



CNR: KAHC010725572025

NC: 2026:KHC:43723-DB
CRL.A No. 2236 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO.2236 OF 2025

BETWEEN:

1. THE STATE BY POLICE INSPECTOR,
MANIPAL POLICE STATION,
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560 001.

...APPELLANT

(BY SRI. SUHAS GOWDA M., HCGP)

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

AND:

1. SRI. PRASAD KOTIAN,
AGED ABOUT 26 YEARS,
S/O. DINAKARA,
R/O. PREETHI NILAYA,
H. NO.5-553, LAXMINAGAR,
TENKANIDIYOOOR VILLAGE,
UDUPI TALUK AND DISTRICT.
2. SRI. CHETHANRAJ SHETTY,
AGED ABOUT 38 YEARS,
S/O. SANJEEVA SHETTY,
R/O. MOODUBETTU VILLAGE,



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KATPADI POST, KAUP TALUK,
UDUPI DISTRICT.

3. SRI. NASIR HUSSAIN,
AGED ABOUT 48 YEARS,
S/O. ABDUL BHASHA,
R/O. H.NO.4-4-61A,
AJJARAKADU, UDUPI TALUK.

...RESPONDENTS

(BY SRI. GANESHA R., ADVOCATE FOR R1 TO R3)

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 378(1) AND (3) OF CR.PC PRAYING TO GRANT LEAVE TO APPEAL AGAINST THE JUDGMENT AND ORDER OF ACQUITTAL DATED 22.11.2024 PASSED BY THE II ADDL.DISTRICT AND SESSIONS JUDGE, UDUPI, IN SC NO.22/2021 ACQUITTING THE ACCUSED OF THE OFFENCES PUNISHABLE UNDER SECTIONS 504, 307, 326, 506, 114 AND 212 OF IPC AND TO SET ASIDE THE JUDGMENT AND ORDER OF ACQUITTAL DATED 22.11.2024 PASSED BY THE II ADDL. DISTRICT AND SESSIONS JUDGE, UDUPI, IN SC NO.22/2021 ACQUITTING THE ACCUSED OF THE OFFENCES PUNISHABLE UNDER SECTIONS 504, 307, 326, 506, 114 AND 212 OF IPC AND CONVICT AND SENTENCE THE RESPONDENTS ACCUSED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 504, 307, 326, 506, 114 AND 212 OF IPC.

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 and the learned counsel for the respondents/accused Nos.1 to 3.

2. The factual matrix of the case of the prosecution before the Trial Court is that, on 13.02.2019, the complainant and his friend Ashwath Kumar went to TITOS Bar, Manipal, Eshwar Nagar, Herga Village, Udupi Taluk; around 12 o' clock in the night they were taking food and at that time, a person known to Ashwath Kumar came there dancing and fell on their table. They questioned the same and staring them, he went outside. After taking food, they came out at around half past twelve in the night. The said person was standing there holding a beer bottle and he came towards them, abused them in foul language and assaulted on left neck near left ear of Ashwath Kumar-P.W.1 with a beer bottle causing blood injury.



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P.W.4 tried to pacify the matter and the said person assaulted him also on the back and on head with a beer bottle. Hearing the screaming sound, the people gathered and pacified the quarrel. While leaving the place, the said person abused them in a filthy language and threatened them with dire consequences. P.W.4 called his relative Ashwin, who came and took them to KMC Hospital, wherein they took treatment as inpatient and P.W.4 set the criminal law into motion by filing a written complaint Ex.P.3 on the next day morning on 14.02.2019 in the KMC Hospital.

3. Based on the complaint, crime was registered in Crime No.32/2019 for the offences punishable under Sections 504, 324, 326 and 506 of IPC. Mahazar was also conducted and police have investigated the matter by recording the statements of the witnesses and filed a charge-sheet before the Court. On receipt of the charge-sheet for the offences punishable under Sections 307, 504, 326, 506, 114 and 212 of IPC, the matter was committed to the Sessions Court and the accused were secured and they did not plead guilty and claimed the trial. Hence, the prosecution examined P.W.1 to P.W.15



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and got marked the documents at Exs.P.1 to 19. MOs.1 to 8 were also marked. During the cross-examination of P.W.4, Ex.D.1 was marked.

4. The Trial Court having considered the charges levelled against the accused and also considering the material available on record, particularly both oral and documentary evidence, in paragraph No.38 taken note of the evidence of P.W.4 and so also the evidence of P.W.1, who is the injured and found contradictions in the evidence of P.W.1 and P.W.4, who are the eye-witnesses to the incident. The Trial Court in paragraph No.39 comes to the conclusion that there are three versions of incident i.e., as per complaint the incident took place immediately when they came out of bar, but P.W.1 stated that when they were proceeding near Radha Medicals, accused No.1 called them back, whereas P.W.4 stated that when they reached home, accused No.1 called them back and the incident was taken place. The other accused persons were added subsequently on further statement. The Trial Court taken note of the contradictions in the evidence of P.W.1 and P.W.4 and also adding of accused Nos.2 to 4 after two days. The Trial



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Court in paragraph No.40 taken note of that for two days, the injured person was silent about the involvement of accused Nos.2 to 4. The Trial Court in paragraph No.41 taken note of P.W.1 stated that accused No.1 called them back at 1.10 a.m. P.W.4 stated that accused No.1 called them back at 1.00 a.m. In Ex.P.4 it is indicated that at 1.10 a.m., accused No.1 called them back. If it is so, then how come in the wound certificates at Exs.P.11 and 12 and MLC extracts Exs.P.16 and 17, the time of assault is shown as 12.30 a.m. is not explained.

5. The Trial Court also taken note of the evidence of P.W.6, who came to the spot at 1.20 a.m. and there are material contradictions in the evidence of the prosecution witnesses. The evidence of the doctor P.W.12 is also considered in paragraph No.43. P.W.12 stated that on examination of P.W.1 he found an irregular shaped glass piece present over the floor of the wound. It is worth to note that said glass piece is not produced before the Court. It was not compared with the glass pieces collected from the place of offence and no opinion was obtained from the doctor and the same is fatal to the case of prosecution. P.W.12 Investigating



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Officer stated that when the incident was taken place in the bar, though CCTV cameras are installed, but not collected any CCTV footage and the same is discussed in paragraph No.44. The Trial Court also taken note of that the version of defence i.e., P.W.1 and P.W.4 under the influence of alcohol, made commotion in the Rose Day program, resulting which they sustained injuries appears to be more probable than the story of prosecution. In paragraph No.47, the Trial Court taken note of that the incident is not proved and not inspires the confidence of the Court and benefit of doubt is extended in favour of the accused persons and acquitted them. When such being the case, the very contention of the learned High Court Government Pleader appearing for the appellant/State that the Trial Court committed an error in not considering the material available on record cannot be accepted. Both P.W.1 and P.W.4 have fully supported the case of the prosecution and narrated the fact against all the accused persons and though these two witnesses were cross-examined at length, nothing is elicited. When there are three versions, the Trial Court taken note of the same and in detail discussed the same from paragraph



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Nos.38 to 46. When such being the case, we do not find any ground to entertain this appeal and admit the appeal as the material available on record is full of material contradictions, particularly with regard to the incident and timings and also the evidence of the witnesses. When such being the factual aspects, it is not a case to admit and re-consider the matter.

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

ORDER

The criminal appeal is dismissed.

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

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

MD
List No.: 1 Sl No.: 5