HC-KAR
NC: 2026:KHC:64250-DB
CRL.A No. 853 of 2020
CNR: KAHC010239572020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO. 853 OF 2020 (C-)

BETWEEN:

HEMANTHAKUMARA
AGED ABOUT 39 YEARS
S/O LATE VEERABHADREGOWDA
R/A HONNEOGWDA BLOCK
HOOTAGALLI,
MYSORE 570001

...APPELLANT

(BY SRI. NAGARAJA REDDY D.,ADVOCATE)

AND:

STATE OF KARNATAKA
BY VIJAYANAGARA POLICE,
MYSORE
REP BY SPL. PP
HIGH COURT BUILDING
BANGALORE 560 001

...RESPONDENT

(BY SRI. VIJAYA KUMAR MAJAGE, SPP-II A/W;
SMT. SOWMYA R., HCGP)

THIS CRL.A IS FILED U/S.374(2) CR.P.C PRAYING TO SET ASIDE THE JUDGMENT OF CONVICTION AND ORDER OF

Digitally signed by SHARADAVANI B
Location: HIGH COURT OF KARNATAKA

SENTENCE DATED 30/31.08.2019 PASSED BY THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE, MYSURU IN SC.NO.97/2017 - CONVICTING THE APPELLANT/ACCUSED FOR THE OFFENCE P/U/S 302,201 OF IPC AND ETC.,

THIS CRIMINAL APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 13.11.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ
and
HON'BLE MR. JUSTICE B.PRAMOD

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE B.PRAMOD)

This appeal is preferred by the appellant-accused, being aggrieved by the judgment of conviction and order of sentence dated 13.08.2019 passed by the learned IV Additional District and Sessions Judge, Mysuru, in S.C. No.97/2017, whereby the appellant-accused was convicted for the offences punishable under Sections 302 and 201 of the Indian Penal Code (for short, 'IPC') and sentenced to

undergo rigorous imprisonment for life and to pay a fine of Rs.10,000/- for the offence punishable under Section 302 of IPC, and further sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.5,000/- for the offence punishable under Section 201 of IPC.

2. Heard Sri D. Nagaraj Reddy, learned counsel appearing for the appellant-accused, and Sri Vijayakumar Majage, learned State Public Prosecutor - II appearing for the respondent-State.

3. The brief facts of the prosecution case are that on 21.11.2016, at about 12.00 noon, the accused quarrelled with his wife in front of a marriage function hall at Channarayapatna and thereafter, without informing anybody, left the marriage hall along with his daughter, Rithnya, and proceeded to Mysuru with an intention to kill her. It is further alleged that the accused had written a death note and, at about 21.15 hours, went to J.P. Trading

Company Limited along with his daughter. Thereafter, while sitting on the steps near the D.G. room, the accused allegedly committed the murder of his daughter, Rithnya, by cutting her left forearm with a blade. It is further alleged that, with an intention to screen himself from legal punishment and to cause disappearance of evidence of the offence, the accused threw away the blade near the old Grama Panchayat Office at Kurgalli.

4. One Sri Santosh M.S.- P.W 1, who had been working as a security guard in the factory for the preceding twelve years, lodged a complaint with the police on 22.11.2016, stating that on the said date, at about 7.30 a.m., when he went to switch on the water pump near the D.G. room of the factory, he noticed the dead body of a girl child lying on the katte (small wall) near the D.G. room. He further stated that a slip of paper was found in the hand of the deceased child. There were bloodstains on the body of the child, and blood appeared

to have oozed from her injuries. A banian was also found at the spot with bloodstains. The dead body had been left at the said place. The deceased girl child appeared to be approximately six years of age.

5. On the basis of the first information, the criminal law was set in motion. Upon completion of the investigation, the Investigating Officer filed the charge-sheet against the accused. The accused pleaded not guilty to the charges levelled against him and claimed to be tried. In order to bring home the guilt of the accused, the prosecution examined 24 witnesses as PWs.1 to 24, got marked 25 documents as Exs.P1 to P25 and produced 15 material objects as MOs.1 to 15.

