



CNR: KAHC010568742025

NC: 2026:KHC:45975-DB  
CRL.A No. 1764 of 2025

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

**DATED THIS THE 25<sup>TH</sup> DAY OF AUGUST, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE H.P.SANDESH**

**AND**

**THE HON'BLE MR. JUSTICE B.PRAMOD**

**CRIMINAL APPEAL NO.1764 OF 2025**

**BETWEEN:**

1. THE STATE OF KARNATAKA,  
BY C.K. ACHUKATTU POLICE STATION,  
BENGALURU,  
REPRESENTED BY STATE PUBLIC PROSECUTOR,  
HIGH COURT BUILDING,  
BENGALURU-560001.

...APPELLANT

(BY SRI. SUHAS GOWDA M., HCGP)

Digitally signed  
by DEVIKA M  
Location: HIGH  
COURT OF  
KARNATAKA

**AND:**

1. SRI. JAGADEEP D.,  
S/O TURANDHAMA NAIDU,  
AGED ABOUT 31 YEARS,  
R/AT NO.81, 1<sup>ST</sup> MAIN ROAD,  
CHIKKALASANDRA,  
BENGALURU-560061.

...RESPONDENT

(RESPONDENT IS SERVED)

THIS CRIMINAL APPEAL IS FILED UNDER SECTION  
378(1) (3) OF CR.P.C PRAYING TO GRANT LEAVE TO APPEAL



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AGAINST THE JUDGMENT AND ORDER OF ACQUITTAL DATED 30.12.2024 PASSED BY THE LEARNED LXXI ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY (CCH-72) IN S.C.NO.87/2017 ACQUITTING THE RESPONDENT ACCUSED OF THE CHARGED OFFENCE P/U/S 304-B OF IPC AND TO SET ASIDE THE JUDGMENT AND ORDER DATED 30.12.2024 PASSED BY THE LEARNED LXXI ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY (CCH-72) IN S.C.NO.87/2017 IN SO FAR AS ACQUITTING THE RESPONDENT ACCUSED FOR CHARGED OFFENCE P/U/S 304-B OF IPC AND CONVICT AND SENTENCE THE RESPONDENT ACCUSED FOR THE CHARGED OFFENCE P/U/S 304-B OF IPC BY ALLOWING THE APPEAL.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH  
and  
HON'BLE MR. JUSTICE B.PRAMOD

**ORAL JUDGMENT**

(PER: HON'BLE MR. JUSTICE H.P.SANDESH)

This matter is listed for admission. Heard the learned High Court Government Pleader appearing for the appellant/State. The respondent/accused is served and unrepresented. Thereafter, this Court has issued NBW and the same was executed and the accused is remanded to custody and now he is in custody.

2. The factual matrix of the case of the prosecution is that, the informant claims to be residing at Sri Om Shakthi



Road, Banashankari 3<sup>rd</sup> Stage, Bengaluru, in the third floor along with her husband and child. The husband of the informant is a carpenter and she is a housewife. The informant claims to be the eldest of three daughters to Sri Damodar G and Smt. Kasthuri. The other two daughters are Smt. Roopa and Smt. Rekha. Smt. Rekha, sister of the informant had loved and married the accused at Sri Ganapathi Temple in Kanipakkam, Chittoor District about six months prior to the incident. The accused and the sister of this informant were residing in a rented house near Abbaiah Naidu Studio along with parents of the accused and his elder brother, Sri Harideep. The accused was a mason. After about a week of their marriage, the accused is alleged to have started treating the deceased with cruelty both physically and mentally demanding dowry as he was not given dowry at the time of marriage. The deceased was sent out of the house demanding dowry. The informant asserts that the matter was pacified and the deceased was sent to the house of the accused. Even thereafter, the accused is alleged to have continued to mete out cruelty to the deceased demanding dowry. About 20 days



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prior to the incident, the deceased was brought to the house of the informant as the deceased was carrying. On 24.09.2016 at 8.30 p.m., the accused is alleged to have come to the house of the informant and picked up quarrel with the deceased in respect of the dowry and slapped her in the presence of this informant and her mother. When the mother and this informant had tried to pacify, the accused is alleged to have abused the informant and their mother with vulgar language and attacked them as well and had taken the deceased back to his house.

