

KABK010035832023



IN THE COURT OF PRINCIPAL DISTRICT AND SESSIONS
JUDGE, BAGALKOTE

Present: Sri. N.V. Vijay, B.A. LL.B. (Hons.),
Prl. District and Sessions Judge,

Dated this the 13th day of March, 2026

Sessions Case No.80/2023

Complainant

: The State of Karnataka,
By Bagalkot Rural Police Station.
(The learned Public Prosecutor)

Vs.

Accused

: Smt.Shavakka W/o Yankappa Meti,
Age: 53 Years, Occ: Household work,
R/o: Old Sindagi village,
Tq: & Dist: Bagalkot.

(Sri. R.P. Kumbar, Advocate)

1. Date of offence : 09.08.2023
2. Date of report of : 12.08.2023
offence
3. Date of arrest of the : 13.08.2023
Accused
4. Date of release : 21.11.2023
5. Period of custody : 3 months, 8 days.

6. Name of the complainant : Basappa M Meti
7. Date of commencement of recording evidence : 23.07.2025
8. Date of closing evidence : 29.01.2026
9. Offences complained of : Section 302 of IPC.
10. Opinion of the Judge : Accused found not guilty of the offence charged.

J U D G M E N T

The C.P.I of Bagalkot Circle has submitted charge sheet against the accused in Bagalkot Rural Police Station Crime No.144/2023 for the offence punishable under Section 302 of IPC.

2. On 12.08.2023 - C.W.34 – Sharanabasappa P.S.I of Bagalkot Rural Police Station was the Station House Officer, on that day the CW-1-Basappa Meti visited police station and lodged written complaint as per Ex.P.1. On the basis of said complaint, an UDR came to be registered as per Ex.P.34.

3. The summary of the complaint is as under:

That his native place is situated at Old Sindagi in Bagalkot Taluka. Himself along with his family members consisting of his mother Bayavva, his father Mallappa, his uncle Yankappa, his aunt Shavakka are residing in the garden land by constructing a house therein. Marriages of his elder & younger sisters namely Manjula, Basamma & Boramma have already been performed and they are living in their husbands' houses. His mother Bayavva is a physically handicapped, since her childhood. Since for the last 10 years his mother Bayavva was suffering from diabetic and joint pain/arthritis diseases.

On 09.08.2023 at about 9.00 a.m., himself, his father and his uncle proceeded to their farm land situated near Nekkaragundi village. During that time, his mother and his aunt were only present in the house. When he was in his land, his mother-in-law namely Dundavva, resident of Sindhagi village made phone call to him at about 12:00 p.m. and asked to bring his mother, so that they could visit the house of their ailing relative residing at Sunag village to

enquire her health condition. Accordingly, he proceeded towards his house on his motorcycle along with one Ganapati Walikar at about 12.30 p.m., and when they reached their farmhouse, the door of the house was closed and his mother was not found inside the house. Subsequently, himself and said Ganapati searched his mother at nearby surrounding places and his mother was found lying near cloth washing stone and on seeing her mother they noticed severe bleeding injuries found on the face and head of his mother and the blood was splattered in the said place and his mother was unconscious. At that time, he asked Ganapati to fetch water and accordingly Ganapati along with his aunt Shavakka brought water from the house and he tried to feed water to his mother, but she did not respond. Being frightened asked Basavaraj S/o: Shyamanna Meti over the phone to bring his Bolero vehicle. Subsequently, they shifted his mother to Bagalkot Kerudi hospital in the Bulero vehicle belonging to one Basavaraj Shyamanna Meti for treatment. Subsequently, at about 1.55 p.m., his mother succumbed without

responding to treatment. He came to know from somebody that on 09.08.2023 at about 12:00 p.m. his mother had gone to wash the cloths and during that time she might have fallen on the ground.

Even though prima-facie at first glance it seems that the injuries on the head of the deceased may have caused after head of the deceased coming in contact with stone due to the giddiness, but due to the fatal injuries on the head of the deceased, they are suspecting some foul play in the death of the deceased and, therefore, they moved before the police for conducting investigation in the matter.

Upon registration of the UDR and upon further statement of CW1, the Investigating Office after conducting thorough investigation has filed the charge sheet alleging that there used to be frequent quarrels between deceased Bayavva and the accused, who is none other than his sister with respect to some paltry reasons and as such their relationship became strained and further on the matter of taking the bridegroom of Takkalaki village to the son of

deceased Bayavva, there was difference of opinion between the accused and her deceased sister Bayavva and the relationship deteriorated and as such if the deceased Bayavva was allowed to be continued in such a way, survival of the accused would be impossible and thus accused made up her mind to eliminate the deceased Bayavva. Consequently thereupon on 09.08.2023 at about 12:00 noon, near the cloth washing stone situated in front of the garden house situated in Old Sindagi village, by picking up iron angular rod, the accused assaulted on the head of the deceased Bayavva and caused fatal injuries on her and subsequently when the deceased Bayavva was admitted to Bagalkot Kerudi Hospital, while she was taking treatment, she succumbed to the injuries inflicted by the accused. Hence the charge sheet.

4. On the basis of said complaint, a case was registered in Bagalkot Rural Police Station Crime No.144/2023 for the offence punishable under Section 302 of IPC.

5. The learned I Addl. Senior Civil Judge and JMFC Bagalkot having taken cognizance of the offences against the accused registered the case in C.C.No.198/2023 and arrested the accused and subsequently, released her on bail and after submission of charge sheet by the Investigating Officer, committed this case for trial against above said accused to this Court, as the offence punishable under section 302 of IPC is exclusively triable by the Court of Sessions.

6. After receipt of committal records, the case has been registered in S.C.No.80/2023. This court took cognizance of the offences against the accused.

7. After hearing the learned Public Prosecutor and the learned counsel for the accused regarding charge, charge was framed against the accused for commission of the offence punishable under Section 302 of IPC. The accused pleaded not guilty and claimed to be tried by this Court. Hence, the case was taken up for trial against the accused.

8. The prosecution in order to establish the guilt of the accused have examined in all 19 witnesses as P.W.1 to P.W.19 and got marked 58 documents as Ex.P.1 to Ex.P.58 and M.O.1 to M.O.11. On the other hand the accused has got marked one document on her behalf marked as Ex.D.1.

