



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CRIMINAL APPEAL NO. 1450 OF 2018

C/W

CRIMINAL APPEAL NO. 1382 OF 2018

CRIMINAL APPEAL NO. 1451 OF 2018

IN CRL.A No. 1450/2018

BETWEEN:

SRI. BILIGIRI
SON OF THE LATE RANGANAIKA,
AGED ABOUT 28 YEARS,
RESIDENT OF BIDARAGUDU VILLAGE,
NANJANGUD TALUK, MYSURU DISTRICT
(CONVICT UNDERGOING SENTENCE
OF IMPRISONMENT IN MYSORE
DISTRICT JAIL).

...APPELLANT

[BY SRI. TOMY SEBASTIAN, SENIOR COUNSEL FOR
SRI. RENY SEBASTIAN, ADVOCATE (P/H)]

AND:

STATE OF KARNATAKA
BY HULLAHALLI POLICE STATION,
NANJUNGUD TALUK,
MYSURU DISTRICT.

...RESPONDENT

(BY SMT. RASHMI JADHAV, ADDL. SPP)





THIS CRL.A. IS FILED U/S.374(2) CR.P.C PRAYING TO CALL FOR THE RECORDS IN SC 39/2016, 236/2016 AND 356/2016 ON THE FILE OF II ADDITIONAL SESSIONS JUDGE, MYSURU AND SET ASIDE THE JUDGMENT OF CONVICTION PASSED THEREON ON 25.06.2018 AND SENTENCE DATED 28.06.2018 PASSED IN S.C.NO.39/2016, 236/2016 & 356/2016 BY II ADDL. SESSIONS JUDGE, MYSURU, APPLICABLE TO THIS APPELLANT IS CONCERNED AND ACQUIT THE APPELLANT FOR THE OFFENCE WITH WHICH APPELLANT IS CONVICTED AND SENTENCED.

IN CRL.A NO. 1382/2018

BETWEEN:

1. PUTTARAJU
S/O SOMANNANAIIKA,
AGED ABOUT 28 YEARS,
BIDARAGUDU VILLAGE, NANJANAGUD TALUK,
MYSURU, PIN CODE:571 129.

2. RANGA SHETTY
S/O MARANKASHETTY,
AGED ABOUT 28 YEARS,
BIDARAGUDU VILLAGE,
NANJANAGUD TALUK,
MYSURU, PIN CODE:571 129.

...APPELLANTS

[BY SRI. RAJU C.N., ADVOCATE (P/H)]

AND:

STATE BY HULLAHALLI POLICE
MYSORE,
REPRESENTED BY SPP,
HIGH COURT OF KARNATAKA AT BANGALORE,
PIN CODE NO: 560 001.

...RESPONDENT

[BY SMT. RASHMI JADHAV, ADDL. SPP (P/H)]



THIS CRL.A. IS FILED U/S.374(2) CR.P.C PRAYING TO SET ASIDE THE JUDGMENT OF CONVICTION PASSED IN S.C.NO.236/2016 DATED: 25/06/2018 ON THE FILE OF 2ND ADDITIONAL SESSIONS JUDGE, MYSURU, BY ALLOWING THIS CRIMINAL APPEAL.

IN CRL.A NO. 1451/2018

BETWEEN:

SMT. GEETHA
W/O LATE KUMARA,
AGED ABOUT 33 YEARS,
R/AT BIDARAGUDU VILLAGE,
NANJANGUD TALUK,
MYSURU DISTRICT.
(CONVICT UNDERGOING SENTENCE
OF IMPRISONMENT IN MYSORE
DISTRICT JAIL).

...APPELLANT

[BY SRI. TOMY SEBASTIAN, SENIOR COUNSEL FOR
SRI. RENY SEBASTIAN, ADVOCATE (P/H)]

AND:

STATE OF KARNATAKA
BY HULLAHALLI POLICE STATION,
NANJUNGUD TALUK,
MYSURU DISTRICT.

...RESPONDENT

[BY SMT. RASHMI JADHAV, ADDL. SPP (P/H)]

THIS CRL.A. IS FILED U/S.374(2) CR.P.C PRAYING TO CALL FOR THE RECORDS IN SC 39/2016, 236/2016 AND 356/2016 ON THE FILE OF II ADDITIONAL SESSIONS JUDGE, MYSURU AND SET ASIDE THE JUDGMENT OF CONVICTIONS PASSED THEREON ON 25.06.2018 AND SENTENCES DATED 28.06.2018 PASSED IN S.C.NO.39/16, 236/16 & 356/2016



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PASSED BY II ADDL. SESSIONS JUDGE, MYSURU, APPLICABLE TO THIS APPELLANT & ACQUIT THE APPELLANT FOR THE OFFENCE WITH WHICH APPELLANT IS CONVICTED AND SENTENCED.

