HC-KAR
NC: 2026:KHC:61324-DB
CRL.A No. 1413 of 2021
CNR: KAHC010350062021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO. 1413 OF 2021 (C)

BETWEEN:

SIDDALINGAIAH
AGED ABOUT 43 YEARS
S/O NARASEEYAPPA
R/O AMARAVATHI VILLAGE
KASABA HOBLI
MADHUGIRI TALUK
TUMAKURU - 572 132

...APPELLANT

(BY SRI. NAGARAJA REDDY D.,ADVOCATE)

Digitally signed by SHARADAVANI B
Location: HIGH COURT OF KARNATAKA

AND:

STATE OF KARNATAKA
BY MADHUGIRI POLICE
REP BY SPL. PP
HIGH COURT BUILDING
BANGALORE 560 001

...RESPONDENT

(BY SRI. VIJAYKUMAR MAJAGE,SPP-II A/W;
SRI. SUDHINDRA.B.S, HCGP)

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

SENTENCE DATED 14.09.2016, PASSED BY THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE AT MADHUGIRI IN S.C.NO.5005/2016, CONVICTING THE APPELLANT /ACCUSED FOR THE OFFENCE P/U/S 302 OF IPC AND ETC.,

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

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

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ)

The appellant/accused has preferred this appeal, feeling aggrieved by the judgment and order of conviction and sentence passed against him by the Court of the IV Additional District and Sessions Judge at Madhugiri, in S.C.No.5005/2016, wherein, he has been convicted for the offence punishable under Section 302 of IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.5,000/- and in default to pay the fine, to undergo simple imprisonment for two years.

2. We have heard the learned counsel Sri.Nagaraja Reddy D, for the appellant and learned SPP-II, Sri. Vijaykumar Majage along with Sri. Sudhindra B.S., learned HCGP for the respondent-State. Perused the evidence and material on record.

3. Brief facts:

The case of the prosecution is that on 23.04.2015 at 12.45 p.m., the deceased Gangadharaiah and Narasiyappa, father of the accused were sitting and talking in front of the house of the deceased situated in Amaravathi Kasaba Hobli, Madhugiri Taluk, Tumakuru. The accused entertaining a suspinion that the deceased was instigating his father to deny him any share in the properties, brought an iron machete from his house with an intention to kill Gangadharaiah and assaulted him on the left side of his neck and on his left cheek and committed his murder.

4. The accused was charged for the offence punishable under Section 302 of IPC, for which he pleaded not guilty and claimed to be tried. In order to establish the charge, prosecution got examined 19 witnesses and got marked 23 documents and 11 material objects.

5. The defence of the accused was one of denial. In the cross-examination of the witnesses, a suggestion was made to them by the defence that the deceased accidentally fell down on eelige/Turige mane (ಈಳಿಗೆ ಮಣೆ) in his house and succumbed to the injuries sustained by him. It was also suggested to them that the accused was suffering from mental illness. In the statement of the accused recorded under Section 313 of Cr.P.C., he denied all the incriminating evidence appearing against him. However, he did not lead any defence evidence.

6. The trial Court vide the judgment and order dated 14.09.2016, convicted the accused for the offence

charged against him, having found sufficient material against him in the form of oral and documentary evidence.

7. PW.1 is the first informant and he is the son of the deceased and an eyewitness to the incident. The complaint is marked as Ex.P1. PWs.2 to 4 are the panch witnesses to the inquest mahazar - Ex.P2. PW.5 is the wife of the deceased. She is also an eyewitness to the incident. PW.6 is another son of the deceased. He is a hearsay witness. PWs.7 and 8 are also hearsay witnesses. They have not supported the case of the prosecution. PW.9 is a neighbour of the deceased. She is an eyewitness to the incident. PW.10 is the panch witness to Ex.P5 under which the clothes of the deceased (MOs. 2 to 4) were seized. PW.7 is the panch witness to Ex.P6, mahazar in respect of seizure of MO.1-machete and Mos. 5 to 7 - clothes of the accused. PW.12 is a panch witness to Ex.P7, seizure of clothes of the father the accused. PW.13 is the doctor who conducted the post mortem

examination. The post mortem report is marked as Ex.P8. The opinion furnished by him regarding the weapon-MO.1 is marked as Ex.P9. PW.14 is the Assistant Executive Engineer who prepared the sketch of scene of occurrence, marked as Ex.P10. PW.15 is the Head Constable, who assisted in the investigation. PW.16 is the PDO who issued Ex.P13, the document pertaining to house of the deceased. PW.17 is the investigating officer who filed charge sheet and PW.18 is the PSI who registered the case and also apprehended the accused.

8. It is the case of the prosecution that on 23.04.2015 at about 12:45 p.m., deceased Gangadhariah and Narasiyappa father of the accused were talking in front of the house of the deceased. The accused, under the impression that the deceased was instigating his father not to give him share in the property assaulted Gangadhariah with a machete on his neck and on the left cheek and committed the murder.

