HC-KAR

NC: 2026:KHC:60292-DB
CRL.A No. 86 of 2020

CNR: KAHC010524812019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

R

CRIMINAL APPEAL NO. 86 OF 2020 (C-)

BETWEEN:

SATHISH @ D. D. SATYANARAYANA
S/O. LATE DEVARAJU
AGED ABOUT 37 YEARS
HESARAGATTA HOBLI
BENGALURU NORTH TALUK-560 067

SELF ADDRESS
DASARGOPPALU VILLAGE
HASSAN TALUK AND DISTRICT-570 023

...APPELLANT

(BY SRI VENKATESH P. DALWAI, ADVOCATE)

Digitally signed by SHARADAVANI B
Location: HIGH COURT OF KARNATAKA

AND:

STATE OF KARNATAKA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU-01
RAJANA KUNTE POLICE
BENGALURU RURAL

...RESPONDENT

(BY SRI VIJAYKUMAR MAJAGE, S.P.P.-II A/W
SMT. SOWMYA R., H.C.G.P.)

CNR: KAHC010524812019

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 DATED 10.04.2019 AND SENTENCE DATED 24.04.2019 PASSED BY THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE, DODDABALLPAURA IN S.C.NO.10033/2017 CONVICTING THE APPELLANT/ACCUSED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 302 AND 506 OF IPC.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 15.10.2026, 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)

The appellant-accused, being aggrieved by the judgment dated 10.04.2019 and the order of sentence dated 24.04.2019 passed by the learned IV Additional District and Sessions Judge at Doddaballapura in S.C. No. 10033/2017, has preferred the present appeal. By the impugned order, the appellant was sentenced to undergo

imprisonment for life and to pay a fine of Rs.5,000/- for the offence punishable under Section 302 of the Indian Penal Code (IPC), and to undergo simple imprisonment for one year, with fine, for the offence punishable under Section 506 IPC.

2. BRIEF FACTS OF THE CASE:

2.1 Ex.P1 is the complaint lodged by PW.1. She stated that she had become acquainted with the deceased about six months prior to the incident. The deceased had two children, and PW.1 had taken a house on rent for their education and was residing there. About one week before the incident, she vacated that house and shifted to another residence. The accused, who was the husband of the deceased, suspected her fidelity and frequently quarrelled with her. On 19.02.2017, at about 6.00 p.m., while PW.1 and the deceased were at home, the accused telephoned and stated that he was at the house in Ramachandra Layout and that someone was assaulting

him; he further said that he would be killed if they did not come there. PW.1 informed the deceased, and both of them travelled by scooter to Ramachandra Layout, reaching there at about 7.00 p.m. The accused quarrelled with the deceased, insisting that she should not leave him and go with anyone else. PW.1 then received a call from the deceased's sister and went outside the house. At that point, she heard the deceased scream and saw the accused holding the deceased by her hair and beating her. When the deceased ran towards the compound, the accused assaulted her with a sickle on her right cheek and right leg, causing her to fall to the ground. When PW.1 attempted to rescue the deceased, the accused tried to assault PW.1, who managed to escape. The accused then picked up a size stone and threw it at the deceased's head. PW.1, being afraid, rode the scooter to M.S. Palya and called an ambulance. Before fleeing, she saw the deceased's body lying on the road in-frontof the house. In the complaint it is stated that the accused, suspecting the

deceased's fidelity, had killed her using a sickle and a size stone.

2.2. Upon investigation, a charge sheet was filed against the accused. The accused denied the charges, framed by the trial court and pleaded not guilty and claimed to be tried. The prosecution examined 20 witnesses as PWs.1 to 20, marked 28 documents as Exs.P1 to P28, and produced 10 material objects as MOs.1 to 10. The statement of the accused was recorded under Section 313 of the Code of Criminal Procedure, 1973 (Cr.P.C.). He denied the incriminating circumstances, but did not lead any defence evidence. Relying principally on the evidence of PWs.1 and 5 and the other material on record, the learned trial Court convicted the accused for the offences punishable under Sections 302 and 506 IPC. Aggrieved by the judgment of conviction and order of sentence, the accused has preferred this appeal.