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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ
and
HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL JUDGMENT

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

The Judgment and Order dated 25/28.06.2018 passed by the Court of II Additional Sessions Judge, Mysuru, in SC Nos.39/2016, 236/2016 and 356/2016 insofar as convicting accused Nos. 1 to 4, is assailed in these appeals.

2. Vide impugned judgment, the trial Court has convicted accused Nos.1 to 3 for the offence punishable under Section 302 r/w Section 34 of IPC and accused No.4 for the offence punishable under Section 120-B r/w 302 IPC, 114 r/w 302 IPC and 201 of IPC.



3. Crl.A.No.1450/2018 is preferred by accused No.1, Crl.A.No.1382/2018 is preferred by accused Nos.2 and 3 and Crl.A.No.1451/2018 is preferred by accused No.4.

4. We have heard the learned Senior counsel Sri.Tomy Sebastian appearing for the appellants in Crl.A.No.1450/2018 and Crl.A.No.1451/2018 and the learned counsel Sri Raju C.N., for the appellant in Crl.A.No.1382/2018 and the learned Additional SPP Smt. Rashmi Jadhav for the State. Perused the evidence and material on record.

5. Brief facts of the prosecution case:

Accused No.4-Geetha is the wife of deceased Kumar. There was an illicit relationship between accused No.4 and accused No.1. Hence, accused No.4 conspired with accused No.1 to commit the murder of her husband Kumar. In furtherance of the said conspiracy and at the instigation of accused No.4, on the intervening night



between 17.02.2015 and 18.02.2015, at about 01.00 a.m., in front of the house of deceased Kumar, situated at Bidaragudu Village, with a common intention of committing the murder of Kumar, accused No.1 strangulated him with a cycle chain while accused Nos.2 and 3 held him and committed his murder. Further, accused Nos.4 to 19 who were legally bound to give information regarding commission of the offence, intentionally omitted to give such information to the police and burnt the dead body with an intention to cause disappearance of evidence and to screen the offenders namely accused Nos.1 to 4 from legal punishment.

6. Charges were framed under Section 302 r/w 34 of IPC against accused Nos.1 to 3, 120B r/w 34 of IPC against accused Nos.1 and 4, 302 r/w 114 IPC against accused No.4, 176 and 201 IPC against accused Nos.4 to 19.

7. Insofar as the charge framed under Section 176 IPC against accused Nos.4 to 19, the same was quashed



by this Court. Hence, the trial Court proceeded against the accused in respect of other charges framed against them.

8. In order to establish the charges leveled, the prosecution in all examined 12 witnesses and got marked 25 documents and MO1. The defence got marked Ex.D1 to Ex.D5.

9. Vide impugned judgment, the trial Court was pleased to acquit accused Nos.5 to 19 of the offence punishable under Section 201 IPC. Accused Nos.1 to 4 were convicted as stated supra.

10. The incident took place on the intervening night of 17.02.2015 and 18.02.2015. However, the case was registered against accused Nos.1 to 4 on 23.03.2015. The complainant-Basavaraju, brother-in-law of deceased Kumar, in his complaint at Ex.P25 has stated that on 17.02.2015 at about 08.30 p.m., while they were sitting in front of their house and talking, accused No.2-Puttaraju and accused No.3-Ranga Shetty came near their house



and called deceased Kumar. Accused No.1 was standing at a distance. Complainant's mother-in-law- Puttamadamma (PW6) asked them as to where they are going for which, they replied that they will go inside the village and return. Saying so, they took Kumar with them and after sometime accused No.4-Geetha, wife of Kumar also left the house stating that she is going to her parental home. After about 45 minutes, Geetha-accused No.4 returned. After having dinner when they were sleeping, at about 01.00 a.m., they heard some noise. Complainant came out of the house hearing the screaming of accused No.4 and saw Kumar lying dead in a gutter. He noticed some marks around his neck caused by a cycle chain and certain injuries on the left side of the forehead and also on his private part.