9. The statements of the accused was recorded under Section 313 of Code of Criminal Procedure, 1973. The accused denied all the incriminating evidence available against her. Since there was no defence evidence, the case was posted for arguments.

10. Heard the arguments of both sides and perused the records.

11. The points that arise for my consideration are as under:

- 1. Whether the deceased died a homicidal death?**
- 2. Whether the prosecution proves beyond all reasonable doubt that deceased Bayavva who is none other than the sister of accused, there used**

to be frequent quarrels between the accused and her sister with respect to paltry reasons and as such the relationship had strained and further on the matter of taking the bridegroom of Takkalaki village to the son of deceased Bayavva there was difference of opinion between the accused and her sister and the relationship deteriorated and as such if the deceased Bayavva was allowed to be continued in such a way, survival of the accused would be impossible and the accused made up her mind to eliminate the deceased Bayavva and as such on 09.08.2023 at about 12.00 noon, near the cloth washing stone situated in front of the garden house situated in Old Sindagi village, by picking up iron angular rod the accused assaulted on the head of the deceased Bayavva and caused fatal injuries on her and subsequently when the deceased Bayavva was admitted to Bagalkot Kerudi Hospital while she was taking

treatment, she succumbed to the injuries inflicted by the accused and thereby the accused committed the offence punishable under Section 302 of IPC?

3. What order ?

12. My answer to the above points are as under:

Point No.1: **In the affirmative,**

Point No.2: **In the negative,**

Point No.3: As per final order,
for the following:

REASONS

13. **Point No.1:-** Admittedly there is no dispute that the deceased has died a homicidal death. Ex.P.5 is the Inquest Panchanama, which reveals that at the time of inquest Panchanama there were grievous injuries on the face and head of the deceased. The said fact is also not disputed by the accused counsel. Ex.P.28 is the postmortem report, which also discloses to the fact that the death was due hemorrhagic shock secondary to injuries

sustained to the head. P.W.17 is the doctor who has conducted postmortem on the dead body of the deceased and has deposed that the cause of death was due to hemorrhagic shock secondary to injuries sustained to the head and he had issued postmortem report as per Ex.P.28. Thus the material evidence on record clearly discloses to the fact that the deceased Bayavva had died a homicidal death. Accordingly the point No.1 under discussion is answered in the “affirmative”.

14. **Point No.2:-** The prosecution in order to prove the case against the accused, has examined in all 19 witnesses as P.W.1 to P.W.19.

15. P.W.1 – Basappa S/o Mallappa Meti in his testimony he has deposed that deceased Bayavva is his mother, CW-9/Mallappa is his father. About 1 ½ months back his father CW-9 has died. His parents are having in all 4 children and among them marriages of 3 female children have been performed. The CW-10/Yankappa is his uncle and the accused present before the court is his aunt

who is the wife of CW-10. His deceased mother Bayavva and the accused are the own sisters. Himself, his parents, CW-10 & accused are residing in his house. His house is constructed in his landed property and beside said land another land belongs to him is situated 2 kilometers away at Nakkaragundi limits. Since, her childhood his mother Bayavva due to paralyzing in her right leg became physically challenged person and since for the last 10 years she was suffering from diabetic disease. Out of the wedlock the accused has no children.

16. P.W.1 further deposed that frequent quarrels were taking place between his mother and the accused due to some paltry reasons and in that regard both were advised by the elders of the village. Due to the said reason the accused once had told that she was not ready to stay along with his mother she would reside separately by cooking separate food, but himself and his uncle/CW-10 were doing agriculture work jointly. About 2 years prior to the incident the accused intended to marry his sister-in-

law's daughter Laxmi resident of Takkalaki village with him, but his mother refused this marriage proposal on account of said Laxmi was well educated and it was difficult her to adjust with their family. Even though, the refusal of his mother the accused reiterated stating that said Laxmi would give in marriage with him. On 09.08.2023 before he proceeding to the land he informed the accused stating that it is coming to an end of Ashadha Month, in the month of Shravana would fix the date of marriage of him with Laxmi. Subsequently, himself, his father/CW-9 and his uncle/CW-10 went to their land situated at Nakkaragundi village, his mother and the accused were stayed in the house.

17. PW-1 further deposed that when he was in his land at about 12.00 noon his mother-in-law CW-18/Dundavva made phone call to him and stated that their relative was in ill-health and she was proceeding to Sunaga to see them and informed him to bring his mother. Subsequently, when he was proceeding towards his house,

the CW-11/Ganapati met him and took him on his motorcycle to his house, the door of their house was closed. On seeing surrounding places his mother/Bayavva was found lying near the cloth washing place. When himself, and CW-11 went near his mother they noticed severe injuries found on her head and face and bloodstains were found at the place and she was not in speaking condition. Subsequently, informed the CW-11 to go to the house wherein the accused/his aunt might present and fetch water. The CW-11 fetch water and he tried to feed water to his mother but she did not drink. Immediately, made phone call to CW-8 and informed him to bring his Bulero vehicle as his mother was fell and sustained injuries and took his mother to Bagalkot Kerudi hospital in Bulero vehicle and admitted her for treatment. But on the same day, she succumbed at 2.00 p.m., without responding to the treatment. Subsequently, on enquiry with doctors an elderly persons about the injuries caused to his mother they suspected that somebody might assaulted his mother and under this suspension he went

to police station submitted a report as per Ex.P.1. Subsequent to submission of report the police officials have visited Bagalkot Government District Hospital and conducted inquest Panchanama over the dead body of his mother. 5 photographs taken at the time of inquest Panchanama marked as Ex.P.2. On the next day after completion of postmortem examination police have handed over the his mother's dead body to them to perform her last rites and they cremated in their village.

18. PW-1 further deposed that thereafter, in their village people were whispering stating that his aunt might committed murder of his mother. On the same day at about 1.00 a.m., police have visited near his house stated them to show the place of incident, accordingly, he shown the place of incident to police. In the said place police have drawn Panchanama and recovered bloodstained big stone, one small stone, bloodstained mud, sample mud, blood collected in cotton and sample cotton from the said place. 4 photographs taken during the time of Panchanama marked

as Ex.P.3. Articles recovered under Panchanama are marked as M.O.1 to M.O.6.