3. Learned counsel for the appellant-accused, in support of the appeal, submitted that:

i. The evidence of PW.1 is doubtful because of contradictions between her complaint Ex.P1 and her deposition, particularly with regard to the arrest of the accused. It was also submitted that she stated that the deceased had been hit by a stick, but the relevant object was not recovered.

ii. PW.1 deposed that the accused was arrested on the very day of the incident. However, the accused was arrested by PW.11 on 21.02.2017.

iii. The prosecution has failed to prove the charges beyond reasonable doubt, and the evidence of PW.1, the star witness, is contradictory and unreliable.

4. Per contra, the learned Additional State Public Prosecutor-II, appearing for the State, contended that:

i. PW.1 is an eyewitness who has supported the prosecution case. Minor variations between Ex.P1 and her deposition do not undermine her evidence, as she has clearly described the incident and her evidence established the guilt of the accused.

ii. The recovery was affected in accordance with law. The evidence of PW.1, read with the medical and

forensic evidence, establishes the guilt of the accused.

5. Having heard the learned counsel for the parties and having perused the entire material on record, the following point arises for consideration:

> *"Whether the judgment of conviction dated 10.04.2019 and the order of sentence dated 24.04.2019 passed by the learned IV Additional District and Sessions Judge at Doddaballapura in S.C. No. 10033/2017 for the offences punishable under Sections 302 and 506 IPC call for interference by this Court?"*

6. PW.14, the doctor who conducted the post-mortem examination, noted the following 13 external injuries:

> *"(1) Laceration over the right shoulder joint, measuring approximately 6 × 2 cm.*
>
> *(2) Laceration over the left posterolateral part of the neck, measuring approximately 10 × 4 cm.*
>
> *(3) Contusion over the right parieto-occipital region, measuring approximately 10 × 4 cm.*
>
> *(4) Laceration over the posterior part of the right shoulder, measuring approximately 4 × 2 cm.*
>
> *(5) Laceration over the posterior part of the right shoulder, below the fourth wound, measuring approximately 3 × 2 cm.*

(6) Laceration over the left side of the face, measuring approximately 6 × 2 cm.

(7) Laceration over the posterior shaft of the lower third of the left arm, measuring approximately 10 × 3 cm.

(8) Laceration over the posterior shaft of the left forearm, measuring approximately 3 × 1 cm.

(9) Laceration over the middle third of the left eighth rib region, measuring approximately 5 × 1 cm.

(10) Laceration over the upper third of the right posterior shoulder, measuring approximately 20 × 3 cm.

(11) Laceration over the lateral aspect of the lower third of the right shoulder, measuring approximately 8 × 2 cm.

(12) Laceration over the dorsal aspect of the right hand, measuring approximately 5 × 2 cm.

(13) Laceration over the medial aspect of the shaft of the right tibia, measuring approximately 8 × 2 cm."

On dissection, the doctor noted the following internal injuries:

"(1) Fracture of the right parieto-occipital bone, with contusion of the right parieto-occipital lobe.

(2) Dislocation of the left elbow joint. The other parts of the body were intact and normal. Gas, semi-digested food and faecal material were present in the abdomen; the other internal organs were intact and normal."

7. In Ex.P14, the post-mortem report, the doctor opined that the deceased died due to haemorrhage resulting from an injury to the vital organ, namely the brain, caused by a skull fracture. The report records bleeding and contusion in the brain. The medical evidence, therefore, establishes that the death of the deceased was homicidal.

8. PW.1, the star prosecution witness, testified that the deceased had two children and resided at M.S. Palya. She stated that she would visit Shivakote, where they had a house in Ramachandra Layout, whenever required. On 19.02.2017, the accused telephoned the deceased and said that he would be killed if she did not come. PW.1 and the deceased borrowed a scooter and reached Shivakote at about 7.00 p.m. The accused insisted that the deceased remain with him. PW.1 left after receiving a telephone call and, while returning, saw the accused assaulting the deceased. When PW.1 and the deceased attempted to leave, PW.1 started the scooter to

take the deceased away.When PW.1 attempted to restrain him and rescue the deceased, the accused threatened her with the sickle. Then the accused assaulted the deceased on her right hand, right leg and right cheek, causing her to fall. He then threw a size stone on her head.

