



**THE COURT OF THE III ADDL. DISTRICT & SESSIONS
JUDGE, RAMANAGARA**

PRESENT:

**Sri. S.A.Hidayathulla Shariff, B.A.,LL.M.,
III Addl. Dist. & Sessions Judge, Ramanagara.**

Dated this the 30th day of June, 2026

S.C.No.66/2013

Complainant: The State
by Magadi P.S.

(By learned Public Prosecutor)

Vs.

- Accused :
1. Sri. Manjunatha,
S/o Srinivasappa,
Aged about 25 years,
R/at Konganahalli Village,
Hosuru Hobli, Gowribidanur Taluk,
Chikkaballapura District.
 2. Sri. D.Y.Rajanna, (ABATED)
S/o Yallappa,
Aged about 23 years,
R/at Benachihalli Village,
Sasalu Hobli, Doddaballapura Taluk,
Bengaluru.
 3. Sri. Manjamma @ Manjula,
W/o Nanjahunumaiah,
Aged about 28 years,
R/at Chowdayanapalya Village,
Sasaly Hobli, Doddaballapura Taluk,
Bengaluru Rural District.

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**(By Sri.T.G., Advocate for A1 & 3.
A2- Abated.)**

1	Date of commission of offence	11.03.2012
2	Date of report of offence	1) 11.03.2012 2) 10.05.2012
3	Date of arrest of Accused	10.05.2012
4	Date of release on bail	30.11.2012
5	Period undergone in custody	----
6	Name of the Complainant	Sri.Sanjeevaiah, S/o.Kondaiah,
7	Date of commencement of recording of evidence	11.09.2019
8	Date of closing of evidence	28.10.2024
9	Opinion of the Judge	Accused found not guilty/Charge not proved.
10	Offences complained of	U/Sec.302, 201 & 114 R/w Sec.34 of IPC.

J U D G M E N T

The CPI., Magadi Circle, Ramanagara District, has filed this charge sheet against accused No.1 to 3

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for the offences punishable under Sections 302, 201 and 114 R/w Section 34 of IPC, before the learned Prl. Civil Judge & JMFC., Magadi and case was numbered as C.C.No.571/2012. The learned Prl. Civil Judge & JMFC., Magadi, has taken cognizance of the offences mentioned in the charge sheet. Since the offence punishable under Section 302 of IPC is triable by Sessions Court, the case is committed for trial.

2. The case of the prosecution in brief is that,

Accused No.3- Smt.Manjamma was the wife of deceased Nanjahanumaiah. Accused No.1- Manjunath is the younger brother of accused No.3. Accused No.2 D.Y.Rajanna was the paramour of accused No.3- Manjamma. Since deceased Nanjahanumaiah was ill-treating his wife accused No.3- Manjamma, she has informed the ill-treatment to accused No.1 and 2 and abetted them to commit murder of her husband Nanjahanumaiah. As a result of abatement caused by accused No.3- Manjamma, on 11.03.2012, accused No.1 & 2 coxed Nanjahanumaiah and made him to

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come to Dabaspete and made him to consume Alcohol. Thereafter, accused No.1 and 2 at about 10-00 p.m., have took deceased Nanjahanumaiah in the motor-bike bearing Reg. No.KA-42-E-636 brought by accused No.2 to Savanadurga Forest and at about 11-00 p.m., have strangulated his neck with a rope murdered him and burnt his dead body by pouring petrol on the dead body to cause disappearance of evidence of murder.

3. A perusal of materials on record discloses that, initially on 20.03.2012 at about 6-30 p.m., Sanjeevaiah the younger brother of deceased Nanjahanumaiah has lodged first information statement before the police with regard to missing of his elder brother Nanjahanumaiah based on which the Doddabelavangala Police have registered a case in Crime No.82/2012 for man missing. On 12.04.2012, the RFO of Savanadurga Forest Division has lodged Ex.P4 information before the police pertaining to a decomposed body of a man found in the Savanadurga Jodugatte Forest, on the basis of which the Magadi Police have registered a UDR case No.12/2012 under

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Section 174 of Cr.P.C. On 13.04.2012, Ex.P3 inquest was conducted on the body of the deceased at Savanadurga Jodugatte Forest. Ex.P7 to P10 are the photographs of the body of the deceased. On 13.04.2012, the body of the deceased was subjected to postmortem at mortuary of Government Hospital, Ramanagara and Ex.P15 is the P.M.Report wherein it is stated that the cause of death of the deceased could not be ascertained as the body was highly decomposed.

4. A perusal of materials on record discloses that on 10.05.2012, Sanjeevaiah the younger brother of deceased Nanjahanumaiah has lodged Ex.P2 further complaint before the police alleging that accused persons have murdered deceased Nanjahanumaiah and burnt his body. Based on Ex.P2- police complaint, the Doddabelavangala Police have registered a case against the accused persons in Crime No.123/2012 for the offence punishable under Section 302, 201 and 114 R/w Section 34 of IPC. Subsequently, on the point of jurisdiction the case records were transferred to

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Magadi Police Station and the case was registered in Crime No.110/2012 of Magadi Police for the offences punishable under Section 302, 201 and 114 R/w Section 34 of IPC.

