HC-KAR

NC: 2026:KHC:61177
CRL.RP No. 1212 of 2025

CNR: KAHC010541612025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MRS. JUSTICE GEETHA K.B.

CRIMINAL REVISION PETITION NO. 1212 OF 2025

(397(Cr.PC) / 438(BNSS))

BETWEEN:

1. SMT. BHAGYAMA
   LATE N JAYASHANKAR
   AGED 52 YEARS
   NO. 38, 3RD CROSS, SWIMMING POOL
   EXTENSION, MALLESHWARAM
   BANGLORE - 560003

…PETITIONER

(BY SMT. AMULYA K N.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   BY RAMAMURTHY NAGAR POLICE STATION
   BY STATE PUBLIC PROSECUTOR,
   HIGH COURT BUILDINGS, BANGALORE -1

2. B.R.SATHISH KUMAR
   S/O RAMACHANDRA GOWDA,
   AGED ABOUT 40 YEARS
   BHIRAMANAHALLI VILLAGE,
   THORADEVANDAHALLI POST,
   KOLAR TALUK, KOLAR DISTRICT-563126

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NOW AT APARTMENT G10,
AMIGO CASA APARTMENT,
RAMAMURTHY NAGAR, VIJINAPURA VILLAGE,
KR PURAM, UTTARAHALLI HOBLI,
BENGALURU, KARNATAKA-560016

…RESPONDENT

(BY SRI.VINAY MAHADEVAIAH, HCGP FOR R1;

SRI.ABHILASH KUMAR.M.N, ADVOCATE FOR SRI.M.R.NANJUNDA GOWDA, ADVOCATE FOR R2)

THIS CRL.RP IS FILED U/S 397 R/W 401 CR.P.C (U/S 438 R/W 442 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING TO SET ASIDE THE IMPUGNED ORDER BY DIRECTING THE TRIAL COURT TO FRAME ADDITIONAL CHARGE, FOR AN OFFENCE P/U/S 302 OF IPC, THE PETITIONER (VICTIM AS DEFINED U/S 2(w)(a) OF THE CR.P.C., IN THE ABOVE CASE MOST HUMBLY PRAYS THIS HONBLE COURT BE PLEASED TO CALL FOR THE ENTIRE RECORDS IN SC.NO.1868/2018 (K.R.PURAM POLICE vs SATHISH) PENDING ON THE FILE OF THE 45th ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BANGALORE, FOR THE OFFENCES P/U/S 498(A),304(B) OF IPC, U/S 3 AND 4 OF D.P ACT.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE GEETHA K.B.

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ORAL ORDER

This is the revision petition filed by the *de-facto* complainant under Section 397 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') praying for setting aside the impugned order dated 14.03.2025 on an application filed under Section 216 Cr.P.C., in SC No. 1868/2018 on the file of the XLV Additional City Civil and Sessions Judge, Bengaluru City, (CCH-46) (in short 'the trial court').

2. The parties would be referred with their ranks, as they were before the trial Court, for the sake of convenience and clarity.

3. The charge-sheet is filed against the accused alleging the offences punishable under Sections 498-A and 304-B of the Indian Penal Code, 1860 (in short, 'the IPC'), read with Sections 3 and 4 of the Dowry Prohibition Act, 1961 (in short, 'the D.P. Act'). After filing the charge-sheet, cognizance was taken, and the accused is on bail.

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4. The charges were framed on 10.11.2022 for the offences punishable under Sections 498-A and 304-B of the IPC and Sections 3 and 4 of the D.P. Act.

5. Subsequently, the *de-facto* complainant filed an application under Section 216 of the Cr.P.C. seeking amendment of the charge by including the offence punishable under Section 302 of the IPC.

6. After hearing, the said application was dismissed, which is under challenge in the present revision petition.

7. Initially, the *de-facto* complainant lodged the complaint against the accused, alleging the unlawful demand for dowry and harassment in connection with the said demand and without tolerating the said harassment, her daughter committed the suicide.

8. Based on the said complaint, the Investigating Officer conducted an investigation and filed the charge-sheet for the aforesaid offences.

9. It is the contention of the complainant that, as per the P.M. report, there are contusion injuries on the left

and right parietal region, the left occipital region of the deceased. Further, there is an external contusion injury on her right thigh. It is stated that all these injuries were ante-mortem in nature. Hence, the Investigating Officer ought to have obtained the doctor's opinion regarding these injuries. However, the Investigating Officer has not obtained any such opinion. The P.M. report establishes that there were injuries on the head region. Hence, there is every possibility that the accused might have pushed the deceased against the wall, resulting in the said injuries, which were fatal in nature. Hence, the charge ought to have been framed for the offence punishable under Section 302 of the IPC also. However, the trial Court refused to frame the charge for the offence punishable under Section 302 of the IPC.