6. After conclusion of the prosecution evidence, the statement of the accused was recorded under Section 313 of the Code of Criminal Procedure (for short, 'Cr.P.C.'), affording him an opportunity to explain the incriminating circumstances appearing against him in the

prosecution evidence. The accused denied all the incriminating circumstances put to him and chose not to adduce any oral or documentary evidence in support of his defence.

7. The learned Trial Court, upon appreciation of the oral and documentary evidence available on record, convicted the accused for the offences punishable under Sections 302 and 201 of IPC and sentenced him accordingly. Being aggrieved by the said judgment of conviction and order of sentence, the appellant-accused has preferred the present appeal.

8. Learned counsel appearing for the appellant-accused contends that there is no reliable or credible evidence on record to establish that the appellant had committed the murder of the deceased. It is further contended that the evidence of the prosecution witnesses suffers from material contradictions and omissions, which render their testimonies unreliable. It is also contended

that there was a quarrel resulting in sudden provocation. Learned counsel further submits that the prosecution has failed to prove the charges levelled against the accused beyond reasonable doubt and that the circumstantial evidence relied upon by the prosecution does not form a complete chain of circumstances so as to establish the guilt of the accused. Accordingly, learned counsel seeks to set aside the impugned judgment of conviction and order of sentence.

9. Per contra, learned State Public Prosecutor-II appearing for the respondent-State submits that, on the date of the incident, the accused had taken the deceased child from the marriage hall and that PW-7 had witnessed the accused taking the child along with him. It is further submitted that the accused had prepared a death note, which was marked as Ex.P4. The specimen handwriting of the accused was compared with the handwriting found on the death note, and an opinion was furnished to the effect

that the handwriting on Ex.P4 matched the specimen handwriting of the accused. It is further contended that the accused was absconding from 22.11.2016 and subsequently surrendered on 06.01.2017, and that the explanation offered by him regarding his absence is neither satisfactory nor acceptable. Learned State Public Prosecutor-II further submits that PW-10 has deposed that the handwriting of the accused tallies with the handwriting found on the death note. PW-4, the wife of the accused, has also identified the handwriting on the death note as that of the accused. It is therefore contended that the prosecution has established the incriminating circumstances against the accused and that the learned Trial Court was justified in recording the judgment of conviction.

10. In the light of the rival contentions urged by the learned counsel appearing for the parties, the following point arises for our consideration:

"Whether the impugned judgment of conviction and order of sentence passed by the learned Trial Court against the appellant-accused for the offences punishable under Sections 302 and 201 of IPC warrant interference by this Court?"

11. We have bestowed our anxious consideration upon the rival submissions made by the learned counsel appearing for the parties and have carefully re-appreciated the oral and documentary evidence available on record.

12. PW-1, the security guard, who set the criminal law in motion by lodging the complaint, has deposed that on 22.11.2016, at about 7.30 a.m., when he went to switch on the water pump near the D.G. room, he noticed the body of a child lying on a katte (small wall), covered with a white banian cloth stained with blood. He immediately informed the police, who arrived at the spot. He further deposed that the deceased was a girl child who had sustained an injury to her left hand, particularly in the region of the blood vessels. During the videography of the scene of occurrence, the police noticed a chit/slip of paper

in the hand of the deceased child. The said chit, which appeared to have been torn from a school notebook, contained a statement to the effect that his wife, Pavithra, was responsible for his death as well as the death of his daughter.

13. PW-2 is a mahazar witness to the spot mahazar. PW-3, a relative of the wife of the accused, has deposed that he had taken the accused, his wife and their child to attend a marriage function. He further deposed that when he went to pick them up from the marriage function, he noticed from their conduct and demeanour that there had been a quarrel between the accused and his wife.

14. PW-4, the wife of the accused, has supported the case of the prosecution. She has deposed that she, along with PW-3, the accused and their daughter, had attended the marriage function and that the accused had subsequently taken their daughter away. She has further

deposed that while the accused was taking their daughter near Madras Factory, he met PW-7, Somashekar, who enquired with the accused as to where he was taking the child. In response, the accused allegedly informed PW-7 that he was taking his daughter with the intention of teaching his wife a lesson. PW-4 has further stated that PW-7 subsequently informed her about the said incident and the statement made by the accused. She has also deposed that, in January 2017, the police informed her that the accused had been apprehended.

