



**IN THE COURT OF 1ST ADDITIONAL DISTRICT & SESSIONS
JUDGE AT CHIKKAMAGALURU**

**PRESENT : KIRAN KINI,
1ST ADDL. DISTRICT & SESSIONS JUDGE,
CHIKKAMAGALURU.**

DATED THIS THE 2nd DAY OF JULY, 2026

S.C.NO.87/2021

COMPLAINANT:

The State of Karnataka R/by
Sakharayapattana Police Station,

**[R/by Ld. Public Prosecutor,
Chikkamagaluru]**

- Vs -

ACCUSED :

Sathisha,
S/o late Thammaiah,
Aged about 33 years,
Agriculturist,
R/o Machagondanahalli village,
Kadur Taluk,
Chikkamagaluru District.

[R/by Smt.KMK, Advocate]

1. Date of commission of offence	11.01.2021
2. Date of report of occurrence	11.01.2021
3. Arrest of accused	Accused was arrested on 11.01.2021
4. Release of accused	The accused is in judicial custody



5. Charges framed on	12.07.2021
6. Date of commencement of trial	05.08.2022
7. Date of closing of trial	05.06.2025
8. Name of complainant	Smt.Usha
9. Offences complained of	Under Section 302 of IPC
10. Opinion of Judge	1. The accused is convicted for the offence punishable under Section 302 of IPC
11. Order	As per final order
12. State represented by	Public Prosecutor, Chikkamagaluru
13. Accused defended by	Smt.KMK, Advocate

(KIRAN KINI)
**1ST ADDL. DISTRICT & SESSIONS JUDGE,
 CHIKKAMAGALURU.**

JUDGMENT

1. This is a case registered against the accused for the offence punishable under section 302 of IPC.
2. It is the allegation of the prosecution that on 11.01.2021 at about 3 p.m, when the deceased Thammaiah went to his house and asked the accused as to why he did not pay the installments of the loan which was availed for purchase of the



tractor, the accused quarreled with said Thammaiah which was pacified by CW.1-Usha, CW.6-Halamma and CW.10-Indresha and subsequently, said Thammaiah went out of the house saying that he would go to the lands and at that time, the accused being the son of said Thammaiah followed said Thammaiah and chased him with a stone and when said Thammaiah came near the lane situated by the side of school of Machagondanahalli, the accused made Thammaiah to fall on the ground and thereupon he sat on the chest of said Thammaiah and assaulted with the stone on his head 3-4 times and caused grievous injuries and said Thammaiah succumbed to the injuries and thereby the accused intentionally committed the murder of the deceased Thammaiah and thereby committed the offence punishable under section 302 of IPC.

3. The accused is in judicial custody. On completion of the investigation, the Investigation Officer filed the charge-sheet. On taking of the cognizance of the alleged offences, the copies of the charge-sheet documents were furnished to the accused. As the accused denied the charges, the prosecution examined PW.1 to PW.22 and got marked Ex.P1 to Ex.P56 and MO.1 to MO.10. On conclusion of the prosecution evidence, the statement of the accused under Section 313 of Cr.P.C was recorded. The accused placed no evidence in defence.



4. I have heard the arguments on both the sides. The following points arise for my consideration are: -

- 1. Whether the prosecution proves beyond all reasonable doubt that on 11.01.2021 at about 3 p.m, when the deceased Thammaiah went to his house and asked the accused as to why he did not pay the installments of the loan which was availed for purchase of the tractor, the accused quarreled with said Thammaiah which was pacified by CW.1-Usha, CW.6-Halamma and CW.10-Indresha and subsequently, the said Thammaiah went out of the house saying that he would go to the lands and at that time, the accused being the son of said Thammaiah followed said Thammaiah and chased him with a stone and when said Thammaiah came near the lane situated by the side of school of Machagondanahalli, the accused made Thammaiah to fall on the ground and thereupon he sat on the chest of said Thammaiah and assaulted with the stone on his head 3-4 times and caused grievous injuries and said Thammaiah succumbed to the injuries and thereby the accused intentionally committed the murder of the deceased Thammaiah and thereby committed the offence punishable under section**

**302 of IPC?****2. What order?**

5. My findings on the above points are as follows, for the following :-

Point No. 1 : In the affirmative.

