

KABR010024692016



**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, BENGALURU RURAL DISTRICT,
BENGALURU.**

Present:

Smt. B.S. Rekha, B.A.(Law), LL.M.,
Prl. District & Sessions Judge,
Bengaluru Rural District, Bengaluru.

Dated this the 21st day of May, 2026.

Sessions Case No.109/2016

Complainant:- State by Kadugodi Police,
Bengaluru Rural District.

(By Learned Public Prosecutor)

-VERSUS-

Accused:- Sukhbeer Singh alias Veer Khari
alias Veer singh alias Veer,
S/o Rajpal,
Aged about 28 years,
Residing at Ribad village,
Mandkola Post,
Hathin Thana & Tahsil,
Palval District,
Haryana State 121 103.

(By Sri M.G.G- Advocate)

1.	Date of commission of offence	19.01.2016
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2.	Date of report of occurrence	19.01.2016		
3.	Whether accused is in custody or on bail.	Accused is on bail		
4.	If in custody from which date			
i)	Date of arrested	21.01.2016		
ii)	Date of release	07.04.2018		
5.	Period of Custody	Days	Months	years
		02	02	17
6.	Date of commencement of evidence	14.03.2019		
7.	Date of closing of evidence	23.02.2026		
8.	Name of the Complainant	Nidhi Sharma		
9.	Offences complained of	U/S.302 of IPC		
10.	Opinion of the Judge	Accused found guilty of the offence punishable U/S.302 of IPC.		
11.	Order/Result	As per final order		

J U D G M E N T

The Police Inspector, Kadugodi police station, Rural District, Bengaluru has filed charge-sheet against the accused alleging the offence punishable U/S.302 of Indian Penal Code.

2. The case of prosecution is that on 19.01.2016 between 12.30 p.m and 3.00 p.m., with an intention of committing murder of Kusuma Rani in her Flat No.507, 4th Floor, Mahaveer Kings Palace Apartment, Vijayalakshmi Colony, Bengaluru accused assaulted deceased with an iron chair and squeezed her neck by using laptop charger wire and caused her death and thereby the accused has committed the aforesaid offence.

3. After filing charge-sheet, learned Additional CJM, Bengaluru Rural, Bengaluru has taken cognizance of the offence and as the offence punishable U/S.302 of IPC is exclusively triable by Court of Sessions, he committed the case to this Court by an order dated 08.08.2016.

4. Accused is on bail.

5. After hearing arguments of both sides, as there were materials to frame charge, my learned predecessor has framed charge against the accused alleging the offence punishable U/S.302 of IPC. After understanding the contents of the charge, read-over and explained to accused in the language known to him, he pleaded not guilty and claimed trial.

6. In order to prove its case, prosecution has examined 26 witnesses as P.W.1 to P.W.26, got marked Ex.P.1 to Ex.P.44, marked M.O.1 to 25 and closed its side.

7. Statement of accused U/S.313 Cr.P.C., is recorded after completion of the evidence of prosecution by putting incriminatory evidence against accused, which were found in the evidence of prosecution witnesses. Accused has denied the prosecution case in *toto*. Further, accused has submitted his statement U/S.313(5) of Cr.P.C.

8. On perusal of the evidence of prosecution, examination of the accused under S.313 Cr.P.C., and hearing arguments of both sides, this court holds that this is not a fit case to acquit accused U/S.232 Cr.P.C., for the offences U/Ss.302 of IPC. Hence, the case is posted for defence evidence. However, accused and learned counsel for accused submitted that there is no defence evidence on their behalf.

9. Accused has complied with S.437-A of Cr.P.C. and furnished surety for his due presence even after disposal of this case for a period of six months or if any appeal is preferred before Higher Courts, till disposal of the appeal.

10. Heard arguments.

11. From the above facts, the points that arise for consideration are:

1. *Whether the prosecution proves beyond reasonable doubt that on 19.01.2016 between 12.30 p.m and 3.00 p.m., with the intention of committing murder of Kusuma Rani in her Flat No.507, 4th Floor, Mahaveer Kings Palace Apartment, Vijayalakshmi Colony, Bengaluru, within the jurisdiction of Kadugodi police station, accused assaulted deceased with an iron chair and squeezed her neck by using laptop charger wire and caused her death and thereby accused has committed the offence punishable U/S.302 of Indian Penal Code?*
2. *What order?*

12. Finding of this Court on the above points are as under:-

Points No.1 : In ***Affirmative***;

Point No.2 : As per final order for the following:-

REASONS

13. **Point No.1**:-The case of prosecution is as stated herein above.

14.1. CW2-Ganesh Debanath examined as PW1 and he has stated that he was working as Maintenance

manager in Mahaveer King Palace Apartment, Kadugodi and C.W.3 to 7 were working under him. C.W.3, 6 & 7 were working as Security persons in Mahaveer King Palace Apartment, Kadugodi. C.W.4 was working as STP and Swimming Pool Maintenance person. He knows C.W.8-Dr. Prachi Narendra Bhosle and that she is a Doctor and is the owner of Flat No.507 in Mahaveer King Palace Apartment, Kadugodi. He knows C.W.23-Ayan Bhattacharya who is a resident of Flat No.911 in Mahaveer King Palace Apartment, Kadugodi. He knows C.W.24-Sameer Bhattacharya who is a resident of Flat No.910 in the said Apartment. He knew deceased Kusuma Rani and she was staying in Flat No.507 of the said apartment.

14.2. There are 110 flats in Mahaveer King Palace Apartment, Kadugodi and has ten floors. The entire apartment is covered by a compound wall with two gates. Four security persons take care of the security

during day time and four security persons take care of the security during night time. He is staying in a room at a distance of about half a Km from Mahaveer King Palace Apartment, Kadugodi. He reports for duty at 09.00 a.m. and his duty ends at 08.00 p.m.

14.3. Kusuma Rani was murdered in January 2016 in her flat. She was living with one Nidhi Sharma — C.W.1 in her flat. Both were tenants of Flat No.507. In January 2016, C.W.1 came to his office at about 07.00 or 07.30 p.m. in the ground floor and told him that door of her apartment was open and he should come with security and check. At that time, she had returned from her office and had gone to her flat and found that door was open and hence she came to him. He went to her flat with C.W.3-Jayanth and C.W.5-Ranjith and C.W.7-Babu. C.W.4-Gopal came there later. C.W.1 was also with him. When he went there, door of the flat was open and they entered

inside and found light was On. As they entered the door, there is a hall and there were blood stained foot prints in the hall. They went to the bed room and found dead body of Kusuma Rani lying on the floor. The face was covered with blood and immediately, they came out and he telephoned to Police control room; within 5 or 10 minutes police came from Kadugodi Police Station in a police van. CC TV was checked by the police and from the same it was disclosed that deceased had gone to the gate and brought a male friend and got an entry made in the security register and taken him to her flat. The CC TV records shows that said male friend had left the flat at 03.00 or 03.30 p.m. on that day. The police have recorded all the items which were there in the room where dead body of Kusuma Rani was lying. He had seen a laptop and charger there. Laptop charger was by the side of the dead body.

