



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 1260 OF 2018 (A)

BETWEEN:

STATE OF KARNATAKA
BY AVALAHALLI POLICE STATION,
BENGALURU RURAL DISTRICT, BENGALURU
REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING
BENGALURU-1

...APPELLANT

(BY SMT. ANITHA GIRISH, HCGP.)

AND:

1. BHARATH SINGH
S/O MOHAN SINGH
AGED ABOUT 31 YEARS,
2. RAM KHALI
W/O MOHAN SINGH
AGED ABOUT 66 YEARS

BOTH ARE R/AT KENCHAPPA LAYOUT,
ANANDAPURA BADAVANE,
VARANASI VILLAGE, BENGALURU EAST TALUK,
BENGALURU - 560026.

...RESPONDENTS

(BY SRI. PUNDIKAI ISHWARA BHAT., ADVOCATE)

THIS CRL.A. IS FILED U/S.378(1) AND (3) CR.P.C BY THE
S.P.P. FOR THE APPELLANT PRAYING TO GRANT LEAVE TO
APPEAL AGAINST THE JUDGEMENT AND ORDER OF ACQUITTAL



DATED 04.10.2017 PASSED IN S.C.NO.131/2011 BY THE VIII ADDITIONAL DISTRICT AND SESSIONS JUDGE, BANGALORE RURAL DISTRICT, BANGALORE THEREBY ACQUITTING THE ACCUSED NO.1 AND 3/RESPONDENTS NO.1 AND 2 OF THE OFFENCES P/U/S 498A,302, 304B R/W 34 OF IPC AND SEC.3,4 OF D.P ACT.

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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ
and
HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

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

The State has assailed the judgment and order dated 04.10.2017 passed by the Court of VIII Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru in SC.No.131/2011, wherein the respondents/accused Nos.1 and 3 are acquitted of the offences punishable under sections 498-A, 302 and 304-B of the Indian Penal Code and sections 3 & 4 of the Dowry Prohibition Act.

2. Heard learned HCGP for the appellant/State and learned counsel for respondents/accused Nos.1 and 3 and perused the evidence and material on record.



3. It is the case of the prosecution that, the marriage of Usha Bai (the deceased) was solemnized with the first accused on 24.06.2007 as per Hindu Customs prevailing in their Community. Accused No.2 is the brother and accused No.3 is the mother of accused No.1. At the time of marriage, the accused demanded and accepted Rs.1,00,000/- in cash as dowry and also gold ornaments for the bride. After the marriage, the accused started harassing the deceased for further dowry and there was Panchayat held in presence of both the families. In the said panchayat, the accused assured that they will take care of Usha Bai. However, on 15.01.2011 at about 09.00 pm, accused No.1 assaulted the deceased and committed murder.

4. Charges were framed against accused Nos.1 to 3 for the aforementioned offences. Accused No.2 died during the pendency of trial and therefore, the case against the said accused came to be abated. The trial proceeded against accused Nos.1 and 3. The learned



Sessions Judge, on appreciation of the oral and documentary evidence adduced by the prosecution, vide impugned judgment, acquitted both the accused of the charges framed against them.

5. Assailing the impugned judgment, the learned HCGP contended that, admittedly, deceased Usha Bai and accused No.1 were living in the same house and the death has taken place in the said house. The parents and other relatives of the deceased have categorically stated that dowry was demanded at the time of marriage and subsequent to the marriage, accused were ill-treating the deceased demanding further dowry. Panchayats were also held to resolve the issue. The accused have not given any explanation for the cause of death of the deceased and therefore, in the absence of such explanation and in view of the evidence and material on record, the prosecution has established the charges leveled against the accused. She contended that the reasons assigned by the trial Court for acquitting the accused are not in



accordance with law and accordingly, sought to allow the appeal.

6. *Per contra*, the learned counsel appearing for the respondents contended that, in this case, though the deceased was declared dead by the doctor on 16.01.2011 itself, no inquest or post-mortem was conducted till 19.01.2011. He contended that there is no positive opinion regarding the cause of death and all the witnesses have categorically stated that whatever given at the time of marriage was as per custom prevailing in their Community. He further contended that, there is no legal evidence to show that, subsequent to the marriage, the accused have given ill-treatment to the deceased demanding further dowry. He therefore contended that, the trial Court after giving valid reasons, has acquitted the accused/respondents and there are no justifiable grounds to interfere with the finding recorded by the trial Court.



7. Before proceeding further in analysing the evidence led in the matter, it is to be borne in mind that, this is an appeal against the judgment of acquittal. Therefore, the accused has double benefit. Firstly, the presumption under law is that unless the guilt is proved, the accused has to be treated as innocent in the alleged crime. Secondly, the accused has already been enjoying the benefit of judgment of acquittal passed under the impugned judgment.

(a) The Hon'ble Apex Court, in its judgment in the case of ***Chandrappa and others -v- State of Karnataka*** reported in ***(2007) 4 SCC 415***, while laying down the general principles regarding powers of the Appellate Court while dealing in an appeal against an order of acquittal, was pleased to observe at paragraph Nos.42(4) and 42(5) as below:

"42(4) An appellate Court, however, must bear in mind that in case of acquittal, there is double presumption in favour of the accused. Firstly, the presumption of innocence is available to him under the fundamental principle of criminal



jurisprudence that every person shall be presumed to be innocent unless he is proved guilty by a competent Court of law. Secondly, the accused having secured his acquittal, the presumption of his innocence is further reinforced, reaffirmed and strengthened by the trial Court.