Point No. 2 : As per final order

for the following :-

REASONS**6. Point No. 1 :**

a. It is the specific allegation of the prosecution that the accused murdered his father, the deceased Thammaiah.

b. To prove this, the prosecution has examined PW.1 being the first informant, PW.2 being the wife of the deceased, PW.3 being the panch witness, PW.4 being the independent witness, PW.5 being the eyewitness, PW.6 being the official witness, PW.7 being the official witness, PW.8 being the mahazar witness, PW.9 being the inquest mahazar witness, PW.10 being the independent witness, PW.11 being the seizure panch witness, PW.12 being the mahazar witness, PW.13 being the mahazar witness, PW.14 being the mahazar witness, PW.15 being



the independent witness, PW.16 being the official witness, PW.17 being the official witness, PW.18 being the police official witness, PW.19 being the investigating officer, PW.20 being the police official witness, PW.21 being the medical witness and PW.22 being the investigating officer.

c. To prove the allegations, the prosecution has to prove the following:-

(i) The accused assaulted the deceased with stone and caused the death of the deceased amounting to murder.

d. It is the case of the prosecution that the incident took place in a lane situated near School of Machagondanahalli. On perusal of Ex.P25, which is the spot mahazar and evidence of PW.5, it gets clear that the alleged incident took place in a lane near the school of Machagondanahalli. On perusal of cross-examination of PW.5, it gets clear that the accused has not denied said evidence of PW.5 and Ex.P25 specifically. It is the evidence of PW.1 and PW.2 that the deceased fell on the way to garden and sustained the injury. Both of them have not stated at which place said



Thammaiah fell down. There is no evidence on the part of the accused contrary to evidence of PW.5 and Ex.P25 as to the spot. Under the circumstances, it can be presumed that the prosecution has proved the spot.

e. It is the specific case of the prosecution that the alleged incident took place on 11.01.2021 at 3.30 p.m. On perusal of evidence of PW.5, it gets clear that the incident took place on 11.01.2021 within 2-3 minutes from 3.20 p.m. The said evidence of PW.5 has not been denied by the accused specifically. Under the circumstances, it has to be presumed that the accused has admitted the said evidence impliedly. Under the circumstances, it has to be presumed that the prosecution has proved the date and time of the incident as minor variation in the timings does not make any difference.

f. The prosecution has to prove the presence of accused on 11.01.2021 about 3.30 p.m in the lane near the school of Machagondanahalli i.e., at the spot. PW.5 has deposed that on 11.01.2021 at about 3 p.m, he had been to his house for lunch and after lunch at about 3.20 p.m, he was going to the house of the deceased



and when he entered the cement road, the accused was chasing his deceased uncle and entered the galli and when he stopped his bike in the galli, his uncle fell down. This evidence has not been denied by the accused specifically. Further the accused has not stated and contended that he was not there at the spot and he was at some other place other than the spot. If at all the accused were not at the spot and he were at some other place, he would have definitely contended and proved that he was at some other place other than the spot. Under the circumstances, it has to be presumed that the accused has admitted the evidence of PW.5 that the accused was at the spot on the date at the alleged time. Under the circumstances, it has to be presumed that the prosecution has proved the presence of the accused on the date and at the time and at the spot.

g. The accused assaulted the deceased Thammaiah with stone and committed the murder of said Thammaiah:

To prove the same, the prosecution has to prove the followings:

- i) The aforesaid Thammaiah is dead.
- ii) Thammaiah died on account of head



injury.

iii) The head injury was caused by stone which is marked at MO.8.

iv) The accused used the stone which is marked at MO.8 to cause such injury.

v) The death of Thammaiah amounts to murder by the accused.

