



CNR: KAH010530872018

NC: 2026:KHC:47300-DB
CRL.A No. 2211 of 2018
C/W CRL.A No. 1529 of 2016
CRL.A No. 2212 of 2018
AND 2 OTHERS

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 2211 OF 2018 (C)

C/W

CRIMINAL APPEAL NO. 1529 OF 2016 (A)

CRIMINAL APPEAL NO. 2212 OF 2018 (C)

CRIMINAL APPEAL NO. 967 OF 2019 (C)

CRIMINAL APPEAL NO. 1617 OF 2019 (A)

IN CRL.A No. 2211/2018:

BETWEEN:

SHANKARA
S/O DASEGOWDA,
AGED ABOUT 47 YEARS,
R/O BEKKALAE VILLAGE,
KOPPA HOBLI,
MADDUR TALUK,
MANDYA DISTRICT-571 428.

...APPELLANT

(BY SRI. H.S. SURESH, ADVOCATE (PH))

AND:

STATE OF KARNATAKA
BY KOPPA POLICE,
REP. BY SPP,



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HIGH COURT BUILDING,
BENGALURU-560 001.

...RESPONDENT

(BY SRI. RAHUL RAI K., HCGP (PH))

THIS CRL.A. IS FILED U/S.374(2) CR.P.C., PRAYING TO SET-ASIDE THE JUDGMENT OF CONVICTION AND SENTENCE DATED 12.12.2018 PASSED IN S.C.NO.147/2011 BY THE V ADDL. DISTRICT & SESSIONS JUDGE, MANDYA FOR THE OFFENCE PUNISHABLE UNDER SECTION 302 OF IPC AND ACQUIT THE APPELLANT.

IN CRL.A NO. 1529/2016:

BETWEEN:

THE STATE THROUGH KOPPA
POLICE STATION
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560 001.

...APPELLANT

(BY SRI. RAHUL RAI K., HCGP (PH))

AND:

1. K. PUTTASWAMY
S/O MASTIKULLEGOWDA,
AGED ABOUT 48 YEARS,
2. CHETANA
S/O MASTIKULLEGOWDA,
AGED ABOUT 30 YEARS,
3. RUDRESHA
S/O DODDABHADREGOWDA,
AGED ABOUT 38 YEARS,



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4. CHANDRASHEKARA B.H. @ CHANDRA
S/O K. HUCHCHEGOWDA,
AGED ABOUT 38 YEARS,
5. GIRISHA
S/O LATE MARIGOWDA,
AGED ABOUT 40 YEARS,
6. DAYANANDA
S/O K. HUCHCHEGOWDA,
AGED ABOUT 37 YEARS,
7. MAHESHA @ MADDA
S/O KATIBETTADA MADEGOWDA,
AGED ABOUT 23 YEARS,
8. GIRISH
S/O MUDDEGOWDA,
AGED ABOUT 31 YEARS,
9. NAGARAJA
S/O BUDDEGOWDA,
AGED ABOUT 39 YEARS,
10. CHIKKABHADRA
S/O MADEGOWDA,
AGED ABOUT 35 YEARS,
11. RAMESHA
S/O MADEGOWDA,
AGED ABOUT 39 YEARS,
12. B.H. RUDRESHA
S/O HONNALINGEGOWDA
@ HONNAGIRIGOWDA,
AGED ABOUT 40 YEARS,
13. B.H. SHIVARAMU @ SHIVARAMU
S/O HONNALINGEGOWDA,
AGED ABOUT 40 YEARS,



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14. DINESHA
S/O KUMARA,
AGED ABOUT 35 YEARS,
ABATED VIDE ORDER DATED 4.8.2022
15. KANTHRAJU @ KANTHA
S/O CHIKKOLAMMA,
16. HARISHA
S/O SHILLEBORNA RUDRAIAH,
AGED ABOUT 37 YEARS,
17. SHRIPATHI
S/O KARICHANNANA RAJANNA,
AGED ABOUT 32 YEARS,
18. KUMARA
S/O VEERANNAGOWDA,
AGED ABOUT 47 YEARS,
19. B.M. VEERANNA
S/O MADEGOWDA @
MANDYADA KEMPIMADAIAH,
AGED ABOUT 50 YEARS,
20. GOWRI
W/O B.M. VEERANNA,
AGED ABOUT 40 YEARS,
21. MASTER UMESH
S/O CHIKKAKARIYIAH,
AGED ABOUT 41 YEARS,
22. JAYAMMA
W/O MAHALINGEGOWDA,
AGED ABOUT 45 YEARS,
23. RAMESHA
S/O CHEETEGOWDA,
AGED ABOUT 28 YEARS,



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24. KUMARA
S/O CHEETEGOWDA,
AGED ABOUT 33 YEARS,
25. CHIKKEGOWDA
S/O CHEETEGOWDA,
AGED ABOUT 37 YEARS,
26. SANTHOSHA B.V.
S/O PIDDE @ CHIKKONU,
AGED ABOUT 33 YEARS,
27. VENKATESHA
S/O SHIVARAMAIAH,
AGED ABOUT 45 YEARS,
28. HONNEGOWDA
MEMBER OF GRAMA PANCHAYATHI,
TARIKERE VILLAGE,
29. VENKATESHA
S/O B.T. VENKATACHALAIAH,
AGED ABOUT 45 YEARS,
30. RUDRESHA
S/O HUCHCHEGOWDA,
AGED ABOUT 48 YEARS,
31. RUDRA
S/O MADEGOWDA,
AGED ABOUT 41 YEARS,
32. JAVAREGOWDA
S/O THIMMEGOWDA,
AGED ABOUT 45 YEARS,

RESPONDENT NO.27 IS RESIDENT
OF SOMANAHALLI VILLAGE,
RESPONDENT NO.28 IS
TARIKERE VILLAGE
AND OTHER RESPONDENTS ARE



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RESIDENT OF BEKKALLE VILLAGE,
KOPPA HOBLI,
MADDUR TALUK-571 428.