5. On 10.05.2012, accused No.1 to 3 were arrested interrogated and Ex.P23 to 25 disclosure statements of the accused persons were recorded by the Investigating Officer. On the basis of the disclosure statement of the accused persons, on 10.05.2012, the Investigating Officer has drawn Ex.P13- spot mahazar of the place of occurrence identified by the accused persons where they alleged to have committed murder of the deceased Nanjahanumaiah and burnt his dead body. Under Ex.P13- spot mahazar, the Investigating Officer has recovered the burnt ash, the burnt hairs of the deceased for examination. Further on the same day, on the basis of the disclosure statement of the accused persons the Investigating Officer has recovered the motor-bike bearing registration No.KA-43-G-28 used by the accused No.1 and 2 to take deceased to commit his murder. The Investigating

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Officer has recovered the above mentioned motor-bike belonging to one Rudraswamy from his residence situated at Bommamachhanahalli Village, Kasaba Hobli, Ramanagara Taluk, on 10.05.2012 under Ex.P11- seizure mahazar. Through the DNA profile test by blood sample of father of the deceased the identity of the body of the deceased was ascertained by the Investigating Agency. After completion of the investigation present charge sheet is filed.

6. A perusal of the materials on record discloses that accused No.1 to 3 were granted pre-trial bail. After committal of the case, accused No.1 to 3 appeared before this Court and they were represented by a counsel. My predecessor in office has framed charge against accused No.1 to 3 for the offences punishable under Sections 302 and 201 R/w Section 34 of IPC. Accused No.1 to 3 pleaded not guilty of the charges leveled against them and stood for trial. During the course of trial, accused No.2 was reported to be dead by the police and case against accused No.2 stands abetted.

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7. In proof of its case, prosecution has got examined 22 witnesses as PW1 to PW22 and tendered Ex.P1 to P28 documents in evidence. MO.1 to 7 material objects were identified on behalf of the prosecution.

8. After prosecution evidence, statement of the accused No.1 to 3 as required under Sec.313 of Cr.P.C. was recorded with reference to the incriminating evidence found against the accused. Accused have denied their incriminating evidence and accused persons have not lead any defence evidence.

9. The points that arise for consideration of this Court are:

1) Whether the prosecution proves beyond all reasonable doubt that, deceased Nanjahanumaiah the husband of accused No.3- Manjamma was ill-treating her and causing life threat to her as a result of which accused No.3 had informed the said

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ill-treatment to accused No.1- Manjunath, who is her brother and accused No.2- D.V. Rajanna, who is her paramour and abetted them to commit murder of her husband as a consequence of which on 11.03.2012 at about 10-00 p.m. accused No.1 & 2 have coxed Nanjahanumaiah to come to Dabaspete and made him to consume Alcohol. Thereafter, accused No.1 & 2 have purchased petrol and took him in a motorbike bearing registration No.KA-42-E-636 to Savanadurga Forest & strangled him with a rope committed his murder, thereby accused have committed an offence punishable under Section 302 R/w Section 34 of IPC?

2) Whether the prosecution further proves beyond all reasonable doubt that on the above mentioned date, time and place, accused No.1 along with abetted accused No.2 after committing murder of deceased

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Nanjahanumaiah with an intention to cause disappearance of evidence of murder have poured petrol on his body and burnt his body, thereby accused No.3 has committed an offence punishable under Section 201 R/ w Section 34 of IPC?

3) What Order?

10. Heard learned public prosecutor and learned counsel for the accused No.1 & 3. Perused the materials placed on record.

11. My findings to the above points are as follows:

Point No.1: In the Negative,

Point No.2: In the Negative,

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

REASONS

12. **POINT No.1 & 2**: Since these three points are inter-connected with each other, to avoid repetition of

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facts and findings, these three points are taken up together for consideration.

To prove the charges levelled against the accused, prosecution has led following evidence.

13. Prosecution has got examined PW1- Sanjeevaiah the younger brother of deceased Nanjahanumaiah, as the first informant of the case. PW1 in his evidence has deposed that he is the younger brother of deceased Nanjahanumaiah. Accused No.3- Manjamma is the wife of Nanjahanumaiah. Nanjahanumaiah died about seven years ago. He is not the eyewitness of the death of Nanjahanumaiah. His sister-in-law accused No.3-Manjamma has informed him that Nanjahanumaiah has not returned to his house for a period of two days. He had searched his brother Nanjahanumaiah at different places, since the whereabouts of Nanjahanumaiah were not found, he has lodged missing complaint at Doddabelavangala Police Station. After 3 months of the disappearance of Nanjahanumaiah, through the police, he came to know that the body of Nanjahanumaiah was burnt at

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Savanadurga Forest. He accompanied police to Savanadurga Forest where he had found the burnt body of his deceased brother. Through the burnt clothes of the deceased he has identified the body of his deceased brother. Thereafter, he has lodged Ex.P2 further complaint. He came to know that his deceased brother was murdered.

14. Prosecution has got examined PW2- Prashanth the Nephew of deceased Nanjahanumaiah. PW2 in his evidence has deposed that his maternal uncle Nanjahanumaiah died about 9 years ago. During the lifetime of Nanjahanumaiah he was residing in his house. Accused No.1- Manjunath, who was the brother-in-law of Nanjahanumaiah along with accused No.2- Rajanna used to visit the house of Nanjahanumaiah and used to consume Alcohol. Nanjahanumaiah was murdered at Savanadurga Forest. He came to know that accused persons have murdered Nanjahanumaiah.