3. That on 25.09.2016 at about 4.00 p.m., the deceased had again returned to the house of the informant. The deceased is said to have informed the informant that she was being beaten up the previous night and the informant had consoled the deceased and returned to kitchen for cooking. The deceased was playing with the child of the informant. At about 5.00 p.m., the informant had found the child alone in the hall. The informant had then knocked the door of the room and found no response. The informant had then believed that the deceased was probably sleeping and got engaged in her work. At 7.00 p.m. when the informant had opened the door of the



room, she was shocked to see her sister hanging from the ceiling fan using saree. The informant had then screamed when her mother had come upstairs and helped the informant bring down the deceased. They had then found the deceased to have died and hence, the information was tendered at the police station. Based on the complaint, the police registered the case and investigated the matter by recording the statement of witnesses and filed the charge-sheet. The police while filing the charge-sheet, invoked the offences under Sections 498A and 304B of IPC.

4. The Trial Court having considered both oral and documentary evidence available on record, particularly with regard to the demand of dowry and subjecting her for cruelty subsequent to the marriage, appreciating the evidence of P.W.1 to P.W.11 and also the documentary evidence of Exs.P.1 to 15 and M.O.1 to M.O.6, comes to the conclusion that the accused has committed the offence under Section 498A of IPC, but acquitted the accused for the offence under Section 304B of IPC. Hence, the present appeal is filed before this Court.



5. The main contention of the learned High Court Government Pleader appearing for the appellant/State is that the Trial Court has committed an error. Though the Trial Court comes to the conclusion that the accused has committed an offence punishable under Section 498A of IPC, but failed to consider the fact that the deceased took the extreme step of committing suicide since she was subjected to dowry harassment. The Trial Judge failed to consider all these materials available on record and got carried away that it was a love marriage. But after the marriage, the accused started harassing the deceased demanding dowry and the said fact was not taken note of by the Trial Court. The learned counsel would vehemently contend that the Trial Court has committed an error in acquitting the accused for the offence punishable under Section 304B of IPC.

6. Having heard the learned High Court Government Pleader appearing for the appellant/State and also considering the reasoning given by the Trial Court while appreciating the point for consideration both in respect of offence under Section 498A of IPC and also in respect of the offence under



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Section 304B of IPC, the Trial Court has given the finding in respect of Section 498A of IPC, but in respect of Section 304B of IPC is concerned, while answering point No.2 comes to the conclusion that the sisters are residing separately and there was no any demand before the marriage. The Trial Court in paragraph No.22 taken note of the evidence of P.W.1 sister who says that there was a harassment, but in the cross-examination she was unable to point out the circumstances which made her to take the extreme step of committing suicide. The sister of the deceased in whose house the deceased had come and hanged herself, had failed to assert as to what transpired on the day of the unfortunate incident. It is also important to note that the Trial Court has taken note of the post mortem report and except the ligature mark found evidencing the fact of hanging by suicide, no other injuries were found. It is the case of the prosecution witnesses i.e., the relatives of the victim that, in the previous day she was subjected to assault by the husband. But to evidence the said fact, there was no any injuries on the dead body of the deceased.



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7. The learned High Court Government Pleader appearing for the appellant/State made an attempt to convince this Court that there was a quarrel before taking the extreme step of committing suicide. But the same is not supported by any material. It is also important to note that she was playing along with the child of her sister at 5.00 p.m. and thereafter only she went and committed suicide inside the room and the family members who were there in the house also not suspected that she was going to commit suicide and they did not find any such mood of the deceased that she is going to commit suicide. All these materials were taken note of by the Trial Court while considering point No.2 in respect of invoking the offences under Section 304B of IPC. The Trial Court taken note of post mortem report Ex.P.12 in paragraph No.20. Neither Ex.P.12 nor Ex.P.10 would reveal any other ante mortem injuries on the body of the deceased except the ligature mark. The Trial Court in paragraph No.21 also taken note of the defence which was taken that the deceased had complication with child birth and hence, had decided to end her life. But the fact is that it has come in the evidence that she



was pregnant. When such being the case, the defence also cannot be accepted. Having perused the material on record with regard to taking the extreme step of committing suicide, there is no any proximity of evidence before the Court. When such being the case, we do not find any grounds to admit the appeal and the same is not warranted and question of re-consideration does not arise having considered the reasoning given by the Trial Court. Ex.P.12 post mortem report also does not indicate anything about any other injuries sustained by her and no circumstances disclose that she ended her life due to harassment. Under the circumstances, no grounds are made out.

8. In view of the discussions made above, we pass the following:

ORDER

- (i) The appeal is dismissed.
- (ii) In view of the dismissal of the appeal, the respondent/accused who is in custody is ordered to be released forthwith.



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The Registry is directed to communicate this order to the jail authority to release the accused/respondent forthwith.

**Sd/-  
(H.P.SANDESH)  
JUDGE**

**Sd/-  
(B.PRAMOD)  
JUDGE**

MD  
List No.: 1 SI No.: 5