...RESPONDENTS

(BY SRI. J.T. GIREESHA, ADVOCATE FOR R18, R30 TO
R32 (PH);
SMT. ARCHANA MURTHY, ADVOCATE FOR R1 TO R13,
R15 TO R17, R19 TO R26, R28 & R29 (PH);
SRI. A.V. RAMAKRISHNA, ADVOCATE FOR R27 (PH);
V/O. DATED 04.08.2022 – APPEAL AGAINST R14 ABATED)

THIS CRL.A. IS FILED U/S.378(1) AND (3) CR.P.C.,
PRAYING TO: (A) GRANT LEAVE TO APPEAL AGAINST THE
IMPUGNED JUDGEMENT AND ORDER OF ACQUITTAL DATED
22.12.2015 PASSED BY THE LEARNED V ADDL. DISTRICT AND
SESSIONS JUDGE, MANDYA IN SESSIONS CASE NO.62/2011
THEREBY ACQUITTING THE RESPONDENTS - ACCUSED
PERSONS OF THE OFFENCES PUNISHABLE UNDER SECTIONS
114, 143, 427, 436, 448 R/W 149 OF IPC; (B) SET ASIDE THE
JUDGMENT AND ORDER OF ACQUITTAL DATED 22.12.2015
PASSED BY THE LEARNED V ADDL. DISTRICT AND SESSIONS
JUDGE, MANDYA IN SESSIONS CASE NO.62/2011 FOR THE
OFFENCES PUNISHABLE UNDER SECTIONS 114, 143, 427, 436,
448 R/W 149 OF IPC; (C) CONVICT & SENTENCE THE ACCUSED
PERSONS OF THE OFFENCES PUNISHABLE UNDER SECTIONS
114, 143, 427, 436, 448 R/W 149 OF IPC.

IN CRL.A NO. 2212/2018:

BETWEEN:

1. B.M. RAGHU
S/O B.H. MANGEGOWDA,
AGED ABOUT 49 YEARS,
R/O BEKKALAE VILLAGE,
KOPPA HOBLI,
MADDUR TALUK,
MANDYA-571 428.



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2. K.B. RAVI
S/O LATE BACHCHEGOWDA,
AGED ABOUT 56 YEARS,
R/O BEKKALAE VILLAGE,
KOPPA HOBLI, MADDUR TALUK,
MANDYA-571 428.

...APPELLANTS

(BY SRI. S. SHANKARAPPA, ADVOCATE (PH);
V/O DATED 13.08.2026 – APPEAL AGAINST
A-2 IS DISMISSED AS ABATED)

AND:

STATE OF KARNATAKA
BY KOPPA POLICE,
REP. BY SPP,
HIGH COURT BUILDING,
BENGALURU-560 001.

...RESPONDENT

(BY SRI. RAHUL RAI, HCGP (PH))

THIS CRL.A. IS FILED U/S.374(2) CR.P.C., PRAYING TO
SET-ASIDE THE JUDGMENT OF CONVICTION AND SENTENCE
DATED 12.12.2018 PASSED IN S.C.NO.147/2011 BY THE V
ADDL. DISTRICT & SESSIONS JUDGE, MANDYA FOR THE
OFFENCE PUNISHABLE UNDER SECTION 324, 323 OF IPC
RESPECTIVELY AND ACQUIT THE APPELLANT.

IN CRL.A NO. 967/2019:

BETWEEN:

SMT. SHOBHA A.H.
W/O LATE PARAMESHA B.M.,
AGED ABOUT 36 YEARS,
HOUSE WIFE,
R/O BEKKALALE VILLAGE,
KOPPA HOBLI, MADDUR TALUK,
MANDYA DISTRICT-571 425.

...APPELLANT



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(BY SMT. RAKSHA KEERTHANA, ADVOCATE FOR
SRI. KEMPARAJU, ADVOCATE (PH))

AND:

1. GOWRIMANGEGOWDA
S/O CHIKKAHUCHCHANA
HUCHCHEGOWDA,
AGED ABOUT 60 YEARS,
2. B.M. RAGHU
S/O B.H. MANGEGOWDA,
AGED ABOUT 42 YEARS,
3. SHANKARA
S/O DASEGOWDA,
AGED ABOUT 40 YEARS,
4. K.B. RAVI
S/O LATE BACCHEGOWDA,
AGED ABOUT 40 YEARS,
5. RUDRESHA
@ KALSHIRU RUDRESHA
S/O KALSHURI HUCHECHEGOWDA,
AGED ABOUT 35 YEARS,
6. RAMESH
@ DEVARAGUDDANA RAMESH
S/O DEVARAGUDDANA
MANGEGOWDA,
AGED ABOUT 40 YEARS,
7. B.V. SHRIKANTH
S/O LATE H. VEERANNAGOWDA,
AGED ABOUT 31 YEARS,
8. B.J. MANGEGOWDA @
B.J. DODDATHIMMAIAH,
S/O LATE MANGEGOWDA,
AGED ABOUT 73 YEARS,



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9. YOGI @ YOGESHA
S/O KATAHUCHCHANA NINGEGOWDA,
AGED ABOUT 35 YEARS,

(RESPONDENT NOS.1 TO 9
ARE RESIDENTS OF
BEKKALALE VILLAGE, KOPPA HOBLI,
MANDYA DISTRICT-571 425.

10. THE STATE OF KARNATAKA
BY KOPPA P.S.,
KOPPA, MADDUR TALUK,
MANDYA DISTRICT-571 425.
(REP. BY THE S.P.P.,
HIGH COURT PREMISES,
BENGALURU CITY).

...RESPONDENTS

(BY SRI. S. SHANKARAPPA, ADVOCATE FOR R1 TO R3
& R5 TO R9 (PH);
SRI. RAHUL RAI, HCGP FOR R10 (PH);
SRI. H.S. SURESH, ADVOCATE FOR R13 (PH);
V/O. DATED 31.08.2026, R4 IS ABATED)

THIS CRL.A IS FILED U/S. 372 CR.P.C., PRAYING TO SET-
ASIDE THE JUDGMENT DATED 12.12.2018 IN S.C.NO.147/2011
PASSED BY THE V ADDITIONAL DISTRICT AND SESSIONS
JUDGE, MANDYA FOR ACQUITTING THE RESPONDENT NOS.1, 5
TO 9 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 143,
147, 148, 341, 323, 302 R/W 149 OF IPC, RESPONDENT NO.3
FOR THE OFENCES PUNISHABLE UNDER SECTIONS 143, 147,
148, 341, 323 R/W 149 OF IPC, RESPONDENT NO.2 FOR THE
OFFENCES PUNISHABLE UNDER SECTIONS 143, 147, 148, 341,
302 R/W 149 OF IPC AND RESPONDENT NO.4 FOR THE
OFFENCES PUNISHABLE UNDER SECTIONS 143, 147, 148, 341,
302 R/W 149 OF IPC RESPECTIVELY AND FURTHER BE
PLEASED TO CONVICT RESPONDENT NOS.1 TO 9 FOR THE
OFFENCES PUNISHABLE UNDER SECTIONS 143, 147, 148, 341,
323, 324, 302 R/W 149 OF IPC AND SENTENCE THEM IN
ACCORDANCE WITH LAW.



