HC-KAR
NC: 2026:KHC:59300-DB
CRL.A No. 42 of 2019
CNR: KAHC010318902019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO.42 OF 2019 (C)

BETWEEN:

RAVEENDRA @ RAVI
S/O. SUBBAIAH
AGED ABOUT 24 YEARS
R/AT MOLEDODDI
CHANNAPATNA TALUK
RAMANAGARA DISTRICT-577 612

...APPELLANT

(BY SRI M. SHASHIDHARA, ADVOCATE)

AND:

Digitally signed by SHARADAVANI B
Location: HIGH COURT OF KARNATAKA

STATE OF KARNATAKA
REP. BY CHANNAPATNA
RURAL POLICE
RAMANAGARA DISTRICT
REPRESENTED BY
SPECIAL PUBLIC PROSECUTOR
HIGH COURT PREMISES
BENGALURU-560 001

...RESPONDENT

(BY SMT. SOWMYA R., H.C.G.P.)

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

CNR: KAHC010318902019

DATED 18.12.2018 PASSED BY THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE, RAMANAGARA IN S.C.NO.18/2016-CONVICTING THE APPELLANT/ACCUSED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 302, 392 AND 201 READ WITH SECTION 34 OF IPC.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 05.10.2026, THIS DAY, THE COURT PRONOUNCED 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)

Being aggrieved by the judgment of conviction and order on sentence dated 18.12.2018 passed in S.C. No.18/2016 by the Court of the III Additional District and Sessions Judge, Ramanagara, for the offences punishable under Sections 302, 392 and 201 of the Indian Penal Code, the accused/appellant has preferred this appeal.

2. By the impugned judgment, the learned trial Judge convicted the accused for the offence punishable under Section 302 of IPC and sentenced him to undergo

rigorous imprisonment for life and to pay a fine of Rs.50,000/-, in default, to undergo simple imprisonment for two years. For the offence punishable under Section 392 of IPC, he was sentenced to undergo rigorous imprisonment for seven years and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for six months. For the offence punishable under Section 201 of IPC, he was sentenced to undergo simple imprisonment for two years and to pay a fine of Rs.2,000/, in default, to undergo simple imprisonment for fifteen days. It is relevant to note that the prosecution case was against accused Nos.1 and 2. Accused No.2 was a minor and his case was dealt with by the Juvenile Justice Board.

3. Heard Sri M. Shashidhara, learned counsel for the accused, and Smt. Sowmya R., learned High Court Government Pleader for the respondent-State. Perused the material available on record.

4. The first informant had lodged the complaint on 21.08.2015-Ex.P1 stating that some unknown persons had killed his mother-Gangamma the deceased for her gold earrings and maati, and requested the authorities to trace and identify those responsible for her death.

4.1. On the basis of the complaint, marked as Ex.P1, a case was registered and after investigation, the police filed the charge sheet for the aforesaid offences.

4.2. The brief facts of the prosecution case are that, on 20.08.2015, between 2.00 p.m. and 2.35 p.m., at Mutthappanagudda forest area, Uragahalli, Moledaddi village, the deceased Gangamma was grazing her cattle. It is alleged that the present accused, along with a juvenile in conflict with law, with an intention to rob her gold earrings, maati and mobile phone, threatened to kill her by showing a machete. When she resisted, she was made to fall to the ground; the juvenile allegedly held her legs, while accused No.1 held her by the shoulder and tuft and

cut her neck with the machete, thereby committing an offence punishable under Section 302 of IPC. It is further alleged that the accused robbed a pair of gold earrings, maati and a Nokia mobile phone, thereby committing an offence punishable under Section 392 of IPC. To screen the evidence, the accused allegedly washed the bloodstained machete with water and broke the SIM card used by the deceased, thereby committing an offence punishable under Section 201 of IPC.