10. The learned HCGP, Sri Vinay Mahadevaiah, appearing for respondent No.1/State, would submit that, upon proper investigation, the Investigating Officer has filed the charge-sheet, wherein the ingredients of the

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offence under Section 302 of the IPC was not made out. Hence, the charge framed by the trial Court is proper and requires no interference.

11. The learned counsel for respondent No.2/accused, Sri Abhilash Kumar, would submit that the charge has to be framed based on the available materials and that the said materials do not disclose the commission of the offence under Section 302 of the IPC. Even the P.M. report, *prima facie*, does not disclose murder. Hence, the trial Court has assigned appropriate reasons for rejecting the application filed under Section 216 of the Cr.P.C., which requires no interference. He would further submit that as per the averments in the complaint and the charge-sheet, the accused and CW.7 broke open the door and immediately shifted the deceased to the hospital, under the impression that she was still alive. However, she was declared dead at the hospital.

12. Having heard arguments of both sides, verifying the charge-sheet, its annexures and the finding of the

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Court on IA filed under Section 216 of Cr.P.C., the point that arises for consideration is:

> *"Whether the revision petitioner establishes that the finding of the trial Court in rejecting the application under Section 216 Cr.P.C., is erroneous, capricious and not in accordance with law?"*

13. The finding of this Court on above point is in ***'Negative'*** for the following:

REASONS

14. The revisional jurisdiction of this Court is very limited. In this regard, this Court places reliance on the Judgment of the Hon'ble Apex Court in the case of ***Kuntegowda v/s Thurubaiah in Criminal Appeal No.3654/2026, (Arising out of Special Leave Petition (Criminal) No.2247 of 2024 dated 04.08.2026*** reported in ***2026 SCC OnLine SC 1485***. In the aforesaid judgment, the Hon'ble Apex Court at paragraph Nos.7.1. to 7.3 has discussed the revisional jurisdiction of this Court, which reads as follows:

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> *" 7.3. The contours for exercise of revisional jurisdiction has been well settled by the judicial dicta of this Court wherein time and again it has been observed that the High Court shall not interfere with the orders of the lower court unless:*
>
> *i. The order or finding of the lower court is perverse, grossly erroneous, glaringly unreasonable or wholly unreliable or untenable in law.*
>
> *ii. The lower court has passed the impugned order after considering an immaterial or irrelevant material or no material at all.*
>
> *iii. There is a non-consideration of any relevant material or the judicial discretion has been exercised arbitrarily or capriciously."*

15. Thus, only if the order of the trial Court is *perverse* or grossly erroneous, or grossly unreasonable, or wholly unreliable, or wholly untenable, or the trial Court considered an immaterial or irrelevant, material or no material or not at all relevant material or judicial discretion

has been exercised arbitrarily and capriciously, the revisional Court can interfere with such judgment.

16. The charge-sheet, its annexures and the averments in the complaint *prima facie* reveal that the deceased was unable to tolerate the harassment and cruelty inflicted by her husband, she has committed the suicide. It is further stated in the complaint that the deceased had stated that the said day would be her final day and that her son should be looked after well.

17. In the P.M. report, it is stated that the deceased had committed suicide by hanging. The history furnished was that the deceased had committed suicide by hanging. The ligature material, namely, a bed sheet, was produced before the doctor, and the ligature mark measured 24 cm x 1.5 cm. There was an internal injury on the scalp, i.e., contusions over the right and left parietal regions and the left occipital region. There was also one external injury on the dead body, i.e., on the outer aspect of the right thigh. All the above injuries were ante-mortem in nature. The

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doctor opined that the cause of death was asphyxia as a result of hanging.

18. The learned counsel for the revision petitioner vehemently submits that the Investigating Officer has not obtained the doctor's opinion regarding the internal and external injuries. Thus, the said injuries on the dead body *prima facie* reveal the commission of the offence under Section 302 of the IPC. Hence, she prays for allowing the application filed under Section 216 of the Cr.P.C. and framing a charge under Section 302 of the IPC.

19. There is a clear opinion of the doctor that the death was due to asphyxia as a result of hanging. Under these circumstances, *prima facie*, there is no material to conclude that the death was homicidal and not suicidal.

20. If the *de-facto* complainant is able to establish, through the evidence of the doctor, that the death might also have been caused by murder, it is always open to the trial Court to amend the charges at any stage of the proceedings before pronouncing judgment. Hence, at this

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stage, the application is pre-mature in nature. If the *de-facto* complainant is able to establish any such material through the evidence, it is open to her to file an appropriate application seeking reconsideration of the framing of the charge, including under Section 302 of the IPC.

21. With these observations this Court passes the following:

ORDER

The Criminal Revision Petition is ***dismissed.***

However, liberty is reserved to the *de-facto* complainant to file an appropriate application, if necessary, after completion of the evidence of the material witnesses.

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(GEETHA K.B.)
JUDGE

SPV
List No.: 1 Sl No.: 13