8.1 PW.1 further stated that she left the spot and called the police and an ambulance. The ambulance reached M.S. Palya, and she accompanied it from there to the deceased's house at Shivakote, where the incident had occurred. She saw the deceased lying in a pool of blood in front of the house. The ambulance staff stated that the deceased had died and could not be taken away. PW.1 stated that, after she left Ramachandrapura Layout, the police arrived at the layout where the crime had taken place. The accused then came on his Splendor two-wheeler, lost control and fell, whereupon the police arrested him and took him in a police van. A complaint was recorded by the police, alleging that the accused had killed the deceased because he suspected her character.

PW.1 identified MO.1, the size stone, and MO.2, the deceased's veil.

8.2 In cross-examination, PW.1 accepted that the complaint did not mention that the accused had fallen while riding the two-wheeler. She stated that the police recorded the complaint as she narrated it and that she had not read it. She admitted that the police seized MO.5, the sickle. She also testified that the accused had used a stick approximately five feet long and had struck the deceased on the head three or four times.

9. PW.5 testified that he resided with his family at Ramachandrappa Layout. He stated that the deceased was murdered at about 9.00 p.m. and on the day of the crime he was at his house and only heard about the incident the following day. In his cross-examination, he stated that he saw PW.1 passing from the house of the accused and she informed him that the accused had killed the deceased with a sickle and a size stone. When he saw the scene of the incident, the accused was holding a sickle and the

deceased's body was lying in a pool of blood. He also made a statement concerning the character of the deceased.

10. PW.6, a resident of Shivakote, stated that the deceased's children used to visit his house during school vacations. He further stated that he had learnt that the deceased was involved in prostitution and that the accused suspected her fidelity.

11. PW.11, who was a Head Constable at the time, deposed that he was instructed to apprehend the accused on 20.02.2017 and that he apprehended him on the following day at about 7.30 a.m.

12. PW.14, the doctor who conducted the post-mortem examination, opined that the injuries could have been caused by a sharp-edged weapon such as a sickle. He further opined that death was caused by haemorrhage and shock resulting from an injury to the brain due to a skull

fracture, with bleeding and contusion in the brain. The post-mortem report is marked as Ex.P14.

13. PW.15, an Assistant Sub-Inspector, testified that he received the written complaint. In cross-examination, he stated that the complaint had been lodged by PW.1.

14. PW.19, the Circle Inspector and Investigating Officer, testified that, upon receiving information, he went to the scene and found the deceased's body. A size stone was lying near the body.

15. In the presence of PWs.8 and 9, a panchanama was drawn and photographs were taken. In the voluntary statement dated 22.01.2017, the accused admitted having committed the offence and stated that he would show the sickle and stone. The recovery was recorded under Ex.P19.

16. PW.20, the forensic officer, stated that blood group 'O' was detected on the sickle, stone, shirt and trousers. The RFSL report is marked as Ex.P20.

17. At this juncture, it is beneficial to refer to the Apex Court judgment in ***Vadivelu Thevar v. State of Madras, AIR 1957 SC 614***, wherein, at paragraph 19, it classified witnesses into three categories:

> *"19. there are three types of witnesses, namely witnesses who are i) wholly reliable, ii) wholly unreliable and iii) neither wholly reliable nor wholly unreliable. If the witness is wholly reliable, there is no difficulty inasmuch as relying even on the solitary testimony of such a witness, conviction could be based. Again, there is no difficulty in the case of wholly unreliable witnesses, inasmuch as his / her testimony can be totally discarded. It is only in the case of the third category of witnesses which is partly reliable and partly unreliable that the Court faces the difficulty. In such a scenario, the Court is required to separate the chaff from the grain to find out the true genesis of the incident."*

18. The following precedents further elucidate the principles governing the appreciation of witness testimony, particularly with regard to material contradictions, improvements and the need for corroboration. The relevant observations of the Apex Court are extracted herein below before proper appreciation of the evidence of PW.1 in the present case.

