



NC: 2026:KHC:54126
CRL.A No. 1410 of 2015

CNR: KAHC010473722015

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 29TH DAY OF SEPTEMBER, 2026
BEFORE**

**THE HON'BLE MR. JUSTICE G BASAVARAJA
CRIMINAL APPEAL NO. 1410 OF 2015 (A)**

BETWEEN:

1. THE STATE OF KARNATAKA
BY THYAGARAJANAGAR
POLICE STATION, (COD, SE),
BANGALORE - 560 028.

...APPELLANT

(BY SRI. K. NAGESHWARAPPA, HCGP)

AND:

1. SHEKAR
S/O ANNEGOWDA,
AGED 42 YEARS,
EDITOR OF "RATNA JYOTHI" NEWSPAPER,
R/AT NO. 985/A, 10TH CROSS,
2ND FLOOR, SBM COLONY,
BANASHANKARI 1ST STAGE,
BENGALURU - 560 085.
2. VITTAL PRASAD
S/O BALARAM PRASAD,
AGED 40 YEARS,
ADVOCATE,
RESIDING AT NO. 19, 2ND MAIN,
PALACE GUTTAHALLI, VYALIKAVAL,
BANGALORE - 560 003.
3. S MURTHY
S/O LATE K SIDDIAH,
AGED 40 YEARS,



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NO. 26, D.P.BLOCK,
BENSON TOWN POST,
BENGALURU - 46.

...RESPONDENTS

(BY SRI. JAVEED S., ADV. FOR R1 & R2 - ABSENT,
SRI. PRAMOD N. KATHAVI, SENIOR COUNSEL FOR
SMT. RACHANA BHARADHWAJ R., ADV. FOR R3.)

CRL.A. FILED U/S.378(1) AND (3) CR.P.C BY THE S.P.P.
AND ADV. FOR THE APPELLANT PRAYING THAT THIS HON'BLE
COURT MAY BE PLEASED TO GRANT LEAVE TO APPEAL
AGAINST THE JUDGMENT AND ORDER DATED 06.08.2015
PASSED IN C.C.NO.22279/2008 ON THE FILE OF THE COURT
OF THE I A.C.M.M., BANGALORE ACQUITTING THE
ACCUSED/RESPONDENTS NO.1 AND 2 FOR THE OFFENCES
P/U/S 448,506 AND 114 OF IPC AND ACCUSED NO.3 FOR THE
OFFENCES P/U/S 506 AND 114 OF IPC AND ETC.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

1. The State has preferred this appeal against the
judgment of acquittal dated 06.08.2015 passed in
CC.No.22279/2008 by the I ACMM, Bangalore (for short,
'the trial Court').

2. For the sake of convenience, the parties herein are
referred to as per their rank before the trial Court.



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3. Brief facts leading to this appeal are that, the Police Inspector, Special Enquiries, C.O.D., Bangalore laid charge sheet against accused Nos.1 to 3 for the offence under Sections 448 and 506 read with 34 and 114 of IPC. It is alleged by the prosecution that accused No.1 is the editor of 'Ratna Jyothi' paper. Accused No.2 is the advocate by profession and is a friend of accused No.1. Further it is alleged that, on 17.02.2008 at 5.40 pm, accused Nos.1 and 2 trespassed into the complainant's residence situated in Thyagaraja Nagar, Bengaluru, threatened CWs.1 and 2 to give money failing which they will collect personal information under Right to Information Act and to publish the same in 'Ratna Jyothi' newspaper and defame them and thereby committed offence punishable under Sections 448, 504 read with 34 of IPC. Accused No.3 gave personal information of CWs.1 and 2 to accused Nos.1 and 2 and investigated them. Thus, they committed offence punishable under Sections 506 and 114 IPC.



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4. After registration of the case, in pursuance of summons, accused appeared before the trial Court and enlarged on bail. On hearing, the trial Court has framed charges for the alleged offences. Same was read over and explained to the accused. Having understood the same, accused pleaded not guilty and claimed to be tried.

5. To prove the guilt of the accused, in all, the prosecution has examined 12 witnesses as PW1 to PW12. 17 documents were marked as Exs.P1 to P17. On closure of prosecution said evidence, statement under Section 313 of Cr.P.C was recorded. Accused have totally denied the evidence of prosecution witnesses. However, they did not choose to lead any defence evidence on their behalf. Having heard the arguments, the trial Court has acquitted the accused. Being aggrieved by the judgment of acquittal, the State has preferred this appeal.

6. The learned High Court Government Pleader Sri Nageshwarappa.K would submit that the impugned



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judgment of acquittal passed by the I ACMM, Bangalore, is contrary to the evidence and material on record and same is therefore to be set aside. The evidence of PW3 clearly goes to show that accused Nos.1 and 2 trespassed into the house and threatened him and demanded money. The trial Court has failed to appreciate the evidence of PW1 to PW9. The trial Court has not properly appreciated the evidence and record in accordance with law and facts. On all these grounds, it is sought to allow this appeal.

7. It is submitted by the learned counsel for the appellant that, prior to filing of this appeal by the State, the complainant has preferred appeal before this Court in Crl.A.No.1110/2015 and same was withdrawn by the complainant with liberty to prefer an appeal before the Sessions Court. Accordingly, he has presented the appeal before the Sessions Court in Crl.A.No.36/2016. Again, the said appeal came to be dismissed for non-prosecution. This conduct of complainant clearly goes to show that only



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to harass the respondents, the complainant has filed these appeals. To substantiate his argument, he has produced the copy of the orders passed in Crl.A.No.1110/2015 dated 10.12.2015 and the entire order sheet pertaining to Crl.A.No.36/2016 on the file of the Principal City Civil and Sessions Judge, Bengaluru.

8. Learned counsel for respondents 1 and 2 remained absent. It is noticed that Sri Javeed S, is already appointed as High Court Government Pleader. Hence, the arguments advanced on behalf of respondent No.3/accused No.3 is also taken as arguments on behalf of respondents 1 and 2.

9. The learned counsel for respondents would submit that, the trial Court has properly appreciated the evidence on record in accordance with law and facts. Absolutely there are no materials to interfere with the impugned judgment of acquittal and sought for dismissal of the appeal.



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

- (1) Whether the State has made out grounds to interfere with the judgment of acquittal?
- (2) What order?

11. My answer to the above points as under:

Point No.1: In Negative.

Point No.2: As per final order.

Regarding Point No.1:

12. Before appreciation of evidence on record, it is necessary to mention as to the judgments of 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 SAHEBGOU DA RUDRAGOUDAR 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



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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 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.



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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.

13. On careful examination of the entire materials on record, this Court has noticed that the trial Court has discussed the evidence of prosecution witnesses and in Paragraphs 22 to 40, trial Court has discussed as to the material omissions, contradictions, improvements and the conduct of interested witnesses and acquitted the accused.

14. On re-appreciation/re-consideration/re-examination of the entire evidence on record, I do not find any legal or factual error committed by the trial Court. Considering the facts and circumstances of the case and also keeping in



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mind the aforesaid decisions of the Hon'ble Supreme Court, I answer point No.1 in Negative.

Regarding Point No.2

15. For the aforesaid reasons and discussions, I proceed to pass the following:

ORDER

Appeal is **dismissed**.

Sd/-
(G BASAVARAJA)
JUDGE

DHA
LIST NO.: 1 SL NO.: 55