



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 2404 OF 2025

C/W

CRIMINAL APPEAL NO. 1916 OF 2022

IN CRL.A No. 2404/2025

BETWEEN:

1. KRISHNEGOWDA @ KRISHNA
S/O BETTEGOWDA,
AGED ABOUT 39 YEARS,
R/AT NO.29, SELVARAJ BUILDING,
4TH CROSS, NEW BYAPPANAHALLI,
BENGALURU-560036.
2. SHIVALINGAIAH @ SHIVA @ SHIVAKUMAR
S/O RANGAPPA,
AGED ABOUT 41 YEARS,
R/AT NO.13, 10TH CROSS,
G M PALYA, THIPPASANDRA POST,
BENGALURU-560075.

...APPELLANTS

(BY SRI. RAKSHITH R., ADVOCATE)

AND:

STATE OF KARNATAKA
BY SHESHADRIPURAM POLICE STATION,
REP. BY SPP.,
HIGH COURT OF KARNATAKA,
BANGALORE-560001

...RESPONDENT

(BY SRI. RAHUL RAI K., HCGP.)



NC: 2026:KHC:29317-DB
CRL.A No. 2404 of 2025
C/W CRL.A No. 1916 of 2022

THIS CRL.A IS FILED U/S 374(2) CR.PC PRAYING TO SET ASIDE THE ORDER OF CONVICTION DATED 01.10.2022 AND SENTENCE DATED 07.10.2022 PASSED BY THE LII ADDITIONAL CITY CIVL AND SESSIONS JUDGE, BENGALURU IN S.C.NO.755/2012, FOR THE OFFENCE P/U/S 120(B),302,201 R/W 34 OF IPC AND ACQUIT THE APPELLANTS.

IN CRL.A NO. 1916/2022

BETWEEN:

RAVIKUMAR
S/O VENKATAIAH
AGED ABOUT 26 YEARS
R/AT NO.5, 2ND CROSS,
RAMAKRISHNA BUILDING,
SINGASANDRA, BENGALURU-560050

...APPELLANT

(BY SRI. MOHANKUMARA D., ADVOCATE)

AND:

STATE OF KARNATAKA
BY SHESHDRIPURAM POLICE STATION,
REP. BY ITS STATE PUBLIC PROSECUTOR,
HIGH COURT COMPLEX,
BANGALORE - 560 001.

...RESPONDENT

(BY SRI. RAHUL RAI K., HCGP.)

THIS CRL.A IS FILED U/S 374(2) CR.PC PRAYING TO SET ASIDE THE ORDER OF CONVICTION DATED 01.10.2022 AND SENTENCE DATED 07.10.2022 PASSED BY THE LII ADDITIONAL CITY CIVL AND SESSIONS JUDGE, BENGALURU IN S.C.NO.755/2012, CONVICTING THE APPELLANT/ACCUSED NO.1 FOR THE OFFENCE P/U/S 120(B),302,201 R/W 34 OF IPC.



THESE APPEALS, COMING ON FOR DICTATING JUDGMENT, 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)

These two appeals arise out of the judgment of conviction dated 01.10.2022 and order on sentence dated 07.10.2022 passed by the LII Addl. City Civil and Sessions Judge, (CCH-53) Bangalore in SC No.755/2012, wherein the learned Sessions Judge has convicted accused Nos.1 to 3 for the offences punishable under Section 120(B), 302, 201 read with Section 34 of IPC and imposed the following sentence:

"The accused No.1 to 3 are sentenced to undergo rigorous imprisonment for life and to pay fine of Rs.10,000/- each for the commission of offence U/S 302 of IPC and in default of payment of fine amount, to



undergo further imprisonment for a period of two months each;

The accused No.1 to 3 are sentenced to undergo rigorous imprisonment for life and to pay fine of Rs.10,000/- each for the commission of offence U/S 120B of IPC and in default of payment of fine amount, to undergo further imprisonment for the period of two months each;

The accused No.1 to 3 are sentenced to undergo rigorous imprisonment for a period of 7 years and to pay fine of Rs.5,000/- each for the commission of offence U/S 201 of IPC and in default of payment of fine amount, to undergo further imprisonment for a period of one month each."