14.4. On the next day, the family members of the deceased came. Police and members of the deceased family went to the flat at that time. He signed on the mahazar-Ex.P.1 and Ex.P.2-seizure mahazar. The police have taken the certified CC TV device from their apartment. He identified the accused who was found in CC TV. There is a laptop charger marked as M.O.1. Ball pen was not identified, but marked as M.O.2. Ex.P.3 is the paper. Envelope is marked as Ex.P.4. Chair is marked as M.O.3. Blood stained sample cotton was marked as M.O.4. Ex.P.5 is the register. The name of the accused is found as 'Sukhbir' in that register. The flat of visit mentioned as flat No.507; purpose is mentioned as 'personal'. The mobile number is mentioned as 7676119201, with overwriting of 6 at the second numeral. In time mentioned as 12.20 p.m. Out time mentioned as 3.20 p.m., which contains initials and it was marked as Ex.P.5(a). On tha day, C.W.3 and C.W.5 were doing security duty.

CC TV device and its charger are marked as M.O.5.
The pendrive is marked as Ex.P.6.

14.5. During the course of cross-examination, he has stated that he was working in Mahaveer King palace Apartment, Kadugodi through an agency 'Pioneer Security Agency'. They were assigned the responsibility of that apartment. C.W.3 & C.W.7 were working under him. There are two gates, one for entry and one for exit. CC TVs were installed in both the gates. There is only one register for visitors in their security section. He was not checking the CC TV footages daily. He is not aware that the deceased was having many friends and they were frequently visiting her flat. He had not seen the CC TV footage of accused having visited the flat on any other day earlier. He visited the flat at about 7.00 or 7.30 p.m., on that day and the light was On. He could not notice the colour of the dress on the dead body. He is not

aware to which hospital the police have taken the dead body. He attested signatures on Ex.P.1 & 2 in Flat No.507. He denied that his signatures were taken on blank papers.

14.6. The witness identified the photographs of the deceased-Kusuma Rani as per Ex.P.7 and the photographs of the dead body as per Ex.P.8 & 9. The photograph of the accused is as per Ex.P.10.

14.7. He had seen the dead body of Kusuma Rani on that day. The person who found in CC TV footage is the same as seen in Ex.P.10. He cannot say the colour of the cloth of the accused, even looking to the CC TV footage.

14.8. He was appointed by the owners' association of Mahaveer apartments. He was earlier working in Pioneer Security Agency, but he was not having any document. There are Eight Floors in the

apartment and the incident occurred in the Fifth Floor. There are Eleven apartments in one floor.

14.9. The laptop charger was beside the dead body and not in the neck. He does not remember whether he had seen M.O.3 at the spot. There are two gates in the apartment i.e., one for 'Entry' and one for 'Exit' and the distance between them is 200 meters. He was not in the security gate on that day, so he has not seen the accused signing in the register. He had not seen the accused going inside the apartment. But he saw in the CC camera that the deceased has taken the accused. He says that he has not seen that deceased had accompanied the accused for Exit. He had not seen the accused and deceased, except on that day in the CC Camera. It is not possible to put any signature when the persons were going out.

15.1. C.W.8-Dr. Prachi Bhosle examined as P.W.2. she has stated that she is the owner of flat No.507 in

Mahaveer Kings Palace apartment and was staying in an apartment in Seegehalli, about 4 kms away from the Mahaveer Kings Palace apartment. She has let out Flat No.507 on 15.08.2015 on rental basis to Kusuma Rani Singla and that Kusuma Rani had executed a rental agreement in her favour and her husband as per Ex.P.11. Kusuma Rani told her that she would live with her old mother in that apartment and that she was paying rents regularly.

15.2. She is working as Pediatrician in Narayana Hospital at Whitefield. On 19.01.2016, she was returning to her apartment and then received a call from security of Mahaveer Kings palace Apartment that something had happened to her tenant-Kusuma Rani and she should go there immediately. Then, herself and her husband went to Flat No.507 and the police were already there. She has stated that C.W.1-Nidhi Sharma was sitting outside Flat No.507 and told

her that she was also residing with the deceased in the said flat. Ex.P.7 is the photograph of Kusuma Rani; Ex.P.8 and Ex.P.9 are the photographs of the bed room of Flat No.507 and the dead body of Kusuma Rani Singla. The main door of her flat fixed with locking system, which would open to the key.

15.3. During cross-examination, she has stated that Kusuma Rani contacted her online in the year 2015 to take the flat on rent. Deceased was paying ₹.18,000/- as rent directly to her bank account. On 19.01.2016, a security person from the said apartment called her and herself and her husband reached the said flat No.507 at about 8.45 p.m. She had not installed any CC TV Camera in that flat. She was not allowed to see the dead body of Kusuma Rani Singla. She had not given any statement to the police.

16. C.W.10-Ganapathy Subramanian Natarajan examined as P.W.3. He has deposed that he knows the

deceased-Kusuma Rani and that she is his colleague. On 21.01.2016, he visited Vaidehi Hospital, wherein he found the dead body of Kusuma Rani. The police have prepared inquest as per Ex.P.12. Along with him, one Mathew and Sanjay were also there. They have not received any notice from the police.

17.1. C.W.6-Anup Singh examined as P.W.4. He has deposed that he is working as free lance driver. He is attached to Mahaveer Palace Apartment. He knows C.W.5 who was working as a Security Guard in the said apartment. Since he was working for the apartment as a driver, he knows the inmates of individual flats. One Kusuma Rani was occupying Flat No.507 and Nidhi Sharma was also residing along with Kusuma Rani. In the year 2016, Kusuma Rani was murdered. On the day of incident, he was near the gate at about 8.00 p.m. Nidhi Sharma came and told him that the main door of the flat is open and she

suspects that there may be theft in the flat and sought his assistance. Then, himself, C.W.5 and C.W.2 went to Flat No.507 and saw the front door of the flat was in open condition and furniture were scattered. They also found blood stains from bed room to bathroom. They pushed the bedroom door and found the dead body of Kusuma Rani. They also observed blood stained foot prints on the floor. He informed the police immediately and police came and shifted the dead body.

17.2. During his cross-examination, he has stated that he does not remember the day or the month of the incident. He admits that whoever enters and exits the apartment must sign in the register in the security room, but he was always staying in the apartment and therefore his signature was not necessary to be entered in the said register. Flat No.507 is in Fourth Floor. There is no CC TV camere

installed in the said floor. There may be distance of 10 to 15 feet between hall and bathroom. When he entered the flat, the bedroom light was On. He has not observed the colour of the chudidhar on the dead body. The dead body was facing the roof.

17.3. He was a driver during the year 2015-2016. He was working in the apartment as well as outside. He was not appointed in that Apartment. If anybody wants the vehicle, he use to go. Kusuma Rani never called him and also Nidhi Sharma also never called him. The apartment was in the fourth floor. He is not aware that Kusuma Rani and Nidhi Sharma were residing in that apartment, as he is not working and residing there. He has not signed in the entry gate in the visitors book. He was earlier working as Security Guard and as he was aware of the security guard, he was not putting signature to the visitors book.

17.4. He was appointed through Pioneer Security Agency to Mahaveer Kings Apartment as Security Guard. Even the other security guards are also appointed from the same agency. He had not seen the visit of the accused to the apartment and the exit. He is not aware that Nidhi Sharma was residing with Kusuma Rani. When she came to the security gate, she told that something had happened to Kusuma Rani. She told that when she entered the flat, the chair and other articles were scattered and she called them. He never resided there. He use to stay in the security room sometimes. Some security people are from West Bengal and he knows them. He was not preparing any food. There is a Mess near Exit Gate and there was food. He was residing in a room outside the apartment. He was taking drinks with other security guards sometimes. The laptop wire was in the neck. He has not observed the chair.

