



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. 2284 OF 2025 (A)

BETWEEN:

THE STATE OF KARNATAKA
BY GUNDLUPET TOWN POLICE STATION,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560 001.

...APPELLANT

(BY SMT. N. ANITHA GIRISH, HCGP)

AND:

SRI. SHIVAKUMAR
S/O LATE NAGEGOWDA @ BELLAPPA,
41 YEARS,
RESIDING AT: NO.22ND WARD,
HOSURU VILLAGE,
GUNDLUPET TOWN-571 111.

...RESPONDENT

(RESPONDENT SERVED & UNREPRESENTED)

THIS CRL.A. IS FILED U/S.378(1) AND (3) CR.P.C. (FILED
U/S 419 (1 AND 3) OF BNSS, 2023), PRAYING TO: (A) GRANT
LEAVE TO APPEAL AGAINST THE JUDGMENT AND ORDER OF
ACQUITTAL DATED 05.10.2024 PASSED IN S.C.NO.169/2023
ON THE FILE OF THE PRINCIPAL DISTRICT AND SESSIONS



JUDGE, CHAMARAJANAGARA ACQUITTING THE APPELLANT FOR THE CHARGED OFFENCES; (B) SET-ASIDE THE JUDGMENT AND ORDER OF ACQUITTAL DATED 05.10.2024 PASSED IN S.C.NO.169/2023 ON THE FILE OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, CHAMARAJANAGARA, BY ALLOWING THIS CRIMINAL APPEAL; AND (C) CONVICT AND SENTENCE THE APPELLANT/ACCUSED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 324, 354(B), 504, 506 AND 307 OF IPC IN ACCORDANCE WITH LAW.

THIS APPEAL, COMING ON FOR ORDERS, 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)

This appeal is preferred by the State against the judgment dated 05.10.2024 passed by the Court of Principal District and Sessions Judge, Chamarajanagar in S.C.No.169/2023, acquitting the accused/respondent of the offences punishable under Section 324, 307, 354(B), 504 and 506 of IPC.

2. Heard the learned High Court Government Pleader for the State and perused the material on record.



3. There is a delay of 275 days in preferring the appeal. I.A.No.1/2026 is filed to condone the delay.

4. In brief, it is the case of prosecution that on account of previous enmity, on 10.01.2021 at about 4.00 p.m., the accused having consumed alcohol, started abusing the complainant in filthy language and quarrelled with her. When she questioned him as to why he is defecating and urinating in the surrounding area, with an intention to kill her, he assaulted on her head with a sickle. When her daughter Jayalakshmi tried to rescue her, he pulled her saree and assaulted on her head with a brick piece and threatened both of them with dire consequences.

5. Charges were framed against the accused for the offences punishable under Section 324, 307, 354 (B), 504 and 506 of IPC, for which he pleaded not guilty and claimed to tried.



6. Before the trial Court, prosecution in all examined 12 witnesses and got marked 19 documents and 6 material objects to establish its case.

7. Learned Session Judge on appreciation of the oral and documentary evidence on record, vide impugned judgment acquitted the accused, which is under challenge by the State.

8. It is the contention of the learned High Court Government Pleader that in this case PWs.1 and 2 are the injured and the injuries sustained by them is spoken by the doctor examined as PW8. She contended that the complainant examined as PW.1 has sustained a lacerated wound over the right parietal region of skull measuring 7 x 2 x 1.5 cms and her daughter examined as PW2 has sustained a lacerated wound over the occipital region of the skull measuring 4 x 3 x 1.5 cms. She contended that both the injured have supported the case of prosecution and their evidence is further supported by the evidence of PWs.3 and 4 and therefore, contended that the judgment



of acquittal passed by the trial Court is without appreciating the said material evidence adduced by the prosecution.

9. The incident is alleged to have taken place on 10.01.2021 at about 4.00 p.m. It is the case of prosecution that the accused, on account of previous enmity, quarrelled with the complainant and her daughter, abused them in filthy language and assaulted the complainant with a sickle on her head and also her daughter with a brick piece and caused injuries to them.

10. The complainant is examined as PW1 and her daughter is examined as PW2. Both of them have stated that the accused was intoxicated and he abused and quarrelled with them and assaulted them with a sickle and a brick piece and caused injuries to them and also threatened to take away their lives.

11. PW8 is the doctor who treated both the injured. As per the wound certificates issued by him, both the



injured have sustained simple injuries. It has come in the evidence that the accused is the neighbour of the complainant and there was previous enmity. It is alleged that the accused used to consume alcohol and urinate in the surrounding area. In view of the said enmity, it is necessary to evaluate the evidence of the injured and see as to whether there is any corroborative evidence.

12. The prosecution has got examined PW3 and PW4 who are none other than the sons of the complainant. Both the said witnesses though stated that they have seen the incident, in the cross-examination it is elicited from them that they came to know about the incident subsequently and therefore, they are not the eye witnesses to the incident.

13. The prosecution has got examined two independent witnesses cited as CWs4 and 5 in the chargesheet as PWs.7 and 5 respectively. Both the said witnesses have turned hostile and not supported the case of prosecution.



14. In this case, the prosecution has got marked Ex.P19, the wound certificate pertaining to the accused. Though, PW2 has stated that the accused sustained the said injury by fall, taking note of the injuries mentioned in the wound certificate, it cannot be said that injuries were on account of fall. As per Ex.P19, the injury certificate pertaining to the accused, marked through PW.11, the accused has sustained injuries on his face, lips and other parts of the body. In Ex.P19, it is mentioned that he has sustained those injuries on account of assault. No investigation was conducted in that regard. The injury sustained by the accused has been suppressed by the prosecution witnesses. Further, in the cross-examination of PW8-Doctor, he has stated that the injury sustained by PW1 and PW2 can be caused if a person falls and rolls on the ground.

15. Appreciating the above aspects the learned Sessions Judge has acquitted the accused holding that the prosecution has failed to prove the offences alleged



against him beyond reasonable doubt. We do not find any good grounds to interfere with the judgment of acquittal passed by the trial Court.

Appeal is ***dismissed.*** Consequently, I.A. is dismissed.

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

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