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15. Since PW2- Prashanth has not fully supported the prosecution case, he was partly treated as hostile witness of the prosecution and cross-examined. PW2 in his cross-examination by the prosecution has admitted the fact that he has given statement before the Investigating Officer with regard to the extra marital relationship between accused No.2- Rajanna and accused No.3- Manjamma. which resulted in the murder of deceased Nanjahanumaiah by the accused persons.

16. Prosecution has got examined PW3- Mutta Narasimhaiah as one of the attessor to Ex.P3- Inquest Mahazar dated 13.04.2012 drawn on the body of deceased Nanjahanumaiah at Savanadurga Forest. PW3 has supported the prosecution case.

17. Prosecution has got examined PW4- Gangamma, the elder sister of deceased Nanjahanumaiah. PW4 in her evidence has deposed that accused No.1 and 2 used to visit the house of deceased Nanjahanumaiah. She do not know the reason for the murder of

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deceased Nanjahanumaiah. Since her father over heard the conversation of the accused persons with regard to the murder of Nanjahanumaiah, they have lodged a police complaint.

18. Prosecution has got examined PW5- Lakshmid devi the wife of first informant Sanjeevaiah. PW5 in her evidence has deposed that she is not having personal knowledge about the death of Nanjahanumaiah. Nanjahanumaiah during his lifetime was residing with his wife Manjamma and they had cordial relationship. Subsequently, she came to know that accused No.3- Manjamma the wife of Nanjahanumaiah had extra marital relationship which resulted in murder of Nanjahanumaiah by the accused persons. She came to know that her father-in-law Kondaiah had over heard the criminal conspiracy of the accused persons which led the family to file a complaint pertaining to the death of Nanjahanumaiah.

19. Prosecution has got examined PW6- Shivaramu, the Forester of Magadi Division. PW6 in his evidence

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has deposed that on 12.04.2012 he had received information about a dead body at Savanadurga Jodugatte Forest. He has lodged Ex.P4- First Information Statement before the police.

20. Prosecution has got examined PW7- Jayaraju the cousin of the deceased Nanjahanumaiah as one of the circumstantial witnesses of the present case. PW7 in his evidence has deposed that, he do not know accused No.1 and 2. He has not seen accused No.1 and 2 coming to the house of deceased Nanjahanumaiah. He do not know the reason for the death of deceased Nanjahanumaiah. He has not given any statement before the police.

21. Since PW7 has not supported the prosecution case he was treated as hostile witness by the prosecution and cross-examined. PW7 in his cross-examination by the prosecution has denied the contents of Ex.P5, his alleged statement said to have been recorded by the police with regard to the murder of deceased Nanjahanumaiah by the accused persons.

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22. Prosecution has got examined PW8-Ramanjinamma, the sister-in-law of deceased Nanjahanumaiah as another circumstantial witness of the present case. PW8 in her evidence has deposed that she do not know accused No.1 and 2. She has not seen accused No.1 and 2 visiting the house of the deceased Nanjahanumaiah. She has not given any statement before the police with regard to involvement of the accused persons in the murder of Nanjahanumaiah.

23. Since PW8 has not supported the prosecution case, she was treated as hostile witness by the prosecution and cross-examined. PW8 in her cross-examination by the prosecution has denied the contents of Ex.P6 her alleged statement said to have been recorded by the police with regard to the alleged murder of deceased Nanjahanumaiah by the accused persons.

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24. Prosecution has got examined PW9- Gopi as one of the attester to Ex.P3- Inquest Mahazar dated 13.04.2012 drawn on the body of Nanjahanumaiah at Savanadurga Jodugatte Forest. PW9 has not supported the prosecution case and turned hostile to the prosecution case by stating that he has signed Ex.P3 Inquest Mahazar at Beeragowdanadoddi Government Hospital and not at the place of drawing of Inquest Mahazar.

25. Prosecution has got examined PW10- Anjanappa the daily wages worker of Forest Department as the witness who found the body of deceased Nanjahanumaiah at the Savanadurga Forest. PW10 in his evidence has deposed that on 13.04.2012 when he was on patrolling duty at Savanadurga Forest, he found a dead body of a human being and informed the same to the RFO. Thereafter, police have visited the place and conducted Inquest mahazar on the body of the deceased. Since no persons claimed the body of the deceased and identity of the deceased was not established, police have buried the body at the forest.

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PW10 in his evidence has identified Ex.P7 to P10 as the photographs of the body of the deceased.

26. Prosecution has got examined PW11- S.N. Rudraswamy as one of the attester to Ex.P11- seizure mahazar dated 10.05.2022 drawn by the police at his residence where police alleged to have recovered the motor-bike bearing registration No.KA-43-G-28 used by accused No.1 and 2 to take deceased Nanjahanumaiah to Savanadurga Forest to commit his murder. PW11 in his evidence has deposed that some days prior to drawing of Ex.P11 seizure mahazar by the police, accused No.2- Rajanna had took the motor-bike bearing registration No.KA-43-G-28 belonging to him. Subsequently, he came to know that accused persons have used his motor-bike in commission of the murder. On 10.06.2012 at about 4-30 p.m., police have brought accused persons near his residence at Bommachhanahalli Village and recovered his motor-bike bearing registration No.KA-42-E-636 from his residence.