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IN CRL.A NO. 1617/2019:

BETWEEN:

STATE OF KARNATAKA
BY KOPPA POLICE,
MANDYA DISTRICT,
REPRESENTED BY
STATE PUBLIC PROSECUTORS,
HIGH COURT BUILDING,
BENGALURU-560 001.

...APPELLANT

(BY SRI. RAHUL RAI K., HCGP (PH))

AND:

1. GOWRIMANGE GOWDA
S/O CHIKKAHUCHCHANA
HUCHCHE GOWDA,
AGED ABOUT 68 YEARS,
2. B.M. RAGHU
S/O B.H. MANGE GOWDA,
AGED ABOUT 50 YEARS,
3. K.B. RAVI
S/O LATE BACHCHE GOWDA,
AGED ABOUT 57 YEARS,
4. RUDRESHA
@ KALSHURI RUDRESHA
S/O KALSHURIHUCHCHE GOWDA,
AGED ABOUT 43 YEARS,
5. RAMESH
@ DEVARAGUDDAN RAMESHA,
S/O DEVARAGUDDANA
MANGE GOWDA,
AGED ABOUT 48 YEARS,



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6. B.V. SHRIKANTH
S/O LATE H. VEERANNA GOWDA,
AGED ABOUT 39 YEARS,
7. B.J. MANJE GOWDA
@ B.J. DODDATHAMMAIAH,
S/O LATE MANGE GOWDA,
AGED ABOUT 81 YEARS,
8. YOGI @ YOGESHA
S/O KATAHUCHCHANA
NINGE GOWDA,
AGED ABOUT 43 YEARS,

RESPONDENT NOS.1 TO 8 ARE
RESIDENTS OF
BEKKALALE VILLAGE,
KOPPA HOBLI,
MADDUR TALUK,
MANDYA DISTRICT.

...RESPONDENTS

(BY SRI. S. SHANKARAPPA, ADVOCATE FOR R1 TO R8 (PH))

THIS CRL.A IS 378(1) AND (3) CR.PC PRAYING TO
GRANT LEAVE TO APPEAL AGAINST THE JUDGMENT AND
ORDER DATED 12.12.2018, PASSED BY THE LEARNED V
ADDITIONAL DISTRICT AND SESSIONS JUDGE, AT MANDYA IN
S.C.NO.147/2011 ACQUITTING THE RESPONDENT/ACCUSED
FOR THE OFFENCE P/U/S 302 R/W 149 OF IPC.

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



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ORAL JUDGMENT

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

These appeals arise out of the following Judgments and Orders passed by the Court of the V Additional District and Session Judge at Mandya.

2. The learned Sessions Judge vide Judgment and Orders dated 12.12.2018, in SC No.147/2011 passed the following:

ORDER

"Acting under sec. 235(1) of the Cr.P.C., I hereby acquit the accused No.1, 5 to 11 for the offences punishable under sections 143, 147, 148, 341, 323, 302 r/w 149 of I.P.C.

Further, acting under section 235(1) of the Cr.P.C., I hereby acquit the accused No.3 for the offences punishable under sections 143, 147, 148, 341, 323 r/w 149 of I.P.C.

Further, acting under section 235(1) of the Cr.P.C., I hereby acquit the accused No.2 for the offences punishable under sections 143, 147, 148, 341, 302 r/w 149 of I.P.C.



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Further, acting under section 235(1) of the Cr.P.C., I hereby acquit the accused No.4 for the offences punishable under sections 143, 147, 148, 341, 302 r/w 149 of I.P.C.

Further, acting under section 235(2) of Cr.P.C., I hereby convict the accused No.3 for the offence punishable U/Sec. 302 of I.P.C.

Further, acting under section 235(2) of Cr.P.C., I hereby convict the accused No.2 for the offence punishable U/Sec. 324 of I.P.C.

Further, acting under section 235(2) of Cr.P.C., I hereby convict the accused No.4 for the offence punishable U/Sec. 323 of I.P.C.

The bail bonds of the accused No.1, 5 to 11 and sureties stand cancelled."

ORDER

"The accused No.3 is sentenced to undergo Rigorous Imprisonment for life and to pay a fine of Rs. 25,000/- for the offence punishable U/Sec. 302 of I.P.C. In default to pay fine he shall undergo Rigorous Imprisonment for one year.

Further, the accused No.2 is sentenced to undergo Rigorous Imprisonment for a period for 12 days and also he is liable to pay fine of



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Rs.5,000/- for the offence punishable U/Sec. 324 of Indian Penal Code. In default to pay fine he shall undergo Rigorous Imprisonment for 15 days.

Further, the accused No.4 is sentenced to pay fine of Rs.3,000/- for the offence punishable U/Sec. 323 of Indian Penal Code. In default to pay fine he shall undergo Simple Imprisonment for 15 days.

All the sentences shall run concurrently.

As the accused no.2 has already served 12 days in judicial custody is directed to be release after payment of fine imposed by this Court.

The accused No.3 is entitled for set off as contemplated U/Sec. 428 of Cr.P.C.

MO1 to 5 are being worthless ordered to be destroyed, MO6 and 7 are confiscated to the state after appeal period is over.

Supply the copy of judgment to accused free of costs forthwith.

Accused No. 3 is remanded to judicial custody to serve sentence."

2(i) Against the impugned judgment and order passed by the trial Court, convicting and sentencing



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accused No.3 for the offence punishable under Section 302 of IPC, he has preferred Crl.A.No.2211/2018.

