



NC: 2026:KHC:45769-DB
CRL.A No. 13 of 2018
C/W CRL.A No. 1721 of 2017

CNR: KAHC010464592018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 13 OF 2018 (A)

C/W

CRIMINAL APPEAL NO. 1721 OF 2017

IN CRL.A NO. 13/2018

BETWEEN:

THE STATE BY WOMEN POLICE STATION,
MYSORE DISTRICT, MYSORE,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
BANGALORE-560 001.

...APPELLANT

(BY SRI. RANJITH KUMAR N., HCGP)

AND:

1. SRI. NASIR HUSSAIN
SON OF SHOUKATH HUSSAIN,
AGED ABOUT 33 YEARS,
RESIDING AT NO.2331,
8TH CROSS, BASAVESHWARA ROAD,
K.R. MOHALLA, MYSORE-560 025.
2. SRI. GULNAS BEGUM
WIFE OF SHOUKATH HUSSAIN,
AGED ABOUT 52 YEARS,
RESIDING AT NO.2331,
8TH CROSS, BASAVESHWARA ROAD,
K.R. MOHALLA, MYSORE-560 025.



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3. SRI. SHOUKATH HUSSAIN,
SON OF LATE ABDUL WAHAB,
AGED ABOUT 64 YEARS,
RESIDING AT NO.2331,
8TH CROSS, BASAVESHWARA ROAD,
K.R. MOHALLA, MYSORE-560 025.
4. SRI. SAHEERA BEGUM @ RIHANA BHANU
WIFE OF NOORULLA KHAN,
AGED ABOUT 30 YEARS,
RESIDING AT NO.14, 7TH "B" CROSS,
VINAYAKANAGARA, BANGALORE-560 017.
5. GULSHIRA BHANU @ GULSHEED BEGUM
WIFE OF FIROZ KHAN,
AGED ABOUT 29 YEARS,
RESIDING AT EWS 132,
NAIDUNAGARA, KESARE,
MYSORE-560 025.

...RESPONDENTS

(BY SRI. V.S. VINAYAKA, ADV. FOR R1 TO R5, V/O DATED
14.01.2026 - APPOINTED AS AMICUS CURIAE.)

THIS CRL.A. IS FILED U/S.378(1) AND (3) CR.P.C BY THE
S.P.P. FOR THE APPELLANT PRAYING TO GRANT LEAVE TO
APPEAL AGAINST THE JUDGEMENT AND ORDER OF ACQUITAL
DATED 25.09.2017 PASSED BY THE LEARNED V ADDITIONAL
DISTRICT AND SESSIONS JUDGE, MYSORE IN
S.C.NO.204/2010 THEREBY INSO FAR AS IT RELATES TO
ACQUITTING THE RESPONDENTS/ACCUSED FOR THE
OFFENCES P/U/S 307 R/W 34 OF IPC AND SEC.3,4 OF D.P ACT.

IN CRL.A NO. 1721/2017

BETWEEN:

1. NASIR HUSSAIN
S/O SHOUKATH HUSSAIN
AGED ABOUT 26 YEARS



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2. GULNAS BEGUM
W/O SHOUKATH HUSSAIN
AGED ABOUT 45 YEARS

3. SHOUKATH HUSSAIN

A-1 TO 3 ARE RESIDING AT NO 2331,
8TH CROSS, BASAVESHWARA ROAD,
K R MOHALLA MYSURU

4. SAHEEERA BEGUM @ RIHANA BHANU
W/O NOORULLA KHAN
AGED ABOUT 23 YEARS
R/O NO.14, 7TH B CROSS,
VINAYAKANAGARA, BENGALURU.

5. GULSHIRA BHANU @ GULSHEED BEGUM
W/O FIROZ KHAN,
AGED ABOUT 22 YEARS,
EWS 132, NAIDUNAGARA KESARE,
MYSURU.

...APPELLANTS

(BY SRI. V.S. VINAYAKA, ADV. FOR A1 TO A5, V/O DATED
14.01.2026 - APPOINTED AS AMICUS CURIAE,
(V/O DATED: 24.08.2026 A3 IS ABATED.))