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27. Prosecution has got examined PW12- K.R.Anand Kumar, the Assistant Engineer of PWD Department, Magadi Division, who has given evidence with regard to preparation of Ex.P12- Sketch of the place of occurrence on the request of the police by visiting the place of occurrence on 03.10.2012.

28. Prosecution has got examined PW13- Tirumalesh and PW14- Manjunath has two attestors to Ex.P13- spot mahazar dated 10.05.2012 drawn at the place of occurrence on behalf of accused No.1 and 2 and also as the attestors to Ex.P11- seizure mahazar dated 10.05.2012 under which the motor-bike bearing registration No.KA-42-E-636 used in the commission of the alleged offence was recovered. PW13 and PW14 have supported the prosecution case by stating that on 10.05.2012 they have attested Ex.P13- spot mahazar, when accused No.1 and 2 have identified the scene of crime at Savanadurga Forest, where they have murdered deceased Nanjahanumaiah. In their presence, police have recovered the burnt clothes, rope and hairs of the deceased and also the sample of

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blood-stained and plain soil from the place of occurrence. PW13 and PW14 in their evidence have further deposed that they have attested Ex.P11-seizure mahazar on 10.05.2012 at the residence of Rudraswamy at Bommamachhanahalli Village, when police have recovered the motor-bike used in the commission of the murder of Nanjahanumaiah on behest of accused No.2- Rajanna.

29. Prosecution has got examined PW15- Dr. M.L. Ravikumar, the then Medical Officer of Chakrabhavi PHC. PW15 in his evidence has deposed that on 13.04.2012 on the requisition of Magadi Police, he has conducted postmortem of an unidentified human body. The entire body was decomposed and only skeleton was present. He could not give opinion for the cause of death. PW15 in his evidence has identified Ex.P15 as the postmortem report issued by him.

30. Prosecution has got examined PW16- R. Ravi Prakash, the then PSI., of Magadi Police Station as one of the Investigating Officer of the present case.

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PW16 in his evidence has deposed that on 12.04.2012, he has received the complaint of RFO and registered a case in UDR No.12/2012. On next day, he has visited Savanadurga Forest and in presence of pancha witnesses has drawn inquest on an unidentified human body. Since the identity of the deceased was not established, he got the dead body buried at Savanadurga Forest by preparing Ex.P6-burial mahazar.

31. Prosecution has got examined PW17-Vinod Bhat, the then PSI., of Magadi Police Station as another Investigating Officer of the present case. PW17 in his evidence has deposed that on 24.06.2012 he has received 8 material objects from the police constable of Doddabelavangala Police and reported the same in PF No.40/2012.

32. Prosecution has got examined PW18-B.Siddaraju, the then PSI., of Doddabelavangala Police Station as another Investigating Officer of the present case. PW18 in his evidence has deposed that

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on 10.05.2012 at about 9-00 a.m., he has received Ex.P2- First Information Statement lodged by the first informant and prepared Ex.P10 FIR. On 10.05.2012, he has taken accused persons to his custody and produced before CPI., for investigation.

33. Prosecution has got examined PW19- R.Harish, the Police Constable of Doddabelavangala Police Station. PW19 in his evidence has deposed that on 10.05.2012 at about 10-30 p.m., they found accused No.1 to 3 near the house of accused No.3 took them to their custody and produced before the Investigating Officer.

34. Prosecution has got examined PW20- Ravi H., the then CPI., of Magadi Circle, as one of the Investigating Officer of the present case. PW20 in his evidence has deposed that, during the course of investigation he has recorded the statements of PW3 to PW8. On 10.05.2012, he has received Ex.P15- postmortem report of the deceased from Government Hospital, Magadi, along with P.M.Report he has

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received the skull and left femur bone of the deceased and reported the same in P.F.No.55-A/2012 and took permission of the Court for DNA examination of the skull and bone of the deceased. On 03.09.2012, he has forwarded the material objects to FSL for examination.

35. Prosecution has got examined PW21- Keshav K.E., the CPI., of Doddabelavangala Circle as another Investigating Officer of the present case. PW21 in his evidence has deposed that on 19.05.2012 he has recorded statements of CW19 to 23 & CW17. As per the orders of the Court on the point of jurisdiction he has transferred the case records to Magadi Police Station. PW21 in his evidence has identified the signature of CW32 who has recorded the alleged disclosure statement of accused No.1 to 3.

36. Prosecution has got examined PW22- U.D. Krishnakumar, the then CPI., of Magadi Circle, as another Investigating Officer of the present case. PW22 in his evidence has deposed that on

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09.10.2012, he has received the sketch of the place of occurrence. He has secured CW3 before the Court collected his blood and sent for DNA profiling. After completion of the investigation, he has filed charge sheet against the accused persons.