2(ii) Against the impugned judgment and order convicting and sentencing accused No.2 for the offence punishable under Section 324 of IPC, and convicting and sentencing accused No.4 for the offence punishable under Section 323 of IPC, they have preferred Crl.A.No.2212/2018.

2(iii) Insofar as the judgment and order of acquittal passed against accused Nos.1 to 9, the defacto complainant - Smt.A.H.Shobha-PW1 has preferred Crl.A.No.967/2018.

2(iv) Against the Judgment and order of acquittal passed in respect of accused Nos.1, 2, and 4 to 9, the State has preferred Crl.A.No.1617/2019.

3. The learned Sessions Judge, vide Judgment and order dated 22.12.2015 passed in SC.No.62/2011, has acquitted accused 1 to 32 of offences punishable under



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Sections 114, 143, 427, 436, 448 and 149 of Indian Penal Code. Challenging the same, State has preferred Crl.A.No.1529/2016.

4. Both the incidents took place on 14.08.2010 at about 8.00 am in Bekkalale Village of Koppa, Maddur Taluk. The appeals having been connected and heard together, we have proceeded to pass the common Judgment.

Criminal Appeal Nos.2211/2018, 2212/2018, 967/2018 and 1617/2019.

5. Brief facts of the prosecution case:

The complainant and the accused are supporters of two different political parties. There was a long-standing enmity between the two groups with regard to political differences and also due to certain land dispute. With regard to the incident which took place on the previous date of the incident in question, cases were registered at Koppa Police Station in Crime Nos.135/2010, 136/2010



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and 137/2010. On the following day, i.e. on 14.08.2010 at 7.00 am, when the deceased-Paramesha, complainant's husband, was returning from the milk diary, accused Nos.1 to 9 and others who had formed an unlawful assembly, surrounded him and out of them, accused No.3 assaulted him with a chopper causing amputation of left forearm. Further, his brother Chandru-PW2, sustained injuries to his nose, caused by Accused no.4. Both Paramesha, as well as Chandru, were shifted to Government Hospital, Maddur. Paramesha was then shifted to Hosmat Hospital, Bangalore and from there to Mallya Hospital, Bangalore on 17.08.2010. He succumbed to the injuries in the said Hospital on 18.08.2010 at 1:30 pm.

6. On the basis of a complaint lodged by Shobha (PW1) wife of the deceased, a case in Crime No.138/2022 was registered at Koppa Police Station at about 10.00 am on 14.08.2010, against 9 named accused and others for the offences punishable under Sections 143, 147, 148,



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341, 324, 307 r/w 149 of Indian Penal Code, by the Police Sub-Inspector-PW16 of Koppa Police Station. After the death of Paramesha, Section 302 of Indian Penal Code was incorporated. The trial Court framed charges against the accused for the offences under Sections 143, 147, 148, 392, 341 and 323 read with 149 of Indian Penal Code. Since accused No.12 was a child in conflict with law, he was not tried along with accused Nos.1 to 11.

7. To establish the charges, prosecution got examined 19 witnesses as PW1 to 19, got marked 29 documents as Ex.P1 to P29, and 7 material objects as MO1 to 7. On behalf of the defence, Ex.D1 to D18 were marked.

8. The learned Sessions Judge, came to the conclusion that omnibus allegations are made against accused 1, 5 to 11, without attributing any overt acts against them. Hence, considering the enmity between the two groups, as a rule of caution, accused Nos.2, 5 to 11



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against whom no overt acts were alleged, were given the benefit of doubt. Further, the trial Court observed that there is no material on record to show that the accused had shared the common object to commit the murder of Paramesha, and only one blow was inflicted on the left hand and one injury found on his right hand. Insofar as accused No.3, the trial Court held that there is a consistent evidence against the said accused for having chopped off the left hand of the deceased which ultimately resulted in his death. Hence, holding that there is no reason to reject the testimony of the material prosecution witnesses so far as assault by accused No.3 is concerned, the trial Court convicted him for the offence punishable under Section 302 of Indian Penal Code.

9. Insofar as accused Nos.2 and 4 are concerned, the learned Sessions Judge took into consideration the evidence of the witnesses who deposed with regard to the injuries caused by A2 to the deceased and A4 to PW2. Insofar as the injury sustained by PW2 on his nasal bridge



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as per Ex.P10, he had sustained one simple injury and according to the witnesses, said injury was caused by accused No.4 with his hand and another injury on the deceased was a simple injury caused to his right hand inflicted by accused No.2 with a chopper.

10. It is brought to the notice of the Court that accused No.4 died during the pendency of the appeal on 04.04.2022. Hence, the appeal insofar as accused No.4 is concerned, stands abated.

11. We have heard Sriyuths S. Shankarappa, J.T.Gireesha, A.V.Ramakrishna, H.S.Suresh and Smt. Archana Murthy, learned Counsel appearing for the appellants-accused, Sri Rahul Rai K., learned HCGP for the appellant-State, and Smt. Raksha Keertana for Sri. Kemparaju, for the complainant-victim.

12. Ex.P1 is the complaint lodged by Shobha (PW1), wife of deceased-Paramesha. In the complaint, it is stated that on 14.08.2010 at about 7.00 am, when her



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husband was returning from the milk dairy on his scooter, accused Nos.1 to 9, who had formed an unlawful assembly, surrounded him. Hearing the commotion, she too rushed to the spot, and at that time, accused No.3 assaulted her husband with a chopper, as a result of which, his left hand was chopped off. Further, the accused also assaulted and caused injuries to Chandru (PW2), her husband's brother, on his nose, etc.

13. Complainant, who is examined as PW1, has deposed in her evidence that on 14.08.2010 at about 6.45-7.00 am, when she was near the milk dairy, accused 1 to 9 were standing on the road in front of the milk dairy. At that time, her husband was coming on his scooter. Accused Nos.1 to 9, on seeing her husband, restrained him. She ran towards her husband. Accused dragged her husband and then accused No.1 instigated others to assault him. Accused Nos.2 and 3 had concealed choppers on their back. Accused No.3, wielded the chopper aiming at her husband's neck. At that time, husband tried to



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evade the said blow by blocking with his left hand. The blow fell on his left hand, as a result, his left hand was severed. Further, accused No.2 assaulted her husband with the chopper on his right hand. Accused No.4 fisted PW2 on his nose. Thereafter, stating that her husband is finished, all the accused went away from the spot.