19. PW-1 further deposed that on the next day at about 1.00 p.m., when he was in his landed property, the CW-8 visited there and informed by stating that when he visited their house the accused stated him all the male persons went to landed property and started crying under panic, and informed that she had assaulted his sister/Bayavva and when CW-8 enquired accused as to why she assaulted Bayavva, the accused informed stating that a quarrel was taken place between them pertaining to marriage matter of informant and subsequently, informant's mother proceeded to wash the clothes, at that time, the accused went that place to pick up coconut lying at the place, informant's mother abused the accused stating that she was not have any child she is infertile cow. Being enraged over these words, the accused picked up iron rod which was lying there and assaulted informant's mother. The CW-8 informed this fact before him.

Subsequently, after discussing this matter with his relatives on the next day he lodged complaint against his aunt/accused as per Ex.P.4. Thereafter, the police took his aunt/accused to their custody.

20. PW-2 Ashok Katari being Panch witness to Ex.P.5 inquest Panchanama in his testimony he has deposed that about 2 years back his known person Bayavva has died, after knowing this fact he has visited Bagalkot District hospital to see her dead body at about 9.00 p.m., at that time, the police have summoned himself and CW-2 and requested themselves to act as Panchas to inquest Panchanama, for which they agreed. Subsequently, took them to Bagalkot District Hospital mortuary room shown them to the dead body of Bayavva have conducted inquest Panchanama in their presence. During the time of inquest Panchanama injuries were found on the head, forehead, right eye, right cheek and chin on the dead body of deceased Bayavva. Inquest Panchanama is marked as Ex.P.5. Photographs taken during the time of Ex.P.5

Panchanama marked as Ex.P.2.

21. PW-3 Shivappa Sali being Panch witness to Ex.P.6 to Ex.P.8 has not supported the case of prosecution. In his testimony he has deposed that one landed property is situated in between the land of himself and CW-1. Accused/Shavakka and CW-10/Yankappa are wife and husband and they have not children. CW-1, CW-10, CW-9, accused and deceased Bayavva were residing at their landed property by constructing house there. Deceased Bayavva and accused are own sisters and they were living cordially. He has not advised about the quarrel took place between accused and Bayavva. He does not know whose daughter was fixed to marry with CW-1. He does not know how deceased Bayavva has died and who is responsible for her death. After came to know about the death of Bayavva he visited hospital to see her dead body, at that time, police have obtained his signatures on 3 documents which are Spot Panchanama, cloth seizure Panchanama and Viscera Panchanama marked as Ex.P.6 to Ex.P.8 respectively. He

does not know the contents written in Ex.P.6 to Ex.P.8. Police have not drawn any Panchanamas in his presence and they have not recovered anything. He has identified 4 photographs which are marked as Ex.P.3. He does not know for what purpose Ex.P.3 photographs were taken. Police have not enquired him and they have not recorded his statement and further statement pertaining to this case.

22. PW-4 Vittal Kadampur being Panch witness to Ex.P.11 and Ex.P.13 Panchanamas has not supported the case of prosecution. In his testimony he has deposed that in between the land of himself and CW-1, one landed property is situated. Accused/Shavakka and CW-10/Yankappa are wife and husband and they have not children. CW-1, CW-10, CW-9, accused and deceased Bayavva were residing at their landed property by constructing house there. Deceased Bayavva and accused are own sisters and they were living cordially. He has not advised about the quarrel took place between accused and

Bayavva. He does not know whose daughter was fixed to marry with CW-1. He does not know how deceased Bayavva has died and who is responsible for her death.

23. PW-4 further deposed that when police officials visited place of incident have obtained his signature on one document which is seizure Panchanama marked as Ex.P.11. He does not know the contents written in Ex.P.11. In his presence police have not drawn any Panchanama and they have not recovered any articles or clothes under the Panchanama. He has identified 4 photographs which are marked as Ex.P.12. He does not know for what purpose Ex.P.12 photographs were taken. After 1 week after this, when he had been to police station for his personal work police have obtained another signature on one document which is seizure Panchanama marked as Ex.P.13. He does not know the contents written in Ex.P.13. Police have not drawn any Panchanama and they have not seized any articles in his presence under Panchanama. Police officials have not enquired him and have not recorded his

statement and further statement pertaining to this case.

24. PW-5 Vittal Kolannavar being Panch witness to Ex.P.11 and Ex.P.13 Panchanamas has not supported the case of prosecution. In his testimony he has deposed that when police officials visited place of incident have obtained his signature on one document which is seizure Panchanama marked as Ex.P.11. He does not know the contents written in Ex.P.11. In his presence police have not drawn any Panchanama and they have not recovered any articles or clothes under the Panchanama. He has identified 4 photographs which are marked as Ex.P.12. He does not know for what purpose Ex.P.12 photographs were taken. After 1 week after this, when he had been to police station for his personal work police have obtained another signature on one document which is seizure Panchanama marked as Ex.P.13. He does not know the contents written in Ex.P.13. Police have not drawn any Panchanama and they have not seized any articles in his presence under Panchanama. Police officials have not enquired him and

have not recorded his statement and further statement pertaining to this case.

25. PW-6 Basavaraj Meti being hearsay witness in his testimony he has deposed that there is 600 meters distance in between the houses of himself and the house of CW-1. CW-10 and accused are husband and wife they did not have any children. CW-1, CW-9, CW-10, accused and deceased Bayavva were jointly residing in their landed property by constructing house. Due to frequent quarrels occurred between deceased Bayavva and accused both of them were cooking their food separately. The accused had arranged marriage of Laxmi who is daughter of accused husband with CW-1, but deceased Bayavva did not want to get marry Laxmi to her son CW-1 and due to this reason there was quarrel took place between accused and Bayavva. On 09.08.2023 at about 12.30 p.m., CW-1 made phone call to him and informed him stating that due to falling down his mother has sustained injuries bring his cruiser vehicle to take her mother to the hospital, in their

vehicle they shifted and admitted Bayavva in Bagalkot Kerudi Hospital. On the same day at about 2.00 p.m., Bayavva had died. Injuries sustained to the Bayavva on her head, near the face, near the eyes and chin. On observing said injuries suspected that the said were not occurred on account of fall, himself and CW-1 visited police station and informed them.