11. In Ex.P25, it is further stated that on 18.02.2015, some of the villagers told if they lodge a complaint, it will affect the village festival. Accused No.4/wife of the deceased did not allow to lodge complaint



threatening that if any complaint is lodged, she will commit suicide. Therefore, the dead body was burnt. On 19.02.2015, accused No.1 called from his mobile phone and enquired about the incident. It is further stated that the complainant later came to know about the illicit relationship between accused No.1 and accused No.4 and quarrels happening over the said illicit relationship.

12. On the basis of the complaint lodged by Basavaraju, who was later arraigned as accused No.5 in the chargesheet, PW12, PSI of Hullahalli Police Station registered a case against accused Nos.1 to 4 in Cr.No.37/2015 and transmitted the FIR-Ex.P15 to the jurisdictional Court. Investigation was then taken over by PW11-Police Inspector and on completion of investigation, he filed the chargesheet.

13. The trial Court, mainly on the basis of the evidence of PW6 and PW7 and recovery of cycle chain and taking note of the conduct of accused No.4, held accused Nos.1 to 3 guilty of committing an offence punishable



under Section 302 r/w Section 34 of IPC and accused No.4 guilty of committing offences punishable under Section 120B, 114 and 201 r/w 302 IPC.

14. Assailing the impugned judgment, the learned Senior counsel appearing for the appellants vehemently contended that there is an inordinate and unexplained delay in lodging the FIR. In Ex.P25-complaint, it is not stated that PW6 and PW7 are the eye witnesses. The said witnesses are projected as eye witnesses subsequently to suit the prosecution case. They are closely related to the deceased and highly interested witnesses. There are material contradictions and improvements in their evidence. Prior to lodging of Ex.P25 on 23.03.2015, there was one more complaint-Ex.D5 dated 28.02.2015 given by Basavaraju and the same was suppressed by the prosecution. The said complaint was got marked at the instance of the defence.

15. Learned senior counsel further contended that the complaint at Ex.D5 reveals that the complainant had



visited the Police Station on 21.02.2015 and 23.02.2015, but no case was registered and even in the said complaint, it is not stated that PW6 and PW7 are the eyewitnesses to the incident. The motive alleged by the prosecution is also not believable, as none of the independent witnesses have deposed about the illicit relationship between accused No.1 and accused No.4. Further, the case of prosecution that PW6 and PW7 have seen the incident through the window of their house is also not believable. There is inconsistency in their evidence and in the sketch, window is not shown.

16. Learned senior counsel further contended that, in this case, the dead body was burnt and therefore, there is no opinion regarding cause of death. Hence, it cannot be said that the deceased died a homicidal death. He contended that the deceased was addicted to alcohol and therefore, he sustaining injuries on account of a fall is not ruled out. Later, after cremating the dead body, a false case was registered against the accused. He, therefore,



contended that the trial Court has committed a grave error in relying on the evidence of PW6 and PW7 and the recovery evidence for convicting the accused. Accordingly, the learned senior counsel sought to allow the appeals and set aside the impugned judgment and order of conviction and sentence passed by the trial Court.

17. *Per contra*, the learned Additional State Public Prosecutor contended that Ex.P25 was lodged by Basavaraju, brother-in-law of the deceased, who was later arraigned as accused No.5. During investigation, it was found that he failed to give information to the Police about the incident and along with others caused disappearance of the evidence by burning the dead body. She contended that in Ex.P25, it is clearly stated that there was illicit relationship between accused Nos.1 and 4, and accused No.4, wife of the deceased, threatened not to lodge the complaint. Further, accused Nos.1 to 3 took the deceased from the house and on the same night, the deceased was found murdered. She contended that PW6 and PW7 are



natural witnesses and their evidence is believable. They have categorically stated that accused Nos.1 to 3 have committed the murder of the deceased. She contended that MO1-cycle chain was recovered at the instance of accused No.1 and therefore, considering the entire evidence and material on record, the trial Court has rightly convicted and sentenced the accused for the charged offences. She further contended that after committing the murder, the dead body was burnt so as to cause disappearance of the evidence. The same is not disputed by the defence. She has, accordingly, sought to dismiss the appeals.

