HC-KAR

NC: 2026:KHC:65201
CRL.A No. 688 of 2015

CNR: KAHC010282232015

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 688 OF 2015 (C)

BETWEEN:

1. SRI. RAVIKUMAR
   S/O LATE ASWATHAPPA
   AGED ABOUT 30 YEARS
   R/OF SHAMBHUKANAGARA
   GAURIBIDANUR TQ
   CHIKKABALLAPURA DIST-561 208

...APPELLANT

(BY SRI. NAGESH S., ADVOCATE)

AND:

1. STATE BY GAURIBIDANUR RURAL POLICE
   REP. BY STATE PUBLIC PROSECUTOR
   HIGH COURT OF KARNATAKA
   BENGALURU-01

...RESPONDENT

(BY SRI. K.NAGESHWARAPPA, HCGP)

Digitally signed by
V MANJUSHA BAI
Location: HIGH
COURT OF
KARNATAKA

THIS CRL.A. IS FILED U/S.374(2) CR.P.C. PRAYING TO SET ASIDE THE JUDGMENT OF CONVICTION PASSED BY THE HON'BLE DISTRICT AND SESSIONS JUDGE, CHIKKABALLAPURA IN S.C.NO.141/2013 ON 29.05.2015 VIDE ANNEXUR-A AND PLEASE TO ACQUIT THE APPELLANT/ACCUSED IN THE INTEREST OF JUSTICE.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

CNR: KAHC010282232015

ORAL JUDGMENT

The appellant has filed this appeal against the judgment of conviction and order on sentence dated 29.05.2015 in S.C.No.141/2013 passed by the Principal District and Sessions Judge, Chikkaballapura.

2. The parties are referred to by the same rank what they had before the trial Court.

3. The brief facts leading to this appeal are that, the Inspector of Police, Rural Police, Gauribidanur Police Station, submitted the charge sheet against the accused for the offences punishable under Sections 341, 504, 307, 324, 326 of IPC. It is alleged by the prosecution that, on 28.01.2013 at 07.00 p.m. when the complainant was proceeding on a cycle towards his village, near poultry farm of one Jayarama Reddy, the accused wrongfully restrained him and abused in filthy language and questioned him why did he send his brother-in-law near his house and with an intention to commit his murder, accused gave blow to the complainant with sickle towards his left ear, right chin, shoulder and back side of the neck, causing

bleeding injuries to him. Thereafter, the person who were coming in the road took him to the hospital. Thus, the accused has committed the alleged offences.

4. After filing the charge sheet, a case was registered in C.C.No.501/2013 and thereafter the case was committed to the Court of Sessions and registered as S.C.No.141/2013. Accused appeared before the Court and enlarged on bail. On hearing charges, the trial Court has framed the charges against the accused for the alleged offences. Same was read over and explained to the accused. Having understood the same, accused pleaded not guilty and claimed to be tried.

5. To prove the guilt of the accused, in all, prosecution has examined five witnesses as PWs.1 to 5. Four documents were marked as Exs.P1 to P4. One sickle was marked as M.O.1. On closure of prosecution said evidence, statement under Section 313 of Cr.P.C. has been recorded. Accused has totally denied the evidence of prosecution witnesses. However, he did not choose to lead any defence evidence on his behalf. Having heard the arguments on both sides, the trial Court has

acquitted the accused for the offences under Sections 341, 504, 307 of IPC, however, convicted the accused for the offences under Sections 324 and 326 of IPC and passed a sentence for the offence under Section 326 for a period of 4 years rigorous imprisonment and fine of Rs.5,000/-. Trial Court has also passed an order to pay an amount of Rs.25,000/- to CW1 as compensation under Section 357(3) of Cr.P.C. Being aggrieved by this judgment of conviction and order on sentence, the accused/appellant has preferred the present appeal.