2. Crl.A No.1916/2022 is by accused No.1 and Crl.A No.2404/2025 is by accused Nos.2 and 3.



3. We have heard learned counsel Sri Mohankumar.D appearing for the appellant in Crl.A No.1916/2022 and learned counsel Sri Rakshith R appearing for the appellants in Crl.A No.2404/2025 and learned HCGP Sri Rahul Rai K appearing for the respondent/State. Perused the evidence and material on record.

4. The brief facts of the case:

On 06.02.2012, deceased Manoj Kumar Grandhi came to Bengaluru from Hyderabad in Indigo Airlines bearing No.6E-151. The Car Zone Rent car providers had arranged an Innova car bearing No.KA-03/D-2205 for his travel in Bengaluru. Accused No.1 was engaged as driver of the said car by the Car Zone Rent car providers. The said accused took the deceased to different places in Bengaluru. During the said period, he came to know that the deceased was carrying valuable jewelries. As such, he entered into a criminal conspiracy with accused Nos.2 and 3 in order to commit the murder of Manoj Kumar Grandhi



and to take away the valuable jewelries. The conspiracy was held on 06.02.2012 in the house of accused No.2, situated at 4th Cross, No.370 of Byappanahalli Village. On 07.02.2012, at about 05.00 a.m., the deceased, while proceeding to the Airport in the car, to return to Hyderabad, near Windsor Manor Bridge of Bellary Road, accused No.1, stopped the car on the pretext that it had a defect. When the car was stopped, accused Nos.2 and 3, in furtherance of criminal conspiracy, came near the car, brandished a knife at the deceased and threatened him and thrust a cloth into his mouth and strangled him with a nylon rope and committed his murder. Thereafter, all the accused took the car to Boopasandra, wherein they shifted the dead body along with the belongings of the deceased and the bag containing jewelries from the car of accused No.1 to the car of accused No.2, bearing registration No.KA-03/D-2269. In the said car, accused Nos.2 and 3 proceeded to Charmudi Ghat via Mudigere and threw the dead body into the Ghat. The accused kept the jewelries in the house of CW58-mother-in-law of



accused No.3. Further, accused Nos.2 and 3 with an intention of destroying the evidence, burnt the bags containing the jewelries, clothes and books in a land situated near Chettanahalli Village.

5. The charges were framed against accused Nos.1 to 3 for the offences punishable under Sections 120(B), 302, 201 read with Section 34 of IPC. The prosecution, in all, examined PW1 to PW32 and got marked Exhibits P1 to P118 and MO Nos.1 to 17.

6. The trial Court, vide its judgment, has convicted and sentenced accused Nos.1 to 3, which judgment and order is under challenge.

7. Among the prosecution witnesses, P.W.1 is the first informant. P.W.2 is the brother of deceased and inquest mahazar witness. P.W.3 is the friend of the deceased and inquest mahazar witness. P.W.4 is the seizure mahazar witness of car and other objects found in the car belonging to deceased. P.W.5 is the seizure mahazar witness of the trip sheet of Innova car and other



documents pertaining to accused No.1 produced by Manager of Car Zone rent car. P.W.6 is the photographer who has taken photographs of different places of incident connected to the alleged offences. P.Ws.7 and 8 are the inquest mahazar witnesses. P.W.9 is the mahazar witness of the place where the dead body was found. P.W.10 is the owner of the house in which accused No.2 was residing and where accused Nos.1 to 3 have entered into criminal conspiracy. P.W.11 is the customer of the deceased who has met the deceased in ITC Gardenia Hotel, Bengaluru and who has seen the deceased travelling in the car of accused No.1. P.W.12 is the cashier of Mothimahal lodge and he is a circumstantial evidence. P.W.13 is the security guard and who has last seen accused No.1 picking up the deceased in his car from the hotel on 07.02.2012. P.W.14 and 15 are the bellboys of ITC Gardenia Hotel, who have seen the deceased in the hotel and who have seen accused No.1 dropping the deceased in the hotel on 06.02.2012 and picking the deceased on 07.02.2012 from hotel. P.W.16 is the seizure mahazar witness of hairs



