IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE R DEVDAS

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

CRIMINAL APPEAL NO. 1160 OF 2019 (A)

BETWEEN:

THE STATE OF KARNATAKA
BY POLICE INSPECTOR
YAGATI POLICE STATION
CHIKKAMAGALURU
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU – 01.

...APPELLANT

(BY SRI RANGASWAMY R., HCGP)

AND:

1. KARININGAPPA
S/O KARIYAPPA
AGED ABOUT 49 YEARS
R/O PATHENAHALLI
YAGATI HOBLI
KADUR TALUK – 577 548.

2. KUMARA
S/O KARIYAPPA
AGED ABOUT 39 YEARS
AGRICULTURIST
R/O PATHENAHALLI
YAGATI HOBLI
KADUR TALUK – 577 548.

3. PREMA
W/O KUMARA

Digitally signed by
G SHREERAKSHA
Location: HIGH
COURT OF
KARNATAKA

AGED ABOUT 36 YEARS
HOUSE WORK
R/O PATHENAHALLI
YAGATI HOBLI
KADUR TALUK – 577 548.

…RESPONDENTS

(BY SRI P.B. UMESH, ADVOCATE FOR
SRI RAVINDRA B. DESPANDE, ADVOCATE)

THIS CRL.A. IS FILED U/S.378(1) AND (3) CR.P.C BY THE STATE P.P. FOR THE STATE PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED TO GRANT LEAVE TO FILE AN APPEAL AGAINST THE JUDGEMENT AND ORDER OF ACQUITTAL DATED 11.09.2018 ON THE FILE OF I ADDITIONAL SESSIONS AND SPECIAL JUDGE, CHIKKAMAGALURU IN S.C.NO.3/2014 ACQUITTING THE ACCUSED/RESPONDENTS FOR THE OFFENCE P/U/S 498-A AND 304-B R/W 34 OF IPC AND SECTION 3 AND 4 OF DOWRY PROHIBITION ACT.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 15.10.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE R DEVDAS
and
HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV JUDGMENT

(PER: HON'BLE DR. JUSTICE K.MANMADHA RAO)

This appeal is filed by the appellant-State seeking the following reliefs:-

> *a) GRANT LEAVE TO APPEAL against the Judgment and Order of acquittal dated 11.09.2018 on the file of the I Addl. Sessions and Special Judge, Chikkamagaluru in S.C.No.3/2014, acquitting the accused/Respondents for the offence punishable 304-B R/w Sec.34 of IPC,*

under Sections 498-A, I.P.C., and under Section 3 and 4 of Dowry Prohibition Act;

b) SET ASIDE the aforesaid Judgment and order dated 11.9.2018 passed in S.C No.3/2014 on the file of the I Addl. District and Special Judge, Chickmagalur acquitting the accused/Respondents for the offence punishable under Section 498-A, 304-B R/w Sec. 34 of I.P.C., and under Section 3 and 4 of Dowry Prohibition Act;

AND

c) CONVICT AND SENTENCE the Accused-Respondent for the offences punishable under Sections 498-A, 304-B R/W Sec.34 of I.P.C., and under Section 3 and 4 of Dowry Prohibition Act.

2. The brief facts of the case are as under:

The case of the prosecution is that Smt. Mallamma, the daughter of the complainant, was married to accused No.1, Kariningappa, about five years prior to the incident. They had a female child aged about two years. Accused No.2, Kumara, is the brother-in-law, accused No.3, Prema, is the sister-in-law and accused No.4, who is the father-in-law of Smt. Mallamma, was also arrayed as an accused in the case.

3. At the time of marriage, the complainant had paid a sum of Rs.1,50,000/- to accused No.1 as dowry.

After two years of marriage, accused No.1 started subjecting Smt. Mallamma to physical and mental harassment by demanding additional dowry. Mallamma informed the complainant about the harassment, and the complainant consoled her. Subsequently, the accused persons continued to subject Mallamma to physical and mental harassment by demanding dowry, on account of which Mallamma returned to her matrimonial home. Thereafter, the complainant arranged a sum of Rs.50,000/- and gave the said amount to the accused through Mallamma.