14. PW1 has further deposed that someone called the Ambulance and Ambulance came at about 8.00 am. Her husband was shifted to Maddur Hospital. The police were informed and they visited the spot at about 8.00 to 9.00 am. She has deposed about lodging the complaint with the police as per Ex.P1 and conducting of spot mahazar as per Ex.P2.

15. PW2 is the brother of the deceased. He is an injured witness. He has also deposed about accused No.3 assaulting the deceased aiming at his head. Further stated that, when the deceased tried to block the said blow with his left hand, the blow fell on his hand, and the



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left hand was amputated. He has also stated that, accused No.2 assaulted the deceased with the chopper on his right hand and accused No.4 fisting on his nose, due to which he sustained bleeding injuries to the nose. Thereafter, all the accused went away from the spot stating that deceased is finished. He has deposed that the deceased was taken to Maddur Hospital and from there he was taken to Hosmat Hospital, Bangalore for higher treatment, and later shifted to Mallya Hospital, where he died.

16. The prosecution has also got examined PWs.3 and 4, eye-witnesses to the incident. Both the said witnesses have corroborated the testimony of PWs.1 and 2. They have stated that accused No.3 tried to assault the deceased with a chopper on his neck and when the deceased tried to avoid the said blow by blocking his left hand, his left hand was severed. Further stated that, accused No.2 assaulted the deceased on his right hand



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and accused No.4 fisted on the nose of PW2, due to which he sustained bleeding injuries to the nose.

17. PWs.5 and 8, examined by the prosecution as eye-witnesses, have not deposed as to the assault made on the deceased and PW2, by the accused. Hence, they were treated as hostile by the prosecution. However, the testimony of the said witnesses, goes to show that when they came to the spot after hearing the quarrel, they saw deceased-Paramesha with an amputated left hand.

18. PW6 is the witness to the spot mahazar, Ex.P2. PW7 is the panch witness to the inquest panchanama - Ex.P5. PWs.9 and 10 are the panch witnesses to the seizure of weapon under Ex.P8. PW11 is the Medical Officer at Maddur Hospital who issued the wound certificate, in respect of the deceased and PW2-Chandru, marked as Ex.P9 and P10 respectively. PW12 is the panch witness to Ex.P1 under which the chopper was seized from accused No.2. PW13 is the Assistant Engineer who



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prepared the sketch as per Ex.P12. PW14 is the Doctor who issued Ex.P13-the opinion as regards to examination of lungs, liver, and kidney. PW15 is the Doctor who conducted the autopsy and issued the post-mortem report, marked as Ex.P14. PW16 is the Police Inspector who registered the case and prepared the FIR as per Ex.P16. PWs.17 and 18 are the investigating officers who conducted investigation. PW19 is the Doctor at Hosmat Hospital, who issued Ex.P17, Ex.P18 and P29.

19. It is vehemently contended by the learned counsel appearing for the appellants/accused Nos.2 and 3 that due to political rivalry and long-standing enmity, the said accused are falsely implicated by the complainant and the eye-witnesses, who are interested witnesses. It is contended that in Ex.P1-complaint, omnibus allegations are made that all the accused have attacked the deceased and PW2-Chandru. However, looking at the injuries sustained by the deceased and Chandru, it is obvious that they did not sustain injuries as alleged. They contended



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that, if the deceased had been assaulted with a chopper on the right hand, as alleged, he would have sustained grievous injuries to the right hand. On the other hand, as per Ex.P9-Wound Certificate, the deceased had sustained a simple injury to his right forearm. It is further contended that, if all the accused had attacked the deceased and PW2, then they would have sustained multiple injuries. On the other hand, PW2 has only sustained one simple injury to his nose and therefore, his presence at the scene of occurrence itself is doubtful.

20. It is also contended that, if PW1 was an eye-witness to the incident, she too would have sustained injuries, as it is her evidence that she went to the rescue of her husband. Hence, they contended that the eye-witnesses are planted and they being interested witnesses, their evidence cannot be believed.

21. Learned counsel appearing for accused No.3 further contended that in Ex.P1, the Complainant has not



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stated that accused No.3 tried to assault him on his head or neck and therefore, the learned Sessions Judge was not proper in holding that the said accused had the intention to commit murder. He contended that, the evidence given before the Court that accused No.3 tried to assault the deceased on his neck with an intention to commit murder, is an improvement made by the prosecution witnesses. He further contended that, the incident took place on 14.08.2010, but the victim died on 18.08.2010, as he was not properly treated by the Doctor-PW19 and the Doctor at Mallya Hospital, where he succumbed to the injuries. Drawing attention of the Court to Ex.P17, the learned Counsel contended that the victim was treated at Hosmat Hospital, Bengaluru from 14.08.2010 to 17.08.2010 and then he was shifted to Mallya Hospital, Bengaluru wherein he died. Further, as per the evidence of PW19, during the course of conducting surgery for reattachment of the amputated hand, the victim suffered cardiac arrest and therefore, the surgery was stopped. Relying on the post-



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mortem report, Ex.P14 and the evidence of the Doctor-PW15, the learned counsel contended that the death was not the direct result of the amputation sustained by the victim, but due to the complications of the injuries i.e., due to non-performing of surgery properly. Hence, he contended that the death of the deceased is not attributable to the injuries allegedly inflicted by accused No.3.

22. *Per contra*, the learned counsel appearing for the defacto-complainant and the learned HCGP contended that, PWs.1, 3 and 4 are the eye-witnesses to the incident and PW2 is an injured witness. Their evidence is consistent and reliable. The said witnesses have categorically stated that, all the accused had formed an unlawful assembly near the milk diary, waiting for the deceased. When the deceased arrived at the spot, they surrounded him, and accused No.3 attempted to assault on his neck with a chopper. When he tried to prevent the assault with his left hand, the blow fell on his left hand and it was chopped-off.



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Further, accused No.2 assaulted on his right hand with the chopper, accused No.4 fisted on the face of PW2 and caused injuries to him. They contended that, in view of the consistent evidence of the prosecution witnesses, the learned Sessions Judge has rightly convicted accused Nos.2 to 4.