18.1. C.W.5-Ranjith Debnath examined as P.W.5 and he has stated that he knows the accused. He seen him about 4-½ years earlier when he was doing the job of security personnel at Mahaveer Kings Palace apartment. He was acquainted with C.W.1, P.W.1 and C.W.3, C.W.6 & 7. One Jayanth Debnath and Babu were also security personnel. Mahaveer Kings Palace Apartment had five floors and it is installed with Close Circuit TV Camera for surveillance. He was acquainted with one Kusuma Rani who was occupying flat No. 507 at fourth floor. C.W.1-Nidhi Sharma was also residing with Kusuma Rani.

18.2. About four years earlier, at 10.30 a.m. accused had come near their apartment and wanted to gain an entry into the flat of Kusuma Rani, but they had been instructed by Kusuma Rani that nobody should enter her flat without her permission over telephone. So, they did not allow the accused. They

telephoned to Kusuma Rani and told that accused had come to meet her. Kusuma Rani came down near the security and then accused and Kusuma Rani went inside the flat. Anybody who visit the flat had to sign the register and as such, accused also signed the register before he went along with Kusuma Rani. He identifies an entry dated 19.01.2016, wherein the name of the accused is found and also his signature and mobile number as per Ex.P.5(a). He has stated that the handwriting in Ex.P.5(a) is that of the accused. Ex.P.5 book was maintained by the security personnel in the apartment and the police had seized the same.

18.3. In the evening around 07.00 to 07.30 p.m., Nidhi Sharma, companion of Kusuma Rani, came and informed that the main door of the flat is opened and therefore wanted them to escort her to the flat. Himself, Ganesh Devnath, Anup Singh accompanied

Nidhi Sharma to the flat No.507 at 4th Floor. When they entered inside the house, they saw blood stains and foot prints. They saw Kusuma Rani upside down lying on the floor and that she is dead. They informed to the police. Thereafter, the Police came and conducted a mahazar, took complaint from Nidhi Sharma and shifted the dead body. He signed on Ex.P.1 and 2. They did not observe accused going out from main gate after he had accompanied Kusuma Rani to the flat. He must have gone out from the back gate.

18.4. In the cross-examination, he has stated that he was deputed by Pioneer Group. His working hours is 8.00 a.m to 8.00 p.m. He use to sign attendance in the visitors book. The apartment has got two gates i.e., one is the front gate and another one is back gate. The security personnel on front and back gates are different. Security post is about 5 feet

away from the main gate. CC TV is installed at the main gate also. About 30-40 people would come to apartment every day. The details will be entered in the visitors book. After they telephoned to Kusuma Rani, within a span of 10 minutes she came to security post. According to him, when they entered the flat along with Nidhi Sharma in the evening, they pushed the door inside and put on the light.

19.1. C.W.4-Gopal Durgappa Kattimani examined as P.W.6 and he has stated that he knows the accused. In the year 2016, he has seen the accused near Mahaveer Kings Palace Apartment and he wanted to visit Kusuma Rani. The security guard made entries in the visitors book and they telephoned Kusuma Rani and she came and took the accused along with her to Flat No.507. In the evening, Nidhi Sharma came and told that her flat door is opened and wanted them to accompany her. Himself, P.W.4 & 5 went near the flat

and saw that the front door was opened and there was darkness inside and they put on the light and found that Kusuma Rani found dead and blood stains were present on the floor. Police came and conducted mahazar as per Ex.P. 1 and 2.

19.2. In his cross-examination, he has stated that he has been appointed through agency as STP operator and his duty hours is from 9.00 a.m to 5.00 p.m.

20.1. C.W.12-Mukhesh Kumar is examined as P.W.7. He has stated that deceased Kusuma Rani is his elder sister and was working in IBM Company at Bangalore. On 19.01.2016, he received the telephone call from the police stating that his sister was murdered in her apartment. Accordingly, he rushed to Bangalore from Punjab and found the dead body in Vaidehi Hospital. Police noted the injuries found on the dead body in his presence and drafted Ex.P.12

inquest mahazar. During the panchanama proceeding police also recorded his statement. He came to know that she was murdered by using laptop charger wire which was encircled in her neck.

20.2. In his cross-examination he has stated that he came to Bangalore on 20.01.2016.

21.1. C.W.1-Nidhi Sharma examined as P.W.8. She has stated that from 2015 to 2017, she worked as Software Engineer in Intel Company, Bengaluru. She stayed in Flat No.507 in the year 2016 and shared room with Kusuma Rani who was working in IBM. She used to leave her flat around 10.00 a.m and return in the evening around 8.00 p.m. Kusuma Rani usually use to work from home. Whoever wants to enter the apartment must make necessary entries in the security cabin in a register. The entire apartment had the CC TV surveillance. On one day in January 2016, as usual she returned from her office around 8.00

p.m. Her flat front door was opened. She feared that somebody must have entered the flat and intimidated the security. Two security personnel accompanied her to the flat and they entered the flat and put on the light. They found blood stains and also the dead body of Kusuma Rani upside down position in her bedroom. Immediately police was called and they came and took her complaint and conducted panchanama and shifted the dead body to the hospital for Post-mortem. Ex.P.13 is the complaint; Ex.P.8 and 9 photographs are identified. Later, she was called to the police station and accused was in their custody. She identified him as the brother of Kusuma Rani. He was visiting the flat earlier frequently.

21.2. In her cross-examination she has stated that she is not aware that accused was the brother of Kusuma Rani. Kusuma Rani had an affair and in that regard Kusuma Rani had lodged a complaint.

22.1. C.W.19-P.S.shok examined as P.W.9 who has stated that during 2016, he was working as Security Guard at Forum Value Mall. At that time, the accused came to Arrow Readymade Shop situated in Forum Value Mall. He saw him in the custody of police after two days of his first visit to Forum Value Mall. He came to Forum Value Mall and changed his cloth. Police conducted panchanama in his presence in Arrow Readymade Shop as per Ex.P.14. However, he cannot identify the clothes of the accused, as he was outside the mall as security. He identified M.O.6 and his signature which contains black jeans pant.

22.2. P.W.9 admits in the cross-examination of learned PP about conducting of recovery panchanama. However, he cannot identify the pant. But, he says that police have seized the pant. He cannot say the date of visit of accused to their shop. He is working as security guard in front gate of Forum Value Mall.

He has stated that accused entered the Mall, but he cannot say in which Mall he entered. He cannot say the clothes worn by accused on that day. Accused never disclosed him that he went to Arrow shop and changed his cloth. Police did not shown jeans pant to him, but they shown sealed white cloth packet. He is not aware of the contents of Ex.P.14. He admits that the police have not conducted any panchanama in his presence. He admits that he is working in front gate and hence he cannot say that what happened in Arrow showroom.

23.1. C.W.23-Ayan Bhattacharya examined as P.W.10 has deposed that he had seen the accused earlier. The police brought him to their Apartment on 26.01.2016 at about 12.00 noon. At that time, C.W.24-Sameer Bhattacharya was also present along with him. At that time, the police asked the accused to show his clothes, which was thrown by him at the

spot. The accused had shown the police the apartment No.7 and told police that he had thrown his clothes through the window of living room of that apartment. In the said apartment the deceased Kusuma was residing as tenant. The accused shown blue colour jeans pant, which was thrown by him through the window. The police seized the said pant and took photo at the spot. The pant was identified as M.O.7. He signed on Ex.P.15. The accused may be the person who produced the M.O.7.