i) The aforesaid Thammaiah is dead:- On perusal of evidence of PW.1, she has stated that her father died by the time CW.9 took her father to the hospital. PW.2 has deposed that her husband fell down while running and sustained injuries to head and thereafter her husband died. PW.4 has deposed that when he was working in garden, his villagers informed him about the death of Thammaiah. PW.5 has deposed that said Thammaiah died at the spot on account of severe bleeding. PW.10 has deposed that Thammaiah was dead. Further on perusal of Ex.P21 which is the inquest mahazar, it gets clear that the same was drawn on the body of Thammaiah. Further Ex.P40 being the postmortem report, it gets clear that the postmortem was conducted on the body of said Thammaiah. The accused has not



contended and proved that said Thammaiah is still alive. Further the accused has not disputed the death of the deceased Thammaiah by making specific suggestion to the contrary. Under the circumstances, it has to be presumed that the prosecution has proved the death of the deceased Thammaiah.

ii) Thammaiah died on account of head

injury:- Now the prosecution has to prove that deceased Thammaiah died on account of head injury. On perusal of Ex.P21 which is the inquest mahazar, it gets clear that there was 5 x 1 c.m lacerated wound on the head, there was 10 x 4 c.m crushed wound from left cheek to left head, there was 2 x 1 c.m bleeding injury on the right eyebrow and the mouth was appear to be crushed. On perusal of Ex.P40 postmortem report, it gets clear that the deceased was found to have sustained disfigured skull with multiple comminuted fracture of base of skull and left fronto parietal bone. On further perusal of Ex.P40, it gets clear that the death was due to shock and hemorrhage as a result of blunt trauma to head. On perusal of the evidence



of PW.21, who conducted postmortem on the body of the deceased has deposed about the injuries found on the head portion of the deceased and has deposed that the skull was disfigured with multiple comminuted fracture of base of skull and left fronto parietal bone and membranes were lacerated and the brain and spinal cord were crushed at the region of laceration and were pale and the death was due to shock and hemorrhage as a result of blunt trauma to the head. The accused has not contended and proved by any means that the deceased did not die on account of the head injuries found on the head of the deceased. Further the accused has not denied the above discussed evidence on the side of prosecution that the deceased died on account of head injuries, at least by making a suggestion to the contrary. Under the circumstances, it has to be presumed that the prosecution has proved that the deceased died on account of head injuries.

iii) The head injuries were caused by stone which is marked at MO.8:- On perusal of evidence of PW.5, it gets clear that PW.5 has deposed that the accused was



sitting on the deceased and crushing the face of the deceased with stone and he identified the stone to be at MO.8. Though the accused has denied the said evidence by making a suggestion to the contrary, PW.5 has denied the said suggestion. Further on perusal of evidence of PW.15, it gets clear that he has deposed that the stone has been marked as MO.1. Infact MO.1 is nothing but a cloth on the body of the deceased, but MO.8 is the stone and hence, it has to be presumed that MO.8 has been wrongly typed as MO.1. Further on perusal of evidence of PW.21, it gets clear that PW.21 has deposed that the injuries referred in the postmortem report could have been sustained on account of assault by stone. Further on perusal of Ex.P41 which is the final opinion, it gets clear that the death could be possible on assault with the stone examined by him, on head. On perusal of Ex.P55 which is the FSL report, it gets clear that the stone marked at Sl.No.3 was stained with 'A' group blood and the same is MO.8. It is the contention of the prosecution that the blood stains found on MO.8 was that of blood of the deceased. PW.5 has categorically stated that the stone



which has been marked as MO.8 was used to crush the head of the deceased. The accused has not successfully disproved the same. Under the circumstances, it has to be presumed that the blood stains found on MO.8 should have been of the blood of the deceased. It is not the contention of the accused that the blood stains found on MO.8 was not that of blood of the deceased. If at all the accused were sure that MO.8 was not used for causing injuries to the head of the deceased and blood stains found on MO.8 were not that of blood of the deceased, the accused would have definitely contended and proved that the blood stains found on MO.8 were not of the blood of the deceased. Under the circumstances, it has to be presumed that the blood stains found on MO.8 were that of blood of the deceased. If blood stains found on MO.8 were to be of the blood of the deceased, MO.8 should have been used to cause head injuries sustained by the deceased. It is the contention of the accused that the deceased sustained injuries when he fell down. This could be made out from the suggestion made to PW.21, but on perusal of cross-examination of PW.21, it