26. PW-6 further deposed that thereafter on 11.08.2023 when he visited the house of CW-1 his aunt/accused only present at the house. Subsequently, on enquiry stating that as anybody present in the house she replied him everybody went to land. Subsequently, accused started crying, he enquired as to why she was crying, she replied him stating that on the said date of incident herself and Bayavva duo present at the house, Bayavva picked up quarrel with her stating that she brain washed her son/CW-1 and tried to get marriage him with Laxmi and went to wash the clothes, she went to sweep the house and after sweeping she came outside to dump the garbage, she

saw coconuts were lying and while she taking said coconuts, Bayavva abused her stating that she has not gave birth any child and kept money by selling coconuts, being irked over the same she picked up iron rod which was lying there and assaulted on the head of Bayavva, Bayavva started screaming, again she assaulted 2 – 3 times on the face of Bayavva. He informed said fact to CW-1 at about 3.00 p.m. subsequently, the CW-1 after discussing with elderly persons has lodged complaint against the accused. In that regard police have enquired him and they have recorded his statement. On the date of incident when he took his vehicle to the house CW-1 was holding his mother and accused brought water in a mug, the CW-1 feed the water to his mother, subsequently, the CW-1 stated the accused bring bed, accordingly, the accused brought bed and slept the Bayavva on the bed and took her to hospital in his vehicle.

27. PW-7 Aadayya Math being Panch witness to Ex.P.6 to Ex.P.8 Panchanamas has not supported the case

of prosecution. In his testimony he has deposed that about 2 years back after he came to know about the death news of Bayavva he has visited to hospital to see her dead body, at that time, police officials have obtained his signatures on 3 documents which are Panchanamas marked as Ex.P.6 to Ex.P.8. In his presence police have not drawn any Panchanama and have not recovered anything in his presence. He has identified 4 photographs which are marked as Ex.P.3. He does not know for what purpose Ex.P.3 photographs were taken.

28. PW-8 Yankappa Meti being husband of accused in his testimony he has deposed that himself and his brother/Mallappa are residing in their landed property by constructing houses separately. His wife Shavakka/accused and deceased Bayavva are own sisters and there were not differences between them. CW-14 to CW-16 did not come to their house and have not advised his wife Shavakka/accused. Due to slipping of leg his brother's wife Bayavva fell down and sustained head injury and has died.

He does not know anything pertaining to this case. Police have not enquired him and they have not recorded his statement and further statement pertaining to this case.

29. PW-9 Ganapati Valikar being independent witness has not supported the case of prosecution in his testimony he has deposed that about 2 years back CW-1 called him and informed him stating that his mother has sustained injury on her head due to falling down and stated him to go to his house and bring water, accordingly, he went to the house of CW-1 wherein the accused was presented informed her about said incident and fetch water in mug and tried to feed water to mother of CW-1 but she did not drink the water. Subsequently, with the help of CW-8 shifted Bayavva to Bagalkot Kerudi hospital for treatment in a private vehicle. Except this he does not know anything pertaining to this case. He does not know how the relationship was held between accused and deceased Bayavva. Police have not enquired him and have not recorded his statement and further statement

pertaining to this case.

30. PW-10 Amarayya Math, PW-11 Rajendra Pawar, PW-12 Ashok Meti and PW-13 Pundalikappa Katari about 2 years back at about 1.00 p.m., when they were in their landed property after they came to know about due to falling down on the cloth cleaning stone deceased Bayavva had sustained injuries and shifted her to hospital, by the time all of them visited hospital to see her said Bayavva had died. They did not observe where the injuries found on the dead body of Bayavva. They have not advised deceased Bayavva and accused. They do not know the reason for the death of Bayavva. They do not know anything pertaining to this case. Police have not enquired them and they have not recorded their statement pertaining to this case.

31. PW-14 Dr. Narayan being doctor who treated Bayavva and declared the death news of deceased Bayavva in his testimony he has deposed that on 09.08.2023 at about 1.25 injured was brought to his hospital with the history of assault. On examination he noticed that the

injured had sustained lacerated injury to her forehead and right parietal area, lacerated injury to her tongue. He declared the death news of patient at about 1.55 p.m. Subsequently, he sent police intimation reporting the death of deceased Bayavva. He has produced entire medical documents of Bayavva before the court which are marked as Ex.P.26. After examination of rod shown to him he has opined that if a person is assaulted with a rod shown to him before the court the injury noted in Ex.P.26 is likely to occur. The rod is marked as M.O.7.

32. P.W.15 Bhimappa Kontikall has not supported the case of the prosecution. In his testimony he has deposed that accused/Shavakka and deceased Bayakka are both sisters both of them are residing in the houses situated side by side. It was decided to tie the knot of the marriage of his daughter Laxmi with C.W.1. Except this matter he does not know anything as to the relationship between the accused/Shavakka and deceased/Bayakka. He does not know how deceased Bayakka has died and

who is responsible for her death. He does not know anything pertaining to this case. Police officials have not enquired him and they have not recorded his statement.

33. P.W.16 Shreekant Meti in his testimony he has deposed that he is having one Bolero vehicle bearing No.KA-05/ME-9011 and they are using the said vehicle for agriculture as well as for house need purpose. Said vehicle is being utilized by himself and C.W.8. About 2 years back injured Bayavva was being carried in his vehicle by C.W.8 and got admitted to her in Bagalkot Kerudi hospital for treatment. Later on Bayavva has died in the hospital itself without responding to the treatment.

34. P.W.17 Dr. Vijay Kuntoji the doctor who conducted postmortem on the dead body of deceased Bayavva in his testimony he has deposed that on 09.08.2023 he received requisition from PSI, Bagalkot Rural police station to conduct postmortem on the dead body of one Bayavva. On the basis of said requisition he has conducted postmortem over the dead body of deceased

and issued postmortem report as per Ex.P.28. On 12.08.2023 he has furnished his opinion on the basis of postmortem report stating that cause of death is due to hemorrhagic shock secondary to injuries sustained over head and the injuries are caused by force due to blunt object. His opinion is marked as Ex.P..29. On 29.09.2023 he has furnished his final opinion as per Ex.P.30 on the basis of P.M report and F.S.L report stating that cause of death is due to hemorrhagic shock secondary to injuries sustained to head. On the same day the Bagalkot Rural Police had brought material/iron rod for examination and after examination of article he has opined that there is a possibility of infliction of injuries mentioned in P.M report could be cause if beaten by rod produced before him.