18. Complaint-Ex.P25 is lodged by Basavaraju, brother-in-law of the deceased. Subsequently, he was arraigned as accused No.5 and hence, he was not examined as a prosecution witness. As already mentioned, the incident took place on the intervening night of 17.02.2015 and 18.02.2015 at about 1.00 a.m. It is the case of prosecution that accused No.1 was having illicit



relationship with accused No.4, wife of the deceased. Hence, both of them conspired with each other to commit the murder and in furtherance of the said conspiracy and at the instigation of accused No.4, accused Nos.1 to 3 took Kumar from the house and strangled him with a cycle chain and committed his murder.

19. Even though the incident took place on 17/18.02.2015, no case was registered till 23.03.2015. In Ex.P25, it is stated that the deceased was found murdered in a gutter and on the next day, some of the villagers told not to lodge the complaint saying that it will affect the village festival and suggested to cremate the body. Accused No.4, wife of the deceased, threatened that if a complaint was lodged, she will commit suicide. Hence, on the same day at about 1.00 p.m., the body was cremated.

20. A perusal of Ex.P25 reveals that the complaint was lodged against accused Nos.1 to 4 on suspicion stating that there was illicit relationship between accused No.1 and accused No.4. There is no mention in Ex.P25



about PW6 or PW7 having witnessed the incident in question.

21. Ex.D5 is marked through PW12, Sub-Inspector of Police, who registered the case. PW12 has admitted that Ex.D5 was received through post. Exs.D3 and D4 are the postal receipts and postal acknowledgment. In Ex.D5, it is stated that the complainant and others visited the Police Station on 21.02.2015 and 23.02.2015 and informed the matter to the Sub-Inspector of Police, but he refused to receive the complaint. PW12 has denied in the cross-examination conducted by the defence that accused No.5 along with accused Nos.6 to 19 had visited the Police Station and informed him about the incident. However, the receipt of Ex.D5 has not been denied by PW12.

22. In both Ex.P25 and Ex.D5, it is not stated that PW6 and PW7 are the eyewitnesses to the incident. As per Ex.D5, on 19.02.2015 at about 12 noon, accused No.1 called from his mobile phone No.7760129077 to the mobile phone No.7406094074 of Basavaraju-first



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informant and enquired him about the incident and therefore, he raised suspicion against him. Admittedly, the Investigating Officer has not collected the mobile call detail records to show that accused No.1 had called to the mobile phone of the first informant.

23. In the instant case, according to prosecution, PW6, mother of the deceased, and PW7, sister of the deceased, are the eyewitnesses to the incident. PWs.1 and 2 are the witnesses to the mahazar at Ex.P2 conducted in the house of accused No.4. PW3 is the Police Constable, who transmitted the F.I.R-Ex.P3 to the Court. PWs.4, 5 and 8 are independent witnesses examined by the prosecution to show that the deceased and the accused were seen together on the night of 17.02.2015. PW9 is the Assistant Sub-Inspector of Police, who apprehended accused No.4, PW10 and PW11 are the Investigating Officers, and PW12 is the Sub-Inspector of Police, who registered the case.



24. According to prosecution, on the night of 17.02.2015, accused Nos.1 to 3 took the deceased from his house to the Liquor Shop of one Somannanaika-PW4. However, PW4 has turned hostile and not supported the case of prosecution. He has categorically stated that the accused have not come to his shop along with the deceased to purchase liquor. Similarly, PWs.5 and 8 have not supported the case of prosecution with regard to the prosecution theory of deceased last seen in the company of the accused. Hence, the evidence of PWs.4, 5 and 8 is not helpful to the prosecution to prove that the deceased was seen in the company of the accused on the night of 17.02.2015.

25. PW6 and PW7 are the material witnesses. Merely because they are closely related to the deceased, their evidence cannot be out rightly rejected. However, considering that in Ex.P25 and Ex.D5, there is no mention that they are eyewitnesses, the testimonies of PW6 and



PW7, who are the mother and sister of the deceased, have to be cautiously scrutinised.

26. PW6, in her testimony, has stated that the marriage of deceased-Kumar and Geetha was a love marriage, which took place about 17 years prior to the incident. On the date of incident at about 8.30 p.m., she was sitting and chatting along with the deceased, Basavaraju, Kavana (CW7) and Rekha (PW7) in front of their house. At that time, accused Nos.2 and 3 came and called Kumar. Accused No.1 was standing at a distance of three-fourth kilometer from the house. She enquired with the accused as to where they are going. Accused Nos.2 and 3 took the deceased inside the village. At about 1.00 a.m., she heard some noise near the drainage in front of her house. Hence, she peeped through the window and saw accused Nos.2 and 3 holding the deceased and accused No.1 strangulating him with the cycle chain and also kicking him. By the time she came out of the house, all the three accused ran away with the chain. She raised



hue and cry. On seeing her son lying dead, she fell unconscious.