9. As per the Post Mortem Report- Ex.P8, death was due to shock and heamorrhage as a result of injuries sustained. The following external injuries were noticed on the dead body:

1) Lacerated wound extending 3 cms below the left lower lip upto the left pinna of the ear measuring 11 cms in length, 1 cm width and depth of 1.5 cms edges contused with upper margins sloping lower margins inverted, tailing of wound on towards left laterally.

2) A deep lacerated wound 2.5 cms below the injury 1 extending from the left mastoid process upto the midway between lower lip and chin, measuring 15 cms in length, width of 3.5 cms, depth of 1.5 cms edges contused with sloping lower margin and inverted upper margin. There is cut through parotid gland, masseter muscle with fracture of the left mandible involving the alveolar process with loosening of 4 tooth namely 1 premolar, 2 canine, 1 incisor on the left lower jaw.

3) Lacerated wound over the upper aspect of the neck, 2 cms below the 2nd injury measuring 10 cms in length, 3 cms width, depth 0.5 cm

exposing the subcutaneous tissues edges contused with sloping lower margin, upper margin inverted.

4) Deep lacerated wound present 2 cms below the injury (3), present over the middle of the neck on left lateral aspect measuring 11 cms in length, width 3 cms, depth of 2.5 cms with contused edges. Theres is cut through skin, platysma, sternocleidomastoid with severed carotid artery and jugular vein upper margin in sloping with lower margin inverted.

10. PW13 has deposed that he conducted the postmortem examination of Gangadharaiah on 23.04.2015 and found the above mentioned injuries and issued the postmortem report marked as Ex.P8. The injuries were noticed at the time of conducting inquest panchanama-Ex.P2. From the said evidence on record, prosecution has established that Gangadharaiah died a homicidal death.

11. The case of the prosecution is mainly based on the evidence of PW1, PW5 and PW9, the eyewitnesses. PW1 is the son of the deceased. He lodged the complaint-

Ex.P1 stating that on 23.04.2015 at about 12:30 p.m., he returned to his house from the land and at that time his father Gangadharaiah and Narasiyappa were talking near the electric pole, in front of their house. Thereafter, he went inside to have meal. At about 12:45 p.m., he heard the screaming of his father and immediately he came out and saw, the accused, son of Narasiyappa assaulting his father on his neck with a machete. On seeing him, he threw the machete and ran away from the spot. He has stated that one Siddappa also witnessed the incident. The complaint was lodged by 02:00 p.m., on the same day.

12. PW18-PSI has deposed about receiving the complaint from PW1 and registering the case. Hence, the complaint was lodged without any loss of time, naming the accused as the one who assaulted the complainant's father Gangadharaiah, with a machete.

13. PW5, wife of the deceased has also deposed that, the accused assaulted her husband with a machete.

Admittedly, the incident took place in front of the house of the deceased and therefore, PW5 is a natural witness and her presence near the scene of incident is believable.

14. PW9 is another eyewitness to the incident. She has deposed that the house of the deceased was situated behind her house. On the date of incident at about 12:30 p.m., she had gone to the terrace to dry the clothes. At that time, she heard the screaming from the house of Gangadharaiah and saw that the accused had assaulted Gangadharaiah on his neck. She has identified MO1-Machete.

15. The defence made a suggestion to the above witnesses that the accused was mentally ill. However, they have denied the said suggestion. The accused has not led any defence evidence or established his defence either to show that he was mentally ill or that his father accidentally sustained injuries, when he fell on the eelige/Turige mane

(ಈಳಿಗೆ ಮಣೆ). Both the suggestions were out rightly denied by witnesses.

16. After the arrest of the accused, at his instance, his blood-stained clothes, MOs.5 to 7 were seized. They were sent to FSL for examination. As per the FSL report-Ex.P22, the said clothes, the machete which was seized from the spot were stained with blood. The blood stains found on the clothes of the deceased and the weapon as well as the clothes of the accused were all stained with human 'B' group blood.

17. The learned counsel for the appellant has contended that PW1 and PW5 have falsely implicated the accused. He contended that as per the case of the prosecution, the incident took place outside the house, whereas, PW1 has deposed that on hearing the cries of his father, he went inside the house. He further contended that PW9 witnessing the incident is doubtful, in view her evidence that she climbed a tree to get a glimpse of the

incident. Such minor discrepancies will not affect the account of the eye-witnesses.

18. The complaint was lodged without any delay, narrating the incident and the manner in which the accused assaulted the deceased. The evidence of PW1 is corroborated by medical evidence and is further corroborated by the evidence of PW5 and PW9. No animosity has been elicited in the cross-examination of these witnesses to falsely implicate the accused. The recovery of blood stained clothes of the accused and the FSL report further strengthen the prosecution case in establishing the charge levelled against the accused. On perusal of the entire material on record, we are of the considered view that the prosecution has established the charge of murder levelled against the accused, beyond reasonable doubt. The judgment and order of conviction and sentence passed by the trial Court is therefore, sustainable in law. Hence the following order:

Appeal is ***dismissed***.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

Sd/-
(B.PRAMOD)
JUDGE

BSV,HB
List No.: 1 Sl No.: 20