found in the car and mobile phones of accused which were seized from accused Nos.2 and 3. P.W.17 is the seizure mahazar witness of seizure of chain belonging to the deceased and cash amount belonging to the deceased which are produced by accused No.1. P.W.18 is seizure mahazar witness of knife alleged to have been used by accused No.2 and 3 for commission of offence. P.W.19 is the police constable who has assisted for arrest of accused Nos.1 to 3. P.W.20 is the owner of grocery shop situated at Nagamangala, where it is alleged that accused Nos.2 and 3 have purchased plastic bags. P.W.21 is the seizure mahazar witness of hairs, mobile and other articles that are belonging to the deceased, which were found in Innova car. P.W.22 is the police constable who took seized articles to FSL and who took acknowledgment from FSL. P.W.23 is the police constable who took FIR to the Court. P.W.24 is the PSI, who brought accused No.1 to the police station and produced before the Investigating Officer. P.W.25 is the owner of Innova car used by accused No.1 for pick up and drop of the deceased. P.W.26 is the



circumstantial witness who has seen the car of accused No.2 passing through Nelamangala toll. P.W.27 is the Manager of Car Zone Rent car. P.W.28 is the friend of deceased who has seen deceased travelling in the car driven by accused No.1 on 06.02.2012. P.W.29 is the police constable who has handed over the dead body to the relatives of the deceased and who brought the clothes which were found on the dead body from hospital. P.W.30 is the mahazar witness of place where the deceased was murdered. P.W.31 is the PSI who has apprehended accused No.1 and 2 with the help of C.W.64 to 67 and who has conducted seizure mahazar of car, hairs, mobile phone of accused and produced the same before the I.O. P.W.32 is the Investigating Officer of International Airport police station.

8. The entire case of the prosecution is based on circumstantial evidence. The prosecution is relying on the evidence with regard to accused No.1 engaged as deceased's driver, during his visit to Bengaluru, the last seen evidence wherein the deceased was seen with



accused No.1, recovery of the robbed jewelries from accused Nos.1 to 3, recovery of two knives from accused Nos.2 and 3, discovery of the dead body at the instance of accused Nos.2 and 3, the seizure of the car and other incriminating materials found inside the car and the homicidal death.

9. After the dead body was discovered in the Charmudi Ghat at the instance of accused Nos.2 and 3 on 09.02.2012, the same was subjected to autopsy. Ex.P.74 is the PM report. The cause of death is asphyxia because of throttling. The time since death is 02-03 days.

10. The incident took place on 07.02.2012 at about 5.00 am. From the post mortem report, we find that the body was subjected to autopsy on 09.02.2012 from 08.30 pm to 10.30 pm. The defence has not seriously disputed the cause of death. As per the PM report, two bluish-black coloured contusions each measuring 2 cm x 2 cm, seen over right side of neck, as well as, abrasion each measuring 3cm x ½ cm over the dorsum of right foot, an



aberration 2cm x ½ cm over the lateral aspect of right foot.

11. From the above, we have no hesitation to hold that the prosecution has proved that the deceased died a homicidal death. The time of death also tally with the date of incident.

12. However, it is the contention of the learned counsel for the appellants that the body has not been identified and therefore, it cannot be said that the dead body, which was discovered allegedly at the instance of accused Nos.2 and 3, was that of Manoj Kumar Grandhi.

13. The above contention of the learned counsel for the appellants cannot be accepted for the reason that the prosecution has placed ample material to show that the dead body was identified as that of Manoj Kumar Grandhi.

14. PW2 is none other than the brother of deceased. He has deposed that he identified the dead body as that of his brother and also identified the ring, watch and chappal worn by the deceased. Similarly, PW3



is a person known to the deceased as well as PW2. He has also identified the dead body, the ring and the watch found on the dead body.