23. The learned counsel further contended that, PWs.1 to 4 have deposed that the accused had formed an unlawful assembly and their presence is also spoken by them. Hence, each accused, being a member of the unlawful assembly, is equally liable to the act committed by accused Nos.3 and 4. Hence, contended that the learned Sessions Judge was not justified in acquitting other accused.

24. The incident took place on 14.08.2010 at about 07.00 am. On receiving the information, Police visited the spot and recorded the statement of PW1, at the spot. On the basis of her statement, as per Ex.P1, case was



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registered against accused Nos.1 to 9 and others. In Ex.P1 itself it is stated that accused No.3 has assaulted deceased Paramesha, with a chopper, due to which, his left hand was amputated. He was shifted to Government Hospital, Maddur, wherein PW11-Dr.Ramesh Babu examined him at about 9.20 am. on 14.08.2010. The evidence of PW11 goes to show that, he has noticed two injuries, namely: 1) amputation of left forearm and 2) injury on the right arm. Further, PW11 has examined Chandru-PW2 and noticed an injury on his nose measuring 3x2 cm, stated to be simple in nature. The Wound Certificate pertaining to Paramesha is marked as Ex.P9 and the wound certificate of PW2 is marked as Ex.P10. Ex.P28 is the Discharge Summary. Further, PW19 is the Doctor who treated the deceased at Hosmat Hospital, Bengaluru. He has deposed that on 14.08.2010 at about 11.00 am, Paramesha was brought to the hospital and he noticed the following injuries:

- 1) Total amputation of left proximal forearm.



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- 2) Cut lacerated wound measuring 3x5 cm over darsolateral aspects of arm.

He has issued the Wound Certificate-Ex.P17. He has stated that if a person is assaulted with a chopper, above injuries are possible. He has further stated that, due to amputation of the hand, the victim had suffered excess bleeding and excess bleeding and shock, will result in death.

25. PW15 is the Doctor who conducted the autopsy on the dead body of Paramesha. Ex.P14 is the PM Report. In the said report, the following external injuries are noticed:

"1) Abrasion measuring 3 cm x 1 cm is present over the inner side of lower lip in the midline.

2) Left upper limb is amputated at the level of upper part of forearm 4 cms below the el(torn) joint. Margins of the wounds are surgically extended and suture mark are present along the margins of the wounds, underlying cut muscles, vessels, nerves, tendons and bones are visible



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through the wounds. Extravasation of blood is present around the cut ends.

3) Chop injury measuring 6.5 cms x 3 cms x bone deep is present over the back of upper part of right forearm obliquely placed 7 cms below the elbow joint. Margins are clean cut."

26. In Ex.P14, it is stated that both the lungs are consolidated. C/s exudes blood mixed with pus. Opinion regarding cause of death was furnished after receiving the Pathological report. As per final opinion, PW15 has opined that death is due to complications of the injuries sustained.

27. A careful perusal of the entire evidence and material on record goes to show that, the deceased was assaulted with a chopper by accused No.3 and due to the said assault, his left hand was severed. He was immediately shifted to the Government Hospital, Maddur, wherein PW11 examined him and after giving first-aid, he was shifted to Hosmat Hospital, Bengaluru wherein he



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took treatment from 14.08.2010 till 17.08.2010. A surgery was conducted in the said hospital, which was not successful. Again he was shifted to Mallya Hospital on 17.08.2010. However, he succumbed to the injuries on the following day i.e., on 18.08.2010. From Ex.P9, Ex.P17 and PM Report-Ex.P14, it is clear that the deceased had sustained total amputation of his left proximal forearm. PW19 has stated that due to amputation of the hand, the victim had suffered excess bleeding and shock, which will result in death. PW15 has stated that, the death is due to complications of the injuries sustained.

28. The learned counsel appearing for accused No.3, relying on Ex.D11 (Medical Certificate for Cause of Death issued by Mallya Hospital, Bengaluru), contended that as per the said document, the deceased sustained acute renal failure and the cause of death is mentioned as *"Hypotension and reperfusion injury due to re-implantation (failed re-implantation left forearm) leading to cardiac arrest."* He therefore contended that, the death has



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occurred due to failed re-implantation leading to cardiac arrest.

29. Ex.D11 is issued before receiving the autopsy report. The Doctor who issued Ex.D11 is not examined. Even otherwise, the total amputation of the left forearm sustained by the deceased is not in dispute. As already noted, he was immediately shifted to the Government Hospital, Maddur and treated by the Doctor-PW11 and from there he was shifted to Hosmat Hospital, Bengaluru, wherein, an attempt was made for the re-implantation of the left forearm, however, the said attempt failed. He was again shifted to Mallya Hospital, Bengaluru. He died within 4 days from the date of incident, due to excess bleeding and shock, and complications of the injuries sustained i.e., the total amputation of his left forearm. The contention of the learned Counsel that the cause of death was not due to the assault and not relatable to the injuries sustained, but due to the negligence of the Doctors, who attempted re-implantation of amputated hand, cannot be accepted.



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The evidence of PWs.1 to 4 clearly reveals that, accused No.3 was armed with a chopper, at the time of incident. They have consistently stated that he assaulted the deceased, which resulted in the amputation of his left hand. It is no doubt true that in Ex.P1, it is not stated that accused No.3 tried to assault on the neck or head of the deceased. However, the force with which the accused No.3 assaulted the deceased was sufficient to sever off his hand. From the depositions of PWs.1 to 4, it is evident that, accused No.3 had aimed at the vital part of the body of the deceased, which indicates his intention to cause death. There is nothing elicited in the cross-examination of the said witnesses to disbelieve their evidence insofar as accused No.3 assaulting the deceased with a chopper resulting in amputation of his left hand. Further, PWs.1 to 4 are consistent with regard to assault made by accused No.2 on his right hand causing one simple injury. The allegations against other accused are omnibus in nature. It cannot be said that they came to the spot with a common



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object of committing the murder or inflicting injuries, either to the deceased or PW2. Admittedly, it is not the case of the prosecution, that they too were armed with weapons. Considering the enmity between two groups, possibility of other accused being named in the FIR is also not ruled out. Hence, as a rule of caution, the said accused, against whom no specific overt act is attributed, is entitled to the benefit of doubt.