18.1. ***Mehatar v. State of Maharashtra, 2025 INSC 216, paragraphs no.17 and 19 read as under:***

> *"…17. It is in the third category of cases, that the court has to be circumspect and has to look for corroboration in material particulars by reliable testimony, direct or circumstantial…."*
>
> *"…19. In the present case, even accepting the view of the High Court that Sindhubai (PW-1) would fall within the category of partly reliable and partly unreliable, in such an event the High Court should have insisted upon some corroboration to the testimony of such a witness. However, the High Court has itself found that the prosecution has not examined Sitabai and as such, there was no corroboration to her testimony…."*

18.2. ***Gurdeep Singh v. State of Punjab, 2025 SCC OnLine SC 1669*** relevant discussion in paragraph no.18 reads as follows:

> *"…Material discrepancies are those which are not normal, and not expected of a normal person. Courts have to label the category to which a discrepancy may be categorised. While normal discrepancies do not corrode the credibility of a party's case, material discrepancies do so…."*

18.3***. Kannaiya v. State of Madhya Pradesh, 2025, SCC OnLine SC 2270****, in paragraph nos. 55 and 61 it is held as under****:***

> *"…55. Six accused persons who were named by Madho Singh (PW-5) in his deposition as having jointly assaulted Ramesh along with the convicted co-accused were acquitted by the trial Court, and their acquittal was never challenged any further. Thus, we find the testimony of Madho Singh (PW-5) to be doubtful and he falls within the category of a 'partially reliable witness'. To act upon his testimony, the prosecution would be required to provide independent and credible corroborative evidence. However, it can be clearly seen that the prosecution has failed to provide any corroborative evidence to render the testimony of (PW-5) trustworthy or reliable…."*
>
> *"…61. In this background, we are of the firm opinion that it would not be safe to uphold the conviction of the accused-appellant and the three co-accused … as the testimony of the so-called eyewitnesses … is full of contradictions and inherent improbabilities…."*

18.4. ***Vijayakumar v. State of Tamil Nadu, 2026 SCC OnLine SC 920***, in paragraph No.57 it is observed as under:

> *"….57. Assessing the credibility of the evidence of a witness, unlike the issue of admissibility and relevance of evidence, is a highly subjective task, depending on several attending factors and surrounding circumstances, including consistency with the prosecution case. It is thus, contextual…."*

19. This Court must first determine the category of witness to which PW.1 belongs, in light of the principles laid down by the Apex Court in ***Vadivelu Thevar*** *supra*. A perusal of the evidence of P.W 1 reveals the following :-

i. PW.1 stated that the accused fell from a Splendor two-wheeler while attempting to escape and was apprehended by the police on the date of the incident, i.e., 19.02.2017. However, PW.11 deposed that the accused was arrested on 21.02.2017.

ii. PW.1 stated that the sickle was recovered on 19.02.2017, the date of the incident. However, Ex.P19(b), the mahazar, records the recovery of MO.5, the sickle, on 21.02.2017.

iii. In Ex.P1, PW.1 stated that she had called an ambulance, whereas in her deposition, she stated

that she had called both the ambulance and the police.

iv. PW.1 stated during cross-examination that the police recorded the complaint based on the narration given by her. PW.15, however, testified that a written complaint had been received from PW.1.

v. Although PW.1 acknowledged that she had written the complaint, she stated during cross-examination that the complaint had not been read over to her.

In view of the above it is clear that the P.W 1 falls in the third category of witness.

20. In ***Mehatar v. State of Maharashtra*** *supra*, the Hon'ble Supreme Court has held that where a witness is found to be partly reliable and partly unreliable, the Court must seek corroboration on material particulars from reliable direct or circumstantial evidence. Applying the said principle to the present case, it is necessary to examine whether the testimony of PW.1 finds reliable corroboration

in the evidence of PW.5. Though PW.5 has deposed that PW.1 informed him about the incident, PW.1 has not stated so in her testimony. Further, while PW.1 has deposed that the accused assaulted the deceased with a stick, no such stick was recovered from the scene of occurrence. PW.1 has also stated that the sickle was seized on the date of the incident, i.e., 19.02.2017, whereas the evidence of PW.11 and the seizure mahazar disclose that it was recovered on 20.02.2017. These material inconsistencies, coupled with the improvements in the testimony of PW.1, cast serious doubt on her credibility and the prosecution version. In the absence of reliable corroboration on material particulars, it would be unsafe to sustain the conviction solely on the testimony of PW.1.

20.1. **Material improvements in the testimony of PW.1:**

The testimony of PW.1 contains certain particulars which were not stated in the complaint, Ex.P1, but were subsequently introduced in her deposition. In particular, while Ex.P1 refers to the assault having been committed with a sickle and a stone, PW.1, in her deposition, also stated that the accused had struck the deceased two or three times with a stick approximately five feet long. The said stick was not recovered during the investigation. Such improvements, insofar as they relate to the manner of assault and the weapon allegedly used, assume significance in assessing the consistency and reliability of her testimony.