15. The panch witness to inquest mahazar- Exhibit P61 namely PW7 and PW8, have also spoken about one watch and ring found on the dead body, during the inquest proceedings.

16. It is the case of prosecution that accused No.1 was engaged as the driver of the car by the 'car zone rent car provider, in which the deceased travelled during his stay in Bengaluru on 06.02.2012 and 07.02.2012. In this regard, the prosecution is relying on the evidence of PWs.21, 25 and 27. PW.21 is an employee in the 'cars on rent'. He has categorically stated that on 06.02.2012 the car was booked to pick up Manoj Kumar Grandhi (deceased) from the airport and the accused was engaged as the car driver. He has stated about giving trip sheet details in this regard, marked as Ex,P42. From his evidence it is clear that accused No.1 was engaged as a



driver on 06.02.2012 from 'cars on rent' to pick up the deceased from the airport in Innova car bearing Registration No.KA-03-D-2205.

17. PW27 is the Assistant Branch Manager of 'Cars on Rent Company'. He has deposed about the Innova car being booked from the said company for the use of deceased Manoj Kumar Grandhi on 06.02.2012 and 07.02.2012. Ex-P44 is marked through the said witness. He has further deposed that accused No.1-Ravi Kumar was employed as the driver of the Innova car booked for the use of deceased Manoj Kumar Grandhi. The trip sheet is marked as Ex.P70.

18. We have perused the trip sheet - Ex.P70, wherein it is clear that the Innova car bearing Registration No.KA-03-D-2205 was booked by the deceased Manoj Kumar Grandhi and accused No.1-Ravi Kumar was the driver of the said car. Further, PW.25, owner of the Innova car has also given evidence that the car was given on rent to 'cars on rent company' and accused No.1-Ravi Kumar



was the driver of the said car and he was given a salary of Rs.10,000/- per month. He has identified accused No.1. The above evidence of the prosecution witnesses as well as Ex.P70-trip sheet has not been disputed.

19. From the above evidence on record, the prosecution has established that accused No.1 was engaged as a driver of the Innova car bearing Registration No. KA-03-D-2205 which was put in use for the deceased during his stay in Bengaluru on 06.02.2012 and 07.02.2012.

20. PW15, has deposed about the deceased coming to ITC Gardenia Hotel on 06.02.2012 around 05.30-06.00 a.m., in a silver colour Innova car with three bags. He has stated that he left him to Room No.1436 and kept the luggage. He has identified accused No.1 as the driver who brought the deceased to the hotel as well as identified Ex.P18, the photo of the deceased.

21. PWs.13 and 14 are the employees of the hotel where the deceased stayed on 06.02.2012 and



07.02.2012. The said witnesses have deposed about deceased coming out of the hotel on 07.02.2012 at about 04.15-04.30 a.m., after vacating the room. PW13 has stated that the bellboy brought three bags of the customer (deceased) and accused No.1 had brought the Innova car. He has identified accused No.1 who was produced through video conference, as the driver of the Innova car who picked the deceased on 07.02.2012 at about 04.15-04.30 am. He has identified the deceased in the photo. Similarly, PW14, working as bellboy in the ITC Gardenia Hotel has also given evidence regarding the accused bringing the silver colour Innova car to pick up the deceased in the early morning of 07.02.2012.

22. It is the case of prosecution that accused No.1 having come to know that the deceased was carrying valuable jewelleries with him, conspired with accused Nos.2 and 3 to commit his murder and rob the jewellery. Hence, on 07.02.2012 about 05.00 a.m., after the deceased vacated the room so as to proceed towards the airport, on the pretext of taking him to the airport, took



him in the Innova car and near Windsor Manor Bridge of Bellary Road, stopped the car stating that there is some problem. Accused Nos.2 and 3, as instructed, came near the car and threatened the deceased, showing a knife, closed his mouth with a cloth and strangled with a nylon rope. They shifted the dead body and the valuable belongings of the deceased to the car of accused No.2 bearing Registration No.KA-03-D-2269. Then accused Nos.2 and 3 took the dead body to Charmudi Ghat via Mudigere and threw the dead body in the Ghat.