AND:

STATE OF KARNATAKA
REP. BY WOMEN POLICE STATION
MYSURU DISTRICT, MYSURU,
REP. BY SPP, HCK, BANGALORE.

...RESPONDENT

(BY SRI. RANJITH KUMAR N., HCGP)

THIS CRL.A. IS FILED U/S.374(2) CR.P.C PRAYING TO
SET ASIDE THE JUDGMENT AND SENTENCE DATED
25.09.2017 PASSED BY THE V ADDITIONAL DISTRICT AND
SESSIONS JUDGE, MYSURU IN S.C.NO.204/2010 -
CONVICTING THE APPELLANT/ACCUSED NO.1 TO 5 FOR
THE OFFENCE P/U/S 498(A) R/W 34 OF IPC.



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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ
AND
HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ)

1. These two appeals arise out of the judgment and order dated 25.09.2017 passed by the Court of Vth Additional District and Sessions Judge at Mysuru in SC No.204 of 2010.

2. CrI.A. No.13 of 2018 is preferred by the State against the acquittal of accused 1 to 5 for the offence punishable under Section 307 read with Section 34 of IPC and Section 3 and 4 of Dowry Prohibition Act.

3. CrI.A. No. 1721/2017 is preferred by accused No.1 to 5 against the judgment of conviction and order on sentence passed against them for the offence punishable under Section 498-A read with Section 34 of IPC.

4. Heard both sides and perused the evidence and material evidence.



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5. The Complainant-Ameera Begum/PW2 is the wife of accused No.1. Accused 2 and 3 are the parents-in-law and accused 4 and 5 are her sisters-in-law. The marriage of PW2 with accused No.1 was performed on 12.07.2007 as per the customs in the Muslim community. It is alleged that, prior to the marriage, accused No.1 had kidnapped her and after 4 days he brought her to Ilahi Mehmoon Masjid and their marriage was performed. It is the case of the prosecution that the accused were subjecting PW2 to physical and mental torture for not bringing dowry, and during festival time, two rings were given to accused No.1 and later accused No.1 left PW2 in her parental home. On 06.02.2009 at about 07.00 p.m. when PW2 was brought to the house of the accused at No.2331, Basaveshwara Road, 7th Cross, K.R.Mohalla, Mysuru, the accused abused her and poured kerosene on her head and attempted to burn her with a candle. Further, they kicked on her stomach, twisted her hand etc.



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6. Before the trial Court, the prosecution, examined 11 witnesses, got marked 32 documents and 2 material objects. The defence got marked Ex.D1 to D5.

7. The Learned Sessions Judge, vide impugned judgment, came to the conclusion that the prosecution has failed to establish the charges levelled against the accused for the offences punishable under Section 307 read with 34 of IPC and Section 3 and 4 of the Dowry Prohibition Act, 1961. However, held that the charge under Section 498A read with Section 34 of IPC was proved.

8. During the pendency of the appeal, accused No.3 died. Hence, the appeal Insofar as the said accused is concerned, stands abated.

9. We have meticulously perused the evidence of the prosecution witnesses and other materials on record, including the impugned judgment passed by the trial Court.



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10. A careful perusal of Ex.P2-complaint lodged by PW2 shows that, it does not disclose the specific overt act insofar as accused No.3-father of accused No.1. Omnibus allegations are made. Even with regard to the incident which took place on 06.02.2009 at about 07.00 pm which led to filing of the complaint and registration of the FIR, it is not alleged therein that accused No.3 was present in the house. As per Ex.P2, on 06.02.2009 at about 07.00 pm, the elders of the community, the father, brother and one Nooruddin brought the complainant-PW2 to the house of the accused. While others remained outside, the complainant entered the house and at that time, it is alleged that, her mother-in-law (accused No.2) started abusing her in filthy language, her sister-in-law Saheera Begum @ Rihana Bhanu (accused No.4), poured kerosene on her head and another sister-in-law Gulshira Banu (accused No.5) twisted her hand and kicked on her stomach. Her mother-in-law was holding a candle in her hand. When she screamed, her father, brother and



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Nooruddin, as well as others, rushed into the house. In ExP2, it is stated that, complainant's husband i.e., accused No.1 was not present in the house.