5. The accused denied the charges levelled against him and claimed to be tried. To prove its case, the prosecution examined 21 witnesses as PWs.1 to 21, marked 37 documents as Exs.P1 to P37(a), and produced MOs.1 to 12. After recording the statement of the accused under Section 313 of the Code of Criminal Procedure, the defence examined one witness as DW.1 and marked Exs.D1 to D3.

6. The prosecution case rested on circumstantial evidence, principally the theory of last seen together, the alleged recovery of gold ornaments and the mobile phone, and the alleged recovery of the machete M.O-5 and shirt M.O-7. The trial Court, upon appreciation of the oral and documentary evidence, concluded that the accused had committed the murder with MO.5-machete, taken the gold ornaments worn by the deceased and washed his shirt to screen the evidence, and convicted him for the offences punishable under Sections 302, 392 and 201 of IPC.

7. Aggrieved by the judgment of conviction and order on sentence, the accused/appellant is before this Court.

8. Learned counsel for the accused contends that the prosecution has failed to establish the motive, the last-seen circumstance spoken to by PWs.11, 13 and 15, and the recovery of MO.5. It is further contended that the prosecution has not established that the deceased was

wearing the alleged gold articles–M.O 6 on the date of her death; the call details were not accompanied by a certificate under Section 65B of the Indian Evidence Act; and the FSL report does not support the prosecution case.

9. Per contra, the learned High Court Government Pleader contends that the last-seen circumstance has been established through the evidence of PWs.11, 13 and 15. She submits that PWs.5 and 8 have supported the prosecution regarding the seizure mahazars at Exs.P7 to P9; PW.1 identified the earrings and maati, and PW.6, the daughter of the deceased, has also supported the prosecution. It is further contended that Ex.P35, the FSL report, supports the prosecution case in relation to the chopper, notwithstanding the absence of bloodstains on the shirt M.O 7. On these grounds, the learned High Court Government Pleader submits that the prosecution has proved the charges.

10. Having considered the submissions of the learned counsel for the parties and having perused the evidence on record, the following points arise for consideration:

> *''i) Whether the conviction and sentence passed against the accused for the offences punishable under Sections 302, 392 and 201 read with Section 34 of the IPC by the trial Court is justified?*
>
> *ii) Whether the evidence of last seen together is sufficient enough to convict the accused in a case resting entirely on the circumstantial evidence?''*

11. Points Nos.(i) and (ii) are taken up together for consideration, as they are interlinked.

12. Before examining the circumstances relied upon by the prosecution, it is necessary to note that the case rests entirely on circumstantial evidence. In such a case, each circumstance relied upon by the prosecution must be firmly established by reliable evidence, and the circumstances so established must form a complete chain pointing unerringly to the guilt of the accused. The chain must exclude every reasonable hypothesis other than the

guilt of the accused. A suspicion, however strong, cannot take the place of proof. The circumstances must be assessed cumulatively, and not in isolation.

Homicidal Death

13. The homicidal nature of the death is not in dispute. PW.3, Dr. Kavitha, who conducted the post-mortem examination–Ex P.4, found a horizontally placed incised wound on the neck and opined that death was due to shock and hemorrhage as a result of the injuries sustained. She stated that the injury was ante-mortem and could have been caused by a machete. The evidence of the other witnesses, including PWs.7 and 10, and the evidence of the investigating officer-PW.17, are consistent with the presence of a slit injury on the neck. The post-mortem evidence establishes that Gangamma died a homicidal death. The question, however, is whether the prosecution has proved beyond reasonable doubt that the accused was responsible for that death and committed the other offences alleged.

