



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 12<sup>TH</sup> DAY OF MARCH, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ**

**AND**

**THE HON'BLE MR. JUSTICE VENKATESH NAIK T**

**CRIMINAL APPEAL NO. 940 OF 2018**

**C/W**

**CRIMINAL APPEAL NO. 613 OF 2025**

**IN CRL.A No. 940/2018**

**BETWEEN:**

STATE OF KARNATAKA  
BY RAMANAGARA RURAL  
POLICE STATION, RAMANAGARA  
REPRESENTED BY STATE PUBLIC PROSECUTOR  
HIGH COURT BUILDING  
BENGALURU - 01

...APPELLANT

(BY SMT. RASHMI PATEL., HCGP)

**AND:**

1. SHIVANNA  
SON OF MUDDEGOWDA  
AGED ABOUT 66 YEARS  
R/A VADDARAHALLI, KAILANCHA HOBLI,  
RAMANAGARA TALUK AND DISTRICT - 571511
2. LOKESH  
S/O SHIVANNA  
AGED ABOUT 30 YEARS  
R/A VADDARAHALLI, KAILANCHA HOBLI,  
RAMANAGARA TALUK AND DISTRICT - 571511

...RESPONDENTS

Digitally signed  
by LAKSHMI T  
Location: High  
Court of  
Karnataka



NC: 2026:KHC:15000-DB  
CRL.A No. 940 of 2018  
C/W CRL.A No. 613 of 2025

(BY SRI. MANJUNATH C., ADVOCATE FOR R2(ABSENT);  
APPEAL AGAINST R1 STANDS ABATED V/O DATED  
14.06.2019)

THIS CRL.A. IS FILED U/S.378(1) AND (3) CR.P.C  
PRAYING TO GRANT LEAVE TO FILE AN APPEAL AGAINST THE  
JUDGEMENT AND ORDER OF ACQUITTAL PASSED BY THE I  
ADDITIONAL DISTRICT AND SESSIONS JUDGE, RAMANAGARA  
IN CRL.A.NO.14/2013 DATED 25.09.2017 THEREBY ALLOWING  
THE SAID APPEAL AND ACQUITTING THE  
RESPONDENT/ACCUSED FOR THE OFFENCE P/U/S 326 AND  
324 R/W 34 OF IPC. AND ETC.

**IN CRL.A NO. 613/2025**

**BETWEEN:**

STATE OF KARNATAKA  
BY RAMANGARA RURAL POLICE STATION,  
REPRESENTED BY  
STATE PUBLIC PROSECUTOR,  
HIGH COURT BUILDING,  
BENGALURU-01.

...APPELLANT

(BY SMT. RASHMI PATEL., HCGP)

**AND:**

1. MANGAKKA  
W/O SHIVANNA,  
AGED ABOUT 56 YEARS,
2. RAJA  
S/O SHIVANNA,  
AGED 37 YEARS,  
BOTH ARE RESIDING AT:  
VADDARAHALLI, KAILANCHA HOBLI,  
RAMANAGARA TALUK & DISTRICT-571511.

...RESPONDENTS

(BY SMT. D. MANJULA., ADVOCATE)



THIS CRL.A IS FILED U/S. 419(1) & (3) OF BNSS, FOR THE STATE PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED TO SET ASIDE THE JUDGMENT AND ORDER DATED 03.11.2017 PASSED IN CRL.A.NO.22/2013 ON THE FILE OF I ADDITIONAL DISTRICT AND SESSIONS JUDGE, RAMANAGARA AND THE ORDER DATED 08.04.2013 IN C.C.NO.152/2002 ON THE FILE OF ADDITIONAL CIVIL JUDGE AND J.M.F.C., RAMANAGARA IN SO FAR AS THE RESPONDENTS ARE CONCERNED.

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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ  
and  
HON'BLE MR. JUSTICE VENKATESH NAIK T

**ORAL JUDGMENT**

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

These two appeals preferred by the State arise out of the Judgment passed by the Court of I Additional District and Sessions Judge, Ramanagara in Crl.A.No.14/2013 and Crl.A.No.22/2013.

2. We have heard the learned High Court Government Pleader appearing for the State and Smt. Manjula. D., appearing for respondent in Crl.A.No.613/2025.