35. P.W.18 Sharanabasappa Sangalad being the investigation officer in his testimony he has deposed about receiving of M.L.C intimation from Bagalkot Kerudi Hospital, visiting of hospital, receiving of complaint from CW-1/Basappa as per Ex.P.1, filed the case under U.D.R

No.26/2023 as per Ex.P.34, sending of dead body of Bayavva to Bagalkot District Hospital for further medical examinations through his staff HC-1445, conducting inquest Panchanama as per Ex.P.5 over the dead body of deceased Bayavva in presence of Panchas CW-2 and CW-3, taking of photographs during the time of Panchanama, sending of dead body for postmortem examination, recording statements of witnesses, visiting of place of incident and conducting of spot Panchanama in presence of Panchas CW-4 & CW-5 as per Ex.P.6, recovering of articles from the place of incident under Panchanama and incorporating them into the case file, collecting necessary documents from concerned departments and incorporating them into the case file, as this crime is heinous in nature he has handed over the case file of this case to CW-35/CPI for further investigation and he was working as assistant investigation officer.

36. PW-18 further deposed about deputing his staff to apprehend the accused, producing the seized articles

before CW-35 along with his report, sending of articles for F.S.L examination, receiving of F.S.L report and he has identified the accused present before the court.

37. PW-19 Holeppagouda Patil is the main investigation officer of this case in his testimony he has deposed about receiving of case file of this case from CW-34/PSI and verifying the investigation done till then, recording the statements of witnesses, issuing of memorandum to CW-34 to apprehend the accused person, conducting of arrest formalities of accused, recording voluntary statement of accused, drawing of necessary Panchanamas, recovering articles and incorporating them into the case file, collecting necessary documents from concerned departments and incorporating them into the case file of this case, sending of seized articles to F.S.L for examination.

38. PW-19 further deposed that on 21.09.2023 after completion of investigation there are sufficient material evidence against the accused he has submitted charge

sheet against the accused before the court. He has also deposed about on 28.09.2023 sending of seized rod and F.S.L report to the doctor/CW-29 along with requisition for their opinion, receiving of opinion from CW-29 and incorporating them into the case file, collecting of pathology report and incorporating it to the case file and he has also identified the accused present before the court.

Rival Contentions:

39. Learned P.P. submits that deceased has died a homicidal death. Though, in the present case, the entire case of the prosecution rests upon circumstantial evidence, but the evidence on record clearly establishes the fact that it is the accused alone who had committed murder of the deceased Bayavva, who is none other than the own sister of the accused. PW-1 is the informant and the son of the deceased has testified that there were minor issues between the deceased and the accused pertaining to the marriage of PW-1 on the pretext that the deceased was unhappy with the accused with the proposal that PW-1 had agreed to

marry his aunt's daughter and it was supported by the accused and in that regard there used to be frequent quarrels between the accused and the deceased. Though, in the present case, the motive attributed for the alleged crime is not substantially established by the prosecution but proving the motive to establish the crime is not always necessary, as the motive is inbuilt in a persons mind and is not always possible to establish the said fact. The prosecution are able to prove the crime on the basis of extra judicial confession and recovery of weapon of commission of offence at the instance of accused. PW-6 is the close relative of the accused and the deceased and has categorically deposed that the accused had confessed before him about committing murder of the deceased due to an argument between them. On the basis of the extra judicial confession made before PW-6 said fact came to be informed to the informant/PW-1 and thereafter, a subsequent complaint as per Ex.P.4 came to be filed, wherein it is categorically stated that there were minor issues between the deceased and the accused pertaining to

the marriage proposal of the informant.

40. Ex.P.11 is the seizure Panchanama and at the instance of accused the bloodstained iron rod is seized. PW-17 being the doctor who conducted postmortem of the deceased has opined stating that as per Ex.P.32 there is possibility of infliction of injuries mentioned in the postmortem report if assaulted by the said rod. F.S.L report Ex.P.57 reveals that the iron rod was stained with human blood. In the said circumstances the prosecution are able to complete the chain of circumstances which unerringly points to the guilt of the accused that she alone has committed murder of the deceased. Hence, prays to convict the accused for the offence punishable under section 302 of I.P.C.

41. On the contrary, learned defence counsel submits that initially on the date of the incident a complaint was lodged by PW-1 as per Ex.P.1 stating that deceased had sustained head injury on account of fall on the stone and succumbed due to the injuries. However, considering the

nature of injuries, they had a suspicion that it could be a murder and had sought for investigation. On the basis of said complaint an U.D.R came to be registered and subsequently a Panchanama was drawn at the place of incident, but none of the persons had suspected about the involvement of the accused in the alleged crime. It is only on the basis of alleged extra judicial confession the accused is being implicated in this case, which is a very weak piece of evidence and cannot be relied upon. The other circumstances which the prosecution are trying to rely upon is on the basis of recovery of M.O.7 at the instance of accused, but the place of incident was already known the police officials, wherein the spot Panchanama Ex.P.6 was drawn and therefore, the subsequent recovery of iron rod near the place of incident at the alleged instance of the accused under a Panchanama is wholly unreliable. Further, the Panch witness CW-4 and CW-5 for seizure Panchanama Ex.P.11 have not supported the case of prosecution. Therefore, recovery of M.O.7/iron rod at the instance of accused on the basis of alleged voluntary

statement of the accused cannot be believed upon. There are no other circumstances which is pointing to the guilt of the accused. The chain of circumstances is incomplete and the circumstances does not point to the guilt of the accused. The only evidence which is available on record is the testimony of PW-1 and PW-6, but their evidence is filled with contradictions and omissions & as such their testimony cannot be relied upon. If the entire evidence is appreciated it reveals that no substantial piece of evidence is forthcoming on record which points to the guilt of the accused. Hence, the prosecution have miserably failed to proved that it is the accused alone who has committed the murder of deceased. Hence, prays to acquit the accused.

