HC-KAR

CNR: KAHC010442992015

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO.1256 OF 2015 (A)

BETWEEN:

1. STATE OF KARNATAKA
   REP. BY THE
   TARIKERE POLICE STATION-577228

…APPELLANT

(BY SRI. K. NAGESHWARAPPA, HCGP.)

AND:

1. T R MANJUNATHA
   S/O T.H. RAMANNA
   AGED ABOUT 47 YEARS
   BUSINESSMAN, R/O M.G. ROAD,
   FRONT OF K.E.B.,TARIKERE-577228

2. T.R. NAGARAJ
   S/O RAMANNA T.H.
   45 YEARS
   BUSINESSMAN, R/O M.G. ROAD,
   IN FRONT OF K.E.B.TARIKERE-577228.

3. S. CHANDRASHEKARAPPA
   S/O LATE SEENAPPA
   39 YEARS
   K.E.B CONTRACTOR
   R/O M. THIMMAIAHNA BEEDHI,
   TARIKERE-57728
   (ACCUES NO.1 DED AND ABATED)

…RESPONDENTS

(V/O DATED: 4/7/2025 SRI. ANGAD KAMATH, AMICUS CURIAE FOR RESPONDENTS 1 TO 3.)

Digitally signed by
LAKSHMINARAYAN N
Location: High Court
of Karnataka

CRL.A. FILED U/S.378(1) AND (3) CR.P.C BY THE S.P.P. AND ADV. FOR THE APPELLANT PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED TO GRANT LEAVE TO APPEAL AGAINST THE JUDGMENT AND ORDER OF ACQUITTAL DATED 15.06.2015 PASSED BY THE SR. CIVIL JUDGE AND PRL. JMFC, TARIKERE IN C.C.NO.146/2014, THEREBY ACQUITTING THE RESPONDENT/ACCUSED FOR THE OFFENCE P/U/S 304(A) OF IPC. AND ETC.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

State has preferred this appeal against the judgment dated 15.06.2015 passed in CC No.146 of 2014 by the Senior Civil Judge and Principal JMFC, Tarikere (for short, the "trial Court").

2. Brief facts leading to this appeal are that the Police Inspector, Tarikere Police Station, submitted charge-sheet against the accused for offence punishable under Section 304(A) of Indian Penal Code. It is alleged by the prosecution that on 08.07.2013 at about 9.00 am, at APMC Yard, Tarikere Town, the complainant's husband, and son had gone to work in the land of accused 1 to 3

and when they were digging foundation, the crowbar touched the live electric wire laid underground by the accused to their Pumpset, and due to the crowbar touching the live electric wire, Thimmappa and his son Venkatesha died due to electric shock. The accused, without caution, negligently and without informing deceased Thimmappa and Venkatesa, allowed them to dig foundation and they died due to electric shock on the negligence of the accused. Thus, accused committed the offence.

3. After filing charge-sheet, case was registered in CC No.146 of 2014. Accused appeared before the court and enlarged and bail. Substance of plea was recorded. Accused pleaded not guilty and claimed to be tried. To prove the guilt of the accused, the prosecution has examined six witnesses as PWs1 to 6, marked nine documents as Exhibits P1 to P9. Statement of the accused under Section 313 of CrPC was dispensed with, as there was no incriminating evidence against the accused. The

trial Court has acquitted the accused. Being aggrieved by this judgment of acquittal, State has preferred this appeal.

4. Sri K Nageshwarappa, learned HCGP appearing for the State would submit that the trial Court has not properly appreciated and analysed the evidence of PW1 and 6 in its proper perspective since they are material witnesses to the case of the prosecution. The trial Court has also not properly appreciated the evidence of CW19, who is the main witness to the prosecution case. The impugned judgment of acquittal recorded by the Magistrate is contrary to law and facts. On all these grounds, it is sought for the appeal.

5. Sri Angad Kamat, learned counsel for respondent has not appeared, and hence his argument is taken as nil.

6. I have examined the materials placed before the Court. PW1-Smt. Jayalakshmi, wife of deceased Thimmappa and mother of Venkatesh, has not supported the case of the prosecution. PW2-R Kumara and PW3-

Jayakumar said to be attesters to mahazar Exhibit P4, has not supported the case of the prosecution. PW4-Balu, Junior Engineer, MESCOM, has deposed as to issuance of document Exhibit P7 at the request of the police. PW5-Basavaraju, Senior Engineer of Public Works Department has deposed as to the rough sketch prepared by him as per Exhibit P9, at the request of the Police. PW6-Murthy, ASI has deposed as to conducting of inquest Panchanama as per Exhibit P3.

7. On Careful examination of the entire evidence on record, the trial Court has appreciated the evidence in its proper perspective and has come to the conclusion that there is no evidence by the prosecution to prove the guilt of the accused and accordingly the trial Court has dispensed with the statement and Section 313 of CrPC and passed the impugned judgment of acquittal. Viewed from any angle, I do not find any legal or factual error to interfere with impugned judgment of acquittal.

Resultantly, appeal is liable to be and accordingly dismissed.

Sd/-
(G BASAVARAJA)
JUDGE

LNN
List No.: 1 Sl No.: 75