3. Learned counsel Sri. Manjunath C. appearing for respondent No.2 in Crl.A.No.940/2018 is absent.

4. Insofar as respondent No.1 / accused No.1 in Crl.A.No.940/2018, appeal against him stands dismissed as abated.

5. Brief facts of the case: The first informant Venkatalakshmmamma (PW.1) is the wife of tailor Krishnappa (PW.2), victim in this case. They are the residents of Vaddarahalli village and they owned land in the said village. On 29.12.2001 at about 11:30 a.m., accused No.1, his wife and sons quarrelled with PW.2 for cutting a Neem tree standing in the land, stating that the said Neem tree belongs to them. On 30.12.2001 at about 08:30 p.m. when the first informant and her husband, tailor Krishnappa and their children were sleeping in the house, all the accused came near their house, dragged PW.2 out side the house and stating that why he has cut the Neem tree, abused him in filthy village. Accused No.3, assaulted him with a club on his head and on his left hand,



accused No.1 assaulted him with club on his forehead and right hand, accused Nos.2 and 4 pushed him to the ground and kicked on his chest and assaulted with hands and when PW.1 tried to intervene, she was also assaulted with hands.

6. Charges were framed against accused Nos.1 to 4 for the offence punishable under Section 504, 506, 326, 324, 323 read with Section 34 of IPC. To establish its case, prosecution examined PWs.1 to 8 and got marked Exs.P1 to 5 and MO.1. The accused denied all the incriminating evidence appeared against them while they were questioned under Section 313 of Cr.P.C., but did not lead any evidence on their behalf.

7. The Court of Civil Judge and JMFC, Ramanagar vide judgment dated 08.04.2013, convicted accused No.1 for the offence punishable under Section 326 read with Section 34 of IPC and accused Nos.3 for the offence punishable under Section 324 read with Section 34 of IPC.



They were sentenced to undergo Rigorous Imprisonment for 6 months and to pay fine of Rs.3,000/- each.

8. Aggrieved by the judgment of conviction and sentence passed by the trial Court, accused Nos.1 and 3 preferred Crl.A.No.14/2013 and feeling aggrieved by not passing any sentence on accused Nos.2 and 4 and also on the ground of inadequacy of sentence, the State preferred Crl.A.No.22/2013, before the Court of I Additional District and Sessions Judge, Ramanagar.

9. The learned Sessions Judge vide judgment dated 25.09.2017, allowed Crl.A.No.14/2013 preferred by accused Nos.1 to 3 and acquitted them, thereby setting aside the judgment and order of conviction and sentence passed against them for the offence punishable under Section 326, 324 of IPC.

10. Insofar as Crl.A.No.22/2013 preferred by the State, the learned Sessions Judge, dismissed the said appeal as not maintainable, insofar as accused Nos.2 and 4 are concerned, with liberty to the State to approach



appropriate forum. Insofar as accused No.1 is concerned, the appeal was disposed of as not surviving in view of the judgment passed in Crl.A.No.14/2013, wherein, the appeal preferred by accused Nos.1 and 3 was allowed and their conviction and sentence passed by the trial Court was set aside.

11. It appears that the learned Sessions Judge dismissed Crl.A.No.22/2013 preferred by the State against accused Nos.2 and 4 as not maintainable, since the trial Court had not passed any orders in respect of the said accused, either convicting or acquitting them.

12. Crl.A.No.940/2018 is preferred before this Court by the State challenging the judgment passed by the Sessions Court in Crl.A.No.14/2013 wherein, accused Nos.1 and 3 were acquitted by the Sessions Court.

13. Crl.A.No.613/2025 is preferred by the State against the judgment passed by the Sessions Court in Crl.A.No.22/2013, wherein, the Sessions Court dismissed the appeal preferred by the State in respect of accused



Nos.2 and 4 as not maintainable and the appeal against accused No.1 as disposed of, in view of the judgment of acquittal passed in Crl.A.No.14/2013.

14. In the above background, we have perused the entire evidence and material on record which has led to filing of the appeals by the State.

15. It is the case of prosecution that on 29.12.2001 at about 11:30 a.m. accused had picked up quarrel with PW.2, the victim in this case, taking objection for cutting a Neem tree standing in the land and on the next day, i.e., on 30.12.2001, at about 08:30 p.m. when PW.2 was sleeping in his house along with his wife-PW.1 and children, all the accused came near his house, dragged him outside and assaulted with clubs, kicked him and also assaulted with hands and when PW.1 tried to intervene, she was also assaulted and thereby committed the charged offences.