23. Accused No.1 came to be arrested on 08.02.2012 and accused Nos.2 and 3 were arrested on 09.02.2012. The voluntary statements of the accused Nos.1 to 3 were recorded as per Exs.P95, P97 and P98 respectively. On the voluntary statement of Accused Nos.2 and 3, the investigation officer along with his staff and panchas proceeded to the spot where the dead body was thrown and removed the dead body from the ghat. Ex.P99 is the mahazar prepared on 09.02.2012.



24. The learned counsel for appellants contended that out of the two panchas, one pancha has not been examined and PW9 was the driver of the car who was taken by the I.O., to the spot and therefore, the I.O., has not taken any independent panchas and the evidence of PW9 cannot be accepted.

25. In this case, the prosecution has examined PW9, one of the panchas who was present during the discovery of the dead body. He has attested Ex.P99. We find that PW9 is a taxi driver and he went along with the police to the spot, at their request. Though, two of the Panchas by name Shankar and Nagaraj are not examined, from the evidence of PW9, it is clear that accused Nos.2 and 3 were also present and they informed the police about dumping the dead body in the ghat and taking the police and panchas to the said spot from where the dead body was removed. PW9 has identified accused Nos.2 and 3 in the photographs marked at Ex.P51 and Ex.P62. There is no reason to disbelieve the evidence of PW9, as there is nothing worthwhile elicited in favour of the defence.



Further, the brother of the deceased examined as PW2 and another witness as PW3 were also present when the dead body was removed from the ghat and they have clearly stated that both accused Nos.2 and 3 have led the police and the panchas to the spot and at their instance, the dead body was traced. The said witnesses have identified the dead body as that of Manoj Kumar Grandhi.

26. After the arrest of accused Nos.1 to 3, the gold jewellery belonging to the deceased, were recovered. Ex.P56 is the mahazar regarding the recovery of jewelleries at the instance of accused Nos.2 and 3, from the house of one chennamma (CW58) situated at Mallenahalli Village, mother-in-law of accused No.3. The accused No.3 has led the Investigating Officer and panchas to the house of his mother-in-law from where 29 items of gold jewelleries robbed by the accused after committing murder were recovered under Ex.P56. At the time of recovery photos were taken, marked as Ex.P62 to P65.



27. PW9 in his examination-in-chief has deposed about the recovery of gold jewellery from the house of mother-in-law of accused No.3 at Mallenahalli Village. He has stated that he has signed the mahazar as Ex.P56(b). He has identified Ex.P52 to Ex.P55 as the photos taken at that time. The defence has not put any suggestions to PW9, denying the manner in which Ex.P56 mahazar was drawn in his presence and also not disputed the recovery of 29 gold jewellery from the house of the mother-in-law of accused No.3.

28. Two knives were seized at the instance of accused Nos.2 and 3 under Ex.P69. The said knives were marked as MOs.18 and 19 respectively. PW.18 is the panch witness to the said mahazar. He has supported the prosecution.

29. After the arrest of accused No.1, gold chain and an amount of Rs.19,130/- belonging to the deceased were seized from his house. PW.17 is the panch witness to



Ex.P66 under which the gold chain weighing 64 grams and cash of Rs.19,130/- were seized.

30. It is the contention of the learned counsel for appellants that recovery of cash cannot be believed and the said cash cannot be said to be belonging to the deceased. Even accepting that cash of Rs.19,130/- recovered from Accused No.1 cannot be connected to the crime in question, the recovery of gold articles cannot be brushed aside. From the evidence of PW17, it is clear that accused No.1 took the police and panchas to his house in Singasandra from where he produced a long gold chain with 2 dollars and a pendent and the same were seized under Ex.P66. The said witness has identified accused No.1 as the one at whose instance the above articles were seized. The gold jewellerys are identified by PW.1 as the jewellerys which were carried by the deceased to Bengaluru.