23.2. In his cross-examination he has stated that he does not know Kannada. The apartment No.507 is in 4th Floor of the building.

24. C.W.24-Samik Bhattacharya examined as P.W.11 who has deposed that he had seen the accused. In the year 2016, one day there was murder of a lady in flat No.507 of their Apartment. Regarding that, the police came to their Apartment along with the accused

to collect evidence. At that time, the police asked the accused to show his clothes which was thrown by him at the spot. The accused had shown the police the apartment No.7 and told police that he had thrown his clothes through the window of living room of that apartment and it was hanging from drainage pipe. In the said apartment, the deceased was residing as tenant. The accused has shown blue colour jeans pants which was thrown by him through the window. The police seized the said pants. He has identified M.O.7 and his signature on Ex.P.15.

25.1. C.W.22-Vignesh R examined as P.W.12. He has stated that he is working in Puma Shoe showroom situated at Forum Value Mall, Whitefield, Bengaluru. During 2016, in Puma Shoe showroom once he saw the accused who is now present in the Court. Accused by wearing shoe came to Puma shoe showroom, purchased shoes and left shoes worn by him in the

shop. Rajesh Kumar Barik and Sharanabasappa are the employees of the Puma shoe showroom. After four days, police came to Puma shoe showroom and asked whether a person left shoe and he has shown the shoe which was in the dustbin. The shoe which was in the dustbin contained blood marks. The police came along with accused to Puma shoe showroom. He identified his signature on Ex.P.16. The police have seized one pair shoe which was in the dustbin of Puma shoe showroom and he identified it as M.O.8.

25.2. In his cross-examination, he has stated that he is not aware of Kannada. The accused came to their shoe showroom after 2.00 p.m., and he left approximately blue colour shoe in the dustbin of their shoe showroom. Accused purchased PUMA Company shoe in their showroom. Rajesh Kumar a staff of their showroom sold new shoes to the accused. After 2 to 5 days from the date of purchase of the new shoe by the

accused, the police came to his shoe showroom, on that date he has shown the shoe left by the accused in his shoe showroom. On the same day, police recorded his statement and got his signature. Police took shoe from his showroom. After 3 or 4 days, along with accused police came to his showroom. Police recorded his address and events in a document and got his signature.

26. C.W.31-S.M.Narayanaswamy examined as P.W.13 who is a retired ASI has stated that on 28.03.2016 when he was in Police station, C.W.47-Prashanth M. M., the Police Inspector of Kadugodi Police station deputed him and CW.42-Vitobha Hotagi, PC 6824 to bring certain documents in Crime No.18/2016 of Kadugodi police station from Gurgao and Gaziabad near Delhi. They went by train and brought the documents. The CC TV footage dated 20.01.2016 and the documents showing identification

of accused i.e., copy of DL of accused are brought by them. On the next day, they went to Kotak Mahindra Bank, Gaziabad Branch, Indirapura and requested the Bank Manager to handover the original handwriting cards of one Kusuma. However, the Manager told them that, he would contact his legal advisor and after consultation with the legal advisor, he would furnish handwriting cards of one Kusuma. Accordingly, the Bank Manager issued an endorsement. They left and reached Bengaluru and handed over those documents with report as per Ex.P.17.

27.1. C.W.33-Santhosh examined as P.W.14 has stated that from 2014 to 2018, he was working as Security Guard in Bodycraft Spa situated at Varthur Kodi circle and there is one ICICI ATM Center. During 2016, police brought a person who looked like the accused and drew panchanama in front of the ATM center and he signed it.

27.2. In his cross-examination he has stated that because of the time, he could not able to identify the date. He is not aware of the contents of Ex.P.19. He admits that he saw the accused first time in the Court.

28.1. C.W.40-Dr. Raviraj K.G examined as P.W.15, who has stated that he worked as Assistant Professor, Department of Forensic Medicine, Vaidehi Medical College and Hospital, Whitefield, Bengaluru. On 21.01.2016, at about 02.50 p.m. he received Form no.146(i) and (ii) from Police Inspector of Kadugodi Police station through PC buckle No.9892 of Kadugodi Police Station, in order to conduct Post Mortem examination on the dead body of Smt.Kusumrani, aged 31 years, who died on 19.01.2016 at 8.00 p.m. due to injury on her neck. Hence, he conducted Post Mortem examination on the dead body of deceased Kusumrani in between 02.50 p.m., to 04.15 p.m. He found one

lenovo laptop charger around neck tied. Rigor mortis were present over the limbs, post mortem stain were present over back of the body. Both sides sub conjunctival hemorrhages in the eyes were present. Carnia was partially hazy.

28.2. On examination of the body, he found Lacerated wound horizontally placed measuring 4 cm X 0.25 cm present on upper eyelid of right eye; Both upper and lower lips of the mouth were contused. On examination, both inner sides of the lips were lacerated and contused with frenulum tear; A region of groove like thickening on the skin around neck which corresponds to the lenovo laptop charger was present. There was no discoloration of the skin and Multiple contusion of varying sizes were present around chin region, lower cheek regions on both the sides and upper neck region on both the sides.

28.3. On internal examination of the dead body, he found there were hematous localized to occipital region, both temporal regions. Skull was intact. Brain was diffusely covered by subdural hemorrhage and subarachnoid hemorrhage. On further dissection of neck, structures of neck showed hemorrhage in strap muscles at places. Tongue tip showed hemorrhage. He collected biological samples of the dead body and viscera of deceased.

28.4. On receipt of the FSL report, he gave his final opinion that the cause of death is due to injuries sustained to head and neck. He identified the dead body in Ex.P.8 & 9 and identified M.O.9 to 14. According to him, if a person press the neck violently the blood may come from nostrils and mouth. If a person press the neck with laptop charger wire, subconjunctival hemorrhage can be caused. As there was injury on head, brain was diffusely covered by

subdural hemorrhage. He further stated that if a person push the victim on the hard surface, later, he assault with hard object on head and face and strangulate with charger wire like M.O.14, the injuries mentioned in PM report can be caused.

28.5. P.W.15 in his cross-examination has stated that he had not mentioned that the clothes were blood stained as they were not blood stained. He admits that if a person falls on hard and blunt surface, the injury No.1 & 2 can be caused.

29. C.W.3-Jayanth Devnath examined as P.W.16 has stated that he is working as a Security at Mahaveer King Place Apartment. He has not seen C.W.1 and the accused. He is not aware of the facts of this case. He did not give any statement to the Police. In the year 2016, once the police visited their Apartment and took his signature on Ex.P.2. He turned hostile.

30.1. C.W.21-Sharana Basappa examined as P.W.17 who has stated that earlier he was working at Puma Showroom situated at Forum Mall of Whitefield. The Police took the accused to their showroom in the year 2016. He had not seen the accused earlier to that date. He was not present when the accused came to their showroom. One Vignesh was the regular attendant of the showroom but, he was not present on that day. On enquiry with the Security person, he told that the accused once came to their showroom and after purchasing one pair of shoes, he wear the same and left the old shoes. The Security person had taken the old shoes of the accused and gave the same to the Police. The Police seized the shoes and conducted a mahazar and took his signature on Ex.P.16.