15. PWs.3 to 6, in their respective testimonies, have categorically deposed that the accused was seen along with the deceased child in front of the marriage function hall and that he thereafter left the said place along with the child without informing anybody. PW-7, who had seen the accused in the company of the deceased child in the industrial area at about 8.00 p.m., has also supported the case of the prosecution. The evidence of

these witnesses assumes significance in establishing that the deceased child was last seen in the company of the accused shortly before the alleged occurrence.

16. PW-9 is a mahazar witness in respect of Ex.P8. PW-10 is a panch witness. PW-11 is the Manager of J.P. Company.

17. PW-12 is the Medical Officer who conducted the post-mortem examination on the dead body of the deceased child. He has deposed regarding the injuries found on the body of the deceased. The post-mortem report has been marked as Ex.P10. He has opined that the cause of death was haemorrhage and shock due to severe incised cut wounds involving the blood vessels of the wrist.

18. PW-12 has further described the external injuries as follows:

1) *"One incised wound measuring 5 cm × 1 cm, tendon deep, present over the inner aspect of the left wrist. The margins were clean-cut and red in colour, with no hesitation cuts. The wound*

was horizontally placed, and the blood vessels cut.

2) *Incised wound horizontally placed 0.5 cm above injury no.1, parallel to injury number 1, of size 4x1cm tenbdondeep,margins clean cut, red colour, vessel cut.*

3) *Multiple pale scattered acrasions over right side of neck suggestive ant bite marks, red ants crawling over body, internall organs were pale and intact."*

19. PW.7 – Somashekar, is a material circumstantial witness who speaks to having seen the accused in the company of the child on the night preceding the discovery of the child's body. He deposed that on 21.11.2016, at about 5.00 p.m., the wife of the accused telephoned him and enquired whether the accused had come home, stating that the house key was with her. PW.7 went to the rented house of the accused, found it locked and noticed that nobody was present nearby. He informed Pavithra accordingly.

19.1. PW.7 further deposed that at about 8.00 p.m. on the same day, while proceeding home on his

motorcycle, he saw the accused with the child near Rani Madras Factory. He stopped and enquired where the accused was going. The accused replied that he was proceeding to meet his friends, who were waiting for him. PW.7 thereafter informed Pavithra about having seen the accused with the child. Subsequently, on learning that the child had been killed, PW.7 went to the spot and saw the dead body. He also noticed a death note in the child's hand, stating that the accused had killed the child due to personal problems. Nothing material has been elicited in the cross-examination of PW.7 to discredit his testimony. Though P.W 7 was partly hostile, his testimony in respect of the above does not affect the case of the prosecution as it does not go to the root of the matter.

20. PW.8 – Latha, wife of PW.3, deposed that she had attended a marriage at Channarayapatna along with the accused, Pavithra and their child, at the request of her relative Jyothi. She stated that, in the evening, Pavithra was searching for the accused and her daughter. PW.8 did

not support the prosecution case and was treated as hostile. She denied the suggestions put to her by the prosecution.

21. PW.9 – Manu is a panch witness to the seizure of the accused's clothes. He supported the prosecution to the extent of stating that, on 06.01.2017, the police seized the clothes of the accused, marked as MOs.11 and 12, under a seizure panchanama.

22. PW.10 – Sathish is a panch witness to the collection of the accused's specimen handwriting. He deposed that, on 07.01.2017, the police obtained the accused's specimen handwriting on approximately 15 to 16 sheets and seized the same under the panchanama marked as Ex.P.9.

23. PW.11 – Randeep Kumar, Factory Manager of JP Traders, deposed that on 22.11.2016 at about 7.30 a.m., the factory watchman informed him about the death of a child. He went to the spot and saw the dead body, with

Ex.P.4 (the death note) in the child's hand. Thereafter, Santhosh lodged the first information.