4. It is further the case of the prosecution that, after about one year, the accused again demanded money from Mallamma for the purpose of purchasing lands. In order to meet the said demand, the complainant arranged another sum of Rs.50,000/- by selling sheep and gave the amount to the accused. Despite the same, the accused persons continued to harass Mallamma by demanding more and more dowry. Due to the physical and mental harassment allegedly meted out to her by the accused

persons, on 09.09.2013 at about 10.00 a.m., Mallamma committed suicide by pouring kerosene on herself and setting herself on fire. In this regard, the father of the deceased Mallamma lodged a complaint with the police against the accused persons.

5. Based on the said complaint, the Investigating Officer conducted the investigation and filed a charge sheet against the accused persons for the offences punishable under Sections 498-A and 304-B read with Section 34 of the Indian Penal Code, 1860 ('the IPC' for short) and Sections 3 and 4 of the Dowry Prohibition Act, 1961. During the pendency of the trial, accused No.4 died and, consequently, the case against him stood abated. Accused Nos.1 to 3 were enlarged on bail. Upon receipt of the charge sheet, the Committal Court perused the same and took cognizance of the offences punishable under Sections 498-A and 304-B read with Section 34 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act. After hearing both sides, the Committal Court committed the case to the Court of Sessions for trial.

6. Upon hearing both sides and perusing the material on record, the Sessions Court framed charges against accused Nos.1 to 3 for the offences punishable under Sections 498-A and 304-B read with Section 34 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act. The charges were read over and explained to the accused persons. The accused pleaded not guilty and claimed to be tried.

7. In order to establish its case, the prosecution examined P.Ws.1 to 18 and got marked Exs.P1 to P25 and M.Os.1 to 3. After the prosecution closed its evidence, the statements of accused Nos.1 to 3 were recorded under Section 313 of the Code of Criminal Procedure. The accused persons denied the incriminating circumstances appearing against them and stated that they had no defence evidence to adduce.

8. Based on the pleadings, oral and documentary evidence and materials placed on record, by judgment and

order dated 11.09.2018, the Sessions Court acquitted accused Nos.1 to 3 of the charges framed against them.

9. The State, being aggrieved by the said judgment and order of acquittal passed by the Sessions Court in S.C.No.3/2014, has preferred the present appeal.

10. The learned HCGP appearing for the appellant-State would contend that the prosecution has examined 18 witnesses in support of its case and nothing worthwhile has been elicited in their cross-examination to discredit their testimony. In particular, P.W.4, the father of the deceased, P.W.5, the brother-in-law of the deceased, and P.Ws.7 and 8, the brothers of the deceased, have supported the case of the prosecution with regard to the demand and payment of dowry. However, the Sessions Court has failed to assign proper reasons for disbelieving their evidence.

11. It is further contended that the Sessions Court has failed to properly appreciate the evidence of P.W.3, who has deposed that the deceased was married to

accused No.1 in the year 2008 and that, at the time of marriage, cash of Rs.15,000/-, gold and silver articles and a cow valued at Rs.15,000/- were given. He has further deposed that another sum of Rs.15,000/- was given to accused No.2 after the marriage. He has also stated that P.Ws.1 to 3, who were acquainted with the deceased, had informed him that the accused was quarrelling with the deceased on the ground that she was not doing household work and that, on the day of Ganesha festival, she poured kerosene and subsequently succumbed to the injuries.

12. It is contended that P.W.6 has also supported the prosecution case regarding payment of dowry and the fact that the marriage expenses were borne by the father of the deceased. He was also a witness to the mahazar and had seen the dead body of the deceased. Similarly, P.Ws.7 and 8, the brothers of the deceased, have spoken about the payment of dowry and the physical and mental harassment allegedly meted out to the deceased by the accused persons. It is further contended that Ex.P23, the post-mortem report, indicates that the cause of death was

shock as a result of third-degree burns, which, according to the appellant-State, supports the case of physical harassment before her death. The incident had occurred within seven years of the marriage. The Sessions Court has also erred in attaching undue importance to minor contradictions, omissions, inconsistencies, embellishments and improvements on trivial matters, which do not materially affect the prosecution case.

13. It is also contended that the Sessions Court ought to have considered the evidence in its entirety as an integrated whole, instead of isolating or considering individual circumstances separately. It is further contended that the Sessions Court has failed to assess the evidence on the basis of probabilities, its intrinsic value and the animus of the witnesses, and ought to have separated the grain from the chaff to arrive at the truth.