30.2. In his cross-examination, he admits that police came along with the accused to their showroom.

C.W.20 and 22 also signed the mahazar on that day. He does not remember the date and day on which the police came to their showroom. He has not seen the accused earlier to the date of mahazar.

31.1. C.W.26 -Rajappa examined as P.W.18 who has stated that he knows the accused. During the year 2015, one day the Police have recovered one jeans pant from the accused in an Apartment near Krishna Temple. He came to know that the accused committed the murder of one lady in the said apartment and as such the jeans pant belongs to the accused with bloodstains was recovered by the Police. The Police also took his signature to the document as per Ex.P.22 and the jeans pant is marked as M.O.15.

31.2. In his cross-examination, he has stated that he cannot say the date of the mahazar. The police did not took him to any other place on that day.

32. C.W.30-Ashish Rajan examined as P.W.19 who has stated that he is working as a Manager at ICICI Bank since 12 years. He was working as a Manager at Whitefield Wealth Branch during 2016. The Police asked him to furnish CCTV footage of ATM kept next to their Bank relating to 19.01.2016. He had given one CD containing the CCTV footage of that ATM to the Police, which is as per Ex.P.23. On seeing the video, one person found entering into the ATM at 16:38:14 hours and withdrawing some money and going out at 16:39:09 hours on 19.01.2016. He cannot identify the said person as the video is not clear.

33. C.W.38-Madhusudhan examined as P.W.20 who has stated that he was working as AEE at Whitefield Sub Division in the year 2015-16. IO made request to prepare the sketch of the place of offence and he prepared it as per Ex.P.26.

34.1. C.W.44-Pradeep examined as P.W.21 who has stated that he was working as PSI at Kadugodi police station during 2013 to 31.03.2016. On 19.01.2016, at 10:00 p.m., he received information from the public about the murder of the deceased Kusuma Rani in flat No.507, Mahaveer King's Palace Apartment. Accordingly, he visited the flat on the same night. On his visit, C.W.1 was present in front of the flat No.507 and gave a written complaint and thereafter, he registered criminal case and submitted FIR as per Ex.P.27. Thereafter, handed over the further investigation to C.W.47.

34.2. In his cross-examination, he has stated that he cannot say the name of the person who informed him over phone. He does not remember at which he received the phone, but he received the telephone, when he was in the police station.

35. C.W.29-Ravi Kumar examined as P.W.22 who has deposed that on 21.01.2016, he was deputed to look after the dead body of Kusuma Rani at Vaidehi Hospital. After conducting the postmortem, the dead body was handed over to the brother of the deceased. On 11.02.2016, he was deputed to collect the CCTV footages from ICICI Bank and accordingly, he went to said bank at Varthur branch and collected CCTV footages in a CD-Ex.P.23 from CW.19 and handed over the same to the IO. He also gave a report in this regard as per Ex.P.28.

36.1. C.W.46-B.Narasimhamurthy examined as P.W.23 who has stated that on 19.01.2016, he went to Kurukshethra of Haryana State along with C.W.45 on special duty. On 20.01.2016, DCP, South East instructed them to trace out the accused of this case and also sent a memo through *whatsapp* of his mobile phone in this regard. Accordingly, they have secured

the address of the accused and went to Ribad village, Haryana and secured the accused on the same day at 05:30 a.m., and produced him before the jurisdictional Police Station. He also recorded the voluntary statement of the accused as per Ex.P.29. The accused also revealed that he will produce the stolen articles from the victim's house. He has arrested the accused and secured two panch witnesses. The accused took them to his house and produced some articles in the presence of the panch witnesses and accordingly, he has conducted a mahazar and seized the same.

36.2. The accused has produced one Kotak Mahindra Debit Card, one PAN Card of Kusuma Rani, one ICICI Bank cheque book, two cheque books of Kotak Mahindra Bank, one white coloured HTC mobile phone and one memory card, all belongs to Kusuma Rani. He also produced his Samsung mobile phone. He has kept all these articles in envelop covers and sealed

and those articles are marked as M.O.16 to 22. He got the medical examination of the accused and then produced before the Local Magistrate seeking transit order.

36.3. In his cross-examination, P.W.23 has stated that one Boralingaiah, DCP had deputed him to trace the accused along with memo. They left Bengaluru on 19.01.2016 and reached Kurukshetra on the same day in flight. When he received the memo, he was in Kurukshetra. On 21.01.2016, he went to trace the accused and reached Palval in the evening. On 21.01.2016, he traced the accused and arrested. He had taken the local police with him, but he has not produced any document with respect to the same. He recorded the voluntary statement of the accused in English.

37. C.W.28-Suresh K examined as P.W.24 who has stated that on 08.02.2016, he was deputed to

collect the PM report and the articles from Vaidehi Hospital. Accordingly, he collected the same and handed over to the IO. He also gave report in this regard. He identified M.O.1 & 9 to 12.

38.1. C.W.47-Prashanth M.M examined as P.W.25 who has stated that on 19.01.2016, he received the case file from P.W.21 and examined the case file and visited the spot of incident situated at house No.507, 4th Floor situated at Mahaveer King's Place Apartment at Vijayalakshmi Colony and found dead body of Kusuma. He had taken photographs of dead body through photographer and then shifted the dead body to Vydehi Hospital through his staff. Afterwards, he conducted spot panchanama as per Ex.P.1 in the presence C.W.2, 4 and 5-Ganesh, Gopal and Ranjith from 01:30 am to 02:30 a.m., on 20.01.2016.

38.2. He also collected the articles. He visited the ground floor and taken the CC TV footage to pen

drive through mahazar and seized the DVR. He seized the log book through mahazar as per Ex.P.5, pen drive as per Ex.P.6 and M.O.5-DVR. On the same day, he recorded the statement of witnesses C.W.2 to 8 and seized Ex.P.11.

38.3. He visited the Vaidehi Hospital on 21.01.2016 and conducted inquest in the presence of C.W. 9 to 11 as per Ex.P.12. He recorded the statement of C.W.2, 5, 6, 12 & 13. After PM, he handed over the dead body to her brother. He has taken the CDRs and found that there are calls on 19.01.2016 as per Ex.P.35 and 36. he recorded the statement of witness Ravi Kumar.

38.4. On 22.01.2016, the staff who deputed to trace the accused have produced the accused along with voluntary statement with transit order. He recorded the voluntary statement of accused, wherein he has stated that if he is taken he will show the place

of murder of Kusuma Rani and also the documents; also the place where he changed the dress and shoes. He took the accused to police custody.

38.5. He recorded the statement of C.W.45 on 24.01.2016. The accused taken them to ICICI bank and shown the ATM in the presence of C.W.33 and 34, and told that he has withdrawn ₹.11,000/- and thereafter, Ex.P.19 is prepared. Thereafter, the accused has taken them to Forum Value Mall and in the presence of C.W.18 & 19 went inside the showroom and went to the dustbin and produced black colour jeans pant-MO.6 and it was seized through mahazar Ex.P.14.

38.6. Thereafter, the accused has taken them to PUMA showroom at Forum Value Mall in the presence of C.W.21 & 22 and told the Manager of the show that on 19.01.2016 he had purchased new shoes and thrown old shoes and that they have produced the old

Reebok Classic shoes which contains blood stains and thereafter mahazar was prepared as per Ex.P.16. M.O.8 is identified. Thereafter, he recorded the statements of C.W.16, 17 and 20. C.W.20 has produced the bills towards purchase of shoes and socks.

