



CNR: KAHC010473452019

NC: 2026:KHC:50753-DB
CRL.A No. 1887 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO.1887 OF 2019 (C)

BETWEEN:

RAJU
S/O. LATE KARIYA
NOW AGED ABOUT 27 YEARS
R/O. BILLENAHOSAHALI HADI-571 105
HUNSUR TALUK
MYSURU DISTRICT

...APPELLANT

(BY SRI J. S. HALASHETTI, ADVOCATE)

AND:

STATE OF KARNATAKA
REP. BY HUNSUR RURAL POLICE
NOW REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU-560 001

...RESPONDENT

(BY SRI VIJAYKUMAR MAJAGE, S.P.P.-II ALONG WITH
SMT. SOWMYA R., H.C.G.P.)

THIS CRL.A. IS FILED U/S. 374(2) CR.P.C. BY THE
ADVOCATE FOR THE APPELLANT PRAYING TO SET ASIDE THE
JUDGMENT OF CONVICTION DATED 02.07.2019 AND
SENTENCE DATED 03.07.2019, PASSED BY THE

Digitally signed
by
SHARADAVANI
B
Location: HIGH
COURT OF
KARNATAKA





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IV ADDITIONAL DISTRICT AND SESSIONS JUDGE, MYSURU IN S.C.NO.339/2016, CONVICTING THE APPELLANT/ACCUSED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 302 AND 201 OF IPC.

THIS APPEAL, 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 B.PRAMOD

ORAL JUDGMENT

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

This appeal is preferred by the accused against the Judgment and Order of conviction and sentence passed by the Court of IV Additional District and Sessions Judge, Mysuru (hereinafter referred to as 'the trial Court') in SC No.339 of 2026, by which the trial Court has convicted the accused for the offences punishable under Section 302 and 201 of IPC and sentenced him to undergo rigorous imprisonment for life and to pay fine of Rs.10,000/-, in default of payment of fine, to undergo SI for six months, for the offence punishable under Section 302 of IPC and sentenced him to undergo rigorous imprisonment for a



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period of three years and to pay fine of Rs.5,000/-, in default of payment of fine, to undergo SI for three months, for the offence punishable under Section 201 of IPC.

2. We have heard Sri J.S.Halashetti, the learned counsel for the appellant and Sri Vijaykumar Majage, the learned SPP-II along with Smt.Sowmya R., learned HCGP for the respondent-State. Perused the evidence and material on record.

3. It is the case of the prosecution that, accused had married Poovamma, but due to some dispute, she had deserted him along with her two children and married some other person and she was residing separately. The brother of the accused by name Siddu had married Kaveri (deceased). He died due to some ill-health and after his death, the accused was living with Kaveri and his mother at Billenahosahalli. For about one year the accused and Kaveri were staying in Rajapura near Balale, by doing



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coolie work and about a week prior to the date of incident, they returned to Billenahosahalli. He was quarrelling with Kaveri for petty reasons. The accused was addicted to drinking habits and wasting the money and therefore Kaveri had advised him. In this connection, the accused was quarrelling with her.

4. On 09.06.2016 at about 04.00 p.m., the accused quarrelled with Kaveri and cut her neck with a chopper and committed her murder. Thereafter, in order to screen himself from the offence of murder and to destroy the evidence, dug a pit behind the house, for burying the dead body.

5. On the basis of a complaint-Exhibit P5, lodged by PW4, a case was registered against the accused for the offences punishable under Section 302 and 201 of IPC. The accused was arrested and bloodstained chopper was recovered at his instance. The bloodstained clothes of the



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accused were also seized. On completion of the investigation, PW13 filed the charge sheet.

6. On committal of the case to the Court of Sessions, the charges were framed against the accused for the offences punishable under Section 302 and 201 of IPC. To establish the charges, the prosecution got examined PW1 to PW15, got marked Exs.P1 to P14 and MOs.1 to 8. The defense of the accused was one of total denial. However, no defense evidence was led.

7. The trial Court, vide impugned Judgment and Order, held that the evidence adduced by the prosecution is sufficient to hold that the accused is guilty of the offences under Section 302 and 201 of IPC and the prosecution has successfully proved that the accused has committed the offences alleged against him beyond reasonable doubt.

8. Assailing the impugned judgment, the learned counsel for the appellant has vehemently contended that,



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the evidence of the prosecution witnesses suffers from serious contradictions and infirmities. The complainant examined as PW4 has admitted in the cross-examination that he got written the complaint through one boy, however the said boy has not been examined. According to the witnesses, hearing the screaming of the deceased, they went to the house of the accused and saw the accused had committed the murder and dug a pit to bury the dead body. He contended that according to the prosecution, after committing the murder, the accused had dug a pit and therefore the testimony of the witnesses that they immediately rushed to the spot on hearing screaming of the deceased, appears to be doubtful. He contended that all the witnesses, examined by the prosecution are chance witnesses, since according to them, they had come near the shop of one Nagesh and they were talking near the said shop. In the sketch, the shop of Nagesh is not shown and further the said Nagesh is also not examined by the prosecution. He contended that the mother of the



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accused is a crucial witness, but the prosecution has not examined her. He further contended that there are discrepancies with regard to the recovery of chopper (MO.1). Further, both the panch witnesses namely, PWs.8 and 10 to the recovery of bloodstained clothes (MOs.7 and 8) have turned hostile to the prosecution. He contended that PW1, PW2 and PW5, the material witnesses according to the prosecution have been treated hostile and therefore, the prosecution has failed to establish the guilt of the accused beyond reasonable doubt. He also contended that, in the P.M. report, the doctor has not mentioned the time of death and therefore, it is doubtful that the incident has taken place at about 04.00 p.m., as alleged by the prosecution.