14. The appellant-State would further contend that the requirement of proof beyond reasonable doubt should not be applied mechanically and that the Court must

ensure that a person who has committed an offence does not escape liability merely because of minor infirmities in the evidence. According to the appellant-State, the prosecution has established the guilt of the accused through cogent and reliable evidence and, therefore, the findings recorded by the Sessions Court are contrary to the evidence on record.

15. The learned counsel appearing for the respondents-accused would support the judgment and order of acquittal passed by the Sessions Court and contend that the prosecution has failed to establish the charges against the accused beyond reasonable doubt. It is contended that, though the prosecution examined 18 witnesses, most of the independent witnesses have not supported the prosecution case. P.W.4, the father of the deceased, P.Ws.7 and 8, the brothers of the deceased, and P.W.11, the brother-in-law of the deceased, have not given consistent evidence regarding the alleged demand and payment of dowry and the alleged cruelty meted out to the deceased. The evidence of P.W.4, who had visited

the deceased shortly before her death, discloses that she had informed him that she was happy in her matrimonial home and that the accused were looking after her well.

16. It is further contended that the evidence of P.Ws.7 and 8 is contrary to the evidence of P.W.4 and that neither of them had visited the matrimonial home of the deceased prior to her death. Their evidence regarding the alleged harassment and demand for dowry is not supported by consistent or corroborative evidence. There are also material discrepancies in the evidence of the prosecution witnesses regarding the amount of dowry allegedly paid, the person to whom it was paid and the nature of the jewellery allegedly given at the time of marriage.

17. It is also contended that there are no eyewitnesses to the incident and the prosecution case rests upon circumstantial evidence, which does not establish an unbroken chain of circumstances pointing towards the guilt of the accused. The witnesses to the

mahazar, namely, P.Ws.9 and 10, have not supported the prosecution case. The evidence of P.W.12 regarding the seizure mahazar, P.W.13 regarding preparation of the spot sketch and P.W.14, the Tahsildar, who conducted the inquest, is only corroborative in nature and does not establish the alleged cruelty or dowry harassment. Though the post-mortem report and the evidence of P.W.15 establish the cause of death as shock due to burns, the same does not establish that the deceased was subjected to cruelty in connection with a demand for dowry soon before her death. The evidence of the Investigating Officers, namely, P.Ws.16 to 18, is formal in nature and cannot, by itself, establish the guilt of the accused when the material witnesses have not supported the prosecution case.

18. In support of the contentions, the learned counsel appearing for the respondent placed reliance on the judgment of the Apex Court in the case of ***Shoor Singh and another v. State of Uttarakhand*** *reported in* ***(2025) 2 SCC 815;***

19. Heard learned HCGP appearing for the appellant-State as well as learned counsel appearing for the respondent and perused the materials on record.

20. Having heard the arguments of both sides and on perusal of the evidence on record, it is observed that the Sessions Court has considered the evidence of the prosecution witnesses individually and thereafter assessed the effect of their evidence on the prosecution case. The prosecution case is based on circumstantial evidence, as there are no eyewitnesses to the incident. Therefore, the circumstances relied upon by the prosecution must form a complete chain pointing towards the guilt of the accused. The evidence of each witness requires to be considered in the light of the other evidence on record.

21. PWs.1 to 3, namely Manjegowda, Puttappa and Krishnappa, were independent witnesses acquainted with the deceased and the accused. However, they have not supported the case of the prosecution. The Sessions Court has recorded that, despite their cross-examination by the

prosecution, nothing useful to establish the prosecution case could be elicited from them. PW.5 Shekaregowda, who is the brother-in-law of the complainant, has also not supported the prosecution. Therefore, the evidence of these witnesses does not advance the prosecution case regarding the alleged dowry demand or harassment. These witnesses are considered as hostile witnesses.

22. PW.4 Pathegowda is the father of the deceased and the complainant in the case. Though he has spoken about the marriage, alleged payment of dowry and the subsequent death of his daughter, he has partly supported the prosecution and was partly treated as hostile. The Sessions Court has noticed that, while PW.4 stated that his daughter committed suicide as she was unable to withstand the torture of the accused, he also stated in his examination-in-chief that the accused were looking after his daughter well and were occasionally scolding her with regard to domestic chores. He had visited his daughter a few days prior to her death and, according to his evidence, she had informed him that she was happy.