24. PW.12 – Krithika, In-charge Assistant Director, RFSL, Mysuru, deposed regarding the examination of four sealed viscera articles received from the Assistant Commissioner of Police. The report, marked as Ex.P.10, records that residues of volatile poison, pesticides, barbiturates, benzodiazepine-group drugs, toxic metal ions and anions were not detected in the articles examined.

25. PW.13 – Raghu, Junior Engineer, PWD, deposed that, at the request of Vijayanagara Police, he prepared the sketch of the scene of occurrence on 16.01.2017 and submitted it to the police. The sketch is marked as Ex.P.11.

26. PW.14 – Shamim Banu, Senior Scientific Officer and handwriting expert, examined the death note marked as questioned writing Q1 and the specimen writings of the accused marked as RD1 to RD16. She opined that the

person who wrote the specimen writings also wrote the questioned writing, namely Ex.P.4. Her evidence therefore supports the prosecution case that the death note was written by the accused.

27. PW.15 – Padma, the mother of the accused, did not support the prosecution case and was treated as hostile. She denied the suggestions put to her by the prosecution.

28. PW.16 – Radha, Senior Scientific Officer, RFSL, Mysuru, deposed that she received 12 sealed articles from Vijayanagara Police Station for examination. She detected bloodstains on the baniyan, plastic bag, broken glass pieces, bloodstained mud, bandage cloth, top, frock, panty, shoes and bloodstained cotton gauze. The stains on those articles were identified as human blood of 'A' group. No bloodstain was detected on the sample mud. The blood sample in the blood box had disintegrated and its origin could not be determined.

29. PW.17 – Veerabhadra, a Police Constable, deposed that, as directed by the Police Inspector, he went to the Medical College, Mysuru, on 05.02.2017, collected the medical report and sealed articles, and handed them over to the Police Inspector.

30. PW.18 – Manchanayaka, deposed that, on 09.02.2017, he carried sealed articles to RFSL, Mysuru, and thereafter to FSL, Bengaluru, as directed by the Inspector, and reported compliance to his superior officers.

31. PW.19 – Manjula, is a circumstantial witness. She deposed that, on seeing a crowd near a factory in the Hootagalli Industrial Area, she went to the spot and saw the child's dead body with a chit in the child's hand and an injury to the hand. She removed the chit, which was later marked as Ex.P.4, and handed it over to the police.

32. PW.20 – Prabhakar, is a panch witness to the inquest. He deposed that the police conducted the inquest

panchanama of the deceased child on 22.11.2016 between 12.30 p.m. and 2.30 p.m. He noticed a cut injury on the child's left hand and stated that he came to know that the child had been killed by her father.

33. PW.21 – Puttaswamy, Head Constable, deposed that, pursuant to the Inspector's directions, he went to the Medical College, collected the clothes of the deceased and handed them over to the Police Inspector.

34. PW.24 – A. Guruprasad, Investigating Officer, deposed that on 22.11.2016, while he was in charge of the police station, the complainant appeared before him at about 9.00 a.m. and lodged the first information. On its basis, he registered Crime No.373/2016 and submitted the FIR to the jurisdictional Court.

34.1 PW.24 further deposed that he proceeded to the scene of occurrence, conducted the spot panchanama as per Ex.P.2, seized MOs.1 to 6 and Ex.P.4, and subjected the seized articles to the relevant property-form

procedure. The body was thereafter shifted to the hospital, and he conducted the inquest panchanama as per Ex.P.6. He recorded the statements of witnesses, forwarded the seized articles for forensic examination, arrested the accused, recorded the accused's confessional statement, seized the accused's clothes and produced him before the Court.

34.2 During the course of investigation, PW.24 obtained the sketch of the scene of occurrence and the post-mortem report, secured the specimen handwriting of the accused and forwarded it for comparison, and collected the forensic reports. Upon completion of the investigation, he filed the charge-sheet.

35. The medical evidence of PW-22, coupled with the post-mortem report at Ex.P10, establishes that the deceased child sustained a severe incised wound involving the blood vessels of the left wrist and that her death was due to haemorrhage and shock consequent upon the said

injury. Thus, the prosecution has established that the death of the deceased child was homicidal in nature.

