



CNR: KAHC010539052016

NC: 2026:KHC:52714
CRL.A No. 680 of 2016

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 23RD DAY OF SEPTEMBER, 2026
BEFORE**

**THE HON'BLE MR. JUSTICE G BASAVARAJA
CRIMINAL APPEAL NO. 680 OF 2016**

BETWEEN:

1. SRI RAVI,
S/O CHINNAPEDDANNA,
AGED ABOUT 20 YEARS,
IN FRONT OF HOUSE NO: 299,
5TH CROSS, MASJID BLOCK,
MARIYAPPANAPALYA,
BANGALORE CITY-560010.

NATIVE PLACE:
POTHALANAGEPALLI VILLAGE,
DHARMAVARAM MANDAL AND TALUK,
ANANTHAPURAM DISTRICT,
ANDRA PRADESH - 565671.

...APPELLANT

(BY SRI. ANJANEYA A B.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA BY
RAJAJINAGAR POLICE STATION,
BANGALORE.
REP: BY SPP HIGH COURT.

...RESPONDENT

(BY SRI. K. NAGESHWARAPPA, HCGP)

CRL.A. FILED U/S.374(2) CR.P.C BY THE ADVOCATE FOR
THE APPELLANT PRAYING THAT THIS HON'BLE COURT MAY BE
PLEASED TO SET ASIDE THE JUDGMENT AND ORDER DATED
06.02.2016 PASSED BY THE L ADDL. CITY CIVIL AND S.J.,
BANGALORE IN SPL.C.C.NO.165/2014 - CONVICTING THE
APPELLANT/ACCUSED FOR THE OFFENCE P/U/S 363 OF IPC.



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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

The appellant has preferred this appeal against the judgment of conviction and order on sentence passed by the L Addl. City Civil and Sessions Judge, Bangalore in Special C.C No.165/2014 dated 06.02.2016.

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

3. The case of the prosecution is that on 18.03.2013 at 12.00 hours the accused has took CW6 the daughter of CW1 forcefully who are residing in No.299, 5th Cross, Mazjid road, Mariyappanapalya, which is the gate of Rajajinagara Police Station, to the house of CW9 at Dharmavaram District and stayed there and, on next day i.e., 19.03.2013, accused took CW6 to Tirupati and got married her at Tirupati and stayed in the house at Potala



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Nagepalli village the house of CW10 and CW11, till 23.03.2013. In the meanwhile, the complainant lodged a complaint to the police. Thus, the accused has committed the offence punishable under Section 363, 366 of IPC and Section 11(iv) read with 12 of Protection of Children from Sexual Offences Act, 2012.

4. After filing the charge-sheet, the accused appeared before the trial Court and enlarged on bail. After the investigation, the Investigating Officer submitted the charge-sheet against the accused before CMM Court and case was registered in CC No.2640/2014. Then case was committed to the Court of Sessions and registered as Special CC No.165/2014. The accused appeared before the Special Court and enlarged on bail.

5. On hearing, trial Court has framed the charge only for the offences punishable under Section 366 of IPC. The same was read over and explained to the accused.



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Having understood the charges, Accused has pleaded not guilty and claimed to be tried.

6. To prove the guilt of the accused the prosecution, in all, examined 8 witnesses as PW1 to PW8. 8 documents were marked as Exs. P1 to P8. No material objects marked on behalf of the prosecution. On closure of prosecution side evidence, statement of the accused under Section 313 of Code of Criminal Procedure was recorded. The accused has totally denied the evidence of prosecution witnesses. However, he has not chosen to lead any defence evidence on his behalf.

7. Having heard the arguments on both sides, the trial Court has convicted the accused for the offence punishable under Section 363 of IPC and passed the sentence for a period of 2 years with fine of Rs.10,000/-. Being aggrieved by this judgment of conviction and order on sentence, appellant has preferred this appeal.



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8. The learned counsel for the appellant would submit that the impugned judgment passed by the trial Court is contrary to law and facts. PW1 and PW2 have not whispered anything against the accused as to commission of offence under Section 363 of IPC. However, the trial Court has convicted the accused, which is not sustainable under law. On all these grounds, it is sought for allowing this appeal.

9. Learned High Court Government Pleader K.Nageshwarappa has supported the impugned judgment passed by the trial Court.

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

1. Whether the appellant has made out a ground to interfere with the judgment of conviction for the offence punishable under 363 of IPC?



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2. What order?

Regarding Point No.1:

11. I have examined the materials placed before this Court. The victim is examined as PW1. She has not deposed anything as to the essential ingredients to prove the offence punishable under Section 363 of IPC. She has not deposed in her evidence that accused has enticed the victim and kept her out of the lawful guardian without the consent of guardian. She has also not deposed anything as to the alleged kidnap. The prosecution has not placed any material to show that the age of the victim was below 16 years as on the date of this commission of alleged offence.

12. PW2-Padma the mother of PW1-victim has deposed as to lodging of complaint as to the missing of her daughter as per Ex.P1. She has not whispered anything against the accused. Further she has admitted that at the time of filing complaint, she did not know the whereabouts of the victim.



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13. PW3-Chennapeddanna, father of the accused, has not supported to the case of the prosecution.

14. PW4 Dr. T.Venkatesh, Medical Officer has deposited as to issuance of the birth certificate Ex.P3. Same which does not reveal the name of the victim.

15. PW5 Jayashrinivas, retired ASI has deposited as to the arrest of the accused and also regarding production of the victim before the higher officer.

16. PW6 Radha and PW7 Nagarjuna are the family members of the accused, they have not whispered anything against the accused. Both witnesses are treated as hostile witnesses and cross-examined by the prosecution with the permission of the Court. During their cross- examination also they have categorically denied as to the statements said to have been recorded by the Investigating Officer under Section 161 of Cr.P.C which are marked as Exs.P5 and P6.



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17. PW8 B.M Nagraj has deposed as to the examination of the victim and issuance of certificate Ex.P7. He has clearly deposed in his evidence that he has not found any external injuries on the body of the victim. He has also not found any marks as to the sexual intercourse.

18. On careful examination of the entire evidence on record, I do not find any evidence to prove the offence punishable under Section 363 of IPC. However, the trial Court has convicted the accused for the offence punishable under Section 363 of IPC which is not permissible under law. Hence, I proceed to pass the following:

ORDER

- i. Appeal is allowed.
- ii. The judgment of conviction and order on sentence passed by L Addl. City Civil and Sessions Judge, Bangalore in Special CC No.165/2014 dated 06.02.2016 is set aside.



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iii. The accused is acquitted of the offence punishable under Section 363 of IPC.

iv. The trial Court is directed to refund the fine amount, if any, deposited by the appellant.

v. The bail bond of the appellant/accused shall stand cancelled.

Registry is directed to send the copy of the judgment along with the TCR to the concerned Court.

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

KBM
LIST NO.: 1 SL NO.: 83