Analysis and appreciation of evidence

Legal Position on Circumstantial Evidence:

42. It is well settled that where the evidence is circumstantial in nature, the circumstances from which the conclusion of guilt is to be drawn should in the first instance be fully established and all the facts so

established should be consistent only with the hypothesis of the guilt of the accused. The circumstances should be conclusive in nature and the Court should exclude every hypothesis before arriving at a conclusion. In other words, the chain of circumstances must be complete and should not leave any reasonable ground for conclusion consistent with the innocence of the accused and it must be so as to show that within all human probabilities the act must have been done by the accused. In this regard, the **Hon'ble Apex Court** in **1989 Supp (2) SCC 706 (Padala Veera Reddy v. State of Andhra Pradesh)** has held thus:

“ When case rests upon circumstantial evidence, such evidence must satisfy the following tests:

- (1) the circumstances from which an inference of guilt is sought to be drawn, must be cogently and firmly established;**
- (2) those circumstances should be of a definite tendency unerringly pointing towards guilt of the accused;**
- (3) the circumstances, taken cumulatively, should form a chain so complete that there is no escape from the conclusion that within all human probability the crime was committed by**

the accused and none else; and

(4) the circumstantial evidence in order to sustain conviction must be complete and incapable of explanation of any other hypothesis than that of the guilt of the accused and such evidence should not only be consistent with the guilt of the accused but should be inconsistent with his innocence.

Bearing the above principle in mind, the evidence on record has to be scrutinized & appreciated.

Motive:

43. In the present case, both the deceased and the accused are the bloodline sisters who are married to CW-9 and CW-10 who are also the bloodline brothers. PW-1 is the informant who lodged a complaint as per Ex.P.1 suspecting a homicidal death requesting the jurisdictional police to investigate the matter about the homicidal death of his mother. On the basis of the said complaint Ex.P.1 an U.D.R as per Ex.P.34 came to be registered and subsequently, inquest Panchanama and spot Panchanama came to be drawn as per Ex.P.5 and Ex.P.6. If the

complaint Ex.P.1, inquest Panchanama Ex.P.5 and spot Panchanama Ex.P.6 are perused it discloses that only a suspicion is attributed about the homicidal death of the deceased and no allegation is made against the accused.

44. In Ex.P.1, it is stated that when the informant/PW-1 went to the spot he had noticed his mother/deceased fallen on the ground and having sustained head injuries, immediately, himself and the accused being his aunt had tried to feed water to his mother who was injured and subsequently, his mother was shifted to the hospital. Therefore, at the inception no allegation is forthcoming against the accused. It is only after the alleged extra judicial confession by the accused alleged to be made before the PW-6 a subsequent statement came to be lodged as per Ex.P.4, making allegations against the accused alleging that there was minor issues between the accused and the deceased pertaining to the proposal of marriage of PW-1 and during the course of heated arguments the accused had assaulted

deceased with an iron rod. Therefore, the motive behind the crime is attributed on the basis of extra judicial confession.

45. PW-1 in his cross examination has admitted that when he lodged a complaint as per Ex.P.1, he had stated that on account of giddiness his mother had fallen on the stones and succumbed due to the head injury. He has admitted that when the police officials had visited the spot for spot Panchanama he had not intimated the police officials that the accused could have committed murder of his mother/deceased. He has admitted that at the time of cremation of his mother the accused was also present at the spot and at that time, he was in cordial terms with the accused.

46. PW-6 in his cross examination has stated that when they had visited for the first time to the police station for lodging complaint they did not have any suspicion on the accused. He has denied about giving statement before the police officials as per Ex.D.1. He has stated that on

11.08.2023 at about 1.00 p.m, the accused had made confession before him about assaulting the deceased with a rod. He has admitted that if there is any death in the house, for about 3 days mourning would be performed. He has admitted that the date 11.08.2023 was the 3rd day of mourning ceremony. He has stated that on the said day himself and CW-1 did not try to visit the police station for lodging the complaint. He has stated that on 12.08.2023 he did not accompany the CW-1 to the police station for the purpose of lodging the complaint. He has stated that he has not given any statement before the police officials about the accused having made extra judicial confession before him.

47. Therefore, initially there was no suspicion on the accused about she having committed murder of the deceased, but only on the basis of alleged extra judicial confession a subsequent statement came to be recorded nearly after 4 days from the date of the incident. The motive attributed for the alleged crime is a subsequent

thought which is not supported by sufficient material evidence. In the said scenario, the motive that there was a quarrel between the accused and the deceased pertaining to the marriage proposal of PW-1 is not established by the prosecution. Hence, the prosecution have failed to prove the motive behind the crime.

Extra Judicial Confession:

48. An extra judicial confession, if voluntary and true are made in a fit statement of mind can be relied upon by the court. The confession will have to be proved like any other fact. The value of evidence as to confession like in other evidence depends upon the reliability of the witness to whom it was made and who gives the evidence. Further it is also a settled principle of criminal jurisprudence that extra judicial confession is a weak piece of evidence, wherever the court upon due appreciation of the entire prosecution evidence, intends to base a conviction on an extra judicial confession, it must ensure that the same inspires confidence and is corroborated by other

prosecution evidence. If however extra judicial confession suffers from material discrepancies or inherent improbabilities and does not appear to be cogent as per the prosecution version, it may be difficult for the court to base a conviction on such confession. Therefore, an extra judicial confession is a weak piece of evidence by itself and it has to be examined by the court with great care and caution.

49. In the present case, as per the prosecution, the accused made an extra judicial confession before PW-6 when he had visited the house of CW-1 for mourning ceremony. PW-6 has deposed that on 11.08.2023, when he had visited the house of CW-1, the accused was present alone in the house and when he enquired about other persons she had informed him that other persons in the house had visited the landed property, subsequently, the accused started crying and when he enquired the accused had informed him that there was an argument between the accused and the deceased Bayavva regarding the marriage

proposal of CW-1 and at that time, the deceased Bayavva commented about the accused not having any children and therefore, she picked up an iron rod, which was lying nearby and assaulted the deceased Bayavva over her head and face and subsequently, he had informed about the said extra judicial confession to CW-1.

50. In his cross examination he has admitted that initially when they had visited the police station after the death of deceased they did not have any suspicion over the accused. He has denied about giving a statement before the police officials as per Ex.D.1. He has admitted that if there is any death in the house normally there would be a mourning for about 3 days. He has admitted that the date 11.08.2023 was the 3rd day of the mourning ceremony of the deceased. He has admitted that on the said date himself and CW-1 did not visit the police station. About the extra judicial confession made by the accused he has stated that on 12.08.2023 he did not accompany the CW-1 to the police station to lodge a complaint. He has stated

that he has not given any statement before the police officials about extra judicial confession made by the accused before him. Therefore, the alleged extra judicial confession suffers from material discrepancies and does not appear to be cogent and as such no legal sanctity could be attached to the extra judicial confession and therefore, it does not inspire the confidence of the court. In the said circumstances, the prosecution have failed to prove the circumstance of extra judicial confession.