23. The Sessions Court has further noticed that PW.4 denied the statement marked as Ex.P15 when he was cross-examined by the learned Public Prosecutor. He also stated that he had deposed falsely as his granddaughter was with the accused. The Sessions Court found this explanation difficult to accept, since PW.4 had not made any attempt to take custody of the granddaughter when the accused were in judicial custody. It was also elicited in his cross-examination that he did not know whether the child was with the Child Welfare Committee during that period. On these circumstances, the Sessions Court found that the explanation offered by PW.4 did not inspire confidence.

24. In PW.4's cross-examination, he stated that both the bride's and groom's sides had borne the marriage expenses. He further stated that the jewellery given to his daughter had been made when she attained puberty. The Sessions Court has noticed that this aspect was corroborated by PW.7, the brother of the deceased, who

also stated that the jewellery given to his sister was made when she attained puberty. This evidence does not support the prosecution version regarding the alleged giving of substantial jewellery as dowry at the time of marriage.

25. PW.6 Halappa is a witness to the marriage. Though he partly supported the prosecution, he was neither an eyewitness to the incident nor did he speak about the affairs of the matrimonial home of the deceased. The Sessions Court has also noticed an inconsistency in his cross-examination. While he stated during his cross-examination by the learned Public Prosecutor that he was in good terms with the accused, during his cross-examination by the defence, he stated that he was not in talking terms with them.

26. Further, there are different versions regarding the alleged payment and demand of dowry. PW.4 stated that Rs.15,000/- was paid to accused No.1 at the time of marriage talks; PW.6 stated that Rs.5,000/- was paid as

advance during the alliance; and PWs.7 and 8 stated that Rs.10,000/- was paid on the day of marriage. Similarly, according to PWs.7 and 11, the accused had sought Rs.25,000/-, whereas according to PWs.4 and 8, the demand was for Rs.50,000/-. These are material differences regarding the amounts allegedly paid or demanded and the stage at which such payment or demand was made.

27. PW.7 Kumar and PW.8 Chandregowda are the brothers of the deceased. They are not eyewitnesses, but have spoken about the alleged dowry harassment on the basis of what the deceased had informed them. Their evidence is inconsistent with the evidence of PW.4. While PWs.7 and 8 stated that the deceased had informed them about the torture for dowry, PW.4, who had visited the matrimonial home shortly before her death, stated that his daughter had informed him that she was happy. Neither PW.7 nor PW.8 had visited the house of the deceased prior to her death. PW.7 further stated that the deceased had informed their father about the alleged torture when he

had last seen her; however, PW.4 has not supported that version.

28. The Sessions Court has also observed that, though PW.8 gave details regarding the alleged payment of dowry, he admitted in his cross-examination that he was not present when the amount was allegedly paid. The Sessions Court found that his evidence did not inspire confidence. The evidence of PWs.7 and 8, therefore, has to be considered in the light of the material inconsistencies noticed between their versions and the evidence of PW.4.

29. PWs.4 and 7 stated that the jewellery given to the deceased at the time of marriage was the same jewellery which had been made when she attained puberty. PW.8, on the other hand, stated that the old jewellery had been sold and new jewellery had been purchased at the time of marriage. PW.11 stated that only two pieces of jewellery were old. These are materially different versions concerning the nature and source of the jewellery allegedly given at the time of marriage. The

Sessions Court has considered these contradictions along with the discrepancies in the amounts allegedly paid and demanded. The evidence of PW.9 Omkarappa and PW.10 Siddappa, who were witnesses to Ex.P5 mahazar, does not advance the prosecution case, as they did not support the prosecution despite cross-examination.

30. PW.12 Dharmegowda is a witness to Ex.P6 mahazar and has spoken about the seizure of Exs.P8 to P14. The Sessions Court has accepted his evidence, but has observed that his evidence by itself is insufficient to establish the charges. PW.13 Somashekar, the Assistant Executive Engineer, prepared Ex.P20 sketch of the spot. His evidence regarding preparation of the sketch was not seriously disputed. However, the sketch only depicts the layout of the house and the place where the deceased ended her life. It is corroborative in nature and does not establish the alleged dowry demand or harassment.