MOTIVE:

14. In **Tarseem Kumar v. Delhi Administration, (1994) Supp (3) SCC 367**, the Supreme Court examined the importance of motive in a case resting on circumstantial evidence, while reiterating that the circumstances relied upon must be fully established and must form a complete chain. Further, in **Mahendra Singh and Others v. State of Madhya Pradesh, 2022 INSC 637**, the Apex Court held that-

> *"23. Insofar as the contention of learned DAG for the respondent state that the prosecution has proved the motive is concerned, it is well settled that only because motive is established, the conviction cannot be sustained.."*

The prosecution alleges that the accused and the juvenile in conflict with law committed the murder with the intention of robbing the deceased of her gold earrings, maati and mobile phone. However, there is contradiction of evidence about the gold earrings and maati discussed supra. Motive assumes relevance in a case resting on

circumstantial evidence, though the absence of proof of motive does not, by itself, necessarily defeat the prosecution. The alleged motive must nevertheless be considered along with the remaining circumstances and the quality of the evidence relied upon to establish the robbery, which is not established by the prosecution.

15. PW.1-Sridhar, the son of the deceased, stated that his mother left to graze cattle at about 11.00 a.m. on 20.08.2015 and ordinarily returned between 5.30 p.m. and 6.00 p.m. As she did not return, he and others searched for her. On the following morning, 21.08.2015, they found her body in the forest near the pathway leading to Muthappana Betta. In the Ex.P1-complaint he had stated that someone has taken away earrings and maati and has committed murder. PW.2-Puttaswamy, an inquest mahazar witness, also stated that the deceased was not wearing earrings and that there were no injuries or marks

on her earlobes. PW.3, the doctor, likewise stated that there were no injuries on the earlobes.

16. However, PW.10-Billiyappa, who scribed the complaint and was also a witness to the inquest mahazar, stated that the deceased was wearing earrings and maati when he saw the body and that the earrings were removed after the mahazar while the body was being taken away. PW.11 stated that he did not notice earrings or other ornaments on the deceased, whereas PW.13 stated that the earrings and maati were missing. The deceased was wearing the alleged ornaments at the time her body was found or whether they had been removed before the witnesses saw her. The medical evidence, which records no injury to the earlobes, does not by itself resolve this contradiction.

16.1. In view of these contradictory versions, the prosecution has failed to establish with certainty that the deceased was wearing the gold earrings and maati at the

time of the incident and that the same were removed by the accused in the course of committing the murder. The very foundation of the alleged motive of robbery is thus rendered uncertain. Mere recovery of the ornaments, even if accepted, cannot by itself establish that the murder was committed for the purpose of robbing the deceased. Consequently, the alleged motive remains unsubstantiated and does not lend assurance to the prosecution case.

17. As regards the mangalya chain, PW.13 stated that it was broken and lying near the body, and the investigating officer, PW.17, also referred to that circumstance. The prosecution has therefore not established a clear and consistent account of the ornaments allegedly worn by the deceased, the ornaments taken, and the circumstances in which they were removed or recovered. The recovery of the earrings and maati must consequently be assessed with caution and cannot,

without reliable corroboration, conclusively establish the motive of robbery or connect the accused with the murder.

18. PW.5-Basavaraj and PW.8-Bommaraju were cited as witnesses to the recovery mahazars. Their evidence regarding the timing and sequence of the recoveries does not correspond with the times recorded in the mahazars. PW.5 stated that PW.1 informed him at about 2.00 p.m. that the accused had been apprehended and asked him to accompany him to the police station, where the mobile phone, earrings and maati were found. PW.8 similarly spoke of going to the police station with PW.5 after receiving information from PW.1, and placed their arrival at about 2.30 p.m. to 3.00 p.m. However, Ex.P7 records the gold recovery between 11.15 a.m. and 12.15 p.m.; Ex.P8 records the mobile phone recovery between 12.30 p.m. and 1.00 p.m.; and Ex.P9 records the recovery of the machete and shirt between 2.00 p.m. and 3.00 p.m. The discrepancy affects the reliability of the

recovery evidence and the sequence in which the recoveries took place.