27. PW7 also deposed that at about 8.30 p.m., when she along with her mother (PW6), her husband-Basavaraju, deceased-Kumar, Kavana and Geetha were chatting in front of their house, accused Nos.1 to 3 were talking to each other at some distance. Accused Nos.2 and 3 came near their house and called her brother-Kumar. Thereafter, Kumar went inside the village telling that he will come within ten minutes. After ten minutes, Geetha-accused No.4 also left the house stating that she is going to her parental house. She saw accused Nos.1 to 3 standing at a distance with the help of street light. At about 1.00 a.m., they heard some noise. She along with her mother came out and saw accused No.1 strangulating Kumar with a cycle chain and accused Nos.2 and 3 holding him. They raised hue and cry and at that time, all the three accused ran away towards the village.



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28. PW11-Circle Inspector of Police, who went to the spot on 24.03.2015, conducted the spot mahazar as per Ex.P16 and recorded the statements of CW1 (PW6) and CW6 (PW7) to CW15. The statements of PW6 and PW7 were recorded for the first time on 24.03.2025, i.e. after thirty-seven days from the date of incident. Since PW6 did not incriminate accused Nos.5 to 19 in her evidence, she was treated hostile by the prosecution. In the cross-examination conducted by the learned Public Prosecutor, PW6 has denied having stated as per Exs.P6 and P7 in her statement recorded by the Investigating Officer. It is relevant to extract Ex.P6, which is as under:

"..... ಮಧ್ಯರಾತ್ರಿ ಸುಮಾರು 01.00 ಗಂಟೆ ಸಮಯದಲ್ಲಿ ಕುಮಾರ ಹೆಂಡತಿ ಗೀತಾ ಜೋರಾಗಿ ಬಾಯಿ ಬಡಿದುಕೊಂಡಾಗ ಶಬ್ದ ಕೇಳಿ ನಾನು, ನನ್ನ ಮಗಳು ರೇಖಾ, ಮೊಮ್ಮಗಳು ಕವನ, ಅಳಿಯ ಬಸವರಾಜು, ಎದುರು ಮನೆಯ ಅಂಕಮ್ಮ, ಮಹದೇವನಾಯಕನ ಹೆಂಡತಿ ಮಾದಮ್ಮ, ಪಕ್ಕದ ಮನೆಯ ಜಯಮ್ಮ ಎಲ್ಲರೂ ಹೊರಗೆ ಬಂದು ನೋಡಿದಾಗ ನಮ್ಮ ಮನೆಯ ಮುಂದೆ ಇರುವ ಚರಂಡಿ ಹತ್ತಿರ ಪುಟ್ಟರಾಜು & ರಂಗಶೆಟ್ಟಿ ಇಬ್ಬರೂ ನನ್ನ ಮಗ ಕುಮಾರನನ್ನು ಹಿಡಿದುಕೊಂಡಿದ್ದು, ಬಿಳಿಗಿರಿ ಕುಮಾರನ ಕತ್ತಿಗೆ ಸೈಕಲ್ ಚೈನ್‌ನಿಂದ ಕುತ್ತಿಗೆಗೆ ಹಾಕಿ ಬಿಗಿಯುತ್ತಿದ್ದ"



29. According to PW6, at about 01.00 a.m., she heard some noise near the drainage situated in front of her house. Hence, she peeped through the window and saw accused Nos.2 and 3 holding the deceased and accused No.1 strangulating him with a chain. By the time, she came out of the house, all the three ran away. Then she started screaming. Whereas, PW7 has stated that at about 1.00 a.m. on hearing some sound, she along with her mother came out and saw accused No.1 strangulating the deceased and accused Nos.2 and 3 holding him. Both of them raised hue and cry and at that time, all the three ran away from the spot.

30. PW7 has not deposed in her evidence that she along with her daughter i.e., PW6 came out of the house and saw accused committing the crime. According to her, she saw the incident through the window and by the time she came out of the house, all the three ran away and thereafter, she raised hue and cry. According to PW7, she



along with her mother/PW6 came out of the house on hearing some noise and saw the accused committing the crime.

