



**IN THE COURT OF II ADDITIONAL DISTRICT AND
SESSIONS JUDGE AT TUMAKURU.**

Dated this the 3rd day of August 2026

Present : **Smt. N.Narasamma., B.A.L., LLB.,**
II Additional District and
Sessions Judge, Tumakuru.

S.C.No.146/2022

Complainant: State by Sira Police Station.
(By learned Public Prosecutor)

- versus -

Accused :

1. Rajanaika,
S/o Late Ragyanaika,
Aged about 40 years.
2. Savithribai,
W/o Ravichandranaika,
Aged about 33 years,
Housewife,
(Accused No.2 dead)
Both are R/o Kamalanaikana
Thandya,
Bukkapatna Hobli,
Sira Taluk, Tumakuru.

(By Sri. CDC., Advocate)



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| 1 | Date of commission of offence | 02.04.2022 |
| 2 | Date of report of occurrence | 02.06.2022 |
| 3 | Whether accused persons are on bail or in judicial custody. | Accused No.1 in judicial custody ,
Accused No.2 is on bail |
| 4 | If in judicial custody, from which date: | A.1 from 03.06.2022 till date
A.2 from 03.06.2022 to 26.08.2023 |
| 5 | Date of framing Charge | 14.02.2023 |
| 6 | Date of commencement of trial. | 13.07.2023 |
| 7 | Date of closing of trial. | 18.12.2025 |
| 8 | Name of the complainant. | Sevanaika |
| 9 | Offences charged. | U/s.302 and 201 r/w Sec.34 of IPC |
| 10 | Opinion of the judge. | Accused No.1 is found guilty. |



- 11 Order of offence. As per final order.
- 12 State represented by Public Prosecutor.

J U D G M E N T

The Circle Inspector of Police, Sira Town Police Station, Tumakuru has filed final report against the accused No.1 & 2 for the offences punishable under sections 302 and 201 r/w Sec.34 of Indian Penal Code.

2. The brief facts of the prosecution case is that, the accused No.1 was having illicit relationship with accused No.2, for this reason husband of accused No.2 i.e., Ravichandranika assaulted accused No.2 under the influence of alcohol and he continued the same everyday , at that time the accused No.2 used to pick up quarrel with Ravichandranika and also assaulted him. As a result of that enmity on 02.04.2022 at about 10.00 p.m. in the house of Ravichandranika situated at Kamalanaikana Thanda village, Bukka Pattana Hobli, Sira Taluk, there was



galata taken place between the deceased and accused No.2. At that time accused No.1 slapped Ravichandra Naika, due to that Ravichandranaika fell down and accused No.2 being the wife of Ravichandranaika instigated accused No.1 to kill Ravichandranaika. Immediately accused No.1 kicked Ravichandranaika on his chest with legs and accused No.2 caught hold of both legs of Ravichandranaika then again accused No.1 stamped Ravichandranaika's neck with his leg and committed murder. After committing the murder, the accused No.1 with a common intention buried the dead body of Ravichandranaika in a pit which was dug for the construction of accused No.1's house and thereby both accused have committed the alleged offences.

3. The learned Senior Civil Judge and JMFC, Sira took cognizance of the aforesaid offences and complied Sec.207 of Cr.P.C. The jurisdictional Magistrate committed this case by its order dated:19.09.2022 in C.C.No.2621/2022 as the offence is exclusively triable by



the Court of Sessions. The Hon'ble Prl. District and Sessions Judge made over this case to this court for trial.

4. Accused No.1 and 2 are secured. Accused No.1 is in judicial custody. Heard the learned counsel for the accused and learned Public Prosecutor on framing of charge. As there are prima-facie materials against the accused No.1 & 2, this court framed charge against the said accused persons. Charges have been read over and explained to the accused persons. The said accused persons have not pleaded guilty and claimed to be tried. The prosecution in support of its case got examined 25 witnesses as PW.1 to P.W.25 and got marked Ex.P1 to P.45 and M.O.1 to 12.

5. In the present case the incriminating evidence available before the court has been read over to the accused Nos.1 & 2 as provided U/sec.313 of Cr.P.C. The accused Nos.1 & 2 have denied the incriminating evidence. The accused Nos.1 & 2 have not adduced any



defence evidence. Accused No.2 complied Section 437 A of Cr.P.C.

6. Heard the arguments of both sides.

7. Upon hearing the arguments, examination of evidence available on record, the following points that arise for my consideration :

1. Whether the prosecution proves beyond all reasonable doubt that, accused No.1 having illicit relationship with accused No.2, for this reason, the deceased Ravichandranaika who is the husband of accused No.2 assaulted her under the influence of alcohol every day, by that time accused No.1 picked up quarrel with deceased Ravichandranaika and also assaulted him as a result of that enmity on 02.04.2022 at about 10.00 P.M., in a house belongs deceased Ravichandranika situated at Kamalanaikana Thanda village, Bukkapatna Hobli, Sira Taluk, accused No.2 was present when there was a galata between deceased and accused No.2, at that time accused No.1 & 2 with an intention to murder the deceased



Ravichandranaika, accused No.1 slapped him, when he fell down, the accused No.2 instigated the accused No.1 to kill the deceased, immediately accused No.1 kicked him with legs on the chest of the deceased, accused No.2 caught hold of his both legs, then again accused No.1 hold his leg on the neck of the deceased and committed the murder and thereby accused No.1 & 2 committed an offence punishable u/s 302 r/w Sec.34 of Indian Penal Code?