37. Based on the above mentioned evidence produced on record the learned Public Prosecutor has argued that the case of the prosecution is based on the circumstantial evidence. It is further argued that the prosecution through DNA profile has proved the identity of the decomposed body of the deceased Nanjahanumaiah. The learned Public Prosecutor has further argued that prosecution through the circumstances such as the motive for the accused persons to commit the murder of Nanjahanumaiah, through the circumstances such as drawing of Ex.P13-spot mahazar of the place of occurrence on behest of the accused persons and also through recovery of the motor-bike used by the accused persons in commission of alleged offence under Ex.P11- seizure mahazar on behest of accused No.2 has proved the

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involvement of the accused persons in commission of the murder of deceased Nanjahanumaiah and also with regard to causing disappearance of evidence of murder by the accused persons.

38. On the other hand, the learned counsel for the accused has argued that prosecution has failed to prove that the death of deceased Nanjahanumaiah was homicidal in nature. The learned counsel for the accused has further argued that prosecution has failed to prove the alleged motive for the accused persons to commit murder of Nanjahanumaiah and also failed to prove the contents of Ex.P11 and Ex.P13 the alleged seizure mahazars and the spot mahazar to connect the accused persons with the alleged offences.

39. A perusal of the evidence on record discloses that there are no eyewitnesses of the alleged crime committed by the accused persons. To prove the charges leveled against the accused, prosecution has mainly relied on the following circumstances;

1. Homicidal death of Nanjahanumaiah.

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2. Motive for the accused to commit murder of Nanjahanumaiah.

3. Recovery of motor-bike bearing registration No.KA-42-E-636 under Ex.P11 seizure mahazar dated 10.05.2012 on the behest of disclosure statement of accused No.2.

4. Drawing of Ex.P13 spot mahazar dated 10.05.2012 at the place of occurrence where the body of the deceased was found on the basis of disclosure statement of the accused persons.

40. With regard to first circumstance pertaining to alleged homicidal death of the deceased Nanja-Hanumaiah prosecution has mainly relied on the contents of Ex.P15- P.M.Report and also on the evidence of PW15- Dr. Ravikumar M.L. A perusal of the evidence of PW15- Dr.M.L.Ravikumar who has conducted the postmortem of the deceased Nanjahanumaiah on 13.04.2012 and the contents of Ex.P15- P.M.Report issued by PW15 discloses that the body of the deceased Nanjahanumaiah was totally decomposed. In Ex.P15- P.M.Report and in his

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evidence, PW15- Dr. M. L. Ravi Kumar has stated that since the body of the deceased was decomposed, he could not give opinion for cause of death. Hence, the contents of Ex.P15- P.M.Report and evidence of PW15- Dr.Ravikumar M.L. who conducted postmortem of the body of the deceased are not helpful for the prosecution to prove that the death of deceased Nanjahanumaiah was homicidal in nature.

41. The second circumstance relied on by the prosecution to prove the involvement of the accused persons in the murder of deceased Nanjahanumaiah is motive for the accused persons to commit murder of deceased Nanjahanumaiah. According to prosecution, deceased Nanjahanumaiah had ill-treated his wife accused No.3- Manjamma as a consequence of which she had abetted accused No.1- Manjunath, who is her younger brother and accused No.2- Rajanna, who is her paramour to commit murder of her husband Nanjahanumaiah. According to prosecution the ill-treatment caused by the deceased to his wife accused No.3- Manjamma was the motive for the accused

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persons to commit murder of deceased Nanjahanumaiah.

42. It is pertinent to note that the Apex court of the land in the decision reported between '**Gurcharan Vs. State reported in AIR 1956 SC 460**' has held that;

"where positive evidence against the accused is clear, cogent and reliable question of motive is of no importance."

In the present case in hand, the case of prosecution is solely based on circumstantial evidence. Hence, the motive for accused to commit the offence is of significance. It is pertinent to note that when a case of the prosecution rests on circumstantial evidence the motive always assumes importance.

43. A perusal of evidence on record discloses that, it is the specific case of the prosecution that accused No.3- Manjamma had extra marital affair with accused No.2- Rajanna. Since deceased Nanjahanumaiah the husband of accused No.3- Manjamma was ill-treating her, she has instigated accused No.1 and 2 to

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commit murder of deceased Nanjahanumaiah. The alleged ill-treatment caused by the deceased to his wife accused No.3- Manjamma was the alleged motive for the accused persons to commit murder of deceased Nanjahanumaiah.

44. A perusal of evidence on record discloses that prosecution has not produced any clear, cogent, reliable and positive evidence to prove that accused No.3- Manjamma had extra marital affair with accused No.2- Rajanna and at the instigation of accused No.3- Manjamma, accused No.1 and 2 have committed murder of Nanjahanumaiah. A perusal of evidence on record discloses that PW1- Sanjeevaiah, the first informant and younger brother of deceased Nanjahanumaiah, in his evidence has not whispered the fact that accused No.3- Manjamma had extra marital relationship with accused No.2- Rajanna and on the instigation of accused No.3- Manjamma, accused No.1 and 2 have committed murder of Nanjahanumaiah.

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45. PW2- Prashanth one of the relative of the deceased in his cross-examination by the prosecution has stated the fact that he has given statement before the police with regard to the alleged extra marital relationship of accused No.3- Manjamma with accused No.2- Rajanna was the reason for the accused persons to commit murder of Nanjahanumaiah. However, a perusal of evidence of PW2- Prashanth discloses that he is a hearsay witness. According to him, his grandfather has over heard the conversation between the accused persons, as a result of which the complaint was filed against the accused persons. A perusal of cross-examination of PW2- Prashanth by the defence counsel discloses that he has categorically admitted the fact that he is not having personal knowledge about the alleged extra marital relationship between accused No.3- Manjamma and accused No.2- Rajanna. Hence, the evidence of PW2- Prashanth is not helpful for the prosecution to prove the alleged motive of the accused persons.