Recovery at the instance of accused:

51. Ex.P.46 is the voluntary statement of the accused wherein she has stated that if she taken along she would show and produce the iron rod which was used for commission of offence. On the basis of voluntary statement an iron rod was recovered at the instance of the accused under Panchanama Ex.P.11, but the fact remains that the place of incident was already known to the police officials. In view of the fact that the spot Panchanama was drawn as per Ex.P.6 prior to the recovery Panchanama Ex.P.11. PW-

4 and PW-5 being Panch witnesses have not supported the case of prosecution.

52. It is no doubt true that the evidence of investigation officer alone is sufficient to prove the recovery under Panchanama at the instance of accused, but in the present case, the place of incident was already known to the investigation officer. Therefore, the probability of planting the weapon M.O.7/iron rod at the spot cannot be ruled out. Under Ex.P.11 the clothes of the accused alleged to be worn by the accused at the time of incident has also been recovered, but the F.S.L report Ex.P.55 discloses that no bloodstains are noted on the clothes of the accused. Therefore, the probability of planting M.O.7 by the investigation officer for the purpose of this case cannot be ruled out. Hence, I am of the opinion that the prosecution have also failed to prove the recovery of iron rod/M.O.7 at the instance of accused.

Conclusion:

53. In the present case, no doubt the deceased has died a homicidal death and the circumstances attributed by the prosecution to prove the case against the accused are motive, extra judicial confession and recovery of iron rod at the instance of accused. This court after appreciation of evidence on record has arrived at a conclusion that the motive behind the crime is not proved by the prosecution and the extra judicial confession of the accused made before the PW-6 suffers from serious infirmity and not cogent. The recovery of iron rod/M.O.7 at the instance of accused is also not established by the prosecution. Hence, the circumstances relied upon by the prosecution are not satisfactorily proved for being held the accused guilty and it has to be held that the chain of circumstances to establish the crime against the accused is incomplete and the probability of 3rd party other than the accused having committed the homicidal death of the deceased cannot be ruled out.

54. The circumstantial evidence does not unerringly point to the guilt of the accused. On over all scrutiny of the testimony of witnesses brought on record by the prosecution, it heavily relies upon the extra judicial confessional statement which is a weak piece of evidence. Beside the same, the prosecution relying on the point of motive and recovery of weapon at the instance of the accused are not successfully proved by the prosecution. Therefore, taking into consideration all the material facts and on meticulous appreciation of evidence of prosecution witnesses, the conviction of the accused cannot be had in view of the fact that when there are two views possible, the view beneficial to the accused shall be extended as such the benefit of doubt is extended to the accused. Accordingly, point No.2 is answered in the negative.

55. **Point No.3:** Having regard to the above reasons and discussions, I proceed to pass the following:

ORDER

The accused by name Shavakka W/o Yankappa Meti is found not guilty of the offence charged under Section 302 of IPC and she is acquitted under Section 235(1) of Code of Criminal Procedure, 1973 for the said offence.

The bail bonds of the accused and that of her sureties shall continue for a period of 6 months in terms of S.437(A) of Code of Criminal Procedure, 1973.

The seized M.O.1 to M.O.11 being worthless are hereby ordered to be destroyed after expiry of appeal period.

(Dictated to the stenographer Grade -1, transcribed & typed by him, corrected and signed and then pronounced by me in the open court on this the 13th day of March, 2026.)

(N.V. Vijay)

Prl. District and Sessions Judge, Bagalkote

ANNEXURE

List of the witnesses examined for the prosecution:

- P.W.1 : Basappa S/o Mallappa Meti.
P.W.2 : Ashok S/o Pundalikappa Katari.
P.W.3 : Shivappa S/o Ballappa Saali.
P.W.4 : Vittal S/o Yallappa Kadampur.
P.W.5 : Vittal S/o Ramappa Kolannavar.
P.W.6 : Basavaraj S/o Shyamanna Meti.
P.W.7 : Adayya S/o Muppayya Math.
P.W.8 : Yankappa S/o Basappa Meti.
P.W.9 : Ganapati S/o Hanamant Walikar.
P.W.10. : Amarayya S/o Shivarudrayya Math.
P.W.11 : Rajendra S/o Ganapati Pawar.
P.W.12 : Ashok S/o Sangappa Meti.
P.W.13 : Pundalikappa S/o Yallappa Katari.
P.W.14 : Dr. Narayan S/o Muniswami.
P.W.15 : Bheemappa S/o Mahadevappa Kontikall.
P.W.16 : Shreekanth S/o Ramesh Meti.
P.W.17 : Dr. Vijay @ Dadesab S/o Mohinuddin Kuntoji
P.W.18 : Sharanabasappa S/o Nagappa Sangalad.
P.W.19 : Holeppagouda S/o Rajendragouda Patil.

List of documents marked for the prosecution:

- Ex.P.1 : Xerox copy of Statement of P.W.1.
- Ex.P.2 : 5 Photographs.
- Ex.P.3 : 4 Photographs.
- Ex.P.4 : Complaint.
- Ex.P.4(a) : Signature of P.W.1.
- Ex.P.4(b) : Signature of P.W.18.
- Ex.P.5 : Inquest Panchanama.
- Ex.P.5(a) : Signature of P.W.2.
- Ex.P.5(b) : Signature of P.W.18.
- Ex.P.6 : Spot Panchanama.
- Ex.P.6(a) : Signature of P.W.3.
- Ex.P.6(b) : Signature of P.W.7.
- Ex.P.6(c) : Signature of P.W.18.
- Ex.P.7 : Cloth Seizure Panchanama.
- Ex.P.7(a) : Signature of P.W.3.
- Ex.P.7(b) : Signature of P.W.7.
- Ex.P.7(c) : Signature of P.W.18.
- Ex.P.8 : Taking of body parts Panchanama.
- Ex.P.8(a) : Signature of P.W.18.

