and 3 were also implicated in the case. But in order to connect the role of the implicated accused persons in committing the crime, there is no any connecting material



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when the case is rest upon the circumstantial evidence and also when the allegation was made that accused No.1 was having an illicit relationship with accused No.2 and accused No.2 was also keeping an eye on her and the same was inviting her to have sexual intercourse with his concern. Nothing is deposed by any of the witnesses with regard to the same and also implication of accused No.1. Accused No.3 by declining to return her money, he was also planning to take revenge against her. But all these connecting circumstances are not established by the prosecution. When such a reasoned order is given by the Sessions Court, and there was no any chain link to establish the case against the accused persons, we do not find any ground to interfere with the findings of the Trial Court and the same not comes within the principles of the judgment of the Apex Court in the case of **MALLPPA AND OTHERS V. STATE OF KARNATAKA** reported in **(2024) 3 SCC 544** wherein held that while reversing the judgment of acquittal into conviction, there must be cogent and convincing evidence and only if perversity is found, the Court can reverse the same.



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9. In view of the discussions made above, we pass the following.

ORDER

The appeal is **dismissed**.

Sd/-
(H.P.SANDESH)
JUDGE

Sd/-
(B.PRAMOD)
JUDGE

MKM
List No.: 1 Sl No.: 11