19. PW.1, in his complaint at Ex.P1, stated that the earrings and maati belonging to his mother were missing. However, there are material inconsistencies in the evidence of the prosecution witnesses in this regard, as discussed *supra*. That apart, PW.1 has not stated in the complaint that the mobile phone (M.O.4) was missing. These inconsistencies assume significance, as the alleged robbery is relied upon by the prosecution not merely to establish motive but also as an incriminating circumstance connecting the accused with the commission of the crime. In these circumstances, we are of the considered opinion that the prosecution has failed to establish the alleged motive.

LAST SEEN THEORY:

20. Further, the prosecution relies upon the evidence of PWs.11, 13 and 15 to establish that the

deceased was last seen in the company of the accused. The last-seen circumstance is not, by itself, conclusive. Its evidentiary value depends upon the circumstances in which the deceased and the accused were seen together, the proximity of time between that sighting and the death, and whether the evidence excludes the reasonable possibility of the involvement of another person. In a case of this nature, the circumstance must be reliable and must fit with the other links in the chain.

21. PW.11-Sottaiah stated that at about 11.00 a.m. on 20.08.2015, he saw the deceased taking her cattle into the forest, carrying a machete and a water bottle, and that she was accompanied by PW.13-Gowramma and PW.16-Siddamma. He further stated that accused No.1 and the juvenile in conflict with law also went into the forest to graze their cattle, before the deceased and the women entered. PW.11 stated that accused No.1 was carrying a machete. He also stated that villagers would go to the

forest daily to graze cattle, that approximately 25 to 30 households owned cattle, and that people commonly carried machetes. After the deceased was reported missing, villagers searched for her and found her body the following morning, with her machete and water bottle nearby.

22. PW.13-Gowramma stated that she went to the forest with the deceased and PW.15-Chikkalingaiah to graze cattle. According to her, at about 4.00 p.m., when she and PW.15 were leaving, they asked the deceased to return with them, but she chose to remain longer so that the cattle could continue grazing. They then left her in the forest. The next morning, PW.13 joined the villagers in searching for the deceased, and they found her body with a slit injury to the neck. PW.13 stated that the deceased's bottle and machete were lying nearby and that the mangalya chain was broken and lying near the body, while the earrings and maati were missing.

23. The evidence of PW.15-Chikkalingaiah does not corroborate PW.13 on the material aspect of they having accompanied the deceased into the forest on the day in question. PW.15 stated that he had not accompanied PW.13 and the deceased that day. He also stated that many people went into the forest to graze cattle and that he too went there, though not with the deceased and PW.13 on that occasion. Further, PW.16-Siddamma, whom PW.11 claimed to have seen with the deceased, stated that she did not know the deceased at all. These are material inconsistencies in the testimony of the prosecution witnesses relied upon to establish the movements and company of the deceased on the relevant day.

24. The evidence also shows that the forest was a place commonly frequented by persons from the village and neighbouring areas for grazing cattle and collecting firewood. Several persons entered the forest carrying machetes for their ordinary activities. The deceased was

last stated to have been seen by PW.13 at about 4.00 p.m., when she chose to remain in the forest after the others left. Her body was discovered only on the following morning. On the evidence available, the prosecution has not established that the accused was seen in the exclusive company of the deceased shortly before her death, nor has it established a sufficiently proximate and unbroken circumstance that excludes the possibility of intervention by another person. The mere fact that the accused also went into the forest to graze cattle does not, in the circumstances of this case, complete the chain of evidence against him.

25. The evidence of PW.11 that the accused was carrying a machete does not materially advance the prosecution case, since the evidence indicates that persons going into the forest for grazing cattle commonly carried such implements. The alleged presence of the accused in the forest, without reliable evidence connecting

him to the deceased at the relevant time or otherwise linking him to the fatal injuries, cannot be treated as proof of guilt. The inconsistencies in the testimony of PWs.11, 13, 15 and 16 further prevent the last-seen circumstance from being regarded as firmly established.