6. Learned counsel for the appellant would submit that, the judgment of conviction passed by the trial Court is bad in law. The trial Court has convicted the accused based on the complaint filed by PW.1. The trial Court has failed to look into the evidence of eyewitnesses. The eyewitnesses have turned hostile. Even there are contradictions in the statement of PW.1. PW.1 has also not fully supported the case of prosecution. The trial Court has not properly appreciated the evidence on record in accordance with law and facts and sought for allowing this appeal.

7. As against this, Sri.K.Nageshwarappa learned HCGP appearing for the respondent-State would submit that the trial Court has properly appreciated the evidence on record in accordance with law and facts and sought for dismissal of the appeal.

8. Having heard the arguments on both sides, the following points would arise for my consideration:

(i) Whether the appellant has made out any ground to interfere with the impugned judgment of conviction and order on sentence?

(ii) What order?

9. My answer to the above points are as under:

(i) Point No.1 - Partly affirmative

(ii) Point No.2 - As per final order

Regarding Point No.1:-

10. I have examined the materials placed before this Court.

11. This case arises out of the complaint filed by PW1-Ashwathappa, which is marked as Ex.P1, in which it is stated as under:

"ನಾನು ಮೇಲ್ಕಂಡ ವಿಳಾಸದಲ್ಲಿ ವಾಸವಿದ್ದು ಟ್ರ್ಯಾಕ್ಟರ್ ಚಾಲಕನಾಗಿ ಕೆಲಸ ಮಾಡಿಕೊಂಡಿರುತ್ತೇನೆ. ಈಗ್ಗೆ 3 ದಿನಗಳ ಹಿಂದೆ ನನ್ನ ಚಿಕ್ಕಪ್ಪನ ಅಳಿಯ ನಂಜುಂಡಪ್ಪ ಆತನ ಹೆಂಡತಿಯೊಂದಿಗೆ ಸಂಸಾರದ ವಿಚಾರದಲ್ಲಿ ಜಗಳ ಮಾಡಿಕೊಂಡಿದ್ದರಿಂದ, ನಂಜುಂಡಪ್ಪ ಆ ದಿನ ಮಧ್ಯರಾತ್ರಿಯಲ್ಲಿ ನಮ್ಮ ಮನೆಗೆ ಬಂದು, ನಮ್ಮ ಮನೆಯಲ್ಲೇ ಮಲಗಿದ್ದನು. ಇದನ್ನು ನೋಡಿದ್ದ ನಮ್ಮ ಗ್ರಾಮದ ರವಿ ಕುಮಾರ್ ಬಿನ್ ಲೇಟ್ ಅಶ್ವತ್ಥಪ್ಪ, ಪರಿಶಿಷ್ಟ ಜಾತಿ, ಡ್ರೈವರ್ ಕೆಲಸ ಎಂಬುವವನು ಮಾರನೇ ದಿನ ನಂಜುಂಡಪ್ಪ ರವಿಕುಮಾರನ ಅಕ್ಕನ ಮನೆಗೆ ಹೋಗಿದ್ದನೆಂದು, ಆತನನ್ನು ಏಕೆ ನಿಮ್ಮ ಮನೆಯಲ್ಲಿ ಮಲಗಲು ಅವಕಾಶ ಕೊಟ್ಟಿದ್ದು ಎಂದು ರವಿಕುಮಾರ ಜಗಳ ಮಾಡಿದ್ದ. ಈ ದಿನ ದಿನಾಂಕ 28.01.2013 ರಂದು ರಾತ್ರಿ ಸುಮಾರು 7.00 ಗಂಟೆಯಲ್ಲಿ ಕೆಲಸ ಮುಗಿಸಿಕೊಂಡು ನಮ್ಮ ಗ್ರಾಮಕ್ಕೆ ಹೋಗಲು ಸೈಕಲ್‌ನಲ್ಲಿ, ಜಯರಾಮರೆಡ್ಡಿಯಪ್ಪರ ಕೋಳಿ ಫಾರಂ ಬಳಿ ಹೋಗುತ್ತಿದ್ದಾಗ ರವಿಕುಮಾರ್ ಬಿನ್ ಲೇಟ್ ಅಶ್ವತ್ಥಪ್ಪ ಬಂದು ಸೈಕಲ್‌ನಲ್ಲಿ ಹೋಗುತ್ತಿದ್ದ ನನ್ನನ್ನು ಅಡ್ಡಗಟ್ಟಿ ಯಾಕೋ ಲೋಫರ್ ನನ್ನ ಮಗನೇ ನಿಮ್ಮ ಭಾವ ನಂಜುಂಡಪ್ಪನನ್ನು ನಮ್ಮ ಮನೆ ಬಳಿಗೆ ಕಳುಹಿಸಿದ್ದು ಎಂದು ಅವಾಚ್ಯ ಶಬ್ದಗಳಿಂದ ಬೈದು, ನನ್ನನ್ನು ಕೊಲೆ ಮಾಡುವ ಉದ್ದೇಶದಿಂದ ಕೊಡಲಿಯಿಂದ ಅಂದರೆ ಕುಡುಗೋಲಿನಿಂದ ನನ್ನ ಎಡಕಿವಿಗೆ, ಬಲ ಗಡ್ಡಕ್ಕೆ, ಭುಜಕ್ಕೆ, ಕುತ್ತಿಗೆ ಹಿಂಭಾಗಕ್ಕೆ ಹೊಡೆದು ರಕ್ತ ಗಾಯಗಳನ್ನು ಮಾಡಿದ. ಇದನ್ನು ನೋಡಿದ ನನ್ನ ಹಿಂದೆ ರಸ್ತೆಯಲ್ಲಿ ಬರುತ್ತಿದ್ದ ನಮ್ಮ ಅಣ್ಣ ಕರೇತಿಮ್ಮಪ್ಪ ಬಿನ್ ವಾಸಾಲ ನರಸಪ್ಪ ಲೇಟ್, 55 ವರ್ಷ.