30. The learned Sessions Judge while convicting accused No.3 for the offence punishable under Section 302 of IPC has relied on Section 299 of IPC and more particularly Explanation 2 thereof, at Para 50 of the judgment, which is extracted as hereunder:

"50. Section 299 of I.P.C. defines culpable homicide. There are three explanations to section 299 of I.P.C. Explanation 2 of Section 299 of I.P.C. states that if death is caused by bodily injury the person who caused injury is responsible for the death even though by resorting to proper remedies and treatment the death would have been avoided.



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For the sake of convenience explanation 2 of Section 299 of I.P.C. is extracted below:

"Explanation 2. Where death is caused by bodily injury, the person who causes such bodily injury shall be deemed to have caused the death, although by resorting to proper remedies and skillful treatment the death might have been prevented."

Thus, on plain reading of explanation 2 to Section 299 of IPC it is clear that even if the life of deceased could have been saved if skillful treatment was provided at a proper time, then also the accused who caused injury cannot escape the liability for death of the injured. Hence, this argument of learned counsel does not hold water. It was suggested by the defence counsel to the prosecution witnesses that deceased Paramesha sustained injury to his hand in stone pelting took place on the date of incident. Learned counsel for the accused placed reliance on Ex.D15 the final report pertaining to Crime No. 137/2010 in which deceased Paramesha was also one of the accused (A-10). But the documents produced by the prosecution i.e. Ex.P9 and Ex.P17 etc. establishes that the deceased had suffered a complete



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amputation of left hand and it cannot happen in a stone pelting. Apart from it Ex.P15 to some extent establishes the presence of the accused on the spot on the date of incident."

31. It is apposite to extract paragraphs 25 and 27 of the judgment rendered by the Hon'ble Supreme Court in the case of **MANIKLAL SAHU v. STATE OF CHHATTISGARH** rendered in **Crl.A.No.5578/2024** decided on **12.09.2025**, wherein the principles to be borne in mind by the courts have been elucidated at paragraph 69, which reads as hereunder:

"25. We must first look into the relevant provisions of the IPC. Sections 299, 300 and 302 of the IPC respectively read as under:-

*"Section 299. Culpable homicide.-
Whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.*



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xxx "Explanation 2.-Where death is caused by bodily injury, the person who causes such bodily injury shall be deemed to have caused the death, although by resorting to proper remedies and skillful treatment the death might have been prevented." Section 300. Murder.-Except in the cases hereinafter excepted, culpable homicide is murder, if the act by which the death is caused is done with the intention of causing death, or 2ndly. If it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused, or- 3rdly. If it is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death, or - 4thly. If the person committing the act knows that it is so imminently dangerous that it must, in all probability, cause death, or such bodily injury as is likely to cause death, and commits such act without any excuse



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*for incurring the risk of causing death
or such injury as aforesaid.*

*xxx Section 302. Punishment for
murder. Whoever commits murder shall
be punished with death, or
imprisonment for life, and shall also be
liable to fine."*

26. xxx xxx xxx

*27. The simpler case is where death results
directly and immediately from the act itself.
Equally, when death ensues as a natural or
necessary consequence flowing from that act, there
can be no hesitation in holding that the act caused
the death. For "Thirdly" of Section 300 to apply the
requirement is, that the injury inflicted should be
found sufficient in the ordinary course of nature to
cause death, a high degree of probability, in the
ordinary way of nature, that death would ensue on
the injuries. The difficulty arises when there are
recognisable contributory causes leading to death,
and the Court is called upon to consider in such
case the relative effect and strength of the different
causes in bringing about the effect i.e., the death,
and then to ascertain whether the responsibility of
the death could be assigned to a particular act
which is not as proximate, or immediate.*



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E. CONCLUSION

69. *We may highlight few broad principles that the courts must keep in mind.*

a. If it is proved that the injury was fatal and the intention was to cause death, though the death occurred after several days of septicaemia or other complications having supervened, yet it is undoubtedly a murder as it falls within the first limb of Section 300 of the IPC.

b. If it is proved that the injuries by themselves were sufficient to cause death in the ordinary course of nature, and if it is established that those injuries were the intended injuries, though the death might have occurred after septicaemia or other complications had supervened, yet the act of the accused would squarely fall under the third limb of Section 300 of the IPC and the accused is therefore liable to be punished under Section 302 of the IPC.

c. If it is proved that the injuries were imminently dangerous to life, though the death had occurred after septicaemia or other complications had supervened, yet the act of the accused would squarely fall under the fourth limb of Section 300 of the IPC, provided, the other requirements like



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knowledge on the part of the accused, etc. are satisfied and so the accused would be liable to be punished under Section 302 of the IPC. Here also, the primary cause of the death is the injuries and septicaemia.

d. In judging whether the injuries inflicted were sufficient in the ordinary course of nature to cause death, the possibility that skilful and efficient medical treatment might prevent the fatal result is wholly irrelevant.

e. If the supervening causes are attributable to the injuries caused, then the person inflicting the injuries is liable for causing death, even if death was not the direct result of the injuries.

f. Broadly speaking, the courts would have to undertake the exercise to distinguish between two types of cases; first, where the intervening cause of death, like peritonitis, is only a remote and a rather improbable consequence of the injury; then it can be said that the injury is one which may, in particular circumstances, result in death, but which may not in ordinary course of nature be likely to lead to it. Secondly, where the complication which is the intervening cause of death is itself a practically inevitable sequence to the injury. In that event, the probability is very high indeed,



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amounting to practical certainty i.e., death is a result in due course of natural events. A deep abdominal thrust with a knife followed by injury to the internal organs is practically certain to result in acute peritonitis causing death. It is clearly a case of murder under Section 302 and not merely of culpable homicide.

g. Even when the medical evidence does not say that any one of the injuries on the body of the deceased was sufficient to cause death in the ordinary course of nature, yet it is open to the Court to look into the nature of the injuries found on the body of the deceased and infer from them that the assailants intended to cause death of the deceased. If none of the injuries alone were sufficient in the ordinary course of nature to cause the death of the deceased, cumulatively, they may be sufficient in the ordinary course of nature to cause his death.

h. What the courts must see is whether the injuries were sufficient in the ordinary course of nature to cause death, or to cause such bodily injuries as the accused knew to be likely to cause death although death was ultimately due to supervention of some other cause. An intervening cause or complication is by itself not of such significance. What is



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significant is whether death was only a remote possibility, or is one which would have occurred in due course.

i. To sum it up, where death is delayed due to later complications or developments, the courts should consider the nature of the injury, complications or the attending circumstances. If the complications or developments are the natural, or probable, or necessary consequence of the injury, and if it is reasonably contemplated as its result, the injury could be said to have caused death. If on the other hand, the chain of consequences is broken, or if there is unexpected complication causing new mischief, the relation of cause and effect is not established, or the causal connection is too remote then the injury cannot be said to have caused death. If the original injury itself is of a fatal nature, it makes no difference that death is actually caused by a complication naturally flowing from the injury and not the injury itself, since causal connection is proximate."