20.2. **Conduct of PW.1 following the incident:**

Further, the conduct of PW.1 during and after the incident also calls for consideration while assessing the credibility of her testimony. According to her deposition, when she attempted to restrain the accused and rescue the deceased, the accused threatened her with a sickle and thereafter assaulted the deceased on her right hand,

right leg and right cheek, causing her to fall to the ground. The accused then threw a sizeable stone at the deceased's head. Despite witnessing the assault, PW.1 left the spot at Shivakote and travelled to M.S. Palya, a distance of approximately 15 kilometres, without first seeking immediate assistance for the injured deceased, although houses were situated in the vicinity of the scene of the incident. This circumstance, considered alongside the other discrepancies in her testimony, warrants scrutiny.

21. In ***Gurdeep Singh v. State of Punjab*** *supra*, the Apex Court cautioned against treating every inconsistency as fatal to the prosecution case and emphasised the need to distinguish ordinary discrepancies from those which affect the core of the prosecution version. The Court also recognised that the entire testimony of a witness need not be discarded merely because a portion thereof is found unreliable. In the present case, therefore, the discrepancies in PW.1's

testimony must be evaluated individually as well as cumulatively to determine whether they are minor variations or material contradictions affecting the reliability of her account, and whether the portions relied upon by the prosecution receive corroboration from the other evidence on record. As pointed out supra there are material contradictions in the evidence of P.W1.

22. In ***Kannaiya v. State of Madhya Pradesh*** *supra*, the Apex Court considered the effect of material contradictions concerning the genesis of the occurrence, the place of the incident and the presence of the alleged eyewitnesses. The Court held that where the testimony of a witness is found to be partially reliable, independent and credible corroboration assumes significance. In the present case, the material improvements and contradictions concerning PW.1's account of the assault, the alleged fall of the accused and his arrest, and the timing of the recovery of the sickle must be examined against the

objective evidence on record to determine whether they affect the core of the prosecution case. These material improvement and contradictions discussed supra, when considered cumulatively, go to the root of the prosecution case and cast serious doubt on the credibility of PW.1 and the reliability of the prosecution version.

23. In ***Vijayakumar v. State of Tamil Nadu*** *supra*, the Apex Court reiterated that the credibility of a witness must be assessed contextually, having regard to the surrounding circumstances and the consistency of the testimony with the prosecution case. Applying this principle, the evidence of PW.1 cannot be accepted or rejected in its entirety merely on account of the existence of discrepancies. Rather, the Court must determine whether the material portions of her testimony remain credible when considered alongside the improvements, her conduct, the contradictions brought out in cross-

examination and the corroborative evidence, if any, available on record.

24. Thus, the assessment of PW.1's testimony requires the Court to distinguish the portions that are reliable from those that are doubtful, while examining whether the material allegations receive sufficient corroboration. The question is not merely the number of discrepancies in her evidence, but their nature and effect on the prosecution case as a whole.

25. It is a settled principle of criminal jurisprudence that suspicion, however grave, cannot take the place of proof beyond reasonable doubt. In the present case, the material improvement and inconsistencies in the testimony of PW.1 cast serious doubt on the prosecution case. In the absence of cogent, consistent and trustworthy evidence establishing guilt of the accused beyond reasonable doubt, the conviction cannot be sustained.

26. In view of the above discussion, it can be concluded in the present facts and circumstances, the evidence of PW.1 is partly reliable and partly unreliable, and the material improvements discussed above have not been sufficiently corroborated by the prosecution, the conviction of the accused cannot be sustained. The accused is, therefore, entitled to the benefit of doubt.

27. Accordingly, we pass the following:

ORDER

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

ii. The judgment of conviction dated 10.04.2019 and the order of sentence dated 24.04.2019 passed by the learned IV Additional District and Sessions Judge at Doddaballapura in S.C. No. 10033/2017 for the offences punishable under Sections 302 and 506 IPC, the appellant-accused is hereby ***set aside***.

iii. The appellant-accused is acquitted of the offences punishable under Sections 302 and 506 IPC.

iv. The appellant-accused shall be released forthwith, if his custody is not required in any other matter.

v. The Registry shall communicate this order to the Jail Authority, Doddaballapura.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

Sd/-
(B. PRAMOD)
JUDGE

Bsv, mkm