25.1. In **Arjun Marik v. State of Bihar, 1994 Supp (2) SCC 372**, the Hon'ble Apex Court held at paragraph 31 as under:

> *"31…Even if it is accepted that there was it would be at best amount to the evidence of the appellants havening been seen last together with the deceased. But it is subtle law that the only circumstance of last seen will not complete the chain of circumstances to record the finding that it is consistent only with the hypothesis of the guilt of the accused and, therefore, no conviction on that basis alone can be founded…"*

From the above it is clear, that the circumstance of last-seen-together, even if accepted, does not by itself complete the chain of circumstances necessary to sustain a conviction. The evidence placing an accused in the vicinity of the place of occurrence, without reliably connecting the accused with the deceased or the

commission of the offence, does not by itself possess determinative value. These principles are relevant to the present evidence, which does not reliably establish that the deceased was in the exclusive company of the accused shortly before her death. In this regard, the prosecution relies upon the circumstance that the accused was seen in the forest in the vicinity of the deceased; therefore, the evidentiary value of the last-seen circumstance must be assessed in accordance with settled law. Applying this principle, the evidence that the accused was in the forest does not, without a reliable link to the deceased shortly before her death and without exclusion of reasonable possibilities of intervention by others, complete the chain of circumstances.

RECOVERY OF THE MACHETE AND SHIRT; FSL REPORT

26. PW-5 Basavaraju and PW-8 Bommaraju are the witnesses to the seizure and recovery mahazars, Exs.P7, P8 and P9. Their evidence assumes significance in

assessing the circumstances surrounding the alleged recovery of the mobile phone, gold ornaments, machete and shirt. Both witnesses speak about having gone to the police station pursuant to information received from PW-1 Sridhar that the accused had been apprehended. PW-5 deposes that Sridhar informed him at about 2:00 p.m. and requested him to accompany him to the police station. According to him, upon reaching the police station, the police brought accused No.1 out and checked his pockets, whereupon the mobile phone, gold earrings and *maati* were found. PW-8, in his deposition, states that he accompanied PW-5 to the police station and places their arrival at approximately 2:30 p.m. to 3:00 p.m. He too speaks about the recovery of the mobile phone and gold ornaments in the presence of the police.

26.1. However, the timings recorded in the seizure mahazars do not correspond with the sequence of events spoken to by these witnesses. Ex.P7, pertaining to the

recovery of the mobile phone, MO-4, records the time of the mahazar as 11:15 a.m. to 12:15 p.m., whereas Ex.P8, pertaining to the recovery of the gold earrings and *maati*, MO-6, records the time as 12:30 p.m. to 1:30 p.m. These timings are at variance with the depositions of PW-5 and PW-8, who state that they reached the police station only between 2:00 p.m. and 3:00 p.m. Consequently, their evidence does not satisfactorily reconcile the time at which they claim to have participated in the recovery proceedings with the timings contemporaneously recorded in the mahazars.

27. Further, Ex.P9 pertains to the alleged recovery of the machete, MO-5, and the shirt, MO-7, and records the time of the mahazar as 2:00 p.m. to 3:00 p.m. at the spot of the incident. While the timing recorded in Ex.P9 broadly corresponds with the period during which PW-5 and PW-8 state that they were involved in the proceedings, the evidence regarding the earlier recoveries

of the mobile phone and gold ornaments remains unexplained. These discrepancies are material, as they concern the sequence in which the prosecution claims that the recoveries were effected. The evidence of the mahazar witnesses, therefore, does not provide an entirely consistent account of the recovery proceedings, warranting caution in placing reliance upon the same.

28. The evidence of PW-20 Chaya Kumari, who speaks about forwarding the material objects for forensic examination, also requires consideration in this context. She deposes that MOs.1 to 11 were sent to the Forensic Science Laboratory. These included MO-1, the saree of the deceased; MO-2, her blouse; MO-3, her petticoat; MO-5, the machete allegedly used by the accused; MO-7, the shirt allegedly worn by the accused at the time of the incident; MO-9, the water bottle of the deceased; MO-10, the mud collected from around the body of the deceased; and MO-11, the machete of the deceased. According to her

deposition, human blood stains were found on MOs.1, 7, 9 and 11, whereas no blood stains were found on MOs.4, 6 and 8.