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46. A perusal of the evidence of PW4- Gangamma, the elder sister of deceased Nanjahanumaiah discloses that except stating the fact that accused No.2- Rajanna used to visit the house of deceased Nanjahanumaiah with accused No.1- Manjunatha, even PW4- Gangamma has also not given any evidence with regard to the alleged extra marital relationship between accused No.3- Manjamma and accused No.2- Rajanna. Hence, even the evidence of PW4 is also not helpful for the prosecution to prove the alleged motive of the accused persons.

47. A perusal of evidence of PW5- Lakshmi Devi, the sister-in-law of accused No.3- Manjamma discloses that she has given evidence stating that she came to know that accused No.3- Manjamma had extra marital relationship with accused No.2- Rajanna, as a result of which death of Nanjahanumaiah was caused. However, a perusal of cross-examination of PW5- Lakshmi Devi by the defence counsel discloses that she has categorically admitted the fact that she is not an eyewitness to the alleged extra marital relationship

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between accused No.2 and 3 and she is not having any personal knowledge about the alleged extra marital relationship between accused No.2 and 3. Hence, even the evidence of PW5- Lakshmi Devi is also not helpful for the prosecution to prove the alleged motive for the accused persons.

48. By perusing the evidence placed on record and over all assessment of the same, I hold that prosecution has failed to prove the alleged motive for the accused persons to commit murder of deceased Nanjahanumaiah.

49. The next circumstance relied on by the prosecution to prove the involvement of the accused persons in commission of the murder of deceased Nanjahanumaiah was recovery of motor-bike bearing registration No.KA-42-E-636, on behest of the alleged disclosure statement of accused No.2- Rajanna under Ex.P11- seizure mahazar dated 10.05.2012.

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50. A perusal of evidence on record discloses that it is the specific case of the prosecution that accused No.2-Rajanna has took motor-bike bearing registration No.KA-42-E-636 belonging to PW11- S.N.Rudraswamy and used the said motor-bike to take the deceased from Dabaspete on the night of 11.03.2012 to Savanadurga Forest to commit his murder. According to prosecution on the basis of Ex.P24 the alleged disclosure statement of accused No.2- Rajanna the police have recovered the above mentioned motor-bike under Ex.P11- seizure mahazar dated 10.05.2012 from the house of PW11- Rudraswamy.

51. A perusal of evidence on record discloses that PW11- Rudraswamy has given evidence stating that sometime prior to drawing of Ex.P11- seizure mahazar dated 10.05.2012, accused No.2 has took his motor-bike and returned the same. However, it is pertinent to note that PW11 in his evidence has not specifically stated the fact as to when accused No.2- Rajanna has taken his motor-bike and when the motor-bike was returned to him. It is pertinent to note that accused

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No.2- Rajanna was working as a Tractor Driver under PW11- Rudraswamy. In the present case, except the evidence of PW11 that accused No.2 has took his motor-bike no other reliable evidence was produced on record by the prosecution to show that accused No.2 has used the above mentioned bike to take the deceased Nanjahanumaiah to the Savanadurga Jodugatte Forest to commit his murder. In absence of any direct evidence to prove that accused No.1 and 2 have used the motor-bike belonging to PW11 to take the deceased to the place of occurrence, the evidence of PW11- Rudraswamy that sometime prior to drawing Ex.P11- seizure mahazar by the police, accused No.2- Rajanna, who was working as driver under him, took his motor-bike is not sufficient to hold that accused No.2 has used the motor-bike of PW11- Rudraswamy to take the deceased to the forest to commit his murder.

52. It is specific case of the prosecution that on the basis of Ex.P24 the alleged disclosure statement of accused No.2- Rajanna, CW32- K.M.Subramani the

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then CPI., of Magadi Circle, has recovered the motor-bike bearing registration No.KA-42-E-636 used by accused No.1 and 2 to take the deceased to Savanadurga Forest to commit his murder. According to prosecution CW32- K.M.Subramani, Investigating Officer has recovered the above mentioned motor-bike under Ex.P11- seizure mahazar dated 10.05.2012 drawn before the house of S.N.Rudraswamy.

53. To prove the contents of Ex.P11- seizure mahazar and recovery of the motor-bike under the same, prosecution has got examined PW11- Rudraswamy, PW13- Tirumalesh and PW14- Manjunatha as the three attestors to the said mahazar. PW11, 13 and 14 have supported the prosecution case with regard to recovery of the motor-bike on behest of the information provided by accused No.2- Rajanna from the house of PW11- Rudraswamy under Ex.P11- seizure mahazar. However, it is pertinent to note that CW32- K.M.Subramani, the then CPI., of Magadi Circle, who is the Investigating Officer of the present case, who alleged to have recorded the disclosure