16. The prosecution has got examined 8 witnesses. PW.1 is the first informant, she is the wife of PW.2, injured



in this case. PW.2 is the injured / victim. PWs.3 and 4 are examined as panch witnesses to Ex.P2. PWs.5 and 6 are eye witnesses, PW.7 is the police official, who registered the case. PW.8 is the doctor. Ex.P5, wound certificate pertaining to PW.2 was marked through the said witness. Among the prosecution witnesses, PWs.3 and 4 have not supported the case of prosecution.

17. From Ex.P1, it can be seen that, the incident occurred on account of PW.2 cutting a Neem tree on the previous day i.e., on 29.12.2001 at about 11:30 a.m. In Ex.P1, it is stated that accused No.1, his son-accused Nos.3 and his wife-accused No.2 objected PW.2 for cutting the Neem tree and quarrelled with them. It is further stated that at about 8.30 pm on 30.12.2001, when PWs-1 and 2 along with their children were sleeping in the house, all the accused came near the house, dragged PW-2 outside and assaulted with clubs, etc., and also assaulted PW-1.



18. PW-1 in her evidence has stated that accused Nos.1, 3 and 4 assaulted her husband with a club, accused No.3 assaulted on his head and accused No.4 assaulted with a chopper on the occipital region. Accused No.3 abused them in filthy language and accused No.2 held her tuft, dragged her and assaulted her with hands.

19. If her evidence is perused, she has made several improvements. In Ex.P1, she has only stated that accused No.3 assaulted her husband with a club on his head and left hand and others kicked and assaulted her husband and herself with hands. She has not at all stated in Ex.P1 that even accused Nos.1 and 4 have also assaulted her husband with a club and there is not even a mention about any of the accused armed with a chopper or accused No.4 assaulting her husband with a chopper.

20. According to PW-2/injured, all the accused entered into his house, accused No.3 assaulted with a club on his head and body and even other accused assaulted him and his wife. PW-2 being an injured witness has not



at all deposed in his evidence that accused No.1 or 4 have assaulted him with a club and accused No.4 has assaulted him with a chopper. There are material contradictions in the evidence of PWs-1 and 2. However, both the said witnesses have denied the suggestion by the defence that PW-2 sustained injuries by a fall from a bicycle.

21. It is relevant to mention that in Ex.P1, PW-1 has stated that immediately after the incident, her injured husband was shifted in an Auto Rickshaw to Government Hospital, Ramanagara and then, she lodged a complaint. According to the prosecution, the complaint was lodged on the same night, whereas in her chief-examination, PW-1 has stated that on the next day, she lodged the complaint, which gives raise to a doubt regarding the genesis of the prosecution case.

22. PW-7, the police official who registered the case on receiving complaint from PW-1 has stated that on 30.12.2001 at about 11.15 pm, PW-1 visited the police station and lodged a complaint as per Ex.P1, based on



which, he registered a case and forwarded the FIR to the jurisdictional Court. He has conducted the spot mahazar, Ex.P2 from where the club-MO.1 was seized. Thereafter, he arrested the accused and received the wound certificate - Ex.P5 pertaining to PW-2 from the hospital and filed the charge-sheet.

23. As per the complaint averments, the injured was shifted to Ramanagara Government Hospital, on the very same night. However, PW-1 in her evidence has not stated about shifting the injured to the hospital on the very same night. PW-2 has only stated that he has taken treatment in the hospital. However, he has not stated as to when he took the treatment in the hospital. It is relevant because if the injured was shifted to the Government Hospital at Ramanagara with a history of alleged assault by the accused, the hospital authorities would have sent MLC intimation to the jurisdictional police. No such material is placed on record. Even PW-7 who registered the case has not spoken about any intimation



received from the hospital. If PW-1 has sustained any such grievous injuries, muchless any injuries in an incident of assault, certainly, there would have been an MLC prepared by the hospital and the concerned police would have been informed. On the other hand, as per PW-7, PW-1 herself came to the police station and lodged a written complaint - Ex.P1.

24. A perusal of the material on record goes to show that there was some dispute between the accused on the one side and complainant on the other side. The incident, as per prosecution, took place when PW-2 had cut a Neem tree. In view of the said dispute and the contradictions in the evidence of PW-1 and PW-2, it is necessary to seek corroboration to their evidence.