11. The FIR came to be registered on the following day. It is seen that the statement of PW2 was recorded at K.R Hospital, Mysuru, on 07.02.2009 at about 10.00 am and thereafter, the case was registered.

12. Even according to the prosecution, prior to the marriage, accused No.1 had kidnapped PW2 and after 4 days she was brought back and the marriage was performed as per the customs in the Muslim community. It is nowhere mentioned in Ex.P2 that dowry was either demanded or received by the accused at the time of marriage. Omnibus allegations are made that after the marriage, the accused demanded PW2 to get Rs.1,00,000/- dowry and household articles and in this regard, she was subjected to physical and mental cruelty. Even though PW5 and PW6 have deposed that there was demand by the accused, considering the genesis and the



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background of the case, the allegations that there was a demand for dowry appears to be doubtful and the same is an improvement made in the depositions of the prosecution witnesses. The material on record would reveal that the dispute between accused No.1 and PW2 resulted in several panchayaths by the elders and family members and then it was decided that the accused should take PW2 back to their house. According to the prosecution, she returned to her matrimonial home on 06.02.2009, till then she was in the house of her parents. Hence, the further allegation that, accused were demanding Rs.1,00,000/- and truckload of house hold articles, does not merit acceptance. It is not the case of the complainant or PW5 and PW6 that only after those articles were given, PW2 went to the house of the accused.

13. According to the prosecution, the accused doused PW2 with kerosene with an attempt to set fire. As per Ex.P2, the father, brother and one Nooruddin were



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present outside the house, when the said incident took place. However, no complaint was lodged on the date of alleged incident. A perusal of Ex.P2 and the evidence of the above witnesses goes to show that they have not witnessed the said incident. It is only on the say of PW2, the prosecution alleges that the accused, viz. accused No.4, poured kerosene and then accused No.2 held a candle to set fire. Admittedly, it is not the case of PW2 that the said accused No.2 i.e. her mother-in-law, tried to lit the candle with a match stick and attempted to set her ablaze. There is no mention of PW2 holding a match box or match stick. Kerosene poured clothes of PW2 were also not recovered. The trial Court, while examining the allegation regarding the accused attempting to set fire on PW2, has elaborately considered the evidence of the prosecution witnesses and observed that there was an incident, but it hardly can be said that it was an attempt to murder, but there may be a scuffle, wherein PW2 was splashed with kerosene and the possibility of PW2 carrying



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the kerosene, as suggested by the defence counsel, cannot be ruled out.

14. As per Ex.P27-case sheet, it was a case of suspected kerosene poisoning. The history furnished is assault by the sister-in-law and mother-in-law. PW2 has nowhere stated in her evidence that she was made to consume kerosene. As per the case sheet, PW2 had drunk kerosene. The trial Court has noticed that the entire treatment was for consuming the kerosene and the alleged vomiting experienced by PW2, which forced her to come to the hospital, which shows that there was consumption of kerosene. Hence, came to the conclusion that pouring of kerosene as stated by PW2, appears to be an embellishment.

15. Having appreciated the evidence on record, we are of the considered view that, insofar as offence punishable under Section 307 read with 34 of IPC and Section 3 and 4 of the Dowry Prohibition Act, 1961, there are no compelling reasons to reverse the findings recorded



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by the trial Court, as the material on record is insufficient to prove the said charges.