42(5) If two reasonable conclusions are possible on the basis of the evidence on record, the appellate Court should not disturb the finding of acquittal recorded by the trial Court."

(b) In the case of ***Sudershan Kumar -v- State of Himachal Pradesh*** reported in ***(2014) 15 SCC 666***, while referring to Chandrappa's case (supra), the Hon'ble Apex Court at paragraph No.31 of its judgment was pleased to hold that, it is the cardinal principle in criminal jurisprudence that presumption of innocence of the accused is reinforced by an order of acquittal. The Appellate Court, in such a case, would interfere only for very substantial and compelling reasons.

(c) In the case of ***Jafarudheen and others -v- State of Kerala*** reported in ***(2022) 8 SCC 440***, at paragraph No.25 of its judgment, the Hon'ble Apex Court was pleased to observe as below:



"25. While dealing with an appeal against acquittal by invoking Section 378 Cr.P.C, the appellate Court has to consider whether the trial Court's view can be termed as a possible one, particularly when evidence on record has been analysed. The reason is that an order of acquittal adds up to the presumption of innocence in favour of the accused. Thus, the appellate Court has to be relatively slow in reversing the order of the trial Court rendering acquittal. Therefore, the presumption in favour of the accused does not get weakened but only strengthened. Such a double presumption that enures in favour of the accused has to be disturbed only by thorough scrutiny on the accepted legal parameters."

8. Admittedly, the marriage of Usha Bai with accused No.1 took place on 24.06.2007. Allegations are that, at the time of marriage the accused demanded and accepted Rs.1,00,000/- dowry and after the marriage they subjected the deceased to cruelty demanding further dowry, and on 15.01.2011 at about 09.00 pm, accused No.1 assaulted and committed her murder.

9. The material on record reveals that, on 16.01.2011 at about 08.00 am, the deceased was brought to Koshys Hospital wherein, Doctor declared her brought dead. On the basis of the statement given by



accused No.1, on 16.01.2011 at about 02.30 pm, UDR was registered under Section 174 of Cr.P.C at Avalahalli Police Station. The said UDR marked as Ex.P-10 reveals that the accused No.1 and the deceased were residing in a house situated in Kenchappa layout. On 15.01.2011, as the deceased was unwell, she was given treatment at one Amma Polyclinic, Anandapuram. Thereafter, accused No.1 went to work and returned at about 07.00 am and at that time the door of the house was locked from inside. With the help of neighbours, he opened the door and went inside the house and saw his semi-conscious wife and therefore, he took her to Koshys Hospital, Ramamurthynagar wherein, following the examination, the doctor declared her dead.

10. Even though the deceased was declared dead on 16.01.2011, no inquest or post-mortem was conducted till 19.01.2011. As per Ex.P8, an intimation was sent to Ramamurthynagar Police Station stating that Usha Bai was brought dead to the hospital on 16.01.2011 at



08.00 am itself. However, only on 19.01.2011, an FIR was registered against accused Nos.1 to 3, after the Tahsildar recorded the statements of relatives of the deceased, during inquest proceedings.

11. The post-mortem was conducted on 19.01.2011. The post-mortem report is marked as Ex.P16. However, no opinion is furnished with regard to the cause of death. In Ex.P-16, the date of receipt of dead body is left blank. As per final opinion, after receiving the FSL report and Histopathology Report, the doctor has opined that it is not possible to give the exact cause of death and mentioned as "Negative Autopsy". PW10, working as a Professor of Pathology, Bowring and Lady Curzon Hospital, who examined the organs of the deceased, has stated in the cross-examination that, in case of natural death, the opinion given by him in Ex.P8 will appear.

12. The learned HCGP contended that as per post-mortem report, certain injuries are noticed on the



dead body, which are on account of the harassment given by the accused to the deceased prior to her death. However, we find that in the Post-mortem report it is not mentioned as to whether those injuries are anti-mortem or post-mortem injuries. Without any acceptable evidence, the abrasions noticed on the dead body cannot be held to be inflicted by the accused.

13. PW1 is the cousin, PW2 is the brother, PW3 is the father and PW7 & PW8 are the uncles of the deceased. We have perused their evidence. They have deposed that, in their Community, there was a custom to give gold and silver articles to the bridegroom. It is also forthcoming from their evidence that after the marriage, the deceased had not complained about the ill-treatment given by the accused. Further, the owner of the house wherein the deceased and accused No.1 were residing, examined as PW6, has deposed that he is not aware about the quarrel between the accused and deceased. He was treated hostile by the prosecution. In the



cross-examination, he has denied having given any statement to the police stating that the Accused had given physical and mental harassment to the deceased for the purpose of dowry.

14. PW5, in his evidence has admitted that on 16.01.2011 between 07.00 am - 07.30 am, accused No.1 called him and stated that the door of the house was locked from inside. Then they tried to open the door but the door could not be opened as it was locked from inside. He has stated that accused No.1 forcibly pushed the door and at that time, he saw the deceased lying on the ground and he along with accused No.1 shifted her to Koshys Hospital wherein, the doctor declared her dead. Admittedly, in this case, the prosecution has failed to prove the cause of death of the deceased.

15. The evidence and materials on record are not sufficient to hold that the charges leveled against the accused are proved. The trial Court having appreciated the entire evidence and material on record, has acquitted



the accused. This being an appeal preferred against the judgment of Acquittal, this Court finds that the view taken by the trial Court is a plausible view. In view of the judgment of acquittal, the presumption of innocence in favour of the accused is reinforced. The reasons assigned by the trial Court are in accordance with law. Hence, no interference is called for. Accordingly, the following:

O R D E R

Appeal is **dismissed**.

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

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