31. PW.14 Sharadamba, the Tahsildar, conducted the inquest. Her evidence reveals that accused No.1 was

not present at the time of the inquest and that, during her enquiry, she came to know that the deceased was active at about 9.00 a.m. She also stated that she was informed that somebody else had doused the deceased with kerosene. However, she admitted that this fact was not mentioned in Ex.P18. The Sessions Court has further noticed that Ex.P18 records that Mallamma committed suicide by pouring kerosene and setting herself on fire when she was alone and that there was no other reason. PW.15 Dr. Jayashree conducted the post-mortem examination. Her evidence, the post-mortem result and the cause of death were not in dispute. It is further observed by the Sessions Court that the evidence of these witnesses may support the factum and manner of death, but does not, by itself, establish that the death was the result of dowry-related cruelty or harassment.

32. PWs.16 to 18 is the Investigating Officers. Their evidence relates to the investigation and its procedural aspects. In the absence of reliable and consistent evidence from the material witnesses regarding the alleged demand

for dowry and the harassment of the deceased, the formal evidence of the Investigating Officers cannot, by itself, establish the charges.

33. On an overall consideration of the evidence, it is seen that the prosecution witnesses have given inconsistent versions regarding the amount allegedly paid, the amount allegedly demanded, the jewellery said to have been given at the time of marriage and the alleged disclosure of harassment by the deceased. The evidence of PW.4, who had visited the deceased shortly before her death, is that she had informed him that she was happy. The evidence of PWs.7, 8 and 11 does not disclose anything consistent about the alleged harassment. Though the death of Mallamma by suicide within seven years of marriage is not in dispute, that circumstance alone is not sufficient to establish the offence under Section 304-B of IPC.

34. In this regard, the decision of the Apex Court in the case of ***Shoor Singh v. State of Uttarakhand,***

reported in ***(2025) 2 SCC 815*** is relevant wherein the Apex Court held that the presumption under Section 113-B of the Evidence Act can arise only after the prosecution establishes the foundational ingredients of dowry death beyond reasonable doubt. The presumption cannot be invoked to establish the very fact of cruelty or harassment in connection with a demand for dowry. The Apex Court has also observed that the admissibility of a statement and its acceptability or reliability are distinct considerations, and the statement must be assessed in the light of the surrounding circumstances and the other evidence on record.

35. Applying the said principles to the present case, the prosecution has not established through reliable evidence the foundational requirement of cruelty or harassment in connection with a demand for dowry soon before the death of Mallamma. Consequently, the presumption under Section 113-B of the Evidence Act would not arise. The same deficiencies in the evidence have to be considered while examining the charge under

Section 498-A of IPC and the offences under Sections 3 and 4 of the Dowry Prohibition Act.

36. In an appeal against acquittal, this Court has the power to reappreciate the evidence. However, interference is warranted when the findings of the Sessions Court are shown to be perverse or unsustainable on the evidence on record. The Sessions Court has considered the material witnesses, the contradictions in their evidence and the documentary evidence relied upon by the prosecution. On perusal of the evidence and the reasons assigned by the Sessions Court, this Court does not find that the conclusions arrived at by the Sessions Court are perverse or that material evidence has been ignored. The view taken by the Sessions Court is a possible view on the evidence available on record. The State has, therefore, not made out any ground to interfere with the judgment of acquittal.

37. In view of the foregoing discussions, we proceed to pass the following:-

ORDER

(i) The Criminal Appeal filed by the State is ***dismissed***.

(ii) The judgment of acquittal dated 11.09.2018 passed by the I Additional Sessions and Special Judge, Chikkamagaluru, in S.C. No.3/2014, acquitting accused Nos.1 to 3 of the offences punishable under Sections 498-A and 304-B read with Section 34 of IPC and Sections 3 and 4 of the Dowry Prohibition Act, is hereby confirmed.

(iii) The bail bonds and surety bonds of accused Nos.1 to 3 shall stand discharged.

Sd/-
(R DEVDAS)
JUDGE

Sd/-
(DR.K.MANMADHA RAO)
JUDGE

BNV