16. Insofar as the offence under Section 498-A read with 34 of IPC is concerned, after the difference arose, PW2 and accused No.1 started staying separately at K.R.Pete in a rented house. But later, accused No.1 did not choose to go to K.R.Pete to lead a life with PW2. Ultimately, after the panchayaths were held, PW2 was taken to the house of the accused, where the alleged incident took place. As per Ex.P2, accused 2, 4 and 5 were abusing and assaulting the complainant. Further on the date of incident, they have not only abused, but accused No.3 twisted her hand and also kicked on her stomach. In her deposition PW2 narrated about the physical and mental torture given to her by accused 1, 2, 4 and 5. Accused No.1 was making unlawful demand to get Rs.10,000/- to buy an air compressor and he used to unnecessarily pick up quarrel with her causing her mental agony. The evidence of PW3 the brother of PW2, also



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corroborates the evidence of PW2, insofar as the cruelty meted to her, which would attract the ingredients of Section 498A of IPC. Hence, the judgment of the trial Court, convicting accused 1, 2, 4 and 5 for the offence punishable under Section 498A read with 34 of IPC is justified.

17. It is brought to the notice of the Court that PW2-complainant had filed a divorce petition and the II Addl. Prl. Judge, Family Court at Mysuru in OS No.28/2016 has granted a decree of divorce on 06.02.2019.

18. The learned counsel for the accused has also brought to the notice of the Court that as per Ex.P2, two gold rings were given to accused No.1 and at the time of consideration of the execution petition, a sum of Rs.20,000/- was given to the complainant in connection with the value of two gold rings, which is not disputed.



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19. The trial Court, while convicting the accused under Section 498A of IPC, has sentenced them to undergo simple imprisonment for a period of two years and to pay a fine of Rs.10,000/- each, in default to pay the fine, to undergo Imprisonment for a period of 3 months. Out of the fine amount, a sum of Rs.25,000/- was ordered to be paid to PW2 as compensation under Section 357 of CrPC.

20. The parties got married in the year 2007. The incident is of the year 2009. The parties have obtained divorce in the year 2019 i.e., after the impugned judgment was passed by the trial Court. Since then they are living separately. Accused No.3 is no more. Accused Nos. 2, 4 and 5 are women. The offence under Section 498-A of IPC is punishable with imprisonment for a term which may extend to three years and shall be liable to fine. Accused No.1 was in custody for a period of 3 days. Considering the nature of offence and the fact that the parties namely accused No.1 and PW2 have obtained divorce and accused



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2, 4 and 5 are women and there are no criminal antecedents against the accused, we deem it appropriate to extend the benefit of Section 4 of Probation of Offenders Act, 1958.

21. Accused 1, 2, 4 and 5 are directed to execute a self bond before the trial Court, for a sum of Rs.10,000/- each, without sureties within 15 days and they shall appear and receive the sentence, if called upon within a period of one year, and in the meantime, they shall keep peace and good behaviour.

22. Exercising the power under Section 5 of Probation of Offenders Act, 1958, we direct accused 1, 3, 4 and 5 to pay a sum of Rs.50,000/- each, a total sum of Rs.2 Lakhs as compensation to PW2, within a period of one month from today, including a sum of Rs.50,000/- already deposited before the trial Court.

23. PW2-complainant is entitled to a sum of Rs.2,00,000/- (Rupees two lakhs Only), as compensation



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and the said amount shall be released in her favour by the trial Court, on due identification.

24. Crl.A No.13/2018 is ***dismissed*** and Crl.A No.1721/2017 is ***partly allowed***.

25. The accused shall produce the receipt before the registry of this Court, evidencing deposit of the compensation amount. If the amount as ordered above is not deposited, same shall be recovered from them as per Section 5(2) of Probation of Offenders Act, 1958.

Learned Amicus Curiae Sri V.S.Vinayaka is entitled to a honorarium of Rs.15,000/- (Rupees fifteen thousand only), payable by the State.

Registry shall forthwith return the Trial Court records.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

Sd/-
(G BASAVARAJA)
JUDGE