9. Per contra, the learned SPP-II contended that the accused has not disputed that he was living in the house along with the deceased, where the incident has taken place. As per the spot mahazar-Exhibit P2, blood was found in the house. All the witnesses have categorically



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stated that on hearing the screaming sound, they went to the house and saw the accused holding a chopper and the dead body of kaveri with cut injuries on the neck. They have also spoken about a pit dug behind the house. He contended that the accused has failed to give any explanation regarding the homicidal death which had taken place inside the house. Hence, contended that the trial Court has rightly convicted and sentenced the accused for the charged offences.

10. The incident took place on 09.06.2016 at about 04.00 p.m. A perusal of Exhibit P5-complaint lodged by one Prakash M.A. goes to show that at about 04.30 p.m. on 09.06.2016, while he along with Ramesha, Sooranna and others were talking on the road near the house of the accused, saw the accused dragging his wife Kaveri from the front house to the back house. Therefore, they went near the house, wherein, they saw blood on the mat and clothes. The dead body of Kaveri was lying in the house with cut injuries to the neck. On seeing them, the accused



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tried to run away, throwing the chopper, but all of them held him. On enquiry, he told them that Kaveri was quarrelling with him and therefore, he has committed her murder by cutting her neck with a chopper.

11. The complainant-PW4 has stated that he informed the matter to the police and on arrival of the police, he gave the complaint as per Exhibit P5. The police drew the spot mahazar and also took the photographs.

12. The PSI-PW.12 has deposed that on receiving the information, at about 5.00 pm on 09.06.2016, he went to the spot and received the complaint-Exhibit P5 from PW4 and forwarded the same to the police station through a police constable (PW11). PW9-ASI, on receiving the complaint-Exhibit P5 sent through PW11, registered a case against the accused at about 07.45 p.m. on 09.06.2016.

13. In the cross-examination, PW4 has admitted that the complaint was written through one boy. He has stated that he do not remember the name of the said boy.



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He has denied the suggestion that the complaint was written by the police and that there is no connection between the accused and the incident.

14. The evidence of PW4 is corroborated by the evidence of PW1, PW2, PW5 and PW6. Though PW1, PW2 and PW5 were partly treated hostile, however they have clearly deposed about going to the house of the accused and seeing the dead body with cut injuries to the neck and the presence of the accused. They have also stated about a pit dug behind the house.

15. Further, PW6 has deposed that on the date of incident he had gone to Billenahosahalli and saw people standing near the said shop and when he went there, all of them rushed to the house of the accused hearing some screaming sound and he too went to the house, wherein he saw the accused had cut the neck of the deceased and tied her neck with a saree. He has stated that the dead body was on the mat and the accused was seen holding a



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bloodstained chopper in his hand. He has stated about others detaining the accused. He has also stated about a pit dug near the house of the accused. Further stated that, when they questioned the accused, he replied that the deceased was quarrelling with him for not working and therefore he committed the murder.

16. Learned counsel for the appellant contended that there are discrepancies and contradictions in the evidence of PW1, PW.2 and PW4 to PW6. Drawing the attention of the Court to the cross-examination of PW5, he contended that according to the said witness, the accused was tied to an electric pole, however the same is not spoken by other witnesses. Further, contended that according to the witnesses, the accused was holding the chopper in his hand, whereas the chopper was allegedly seized from a gunny bag kept outside the house. He further contended that seizure of bloodstained clothes of the accused is also not proved as both the panch witnesses namely, PW8 and PW10, to the seizure mahazar-Ex.P7 have turned hostile.



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17. We have carefully perused the evidence of PW1, PW.2, PW4 to PW6. The discrepancies pointed out by the learned counsel for the appellant, do not go to the root of the prosecution case. The fact that the accused and the deceased were residing in the house, where the incident took place, is not seriously disputed. It is also not in dispute that the accused was very much present, when the witnesses went to the house after hearing the screaming sound. He was detained at the spot and the police were called. On arrival of the police, the accused was arrested and the bloodstained chopper was seized. After the accused was taken to the police station, the bloodstained pant and T-shirt were also seized under a mahazar-Exhibit P7. As per FSL report-Ex.P14, the chopper and clothes were stained with human blood. The accused has not offered any explanation while he was examined under Section 313 Cr.PC. regarding the fact which was in his exclusive knowledge. Though, he has a right to remain silent, in view of the evidence of PW.1, PW.2, PW.4 to



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PW.6 and other material on record, we have no hesitation to hold that the prosecution has established the charges levelled against him.

18. Insofar as non-examination of the mother of the accused is concerned, the learned SPP-II has drawn the attention of the Court to her statement recorded during drawing up of the inquest mahazar-Ex.P2, wherein, she has stated that at the time of incident, she had gone for coolie work, and by the time she returned, the incident had taken place. Hence, non-examination of the mother of the accused who is cited as CW11, is not fatal to the prosecution.

19. Insofar as the homicidal death is concerned, there is no serious dispute. As per the P.M. report-Exhibit P6, the death is due to shock and hemorrhage secondary to injuries to vital organs of the neck. PW7, the Doctor who conducted the autopsy has noticed a deep with lacerated wound at the front portion of neck measuring



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8x4x3 cm with oozing of blood at adjacent area. PW7 has stated that the injury is ante-mortum in nature and time since death is 24 to 48 hours prior to the examination. He has stated that he conducted Post Mortem examination on 10.06.2016 from 04.00 p.m. to 05.00 p.m.

20. The reasons assigned by the trial Court for convicting and sentencing the accused for the charges framed is in accordance with law. There is no infirmity or illegality in the impugned judgment passed by the trial Court. Accordingly, we proceed to pass the following:

ORDER

The appeal is dismissed.

**Sd/-
(MOHAMMAD NAWAZ)
JUDGE**

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