36. PW-14 is the Forensic Expert who examined the death note- Ex P 4 and the specimen handwriting of the accused. He has deposed that, upon examination and comparison of the handwriting found in the death note with the specimen handwriting of the accused, he furnished an opinion that, for the reasons recorded in his report, both writings were made by one and the same person.

37. The evidence of PW-4, coupled with the testimony of PW-14, the Forensic Expert, regarding the death note and the opinion furnished by him upon comparison of the handwriting, and further corroborated by the medical evidence of PW-12, clearly establishes material incriminating circumstances against the accused. The evidence of P.W 4 is clear that he saw the accused with the child on the date of the incident and the same

was informed to P.W 4. The aforesaid evidence, when appreciated cumulatively along with the other prosecution evidence, lends substantial support to the case of the prosecution.

38. The accused, in his statement recorded under Section 313 of Cr.P.C., while responding to the incriminating circumstances appearing against him in the prosecution evidence, has stated that after the marriage function, he found himself in Pune and that he had not taken the child along with him. He has further stated that, upon his return, his wife took him to the police station and that he had no knowledge of the death of the child.

39. The explanation offered by the accused under Section 313 of Cr.P.C. is required to be considered in the light of the evidence of PWs.3 to 7, who have spoken about the accused taking the deceased child from the marriage function and his subsequent presence along with the child in the industrial area. The accused has denied

having taken the child, notwithstanding the evidence of the aforesaid witnesses. The said explanation does not satisfactorily account for the incriminating circumstances established by the prosecution. However, the failure of the accused to offer a satisfactory explanation cannot, by itself, constitute the basis for conviction and can only be considered as an additional circumstance where the prosecution has otherwise established a complete chain of circumstances.

40. It is well settled that in a case resting upon circumstantial evidence, the prosecution is required to establish each incriminating circumstance beyond reasonable doubt and that all such circumstances, taken cumulatively, must form a complete chain which unerringly points towards the guilt of the accused and excludes every reasonable hypothesis consistent with his innocence.

41. The learned Trial Court has considered the principles laid down by the Apex Court in the case of ***State of Goa v. Sanjay Thakran and Another, (2007) 3 SCC 755***, wherein the Apex Court has reiterated the well-settled principles governing cases resting on circumstantial evidence. The circumstances relied upon by the prosecution must satisfy the following tests:

> (i) The circumstances from which an inference of guilt is sought to be drawn must be cogently and firmly established.
>
> (ii) Those circumstances must be of a definite tendency, unerringly pointing towards the guilt of the accused.
>
> (iii) The circumstances, taken cumulatively, must form a chain so complete that there is no escape from the conclusion that, within all human probability, the crime was committed by the accused and none else.
>
> (iv) The circumstantial evidence, in order to sustain a conviction, must be complete and incapable of explanation on any reasonable hypothesis other than the guilt of the accused. Such evidence must not only

be consistent with the guilt of the accused but must also be inconsistent with his innocence.

42. The Apex Court, in ***Pawan Kumar v. State of Haryana, AIR 2001 SC 1324***, has held that the success of the prosecution in a case resting on circumstantial evidence depends upon the establishment of a complete chain of circumstances which leaves no reasonable doubt that the offence was committed by the accused. The incriminating facts and circumstances must be incompatible with the innocence of the accused or the guilt of any other person.

43. It has further been held that, although there should be no missing link in the chain of circumstances established by the prosecution, it is not necessary that every link must independently appear on the surface of the evidence, as certain links may legitimately be inferred from the facts already proved. However, circumstances giving rise merely to strong suspicion, without conclusive

evidence, cannot form the basis for conviction. Therefore, the evidence in a case resting on circumstantial circumstances must be scrutinized with utmost care and caution. Where two reasonable inferences are possible from the evidence on record, the inference favorable to the accused must be adopted.

44. In the present case, the evidence of PWs.3 to 6 establishes that the accused was in the company of the deceased child at the marriage function hall and thereafter left the said place along with the child without informing anybody. The testimony of PW-7 further establishes that the accused was seen along with the deceased child in the industrial area at about 8.00 p.m. The evidence of PW-4 regarding the statement made by the accused to PW-7 that he intended to teach his wife a lesson lends further support to the prosecution case regarding the circumstances preceding the occurrence.