38.7. On 25.01.2016, he recorded the further statement of the accused, wherein the accused has stated that he had thrown the blood stained pant in an apartment window and he has taken to Flat No.507 and shown one pant in the presence of C.W.23 & 24, which was on water pipe and it shows that it is 'Armani Jeans' blue colour pant and it was seized through mahazar Ex.P.15 and that pant is marked as M.O.7. On the same day, he has called the complainant for identification of jeans pant and prepared mahazar as per Ex.P.22. He has produced the accused on 27.01.2016 to the Court.

38.8. On 29.01.2016, he had taken the Air tickets from Jet Airways as per Ex.P.38. He verified the ICICI bank account of the deceased which shows that he withdrawn ₹.11,000/-. On 01.02.2016, he took the Jet airways documents, wherein the accused booked the tickets from Bengaluru to Delhi through *Clear Trip*. On 02.02.2016, he met the official of Kempegowda Airport and taken CCTV footages pertain to the accused as per Ex.P.39-letter. The CD is subjected to PF. On 02.08.2016, he received PM report of the deceased and collected the articles on the dead body.

38.9. On 11.02.2016, he received the CCTV footage of ICICI Bank for having drawn the amount by the accused. On 29.02.2016, he sent articles to FSL and received the acknowledgment. He also received the sketch. He received the documents pertaining to booking of flight through *Clear trip* from the account

of victim as per Ex.P.40. On 05.04.2016, C.W.31 had produced the cheque leaf along with CCTV footage as per Ex.P.41. He had sent the articles for DNA to FSL and received reports as per Ex.P.42 and then submitted the charge-sheet.

38.10. P.W.25 in his cross-examination has admitted that he had not received any other documents, except FIR and complaint. As per the FIR, the written complaint is registered, which is taken from the complainant. They received phone information and went to the spot and then got the complaint. Security in-charge has called and PSI went to the spot. The complainant was residing in the same apartment with the deceased.

38.11. He denied that the deceased was residing with her mother and C.W.12 use to casually visit the apartment. He had not produced any documents to show that C.W.2, 4 and 5 were working in the

apartment. He denied that he had never visited that apartment.

38.12. The clothes of the deceased were blood stained. He admits that as per the charge-sheet, they have taken the chair from the spot which contains blood stains. He admits that as per Ex.P.8 & 9-photographs, the chair was not visible. According to him, initially from laptop wire she was strangled and thereafter she was assaulted with chair. There is a laptop wire visible in Ex.P.8 & 9, which is not having blood stain marks. He has taken out the M.O.1 before sending the body. He had not sent the M.O.1 along with the dead body. He might have sent it later. He does not remember how many floors are there in Mahaveer Kings Apartment. There are four flats in one floor. In the said apartment CCTV cameras are installed. He denied that he had produced the blank CD. He had not produced any document to show that

phone number belongs to the accused. He admits that generally if any visitors come, the Security Guard will not take them to the concerned apartments. He admits that anybody can go to any apartment. He has not taken any finger prints, because there are no such prints.

38.13. There are no finger prints available on M.O.16 to 18, 20 to 22. He is also trained in findings finger prints. He had not recorded the statement of neighbouring flat owners. He admits that he has not collected the CCTV footages of entry of accused to the flat. He had not taken the CCTV footages of the Forum Value Mall where the accused thrown the clothes. He denied that the accused has not given any voluntary statement. He admits that as per FSL report, the DNA of accused is not matching. He admits that there are no semen traces on the articles sent to RFSL. He admits that in Ex.P.14 there is no

mention of screen shot printout. He had not enquired any neighbours, if at all the victim was shouting and seeking for help. The victim was not under the influence of any alcohol at that time. He denied that the victim had quarreled with somebody and given complaint to Kadugodi police station.

39. C.W.37-Mangesh Bhanu examined as P.W.26 who has deposed that in 2016 he was working as Senior Manager (Risk Control Unit) at *Cleartrip* Company, Mumbai. On 26.01.2016, he has received requisition from kadugodi police station, Bengaluru to furnish transaction details of Sukhbir Singh. Accordingly, he had given transaction details of Sukhbir Singh who had reserved his air tickets from Bengaluru to Mumbai and Mumbai to Delhi. He had sent the said covering letter and the transaction details.

40. The entire theory of the prosecution is that when the deceased was alive, through *Facebook*, she came in contact with the accused. On 19.01.2016 at 12.30 p.m., he went to meet her in the apartment and thereafter at 8.00 p.m., when C.W.1 who was residing with the deceased in the same flat came to the flat No.507 and found that the door was opened and she found the blood stains and immediately called C.W.2, 5 & 6 and thereafter when they opened the door, they found that Kusuma Rani was in blood. Thereafter, when they verified the CCTV camera of Mahaveer King palace apartment, they found that the accused was with the deceased from 12.30 p.m., till 3.00 p.m., and he took liquor and by using the laptop wire and iron chair had murdered and taken the cheque book, ATM card, PAN card and mobile phone and other articles.

41. On perusal of the materials available on record, it could be ascertained that it is purely a case

of circumstantial evidence, because there are no eyewitnesses to the incident. That apartment is a big one having several floors and several apartments. But, the IO has not collected any information about the hue and cry of the deceased, with regard to the incident. None of the witnesses in the neighbouring houses have been enquired by the IO.

42. The entire case depends on the CCTV footage and the evidence of Security Guards. Because, the Security Guards examined on behalf of the prosecution have specifically stated that they saw the accused who wanted to go to the flat, but when the security have refused to allow him to the flat, he told them to make call to the deceased and thereafter when they called the deceased, deceased herself came and took the accused with her to the apartment at 12.00 p.m. Thereafter, nobody knows when the accused had

left the apartment and even there is no investigation in that regard.

43. There is a defence taken that accused was accompanied by the deceased and thereafter he left the apartment. However, there is no evidence or documents in this regard. The entire evidence is that even though the apartment was let out to the deceased alone, but C.W.1 claims that she was residing in the apartment along with deceased, but there is no document in this regard. However, the defence is that this C.W.1 is introduced to the case to fix the accused in crime.

44. Further, it is pertinent to note that this accused had made use of the ATM Cards and other documents and also he booked his flight through the account of the victim and he signed the entry register with the timings by showing that he is going to visit Flat No.507. Further, when the victim herself came

and took the accused, it has to be presumed that accused went to apartment No.507. What conspired between the accused and the deceased is not forthcoming.

45. However, in his voluntary statement, the accused has specifically stated that in the year 2015, when he was looking to *Facebook*, he found the profile of Kusuma Rani and he had sent friend request, but she has not replied. Thereafter, on 31.12.2025, he had sent new year wishes. But, on 08.01.2016, she had accepted the friend request and thereafter they became friends and she told that she is married and divorcee and residing with Nidhi Sharma. However, his plan is that he can collect money from her and wanted to discharge his loan. When he told that he wanted to come to Bengaluru, she called him. On 19.01.2016, at 3.30 a.m., he came to Delhi and thereafter he reached at 12.00 p.m and called her.

Thereafter, he went near the flat. But, the Security Guard stopped him and then deceased dame and took him. He had made entry of his name and purpose, but he had given old number. When he went inside the house, he was observing where the deceased kept her ATM card and all the documents.