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statement of accused No.2 and drawn Ex.P11- seizure mahazar was reported to be dead during the trial and hence, vital evidence of CW32- Investigating Officer was not available for the prosecution to prove the recovery of alleged motor-bike under Ex.P11- seizure mahazar on the basis of the alleged disclosure statement of accused No.2- Rajanna. Apart from that the motor-bike bearing registration No.KA-42-E-636 used in the commission of alleged offence which was alleged to be recovered under Ex.P11- seizure mahazar was not produced before the Court. Added to this prosecution has not produced any direct evidence to prove that accused No.1 and 2 have used the motor-bike bearing registration No.KA-42-E-636 to take the deceased Nanjahanumaiah to Savanadurga Jodugatte Forest to commit his murder. In the absence of direct evidence to show that accused No.1 and 2 have used the motor-bike bearing registration No.KA-42-E-636, in commission of the alleged offence the evidence of PW13, PW15 and PW16 with regard to alleged recovery of the motor-bike under Ex.P11- seizure mahazar is not helpful for the prosecution to

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connect the accused persons with the commission of alleged offences.

54. The next circumstances relied on by the prosecution is drawing of Ex.P13- spot mahazar dated 10.05.2012 at Savanadurga Jodugatte Forest on the basis of the disclosure statement of accused No.1 & 2.

55. It is the specific case of the prosecution that during the course of investigation CW32- K.M. Subramani, the then CPI., Magadi Circle, has recorded Ex.P23 and 24 the alleged disclosure statements of accused No.1- Manjunatha and accused No.2-Rajanna and on the basis of the disclosure statement of accused No.1 and 2 Ex.P13- spot mahazar dated 10.05.2012 was drawn at Savundurga Forest where accused alleged to have committed murder of the deceased Nanjahanumaiah.

56. In the present case, a perusal of evidence on record discloses that during the trial CW32- K.M.Subramani, the Investigating Officer was reported

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to be dead. Hence, his vital evidence is not available for the prosecution with regard to recording of Ex.P23 and 24 alleged disclosure statements of accused No.1 and 2 and also with regard to drawing of Ex.P13- Spot Mahazar on 10.05.2012 at Savanadurga Jodugatte Forest.

57. A perusal of the evidence on record discloses that prosecution has got examined PW13- Tirumalesh and PW14- Manjunath as the two attestors to Ex.P13- spot mahazar. Ex.P13 and 14 have given evidence supporting the prosecution case with regard to drawing of Ex.P13- spot mahazar on behest of information provided by accused No.1 and 2 and recovery MO1 to 7 material objects under the same. In absence of the evidence of Investigating Officer who has recorded the alleged disclosure statement of accused No.1 and 2 and who alleged to have drawn Ex.P13- spot mahazar the evidence of PW13 and PW14 is not helpful for the prosecution to prove that Ex.P13- spot mahazar was drawn on behest of accused No.1 and 2 on the basis of their disclosure statements.

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58. It is pertinent to note that under Section 27 of Evidence Act, if any fact is discovered in consequence of information given by the accused in the police custody is relevant and may be proved against the accused.

59. In the present case, it is the specific case of the prosecution that on the basis of the disclosure statements of accused No.1 and 2, Ex.P13- spot mahazar was drawn at the place of occurrence where accused alleged to have murdered the deceased.

60. However, it is pertinent to note that the Investigating Agency has already discovered the body of the deceased at the place of occurrence and body of the deceased was not identified on the basis of the alleged information provided by the accused under alleged disclosure statements. A fact already discovered by the police cannot be rediscovered afresh, even if relevant information is extracted from the accused (**Reliance placed on the decision reported in AIR 1956 SC 217 & AIR 1971 SC 1871**).

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61. The Apex Court of the land in the decision reported in **AIR 1963 SC 1113** has held that incriminating statement made to the police officer which does not directly linked to discovery of fact is inadmissible.

62. In light of the ratio of the above said decisions, the alleged disclosure statement of the accused No.1 and 2 made to the Investigating Officer which does not directly linked to discovery of any fact is also not helpful for the prosecution to connect the accused persons with the alleged offences.

63. The Apex Court of the land in the decision reported between **Sharad Birdhi Chand Sarda Vs. State of Maharashtra reported in 1984 SC(1) 1662** has stated about five golden principles with regard to proof of the case based on circumstantial evidence. The Apex court has held that, following conditions must be fulfilled before the case against the accused can be said to be fully established.

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1. The circumstance from which the conclusion of guilt is to be drawn should be fully established.

2. The facts so established should be consistent only with the hypothesis of the guilt of accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty.

3. The circumstances should be of a conclusive nature and tendency.

4. They should exclude every possible hypothesis except the one to be proved and

64. Applying the principles that have culled out in the above mentioned decision which has stood the test of time, a perusal of evidence on record discloses that the prosecution has failed to prove that the death of deceased Nanjahanumaiah was homicidal in nature, also failed to prove the alleged motive for the accused

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to murder deceased Nanjahanumaiah and also failed to prove the contents of Ex.P11 and 13 mahazars to connect the accused persons with commission of the alleged offences. By considering the circumstantial evidence produced on record by the prosecution against the accused persons, this Court is of the opinion that the matter is not free from doubt. The circumstances relied on by the prosecution do not rule out every single hypothesis about the guilt of the accused. There are missing links in the present case and in my view the materials on record does not discloses every single hypothesis except the guilt of the accused.