45. The evidence of PW-1 establishes the discovery of the dead body of the deceased child near the D.G. room of the factory on the following morning. The medical evidence of PW-12 and the post-mortem report at Ex.P10 establish that the deceased sustained a severe incised wound involving the blood vessels of the left wrist, resulting in death due to haemorrhage and shock.

46. The death note marked as Ex.P4 constitutes another incriminating circumstance relied upon by the prosecution. PW-4 has identified the handwriting of the accused on the said death note, and PW-14, the Handwriting Expert, has furnished an opinion that the handwriting found on the death note and the specimen handwriting of the accused were made by one and the same person. The said evidence lends corroboration to the other circumstances established by the prosecution.

47. The evidence of PWs.1 to 6, read in conjunction with the testimony of PW-7, finds corroboration from the

medical evidence, the testimony of PW-14, the Handwriting Expert, the evidence of PWs.12 and 16, the Scientific Officers, and the evidence of the Investigating Officer. Thus, the oral, medical and scientific evidence, when appreciated cumulatively, establishes a complete chain of incriminating circumstances unerringly pointing towards the guilt of the accused and excluding every reasonable hypothesis consistent with his innocence.

48. The contention of the learned counsel for the appellant-accused that the evidence of the prosecution witnesses suffers from contradictions and omissions cannot be accepted merely on the existence of minor discrepancies, unless such discrepancies go to the root of the prosecution case and materially affect its credibility. In the present case, the material circumstances established through the prosecution witnesses are consistent with one another and find corroboration from the medical and scientific evidence.

49. The further contention of the defence that the alleged act was committed in the course of a quarrel and under grave and sudden provocation is wholly untenable. The alleged quarrel between the accused and his wife took place at the marriage function hall at about 12.00 noon, whereas the murder of the deceased child occurred much later during the night. The considerable interval between the alleged quarrel and the commission of the offence clearly afforded sufficient time for the accused to regain his self-control and for any alleged provocation to subside**.** Significantly, the deceased child was neither a party to the said quarrel nor responsible for the alleged provocation. The evidence on record further establishes that, subsequent to the quarrel, the accused took the child away from the marriage function hall and was thereafter seen in the company of the child in the industrial area. These intervening acts, coupled with the substantial lapse of time, clearly negate the contention that the offence was

committed under the immediate influence of grave and sudden provocation. Further, the death note relied upon by the prosecution, insofar as its authorship and contents are established, constitutes an additional corroborative circumstance indicating prior contemplation of the act. The sequence of events, viewed in its entirety, is inconsistent with a sudden loss of self-control and points towards a deliberate act rather than one committed under grave and sudden provocation**.** Accordingly, the plea of grave and sudden provocation is devoid of merit and is liable to be rejected.

50. The prosecution has also alleged that, after committing the murder, the accused threw away the blade near the old Grama Panchayat Office at Kurgalli with an intention to cause disappearance of evidence and screen himself from legal punishment. The learned Trial Court has recorded a finding of guilt against the accused for the offence punishable under Section 201 of IPC. The said

finding is required to be considered in the light of the evidence relating to the disappearance of the blade and the intention attributed to the accused.

51. In the present case, the prosecution has established a complete and unbroken chain of circumstances which unerringly points towards the guilt of the accused and excludes every reasonable hypothesis consistent with his innocence. Thus, the prosecution has proved the guilt of the accused beyond reasonable doubt.

52. In view of the foregoing discussion and upon re-appreciation of the oral and documentary evidence on record, we are of the considered opinion that the findings recorded by the learned Trial Court are based on cogent and convincing reasons and are in accordance with law. We find no perversity, illegality or infirmity in the impugned judgment of conviction and order of sentence warranting interference by this Court. Accordingly, the point raised for consideration is answered in the negative.

53. Hence, we proceed to pass the following:

ORDER

The Criminal Appeal is hereby ***dismissed.***

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

Sd/-
(B.PRAMOD)
JUDGE

Bsv/MKM