46. When the deceased went to bring the ginger for preparation of tea, he searched the documents. Thereafter, she was doing work and at 1.30 p.m., she was free. In order to kill her, he held her hands and she fell on the floor, then he forced her to give the PIN of Credit and Debit cards and she started shouting; the accused attempted to close her nose and mouth. Then he assaulted with chair and with laptop charger wire and strangulated her. Thereafter, he went to the room of Nidhi Sharma and removed his pant and taken the ladies jeans pant and thrown the blood stained pant through window and taken the Credit and Debit

cards and went from the flat. This voluntary statement of the accused shows his intention was to grab money from the deceased, but as she started shouting, he murdered her. The voluntary statement of this accused shows his intention and act of commission of crime. Even he has stated about the earlier incident that he had taken away the ATM card of another friend. This statement shows that there is no intention to have sexual intercourse. Hence, the question of finding sperms in FSL report does not arise.

47. Even with respect to DNA also, there is no chance because he just strangled her and ran away from the spot. Thus, the FSL report is noway concerned with the crime. The intention of the accused shows that he wanted money. The visit of this accused to the house of deceased is established by the prosecution by placing the material evidence,

because they have all identified the accused. The evidence of all the Security Guards of the building is corroborated to each other. Their evidence is so strong that there is no discrepancies in their evidence, which can be brushed aside.

48. The complainant has specifically stated that when she came to the room, she found that the door was opened and she was afraid and went to the Security Guard. However, there is no effective cross-examination to that witness, except asking that the accused was the brother of the deceased. Her evidence remains unchallenged. Even the owner of the building stated that she had given the house on rent for the deceased, but there are materials to show that she was sharing the apartment.

49. P.W.1 who is one of the employee of the apartment had specifically stated about the incident and his evidence is corroborated by the evidence of

P.W.2 who is the practicing doctor; P.W.5 who was also working as Security; P.W.6 specifically stated about the identification of the accused and the visit of the accused on the date of alleged incident with Kusuma Rani. Their evidence is unshaken and there is no personal interest or it cannot be treated that they are interested witnesses to this case. They are all Security Guards and their availability at the spot is not a chance, but it was firm. Hence, their evidence has to be taken seriously.

50. Then, comes the evidence of brother of deceased who has identified the dead body and his role is very limited in this case.

51. However, since it is a case of circumstantial evidence, every chain link has to be established by the prosecution in order to come to correct conclusion. In order to establish the recovery of the articles, based on the voluntary statement of accused has examined

P.W.10-Ayan Bhattacharya who had specifically stated that the police have brought the accused on 26.01.2016 at 12.00 Noon and one C.W.34-Sameer Bhattacharya was also with him. The accused had shown Apartment No.007 and told the police that he had thrown his clothes through the window of living room wherein Kusuma Rani was residing as tenant. That pant was blue colour jeans. This witness says that the same cloth was seized and marked as M.O.7, which shows that the recovery of the jeans pant at the apartment is established by the prosecution and his evidence is unshaken.

52. In order to establish this fact, P.W.11-Samik Bhattacharya also corroborates the evidence of this P.W.10 regarding recovery of M.O.7. Another strong circumstance is that this accused had purchased shoe in PUMA Showroom at Forum Value Mall. To strengthen that contention, P.W.12-Vignesh R who is

an employee in the shoe Showroom deposed and categorically stated that this accused left the old shoes and purchased new shoes and that shoe was produced by the witness on the identification of the accused which was in the dustbin. That shoe contains blood marks. There is a mahazar prepared as per Ex.P.16 and the articles recovered is M.O.8. this evidence also unshaken. He has stated that one Rajesh Kumar had shown the shoe to him. This evidence clearly establishes the circumstance which connect the accused with the crime.

53. Even though P.W.17 did not support, but he also stated that the accused came once to purchase shoes and Security personnel had handed over the shoe when the police came for recovery.

54. There is another circumstance which says that the police have recovered jeans pant, which is stated by P.W.18. Another strong circumstance is that

this accused after the incident went to ICICI Bank on 19.01.2016 and withdrawn the amount. That evidence is supported by P.W.19 who had categorically stated that there was CCTV footage in the ATM about withdrawing of money and he had handed over the CCTV footage.

55. Further, with respect to tracing of this accused is concerned, P.W.23 was deputed to arrest the accused and he went to Kurukshetra and he secured the accused at 5.30 a.m., and he recorded the voluntary statement of the accused, wherein he had stated about the production of stolen articles from the victims house. Thereafter, the mahazar was conducted and M.O.16 to 22 are recovered from his house and some of the articles belongs to deceased. This shows that the accused had taken the articles belongs to the victim.

56. Further, it is the case of the prosecution that for the first time the accused met the victim. Even though they were friends in *Facebook*, but there is no evidence that they met earlier. Then, there is no occasion for him to have an ATM card, Debit card and Credit card of the victim. It is the securing of the articles clearly shows that his intention was to get money from the deceased.

57. P.W.13 was the official who was deputed to collect the documents from the Gurgaon. He also obtained the documents issued by Kotak Mahindra Bank, Gaziabad.

58. The main evidence in this case is that of Nidhi Sharma, who was co-sharer of the apartment. She has specifically stated that after she came from the duty, she saw the door was opened and immediately she went and brought the Security personnel and when they went inside the flat, they

found that there was a dead body of Kusuma Rani. Her evidence is with respect to identification of the dead body and intimation of the incident to the Security Guards.

59. There is no specific defence taken in this case as to why the accused came to the apartment and he had had given his identification in the register by putting signatures and the information. But, he had given old phone number. However, how he came in possession of her Credit and Debit cards is not explained. There is clear evidence which is the CCTV footages which shows that this accused was last seen with the deceased and there are documents in this regard. There is no material on record to show that somebody entered her house and committed any crime. This accused was in the house of the deceased up to 3.00 p.m.

60. The doctor examined on behalf of the prosecution is one Dr.Raviraj had specifically stated that he found the laptop charger present around the neck of deceased. He examined the dead body and the history is given that on 19.01.2016, she died. Further, he has classified four injuries which are around her neck and face. He has given opinion that the cause of death is due to injuries sustained on the neck and head. There is corroboration in the evidence of prosecution witnesses including the medical evidence and last seen theory is established.

61. Further, the P.W.26 has given evidence that the accused had booked air tickets from Bengaluru to Mumbai and from Mumbai to Delhi and the evidence of IO also corroborates the same.

62. The learned PP has relied upon the ruling reported in **2020(1) Crimes 656 (Karn.)** in the case of **State of Karnataka V/s Mahesh Kumar and Ors.**

63. The learned counsel appearing for the accused also relied upon the ruling reported in **(1984) 4 SCC 116** in the case of **Sharad Birdhichand Sarda V/s State of Maharashtra**, which says that if there is one pointing to the guilt of the accused and the other his innocence, the accused is entitled to have the benefit of one which is favourable to him. However, in the present case on hand, all the circumstances shows that the accused has committed the crime. Hence, with due respect to the said decision, the said ruling is not applicable to the case on hand. Hence, the Court can come to the conclusion that the prosecution proved its case beyond all reasonable doubt that accused found guilty of the offence punishable U/S.302 of IPC. Accordingly, point No.1 is answered in **Affirmative**.

64. **Point No.2:-** In view of findings on point No.1, this Court proceeds to pass the following:-

ORDER

Accused is convicted U/S.235(1)
Cr.P.C., for the offence punishable U/S.302
of IPC.

Case is posted for hearing before
sentence.