ಸತೀಶ ಬಿನ್ ನರಸಿಂಹಪ್ಪ, 28 ವರ್ಷ, ಹಾಗು ಬಾಲಸುಬ್ರಮಣ್ಯಂ ಬಿನ್ ರಾಮಕೃಷ್ಣಪ್ಪ ಹಾಗು ಅಶ್ವತ್ಥಪ್ಪ ಬಿನ್ ನರಸಿಂಹಪ್ಪ ಇವರುಗಳು ಆರೋಪಿಯಿಂದ ನನ್ನನ್ನು ಬಿಡಿಸಿ ಯಾವುದೋ ವಾಹನದಲ್ಲಿ ನನ್ನನ್ನು ಗೌರೀಬಿದನೂರು ಸರ್ಕಾರಿ ಆಸ್ಪತ್ರೆಗೆ ಚಿಕಿತ್ಸೆಗೆ ದಾಖಲಿಸಿರುತ್ತಾರೆ.

ನನ್ನನ್ನು ಕೊಲೆ ಮಾಡುವ ಉದ್ದೇಶದಿಂದ ಕುಡುಗೋಲಿನಿಂದ ಹೊಡೆದು ರಕ್ತ ಗಾಯಗಳನ್ನುಂಟು ಮಾಡಿರುವ ರವಿಕುಮಾರ್ ಮೇಲೆ ಕಾನೂನು ಕ್ರಮ ಜರುಗಿಸಬೇಕಾಗಿ ಕೋರುತ್ತೇನೆ. ನನ್ನ ಸ್ವ-ಇಚ್ಛೆಯಿಂದ ಈ ಹೇಳಿಕೆಯನ್ನು ಪೋಲೀಸರಿಗೆ ನೀಡಿರುತ್ತೇನೆ."