32. On re-appreciation of the entire evidence and material on record and for the foregoing reasons and



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discussion, we do not find any factual or legal error committed by the Trial Court. Hence, the following:

ORDER

33. **Crl.A.No.2211/2018** preferred by accused No.3 and **Crl.A.No.2212/2018** preferred by accused No.2, are **dismissed**. **Crl.A.No.2212/2018** preferred by accused No.4 is **dismissed as abated**. **Crl.A.Nos.967/2018** and **1617/2019** are **dismissed**.

Crl.A.No.1529/2016

34. This appeal is preferred by the State against the Judgment and Order of acquittal dated 22.12.2015 passed in SC No.62/2011 whereby the learned Sessions Judge has acquitted accused Nos.1 to 32, of the charges framed against them punishable under Sections 114, 143, 427, 436, 448 r/w 149 of IPC.

35. It is the case of the prosecution that on 14.08.2010 at about 7.00 a.m., all the accused formed an



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unlawful assembly, on account of political rivalry, and they trespassed into the complainant's house, damaged the household articles, Television set and set fire to the house and two bike by pouring kerosene and petrol, thereby caused loss to the tune of Rs.5,00,000/-.

36. To establish the charges, the prosecution in all examined 05 witnesses and got marked 04 documents and 05 material objects.

37. The learned Sessions Judge noticed several material contradictions in the evidence of prosecution witnesses. Hence, after assigning reasons, came to the conclusion that the prosecution has utterly failed to prove the guilt of the accused beyond all reasonable doubt.

38. The complaint-Ex.P1 is lodged by V.N.Sharmila (PW1) wife of B.M.Raghu i.e., accused No.2 in SC No.147/2011. The incident is alleged to have taken place on 14.08.2010 at 7.00 am. FIR was registered in Cr.No.140/2010 of Koppa Police Station, Mandya, at about



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5.15 pm, against 28 named accused. Upon investigation, charge sheet came to be filed against 32 accused. In the complaint, it is stated that when the accused were setting fire to the house, the complainant fell unconscious and upon regaining consciousness, she found that valuables, including cash and gold ornaments, were engulfed in the fire. It is alleged that A.27-Venkatesh and A.28-Honnegowda have instigated the other accused to commit the offence.

39. In her deposition, PW1 has stated that accused Nos.1 and 4 have instigated the other accused to commit the offence. She has given a different version with regard to the accused who set fire to the house hold articles and the motorcycles. She has made several improvements in her evidence. She has stated that the accused have even brought the gas cylinder and set it on fire.

40. According to PW2, accused No.1 was responsible for the incident. His evidence is contrary to



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the evidence of PW1. He has deposed that accused Nos.1, 3 and 4 have removed the articles from the house and accused Nos.17, 19 and 20 have set it on fire. He has not attributed any overt acts against other accused. He has stated that they were only standing near the spot. According to him, the incident was on account of some land dispute.

41. PW3 is a witness to the spot mahazar-Ex.P2, under which MOs.1 to 5 were seized. PW4 is the PSI, who received the complaint from PW1 and registered the case. PW5 is the PSI, who filed the charge-sheet.

42. PW1 has admitted in the cross-examination that she got Ex.P1 written through some one, but she is not able to tell the name of the said person. She pleaded ignorance about the incident took place on the same day at about 7.00 am, wherein Paramesha suffered an amputation to his left hand and later died. However, she admitted that her husband and others are accused in the



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said case. She has also admitted that around 50 police were present in the village at about 8.30 am. PW4-PSI, who registered the case has admitted about the registration of case against the complainant's husband and others in connection with the assault on Paramesha and Chandra, the victims in Cr.No.138/2010. The said case was registered at 10.00 am on 14.8.2010. Thereafter, PW1 has lodged the complaint naming 29 accused, which was registered at 5.15 pm.

43. The learned Sessions Judge, noticing the contradictions in the evidence of PWs.1 and 2 and also taking into consideration the delay in lodging the complaint and the fact that except PWs.1 and 2, no independent witnesses were examined, held that there is no sufficient evidence to hold the accused guilty of the offences alleged.

44. Having re-appreciated the entire evidence and material on record, we are of the considered view that



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findings recorded by the Trial Court for acquitting the respondents/accused Nos.1 to 32, do not call for any interference. Hence, the following order:

ORDER

Criminal Appeal No.1529/2016 is **dismissed**.

45. Accused No.2-B.M.Raghu has already undergone the sentence imposed against him by the Trial Court for the offence punishable under Section 324 of IPC. The fine amount of Rs.5,000/- if not already deposited, the same shall be deposited before the trial Court, within 30 days from the date of receipt of copy of this judgment.

46. Accused No.3 shall surrender before the Trial Court within 30 days from the date of receipt of copy of this judgment, to undergo remaining part of his sentence, failing which the Trial Court shall issue Conviction Warrant.

47. Accused No.3 is stated to have deposited the fine amount of Rs.25,000/- imposed against him, same



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shall be awarded as compensation to PW1-wife of the deceased.

48. We also direct the District Legal Services Authority, Mandya, to determine adequate compensation to PW1, wife of the deceased and award the same to her, as per the Karnataka Victim Compensation Scheme, 2011.

49. The Registry is directed to communicate the copy of the judgment to the trial Court and the DLSA, Mandya, for compliance.

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

**Sd/-
(G BASAVARAJA)
JUDGE**

TL/LNN/DHA
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