gets clear that PW.21 has deposed that when a person runs fastly, the injuries referred in Ex.P40 could be possible. On perusal of evidence of PW.2, it gets clear that PW.2 has deposed that the deceased was running and fell down and sustained head injury. She has not deposed that the deceased was running fastly. Further on perusal of Ex.P21 and Ex.P40, it gets clear that the deceased was aged about 67 years. If that be so, it is highly impossible to presume that the deceased could run so fastly that if he fell down he could sustain such a severe injuries. PW.1 has deposed that when her father was going towards garden, he fell down and sustained injuries. She did not say that father was running fastly. There is no evidence on the part of the accused that the deceased was running very fastly. There is no evidence on the part of the accused as to why the deceased was running fastly. Under the circumstances, the contention of the accused that the deceased sustained the head injuries when he fell down after running fastly, cannot be accepted. Under the circumstances, it has to be presumed that the prosecution has proved that the head injuries



were caused by stone which is marked at MO.8.

iv) The accused used the stone which is marked at MO.8 to cause such injuries:-

On perusal of evidence of PW.5, it gets clear that PW.5 has deposed that when he entered the galli by parking his bike, his uncle fell down and the accused was sitting on his uncle and was crushing the face of the uncle with stone and he identified the stone to be at MO.8. Though the accused has denied the same by making a suggestion to the contrary, the suggestion has been denied by PW.5. Further PW.15 has deposed that he was informed that the accused assaulted the deceased Thammaiah on his head and left ear and killed him. The said evidence of PW.15 has not been denied by the accused at least by making a suggestion to the contrary. The accused has not denied his presence at the spot on the date and at the time of alleged incident. When it is the specific evidence on the part of PW.5 that it was the accused who was crushing the face of the deceased with MO.8, the accused should have explained how the deceased sustained



the head injuries if he had not assaulted. There is acceptable evidence on the part of the accused as to how the deceased sustained the head injuries. Under the circumstances, it has to be presumed that the accused himself used MO.8 to cause the head injuries which led to the death of the deceased.

v) The death of Thammaiah amounts to murder by the accused:-

When the accused used MO.8 stone to cause head injuries to the deceased and caused the deceased to succumb to the injury, it has to be presumed that the accused himself caused the death of the deceased. On perusal of evidence of PW.5, it gets clear that the accused was sitting on the deceased and crushing the face of the deceased with MO.8. The very action of the accused of crushing the face of the deceased by sitting on the deceased indicates the clear intention of the accused to cause the death of the deceased. Further it will be within the knowledge of every sound person that if any injury of a nature caused to any person, such person would definitely succumb to the injuries. This



intentional assault and the knowledge of consequences of his acts, would conclude that the accused by causing the head injury, caused the death of the deceased and thereby committed the murder of the deceased.

h. It is the argument of learned counsel for the accused that PW.5 is the son of the brother of the deceased and this accused was the sole son of the deceased who left PW.1 and PW.2 behind on his death and if the accused is sent behind the bars entire properties could be swallowed by PW.5 and hence, PW.5 has given a false evidence intentionally. On perusal of evidence of PW.15, it gets clear that the property of the deceased has been mutated in the name of the wife of the deceased. If that be so, the contention of the accused that the property could be swallowed by PW.5 or anyone else if the accused is sent behind the bars, cannot be accepted. Further the very same has not been suggested to PW.5 and as such the argument of learned counsel for the accused in this regard cannot be accepted.



i. It is the argument of learned counsel for the accused that PW.1 and PW.2 have not supported the case of the prosecution and hence, the allegation of the prosecution cannot be accepted. PW.1 is the sister and PW.2 is the mother of the accused and hence it can be presumed that they might have turned hostile for getting the accused acquitted of the offences. Hence, the argument of the learned counsel for the accused in this regard cannot be accepted.