29. The evidence concerning MO-7, the shirt allegedly worn by the accused at the time of the incident, requires particular scrutiny. In his statement, Ex.P27, the accused is stated to have expressed his willingness to lead the police to the place where he had concealed MO-7 and MO-5, the machete allegedly used in the commission of the offence. While PW-20's deposition refers to the presence of blood stains on MO-7, the FSL report, Ex.P35, is stated to record that no blood stains were found on the said shirt. This discrepancy between the oral evidence of the witness and the contents of the forensic report assumes significance, particularly when the prosecution relies upon the alleged recovery of the shirt as a circumstance connecting the accused with the crime.

30. On an overall consideration of the evidence of PW-5 and PW-8, the timings recorded in Exs.P7 to P9, and the evidence concerning the forensic examination of the material objects, the recovery proceedings are not free from material inconsistencies. The discrepancies in the timings of the alleged recoveries, coupled with the inconsistency concerning the presence of blood stains on MO-7, weaken the evidentiary value of these circumstances. The recovery evidence, when considered cumulatively, does not inspire sufficient confidence to be treated as an unassailable circumstance establishing the prosecution case against the accused.

Call Detail Records (CDR)

31. The prosecution also refers to call details or call history. However, as pointed out by the defence, the relevant electronic record was not accompanied by a certificate under Section 65B of the Indian Evidence Act, 1872. In the absence of compliance with the applicable requirement for proving the electronic record, it cannot be

relied upon as substantive evidence to complete the chain of circumstances against the accused.

32. The circumstances relied upon by the prosecution must be considered cumulatively. The homicidal death of Gangamma is established. That fact, however, does not by itself identify the person responsible. The alleged motive of robbery is weakened by the inconsistent evidence regarding the ornaments worn by the deceased and those allegedly removed; the recovery witnesses do not give a consistent account of the timing and sequence of the recoveries; the last-seen evidence is affected by material contradictions and does not establish that the deceased was last seen in the exclusive company of the accused shortly before her death; and the FSL evidence, as presented, does not establish a reliable scientific connection between the accused and the fatal act.

33. The prosecution was required to establish each incriminating circumstance beyond reasonable doubt and to show that the circumstances, taken together, formed a complete chain pointing only to the guilt of the accused. The evidence on record does not satisfy that standard. The circumstances relied upon by the prosecution raise suspicion, but the gaps and inconsistencies prevent the Court from concluding that the guilt of the accused has been proved beyond reasonable doubt.

34. For the foregoing reasons and re-appreciation of evidence, we are of the considered view that the prosecution has failed to establish its case beyond reasonable doubt, having regard to the cumulative effect of the evidence on record and the material inconsistencies therein. Consequently, the conviction of the accused for the offences punishable under Sections 302, 392 and 201 of the IPC cannot be sustained. Accordingly, Points Nos. (i) and (ii) are answered in the negative.

ORDER

i. The criminal appeal is ***allowed.***

ii. The judgment of conviction and the order of sentence dated 18.12.2018 passed by the III Additional District and Sessions Judge, Ramanagara, in S.C.No.18/2016, insofar as accused/ appellant is concerned, is hereby **set aside**.

iii. Accused/appellant is acquitted of the offences punishable under Sections 302, 392 and 201 of the IPC.

iv. He shall be released forthwith, if his custody is not required in any other matter.

v. Registry to communicate this order to the Jail Authority, Ramanagara through e-mail.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

Sd/-
(B.PRAMOD)
JUDGE

Mkm, Bsv
List No.: 1 Sl No.: 1