- Ex.P.9 : Statement of P.W.3.
- Ex.P.10 : Further Statement of P.W.3.
- Ex.P.11 : Rod seizure Panchanama.
- Ex.P.11(a) : Signature of P.W.4.
- Ex.P.11(b) : Signature of P.W.5.
- Ex.P.11(c) : Signature of P.W.19.
- Ex.P.12 : 4 Photographs.
- Ex.P.13 : Seizure Panchanama.
- Ex.P.13(a) : Signature of P.W.19.
- Ex.P.14 : Statement of P.W.4.
- Ex.P.15 : Further Statement of P.W.4.
- Ex.P.16 : Statement of P.W.8.
- Ex.P.17 : Further Statement of P.W.8.
- Ex.P.18 : Statement of P.W.9.
- Ex.P.19 : Further Statement of P.W.9.
- Ex.P.20 : Statement of P.W.10.
- Ex.P.21 : Further Statement of P.W.10.
- Ex.P.22 : Statement of P.W.11.
- Ex.P.23 : Further Statement of P.W.11.

- Ex.P.24 : Statement of P.W.12.
- Ex.P.25 : Statement of P.W.13.
- Ex.P.26 : Entire case sheet.
- Ex.P.27 : Statement of P.W.15.
- Ex.P.28 : Postmortem report.
- Ex.P.28(a) : Signature of P.W.17.
- Ex.P.28(b) : Signature of P.W.18.
- Ex.P.29 : Provisional report.
- Ex.P.29(a) : Signature of P.W.17.
- Ex.P.29(b) : Signature of P.W.18.
- Ex.P.30 : Final opinion.
- Ex.P.30(a) : Signature of P.W.17.
- Ex.P.30(b) : Signature of P.W.19.
- Ex.P.31 : Requisition.
- Ex.P.31(a) : Signature of P.W.17.
- Ex.P.31(b) : Signature of P.W.19.
- Ex.P.32 : Expert opinion.
- Ex.P.32(a) : Signature of P.W.17.
- Ex.P.32(b) : Signature of P.W.19.

- Ex.P.33 : M.L.C. intimation.
- Ex.P.34 : U.D.R. report.
- Ex.P.34(a) : Signature of P.W.18.
- Ex.P.35 : Receipt of handing over body.
- Ex.P.35(a) : Signature of P.W.18.
- Ex.P.36 : P.F. No.97 dated 10.08.2023.
- Ex.P.36(a) : Signature of P.W.18.
- Ex.P.37 : P.F. No.98 dated 12.08.2023.
- Ex.P.37(a) : Signature of P.W.18.
- Ex.P.38 : F.I.R.
- Ex.P.38(a) : Signature of PW-18.
- Ex.P.39 : Requisition of C.P.I. Bagalkote rural circle addressed to the P.S.I Bagalkote rural P.S.
- Ex.P.39(a) : Signature of P.W.18.
- Ex.P.39(b) : Signature of P.W-19.
- Ex.P.40 : Requisition of C.P.I. Bagalkot rural P.S. addressed to the C.P.I. of Bagalkote rural circle.
- Ex.P.40(a) : Signature of P.W-18.
- Ex.P.40(b) : Signature of P.W-19.
- Ex.P.41 : Requisition of C.P.I. Bagalkot rural P.S.

addressed to the Dy.S.P. Bagalkot.

- Ex.P.41(a) : Signature of P.W-18.
- Ex.P.42 : Requisition of A.C. Bagalkot addressed to the P.S.I. Bagalkote P.S.
- Ex.P.42(a) : Signature of P.W.18.
- Ex.P.43 : Requisition of C.P.I. Bagalkote rural P.S. addressed to the C.P.I. Bagalkot rural circle.
- Ex.P.43(a) : Signature of P.W.18.
- Ex.P.43(b) : Signature of P.W.19.
- Ex.P.44 : Acknowledgment.
- Ex.P.45 : F.S.L. report.
- Ex.P.45(a) : Signature of P.W.18.
- Ex.P.46 : Portion of voluntary statement of accused.
- Ex.P.46(a) : Signature of P.W.19.
- Ex.P.47 : Sketch map.
- Ex.P.47(a) : Signature of P.W.19.
- Ex.P.48 : P.F. No.99/2023.
- Ex.P.48(a) : Signature of P.W.19.
- Ex.P.49 : P.F No.101/2023 dated 19.08.2023.
- Ex.P.49(a) : Signature of P.W.19.

- Ex.P.50 : Acknowledgment.
- Ex.P.51 : Requisition of C.P.I. Bagalkot rural circle addressed to A.E.E P.W.D Bagalkot.
- Ex.P.51(a) : Signature of P.W.19.
- Ex.P.52 : Requisition of C.P.I. Bagalkot rural circle addressed to Village Administrative Officer, Old Sindagi.
- Ex.P.52(a) : Signature of P.W.19.
- Ex.P.53 : Three R.T.C. extracts.
- Ex.P.53(a) : Signature of P.W.19.
- Ex.P.54 : Requisition of A.E.E. P.W.D. Sub-division Bagalkot addressed to C.P.I. Bagalkote rural circle along with sketch map.
- Ex.P.54(a) : Signature of P.W.19.
- Ex.P.55 : F.S.L. report.
- Ex.P.55(a) : Signature of P.W.19.
- Ex.P.56 : 65(b) certificate.
- Ex.P.56(a) : Signature of P.W.19.
- Ex.P.57 : F.S.L. report.
- Ex.P.57(a) : Signature of P.W.19.
- Ex.P.58 : Pathology report.

List of witnesses examined on behalf of the accused:

NIL

List of documents got exhibited on behalf of the accused:

Ex.D.1 : A portion in the statement of P.W.6/C.W.8.

List of Material objects identified for the prosecution:-

- M.O.1 : Big size stone.
M.O.2 : Small size stone.
M.O.3 : Bloodstained mud.
M.O.4 : Unstained of blood mud.
M.O.5 : Bloodstained cloth.
M.O.6 : Sample of cotton.
M.O.7 : Rod.
M.O.8 : Saree.
M.O.9 : Jacket.
M.O.10 : Bloodstained red colour Saree.
M.O.11 : Bloodstained orange colour blouse.

Prl. District and Sessions Judge, Bagalkote.