65. By perusing the oral and documentary evidence produced on record and over all assessment of the same, this Court is of the opinion that prosecution has failed to prove the charges leveled against the accused beyond reasonable doubt. With these observations, I answer point No.1 and 2 in the 'Negative'.

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66. **POINT No.3:-** In view of my findings on point No.1 and 2 in the 'Negative' and the reasons assigned thereon, I proceed to pass the following:

ORDER

Acting under Section 235(1) of Criminal Procedure Code, accused No.1 and 3 are hereby acquitted for the offences punishable under Sections 302 and 201 R/w Section 34 of IPC.

The bail bonds and surety bonds of accused No.1 and 3 shall stands cancelled.

MO1 to MO7 since worthless are ordered to be destroyed after the appeal period is over.

(Dictated to the Stenographer Grade-I, transcribed by her, corrected, signed and then pronounced by me in the open Court on this the 30th day of June, 2026.)

(S.A. Hidayathulla Shariff)
III Addl.District & Sessions Judge,
Ramanagara.

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**:ANNEXURES:****I List of witnesses examined for the Prosecution:-**

P.W.1	: Sanjeevaiah.
P.W.2	: Prashanth
P.W.3	: Muttanarasimhaiah
P.W.4	: Gangamma
P.W.5	: Lakshmidevi
P.W.6	: Shivaram
P.W.7	: Jayaraju
P.W.8	: Ramanjinamma
P.W.9	: Gopi
P.W.10	: Anjanappa
P.W.11	: Rudraswamy
P.W.12	: K.R.Ananthakumar
P.W.13	: Thirumalesh
P.W.14	: Manjunatha
P.W.15	: Dr.M.L.Ravikumar
P.W.16	: R.Raviprakash
P.W.17	: Vinod Bhat
P.W.18	: Siddaraju B.
P.W.19	: Harish R.
P.W.20	: Ravi H.,
P.W.21	: Keshav K.E.,
P.W.22	: Krishnakumar U.D.,

II List of exhibits marked for the prosecution:-

Ex.P.1	: Certified copy of man missing complaint
Ex.P.1(a)	: Signature of CW1.
Ex.P.1(b)	: Signature of PW.24
Ex.P.2	: Second complaint
Ex.P.2(a)	: Signature of CW1.
Ex.P.2(b)	: Signature of PW.18.

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Ex.P.3 : Postmortem report
Ex.P.3(a) : Signature of PW3.
Ex.P.3(b) : Signature of PW.16
Ex.P.4 : Report.
Ex.P.4(a) : Signature of PW6.
Ex.P.5 : Statement of PW.7
Ex.P.6 : Statement of PW.8.
Ex.P.7 to 10 : Deceased Photographs (4)
Ex.P.11 : Seizure Mahazer
Ex.P.11(a) : Signature of PW.11
Ex.P.11(b) : Signature of PW.13
Ex.P.11(c) : Signature of PW.14
Ex.P.11(d) : Signature of PW.20
Ex.P.12 : Spot Sketch
Ex.P.12(a) : Signature of PW.12
Ex.P.13 : Spot Panchanama
Ex.P.13(a) : Signature of PW.13
Ex.P.13(b) : Signature of PW.14
Ex.P.13(c) : Signature of PW.20
Ex.P.14 : FIR (Man Missing)
Ex.P.14(a) : Signature of PW.24
Ex.P.15 : P.M.Report
Ex.P.15(a) : Signature of PW.15
Ex.P.15(b) : Signature of PW.20
Ex.P.16 : Dead body funeral panchanama
Ex.P.16(a) : Signature of PW.16
Ex.P.17 : FIR in Crime No.110/2012
Ex.P.17(a) : Signature of PW.17
Ex.P.18 : Report Received by the Belavangala
Police Station.
Ex.P.18(a) : Signature of PW.17
Ex.P.19 : PF No.40(a)/2012
Ex.P.19(a) : Signature of PW.17
Ex.P.20 : First Information Report
Ex.P.20(a) : Signature of PW.18

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Ex.P.21 : Requisition
Ex.P.21(a) : Signature of PW.18
Ex.P.22 : PF No.55(a)/2012
Ex.P.22(a) : Signature of PW.20
Ex.P.23 : Self statement of A1- Manjunath.
Ex.P.23(a) : Signature of PW.21
Ex.P.24 : Self statement of A2- Rajanna.
Ex.P.24(a) : Signature of PW.21
Ex.P.25 : Self statement of A3-Manjamma.
Ex.P.25(a) : Signature of PW.21
Ex.P.26 : Letter.
Ex.P.26(a) : Signature of PW.22
Ex.P.27 : Report (Blood collected).
Ex.P.27(a) : Signature of PW.22
Ex.P.28 : FSL examination certificate.
Ex.P.28(a) : Signature of PW.22

III List of witnesses examined for the Accused:

-NIL-

IV List of exhibits marked for the Accused:

-NIL-

V List of Material Objects marked for the prosecution:

MO.1 : One rope.
MO.2 : A burnt piece of inner wear.
MO.3 : A piece of pant.
MO.4 : A piece of Ududara (half feet)

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MO.5 : Blood Stained Sand.
MO.6 : Hairs.
MO.7 : Normal Sand.

III Addl.District & Sessions Judge,
Ramanagara.