12. PW.1-Ashwathappa has deposed as to the contents of Ex.P1. PW.2-Balasubramanyam, said to be the eyewitness and spot mahazar witness, has deposed in his evidence that the accused assaulted CW1 with sickle on his left eye, left chin, left shoulder and back of the neck and he shifted the injured to the hospital on the same day and he was also present at the time of conducting mahazar-Ex.P2.

13. PW.3-Sathisha deposed in his evidence that two years back one day at 07:00 p.m. when he was coming near the land of Jayarama Reddy, the accused assaulted CW1 with

sickle on the left ear, left chin, left shoulder and back side of the neck. Then they shifted the injured to the hospital.

14. PW4-Dr.Srinivasa G.S., has deposed as to the treatment extended to the injured and found the injuries as shown in the wound certificate, which is marked as Ex.P3.

15. PW.5-Yashavanth B.S., has deposed as to the filing of charge sheet against the accused.

16. On careful examination of the prosecution witnesses, it is clear that soon after the incident, the injured was shifted to hospital with the history of assault by the accused with sickle-M.O.1. In the evidence of PW.1, there is no delay in filing the complaint. The contents of Ex.P1 is substantiated with the evidence of PW.1 and the evidence of PW.1 has been corroborated by the eyewitnesses PWs.2 and 3 and also the evidence of Medical Officer-PW.4 and the wound Certificate-Ex.P.3. The Investigating Officer has not produced the X-ray report or radiology report to prove that there is a fracture of right clavicle. Therefore, the prosecution has failed to prove the essential ingredients to constitute the offence

"grievous hurt" as defined under Section 320 of IPC. However, the prosecution has proved beyond all reasonable doubt as to commission of offence punishable under Section 324 of IPC.

17. The impugned judgment reveals that accused was in judicial custody from 29.01.2013 to 03.05.2013. The police have submitted a report today that accused was arrested on 08.11.2026 and produced before the District and Sessions Judge, Chikkaballapura. Accordingly, accused is in judicial custody for 15 days, i.e., from 08.11.2026 to 23.11.2026. The accused was convicted for the offence under Section 326 of IPC and sentence was passed against him for a period of four years. On the date of judgment accused was taken into custody i.e., on 29.05.2015. Thereafter as per the order of this Court dated 16.06.2015 accused was released on bail. Accordingly, accused has been in judicial custody for a period of 04 months, 06 days. The accused has already remitted the fine amount of Rs.5,000/-, but he has not paid the amount of Rs.25,000/- as compensation as per the order passed by the trial Court. There are no materials to convict the accused for the offence under

Section 326 of IPC. Hence, I answer Point No.1 partly in the affirmative.

Regarding Point No.2:-

18. For the aforesaid reasons and discussions, I proceed to pass the following:

ORDER

(i) The appeal is ***partly-allowed***;

(ii) The judgment of conviction and order on sentence dated 29.05.2015 in S.C.No.141/2013 passed by the Principal District and Sessions Judge, Chikkaballapura, for the offences punishable under Sections 326 of IPC, is set aside. Accused is acquitted of the offence under Section 326 of IPC;

(iii) However, accused is convicted for the offence under Section 324 of IPC and sentenced to undergo imprisonment for a period of 04 months, 06 days with fine of Rs.5,000/-;

(iv) The period of detention already undergone by the accused shall be set off under Section 428 of Cr.P.C.

The accused has already undergone imprisonment for a period of 04 months, 06 days and he has already deposited the fine amount.

The Registry is directed to communicate this order with a direction to the concerned jail authorities to release the accused, if he is not involved in any other case, as he has already served the sentence for a period of 04 months, 06 days and already deposited the fine amount.

Trial Court is directed to forfeit the amount of Rs.5,000/- deposited before the trial Court.

Registry is directed to send the copy of the judgment along with TCR to the trial Court

Sd/-
(G BASAVARAJA)
JUDGE

PGG