j. It is the argument of learned counsel for the accused that the panch witnesses regarding the seizure of MO.8 have turned hostile and hence the seizure cannot be presumed to have been proved by the prosecution. PW.5 has deposed about seizure of MO.8 by the police in his presence. Further the I.O has deposed about seizure of MO.8 by him. The accused might have won over the panch witnesses. It is well established principle of law that when the panch witnesses turn hostile, the mahazar can be proved through the investigating officer. Hence, it can be presumed that though the panch witnesses have turned



hostile, in view of evidence of PW.5 and the investigating officer, it can be concluded that the prosecution has proved the seizure of MO.8. Hence, the argument of learned counsel for the accused in this regard cannot be accepted.

k. Hence, I answer the above point accordingly.

7. Point No.2:

For the reasons discussed herein-above, I proceed to pass the following:

ORDER

1. The accused is convicted for the offence punishable under Section 302 of IPC as per Section 235 of Cr.P.C.

(Dictated to the Stenographer Grade-III directly on the computer, typed by her, corrected and pronounced by me in open Court on this 2nd day of July, 2026).

(KIRAN KINI)
1ST ADDL. DISTRICT & SESSIONS JUDGE,
CHIKKAMAGALURU.

**ORDER REGARDING SENTENCE**

1. Heard accused and his counsel and learned Public Prosecutor.
2. The learned Public Prosecutor submitted that the accused has committed the murder with an intention and hence, he may be punished severely.
3. The accused submitted that he has not committed any offence and he is the sole bread earner of the family and if he is severely punished his family consisting of widowed sister and mother sustain irreparable injury and loss and put to untold hardship and hence he may be shown leniency.
4. On perusal of the materials on record, it gets clear that, the accused has not made out any ground to show leniency. Further the very act of the accused i.e., by sitting on his father and crushing the face and head with two hand sized stone shows indifferent attitude of the accused in causing such a severe injuries. Further the very said act of accused leads to a presumption that he caused such a severe pain to the deceased before his death. In the case on hand, the materials would go to show that the accused committed the offences intentionally with the knowledge of consequences of his



act. Further he crushed the head of the deceased without having any regard that he was crushing the head of his own father. Hence, he is not entitled for any mercy. But, it is not a case falling within the purview of rarest of rare cases. PW.1 and PW.2 have turned hostile into toto to the case of the prosecution and hence, they may be held not entitled for any compensation.

5. Hence, I proceed to pass the following:

ORDER

1. The accused is sentenced to imprisonment for life and to pay a fine of Rs.25,000/- for the offence punishable under Section 302 of IPC and in default, to undergo S.I. for 10 months.
2. M.Os.1 to 10 are ordered to be destroyed after the appeal period.
3. Office to furnish free copy of the judgment to the accused forthwith.

(Dictated to the Stenographer Grade-III directly on the computer, typed by her, corrected and pronounced by me in open Court on this 2nd day of July, 2026).

(KIRAN KINI)
1ST ADDL. DISTRICT & SESSIONS JUDGE,
CHIKKAMAGALURU.



ANNEXURE

LIST OF WITNESSES EXAMINED FOR PROSECUTION:

CW.1	PW.1	Usha	First informant
CW.6	PW.2	Halamma	Spot panchanama witness & eyewitness
CW.15	PW.3	Rajappa	Seizure panch witness
CW.8	PW.4	Rakesh	Inquest panch witness
CW.9	PW.5	Karthik	Eyewitness who showed the spot
CW.11	PW.6	Ranganath D.K	Loan collection Manager at HDFC Bank
CW.12	PW.7	Govindaraju	Loan collection Executive agent at HDFC Bank
CW.13	PW.8	Shankar	Seizure panch witness
CW.4	PW.9	Ganeshappa	Eyewitness & Inquest panch witness
CW.7	PW.10	Ganeshappa	Inquest panch witness
CW.14	PW.11	Manjunath C.J	Seizure panch witness
CW.5	PW.12	Renukaprasad G.	Inquest panch witness and Seizure panch witness
CW.2	PW.13	Meenakshappa	Spot panch witness
CW.3	PW.14	Devaraj	Spot panch witness
CW.10	PW.15	Indresh	Eyewitness
CW.22	PW.16	Sharath M.	Bank Manager who sanctioned loan and issued loan statement
CW.24	PW.17	Kantharaju	Assistant Executive Engineer who prepared the sketch
CW.18	PW.18	Rajappa	Police official
CW.26	PW.19	Vidyashankara Naika	Police official



CW.21	PW.20	Nazeer B.A	Police official
CW.25	PW.21	Dr.Adarsh	Doctor who conducted the P.M.
CW.30	PW.22	Manjunath B.S	Investigating officer

LIST OF DOCUMENTS EXHIBITED FOR THE PROSECUTION:

Ex.P1	Complaint	PW.1
Ex.P2	Mahazar	PW.1
Ex.P3-P4	Photographs	P.W.1
Ex.P5-P10	Photographs	PW.2
Ex.P11	Statement of PW.2	PW.2
Ex.P12	Notice	PW.3
Ex.P13	Mahazar	PW.3
Ex.P14	Statement of PW.6	PW.6
Ex.P15	Statement of PW.7	PW.7
Ex.P16	Notice	PW.8
Ex.P17	Seizure mahazar	PW.8
Ex.P18-19	Photographs	PW.8
Ex.P20	Notice	PW.8
Ex.P21	Inquest mahazar	PW.9
Ex.P22	Statement of PW.9	PW.9
Ex.P23	Statement of PW.9 during inquest	PW.9
Ex.P24	Notice	PW.13
Ex.P25	Mahazar	PW.13
Ex.P26-27	Photographs	PW.13
Ex.P28	Statement of PW.5 under section 164 of Cr.P.C.	PW.5
Ex.P29	Requisition	PW.16



Ex.P30	Letter	PW.16
Ex.P31	Loan statement of accused	PW.16
Ex.P32	Sketch	PW.17
Ex.P33	Sketch	PW.17
Ex.P34	Letter	PW.17
Ex.P35	Assessment extract	With consent
Ex.P36	FIR	PW.18
Ex.P37	Certificate under section 65-B of Evidence Act	PW.20
Ex.P38	CD	PW.20
Ex.P39	Requisition	PW.21
Ex.P40	Postmortem report	PW.21
Ex.P41	Final opinion	PW.21
Ex.P42	CAF	With consent
Ex.P43	CDR	With consent
Ex.P44	Certificate under section 65-B of Evidence Act	With consent
Ex.P45	Portion of statement of accused	PW.22
Ex.P46	Property form	PW.22
Ex.P47	Property form	PW.22
Ex.P48	Requisition	PW.22
Ex.P49	Requisition	PW.22
Ex.P50	Statement of PW.5 under section 164 of Cr.P.C.	PW.22
Ex.P51	Requisition	PW.22
Ex.P52	Requisition	PW.22
Ex.P53	Property form	PW.22
Ex.P54	Requisition	PW.22
Ex.P55	FSL report	PW.22



Ex.P56	Requisition	PW.22
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THE WITNESSES EXAMINED ON BEHALF OF DEFENCE:

-NIL-

THE DOCUMENTS MARKED ON BEHALF OF DEFENCE:

-NIL-

MATERIAL OBJECTS MARKED ON BEHALF OF PROSECUTION:

MO.1	Shirt
MO.2	White coloured Banian
MO.3	Dhoti (lungi)
MO.4	Underwear
MO.5	Sample blood
MO.6	Shirt
MO.7	Pant
MO.8	Stone
MO.9	Blood stained mud
MO.10	Sample mud

(KIRAN KINI)
1st ADDL. DISTRICT & SESSIONS JUDGE,
CHIKKAMAGALURU.