31. In the cross examination conducted by the Public Prosecutor, PW6 has admitted that she has not stated as per Ex.P7, the portion of her statement as culled out supra. PW6 has admitted that she has not stated before the police that she heard some noise at about 1.00 a.m. near the drainage and saw the incident through the window. Hence, the testimony of PW6 regarding witnessing the accused committing the crime through the window is an improvement, which she has stated for the first time before the court. Further, she has admitted in the cross-examination conducted by the defence that due to her old age, she has low eyesight. The incident has admittedly taken place at about 1.00 a.m. in the night. In view of the discrepancy and improvements made in the evidence of PW6 and PW7 as noted above and having regard to the fact that in Ex.P25 and Ex.D5, they are not



named as eye witnesses to the incident, their testimony to hold that they have witnessed the accused committing the murder, is difficult to believe.

32. Both PW6 and PW7 have stated that there are several other houses situated near their house and on hearing the hue and cry, some of the villagers rushed to the spot. However, none of the independent witnesses viz., the neighbours of the deceased are examined in this case.

33. Admittedly, the dead body was cremated on the following day of the incident and therefore, there is no medical evidence with regard to cause of death. Though PW6 and PW7 have denied the suggestion that the deceased was addicted to alcohol and he fell in the drainage and died, there is no corroboration to the evidence of PW6 and PW7 to show that the deceased died a homicidal death.



34. The evidence of PW6 and PW7, as discussed by us, is in stark contrast to the prosecution evidence. Their evidence is not believable and trustworthy. There is no material to substantiate the evidence that accused Nos.1 to 3 have committed the murder, at the instigation and abetment of accused No.4. We are of the considered view that the testimony of PW6 and PW7 would come in the category of wholly unreliable witnesses, as such, the conviction on the basis of their testimony, in our view, would not be sustainable.

35. Insofar as motive is concerned, as already discussed hereinabove, with regard to the illicit relationship that accused No.1 had with accused No.4, as alleged by the prosecution, it is a double edged weapon. Hence, possibility of false implication of the accused cannot be ruled out.

36. The prosecution is also relying on the recovery of MO.1- cycle chain at the instance of accused No.1. According to prosecution, after the arrest of accused No.1,



he led the police to his house, from where, cycle chain-MO.1 was seized under Ex.P21. The prosecution has not examined the panch witnesses to the said mahazar-Ex.P21. Except the evidence of the IO-PW11, there is no other evidence to establish the recovery of MO.1 at the instance of accused No.1.

37. It is no doubt that, PW6 and PW7 being the mother and sister of the deceased can be termed as natural witnesses. Even though they are closely related to the deceased, mere relationship will not make them interested witnesses. The close relatives of the deceased are unlikely to falsely implicate an innocent person. However, when the court notices discrepancies, contradictions and improvements in their evidence, it is necessary to find out corroboration. In the present case, having carefully perused the evidence of PW6 and PW7, we are of the opinion that their evidence is not truthful. Though the incident took place on 17.02.2015, neither in Ex.D5 dated 28.02.2015 and Ex.P25 dated 23.03.2015,



PW6 and PW7 are named as eye witnesses. In both the said documents, it is not stated that PW6 and PW7 have seen the accused committing the murder. On the other hand, both the documents reveal that the complaint was lodged against accused Nos.1 to 4, suspecting their role in the commission of the crime, as they suspected an illicit relationship between accused No.1 and accused No.4. Hence, on the basis of the uncorroborated testimony of PW6 and PW7, it is not safe to convict the accused. The trial Court has not properly appreciated the contradictions and improvements in the evidence of PW6 and PW7. Hence, the conviction and sentence passed by the trial Court against accused Nos.1 to 4 is unsustainable.

38. Having re-appreciated the entire evidence and material on record and for the aforesaid reasons, we are of the view that prosecution has failed to establish the charges leveled against accused Nos.1 to 4 beyond reasonable doubt. Hence the following



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ORDER

- i. The appeals are ***allowed***.
- ii. The judgment and order dated 25.06.2018 and 28.06.2018 passed by the Court of III Addl. Sessions Judge, Mysuru in SC No.39/2016, 236/2016 and 356/ 2016, convicting accused Nos.1 to 3 for the offence punishable under Section 302 r/w 34 of IPC and accused No.4 for the offence punishable under Sections 120B, 114 r/w 302 IPC and 201 IPC are hereby set aside.
- iii. The accused are acquitted of the offences charged against them. Their bail bonds stand cancelled.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

Sd/-
(VENKATESH NAIK T)
JUDGE