31. PW.1 is the first informant and Vice-President of Vibhav Empire Private Limited. He has stated that the



deceased was the Chairman and the Managing Director. He has deposed about deceased leaving Hyderabad on 06.02.2012 to visit Bengaluru to meet the suppliers and to buy some stocks for the showrooms and carrying jewellery for jewellery exhibition in Bengaluru. Further, contacting Car Zone rent car providers to hire a car for the use of deceased, to pick him up from the airport etc. Further, the evidence of PW.11 goes to show that he had visited ITC Gardenia Hotel, along with his son on 06.02.2012 at about 06.15-06.30 pm and met the deceased and showed certain samples of silver articles for the purpose of business. He has stated that thereafter, the deceased went in a silver colour Innova Car wherein accused No.1 was the driver of the said car. Similarly, PW.28 has deposed that on 06.02.2012 he got a call from the deceased, who came near his office at about 5.00 p.m., in the Innova Car driven by accused No.1. He has identified accused No.1 as well as the Innova Car. He has deposed about going along with the deceased to BMRCL, Byappanahalli property in the said car. He has stated that



he was dropped at his office by the deceased at about 06.30-07.00 pm. He has identified Accused No.1 as the driver of the car in which the deceased had himself travelled.

32. From the evidence and material adduced by the prosecution, we find that the prosecution has established the complete chain of circumstances pointing out the guilt towards the accused. The motive for commission of murder is to make unlawful gain. The trial Court has held that the prosecution has proved beyond reasonable doubt that the accused was found in possession of the golden jewelleries and other articles belonging to the deceased and those articles were seized from their possession by conducting mahazar. The accused have not given any proper explanation for possession of the same, nor they have produced any defence evidence to prove how they came in possession of gold jewelleries belonging to the deceased. Further, prosecution has also proved the fundamental elements of commission of offence of murder i.e. mens rea or guilty intention of mind of the accused to



commit the murder for the gain. We find that there is no material contradiction in the testimony of the witnesses. Having re-appreciated the entire evidence and material on record, we find that the findings recorded by the trial Court for convicting accused Nos.1 to 3 for the charged offences are in accordance with law.

33. While imposing sentence, the trial Court, relying on a decision of the Hon'ble Supreme Court in **KARTAR SINGH AND OTHERS v. STATE OF HARYANA THROUGH INSPECTOR GENERAL OF PRISON, CHAND** reported in **1982 AIR 1439; 1983 SCR(1) 445**, held that the accused are not entitled for the benefit of set off of the period of detention undergone by them during the course of trial and also observed that under Section 433 and 433A of Code of Criminal Procedure, the appropriate Government has got power to set off the detention by commuting the sentence in the manner as provided under the said Sections, as such, the accused, in order to claim benefit of set off, may approach the appropriate



Government seeking relief of set-off under the aforesaid Sections.

34. It is pertinent to mention that the judgment in the case of KARTAR SINGH (supra) has been over-ruled by the Apex Court in the case of ***BHAGIRATH AND OTHERS v. DELHI ADMINISTRATION*** reported in ***1985 AIR 1050***. Hence, the accused are entitled to set-off for the period already undergone by them in view of Section 428 Code of Criminal Procedure (Section 468 of the BNSS). The accused are also entitled to approach the appropriate Government seeking remission, as it is submitted by the learned counsel for the appellants that accused 1 to 3 have undergone imprisonment for more than fourteen years.

35. In the result, we pass the following:

ORDER

- i. Appeal is **allowed in part**.
- ii. The judgment of conviction dated 01.10.2022 and order on sentence dated



**NC: 2026:KHC:29317-DB
CRL.A No. 2404 of 2025
C/W CRL.A No. 1916 of 2022**

07.10.2022 passed by the LII Addl. City Civil and Sessions Judge, (CCH-53) Bangalore in SC No.755/2012 convicting accused 1 to 3 for offences punishable under Sections 120(B), 302 and 201 read with Section 34 of Indian Penal Code, is confirmed.

- iii. The accused are entitled to set-off and they are entitled to approach the appropriate Government seeking set-off for the period already undergone by them in view of Section 428 of Cr.P.C., (Section 468 of the BNSS).

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

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