25. In Ex.P1, it is stated that when the incident took place, one Jayamma, Wife of Huchappa; Raju, Son of Chikkaiah and other villagers came and pacified the quarrel. Jayamma is not examined. However, Raju is examined as PW-5. PW-1 in her evidence has stated that



when the incident took place, Mahendra (CW-5) and Honnagiriappa (CW-3) came and rescued them. The names of the said two persons are not mentioned in the FIR. Be that as it may. Mahendra (CW-5) is examined as PW-4 and Honnagiriappa (CW-3) is examined as PW-3. Both the said witnesses have turned hostile. Infact, the prosecution has not examined them as eye-witnesses. On the other hand, they were examined as panchas to Ex.P2 from where MO-1 was recovered. They have denied drawing up of the mahazar and seizure of MO-1.

26. According to PW-5, his house is situated near the house of the complainant. On the date of the incident, at about 8.30 pm, accused No.3 came near the house of PW-1 and assaulted on the head of PW-2 with a club. Accused No.1 snatched the same club from the hands of accused No.3 and assaulted on the shoulder of PW-2. He has further stated that accused Nos.2 and 4 have kicked PW-1 and at that time, PWs-1 and 2 have sustained the



injuries. He has further stated that several people were present near the spot at the time of incident.

27. PW-6 has stated that there was a quarrel between PW-2 and accused and in the said quarrel, accused No.3 assaulted PW-2 with a club on his head and left hand and then accused No.1 snatched the said club and assaulted PW-2 on his right hand and accused Nos.2 and 4 assaulted PW-1 with hands and kicked him and the incident was witnessed by the villagers.

28. There are contradictions in the evidence of PWs-1 and 2 as well as PWs-5 and 6 with regard to the overt-acts of the accused. PWs-1 and 2 have not stated that accused No.1 snatched the club from the hands of accused No.3 and assaulted him. Both PWs-5 and 6 have not stated about accused No.4 assaulting PW-2 with a chopper. According to them, there were several other villagers present at the spot when the incident took place.

29. In the cross-examination of PW-5, he has admitted that he is the brother's son of PW-2 and also



admitted that there was enmity between the accused and PW-2 and due to the said enmity, PW-2 was always abusing the accused. Similarly, PW-6 has also admitted his relationship with PW-2. In view of the same, we find that both PWs-5 and 6 are related to PW-2 and their evidence being contrary to the evidence of PWs-1 and 2, not safe to be relied. Further, both PWs-5 and 6 have stated that there were several villagers present at the spot. However, the independent witnesses PWs-3 and 4 have turned hostile to the prosecution case.

30. In this case, according to the prosecution, PW-2 was treated at Government Hospital, Ramanagara. The prosecution is relying on Ex.P5-Wound Certificate, as per which, PW-2 sustained injuries to his left and right hands, forehead, on the occipital region and on the back. As per Ex.P5, injury No.1 is grievous and injury Nos.2 to 4 are simple in nature. The prosecution has got examined PW-8. He is not the doctor who treated the injured. He has deposed that one Dr.Srinivasamurthy issued Ex.P5, i.e.,



Wound Certificate. He has not stated as to when PW-2 visited the hospital and what was the treatment given or for how many days PW-2 was admitted in the hospital. Except Ex.P5, there is no other medical documents produced by the prosecution relating to PW-2. Further, though it is stated that injury No.1 is grievous in nature, as there were fractures of right ulna and left radius, the prosecution has not placed the X-ray film to prove injury No.1 mentioned in Ex.P5. In the absence of these materials, it cannot be said that the prosecution has established beyond reasonable doubt that PW-2 has sustained grievous injuries or he sustained those injuries mentioned in Ex.P5, in the incident, which took place on 30.12.2001 at about 8.30 pm.

31. Having re-appreciated the entire evidence on record, we are of the considered view that the charges against the accused are not proved by the prosecution beyond reasonable doubt. Accordingly, we proceed to pass the following:



NC: 2026:KHC:15000-DB  
CRL.A No. 940 of 2018  
*C/W CRL.A No. 613 of 2025*

**ORDER**

Both the appeals are ***dismissed.***

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

**Sd/-  
(VENKATESH NAIK T)  
JUDGE**

LDC,DH  
List No.: 2 Sl No.: 3