*(Dictated to the Stenographer Grade-I, transcribed by him,
corrected, print out taken, signed and pronounced by me in the
open Court on this the 21st day of May, 2026)*

(B.S.Rekha)
Prl. District & Sessions Judge,
Bengaluru Rural District,
Bengaluru.

ORDERS REGARDING SENTENCE

Heard arguments of accused, learned counsel for accused and learned Public Prosecutor before passing sentence.

2. Learned Public Prosecutor submits that proved offence against accused is very heinous in nature. Hence, maximum punishment may be imposed against the accused.

3. The learned counsel for the accused submits that accused is having aged parents, wife and children. He submits that since it is a case of circumstantial evidence, lenient view may be taken against the accused.

4. However, in this case, even though it is a case of circumstantial evidence, but the chain of circumstances is established by the prosecution. Further, by overruling the submission made by the counsel for accused that the accused is having aged

parents and family the Court has to take lenient view; considering the submissions of both sides and the nature of proved offence against accused, this Court opines that the rigorous imprisonment of life imprisonment and to pay fine of ₹.10,000/- for the offence punishable under S.302 IPC would meet the ends of justice. Hence, this Court proceeds to pass the following:

ORDER

The accused is sentenced to undergo rigorous imprisonment for life and to pay fine of ₹.10,000/-, and in default of payment of fine, he is directed to undergo simple imprisonment for further period of 6-months, for the offence punishable under S.302 IPC.

The accused is entitled for set off for the period he has already undergone in judicial custody under Sec.428 Cr.P.C.

Office is hereby directed to destroy M.O.1, 2, 4, 6 to 15, 23 to 25 as it is worthless and confiscate M.O.3, after completion of appeal period.

Further, office is hereby directed to return M.O.5-CCTV device with charger and M.O.16 to 22 to the concerned with due intimation.

Free copy of this judgment and order of sentence is supplied to the accused.

Send copy of the judgment to D.C., Bengaluru Rural District, as required U/S.365 of Cr.P.C.

(Dictated to the Typist in the court hall in presence of learned Public Prosecutor and learned counsel for accused, typed by him, corrected, print out taken, signed and pronounced by me in the open Court on this the 21st day of May, 2026)

Prl. District & Sessions Judge
Bengaluru Rural District,
Bengaluru.

ANNEXURE**List of witnesses examined for prosecution:-**

P.W. 1	Ganesh Debanath
P.W.2	Dr. Prachi Bhosle
P.W.3	Ganapathy Subramanian Natarajan
P.W.4	Anup Singh
P.W.5	Ranjith Debnath
P.W.6	Gopal Durgappa Kattimani
P.W.7	Mukesh Kumar
P.W.8	Nidhi Sharma
P.W.9	P.S.Ashok
P.W.10	Ayan Bhattacharya
P.W.11	Samik Bhattacharya
P.W.12	Vignesh R
P.W.13	S.M.Narayanaswamy
P.W.14	Santhosh
P.W.15	Dr. Raviraj K.G
P.W.16	Jayanth Devnath
P.W.17	Sharana Basappa
P.W.18	Rajappa
P.W.19	Ashish Rajan
P.W.20	Madhusudhan
P.W.21	Pradeep
P.W.22	Ravi Kumar
P.W.23	B.Narasimhamurthy
P.W.24	Suresh K

P.W.25 Prashanth M.M
P.W.26 Mangesh Bhanu

List of documents exhibited for prosecution:-

Ex.P.1 Mahazar
Ex.P.1(a) Signature of P.W.1
Ex.P.1(b) Signature
Ex.P.1(c) Signature
Ex.P.1(d) Signature
Ex.P.2 Mahazar
Ex.P.2(a) Signature of P.W.1
Ex.P.2(b) Signature
Ex.P.2(c) Signature
Ex.P.2(d) Signature
Ex.P.3 Foot print
Ex.P.4 Cover without object
Ex.P.5 Note Book (Security register)
Ex.P.5(a) Relevant entry dated 19.01.2016.
Ex.P.6 Pen drive (CC TV device)
Ex.P.7 to 9 Photograph of deceased
Ex.P.10 Photograph of accused
Ex.P.11 Rental agreement
Ex.P.12 Inquest
Ex.P.13 Complaint
Ex.P.13(a) Signature of P.W.8
Ex.P.14 Seizure panchanama

Ex.P.14(a)	Signature of P.W.9
Ex.P.15	Seizure panchanama
Ex.P.15(a)	Signature of P.W.9
Ex.P.15(b)	Signature of P.W.11
Ex.P.16	Seizure mahazar
Ex.P.16(a)	Signature of P.W.12
Ex.P.17	Report
Ex.P.17(a)	Signature of P.W.13
Ex.P.18	Endorsement
Ex.P.19	Mahazar
Ex.P.20	PME report
Ex.P.20(a)	Signature of P.W.15
Ex.P.21	Final opinion
Ex.P.21(a)	Signature of P.W.15
Ex.P.22	Mahazar
Ex.P.22(a)	Signature of P.W.18
Ex.P.23	CD
Ex.P.24	ICICI Bank account information
Ex.P.25	ICICI Bank statement
Ex.P.26	Near sketch
Ex.P.26(a)	Signature
Ex.P.27	FIR
Ex.P.27(a)	Signature of P.W.21
Ex.P.28	Report

Ex.P.29	Voluntary statement of accused
Ex.P.30	Mahazar
Ex.P.30(a)	Signature of P.W.23
Ex.P.31	Report
Ex.P.31(a)	Signature of P.W.23
Ex.P.32	Report
Ex.P.32(a)	Signature
Ex.P.33	Covering letter
Ex.P.33(a)	Signature of P.W.26
Ex.P.34	Transaction details
Ex.P.34(a)	Signature of P.W.26
Ex.P.35 & 36	CDR report
Ex.P.35(a) & 36(a)	Signatures
Ex.P.37	Air Asia document
Ex.P.37(a)	Signature
Ex.P.38	Jet Airways document
Ex.P.38(a)	Signature
Ex.P.39	CC TV footage letter
Ex.P.39(a)	Signature
Ex.P.40	Clear Trip Air ticket booking
Ex.P.41	Cheque
Ex.P.42	FSL report
Ex.P.42(a)	Signature

Ex.P.43	FSL report.
Ex.P.44	Resident Individual form of Kotak Mahindra Bank of deceased

List of witnesses examined for accused:- - NIL -

List of documents exhibited for accused:-

NIL

List of material objects produced and got marked for prosecution:-

M.O.1	Laptop charger wire
M.O.2	Cello butter flow ballpoint pen
M.O.3	Chair
M.O.4	Cover of cloth
M.O.5	CC TV device with charger
M.O.6	Pant
M.O.7	Jeans pant of accused
M.O.8	One pair shoes
M.O.9	Jipper sweater
M.O.10	Red coloured leggings
M.O.11	Black coloured T-shirt
M.O.12	Underwear
M.O.13	Sanitary pad

M.O.14	Laptop charger wite
M.O.15	Jeans pant
M.O.16	Debit Card
M.O.17	Pan Card
M.O.18	Cheque Book of ICICI Bank
M.O.19	Two cheque books
M.O.20	HTC Mobile
M.O.21	Memory Card
M.O.22	Samsung mobile
M.O.23	Blood sample
M.O.24	Paper sheets
M.O.25	Hair

Prl. District & Sessions Judge,
Bengaluru Rural District,
Bengaluru.