2. Whether the prosecution proves beyond all reasonable doubt that on the aforesaid date, time and place, accused No.1 & 2 with common intention to commit the murder of deceased Ravichandranaika after the commission of the murder of the deceased accused No.1 buried dead body of the deceased in a pit which was dug for the construction of house and thereby accused No.1 & 2 committed an offence punishable u/s 201 r/w Sec.34 of IPC ?

3. What order?

8. My answer to the above points as follows :



Point No.1 : In the **Affirmative**.

Point No.2: In the **Affirmative**

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

REASONS

9. Point No.1 and 2 :- These points are interlinked with each other hence they are taken up together for discussion to avoid repetition of facts and evidence.

10. The I.O. has cited in total 37 witnesses in the charge sheet and prosecution examined 25 witnesses as PW.1 to 25 and got marked 45 documents as Ex.P.1 to P.45 and also got marked M.O.1 to 12.

11. PW.1 is the complainant wherein he has deposed that the father of Rajanaika and Ravichandra Naika was expired 9 years ago and the property belongs to the father of Rajanaika and Ravichandranaika has to be given to them, for this reason in respect of the partition of land he asked Rajanaika about



Ravichandranaika since Ravichandranaika has to sign the partition deed, at that time Rajanaika told him that Ravichandranaika after Yugadi festival went somewhere and he will return back. He further deposed that he also asked accused No.2 Savithri Bai about Ravichandranaika for which Savitri Bai told that her husband has gone to shed centering work and he will come back and for every time he enquired about Ravichandranaika with Savitri Bai and Rajanaika but they have not given any information about Ravichandranaika. And his phone was also not reachable, so he could not talk to Ravichandranaika. He further deposed that on 01.06.2022 at 6.00 p.m. his villagers i.e., Kamalanaika, Lalyanaika and his cousin brothers Bamlanaika and his uncle Chandanaika and Lakshmanaika went to accused No.1's house, at that time accused No.1 and accused No.2 were in the house and all of them enquired with them about Ravichandranaika. But accused No.1 & 2 told them that they do not know about Ravichandranaika. And the villagers again asked them about Ravichandranaika, at that time they told that



on 02.04.2022 on Yugadi festival at about 10.00 p.m. accused No.1 slapped Ravichandranaika, he fell down and accused No.1 stamped on his neck and killed him and put the dead body of Ravichandranaika in a pit which was dug for construction of house by them. He further deposed that accused No.1 and 2 have also told that since they are having illicit relationship, for that reason in order to gain the land, both of them murdered Ravichandranaika. He further deposed that prior to this incident accused No.1 was in j.c. for murdering his wife and after coming from jail accused No.1 was staying in Ravichandranaika's house. He further deposed that, after collecting the information he went to the police station and gave the complaint as per Ex.P.1 and thereafter the police came to the spot and prepared mahazar as per Ex.P.2 and after 2 months the police came near the place where the deceased body was put in foundation pit and the police, Tahasildar, doctor and villagers were present and the police removed the body of Ravichandranaika from the pit with the help of JCB



and the dead body of Ravichandranaika was perished and they recovered the bones from the body and he can identify accused No.1 and 2 before court and accused No.1 is the brother of deceased.

12. PW.2 is the relative of deceased as well as accused No.1 wherein he has deposed that the accused No.1 has killed his wife and was in j.c. earlier and he enquired accused No.1 about Ravichandranaika for which, accused No.1 told after Yugadi festival Ravichandranaika went somewhere but he did not return back and he also enquired accused No.2 about Ravichandranaika but she did not tell anything and she told that if she called her husband, his phone is switched off. He told accused No.2 that Ravichandranaika should come to sign the partition deed and he also asked Ravichandranaika whether she is having any doubt , about missing of Ravichandranaika, at that time accused No.2 told that she has a doubt on accused No.1 since from morning on that day. He further deposed that



accused No.2 also told him that while her husband came to assault her and she used to escape from the place, at that time the accused No.1 assaulted her husband from back with his hands and her husband fell down, at that time she pulled her husband and took him inside the house and while she pulled her husband her husband was alive and she also told him to ask accused No.1 about her husband. He further deposed that again he asked accused No.1 and 2 about Ravichandranika, at that time they both told that they both killed him and after murdering the accused No.1 covered the body in the towel and put the body in a pit which was dug for construction of house and put mud on the dead body and the said murder was done on Yugadi festival day. In that regard CW.1 has given the complaint and the police also enquired him about this case.

13. PW.3 has deposed that he can identify the accused No.1 and the deceased. And Ravichandranika as well as accused No.1 are brothers and accused No.2 is



the wife of deceased and Ravichandranika was died one year back but he do not know for what reason he was died but the police with the help of JCB traced out the dead body of Ravichandranika in the pit situated in the site of accused No.1, at that time Tahasildar, CPI, doctor and other people were present at 12.00 p.m. to 3.00 p.m. and dead body was covered with bed sheet and there was bones secured by the police from the pit.

14. PW.4 has deposed that deceased body was kept in a pit dug for construction of house in the site belongs to accused No.1. The police and other officials came to the spot and removed the same with the help of JCB and obtained his signature in Ex.P.5.

15. PW.5 is the mahazar witness of Ex.P.2 and he identified his signature in the said mahazar and he deposed that at the time of removing the dead body he has put his signature and he can identify the photo in the said document as well as he can identify the house of accused No.1. He further deposed that the said



mahazar was prepared in respect of the death of Ravichandranaiika.

16. PW.6 is also another mahazar witness of Ex.P.2 wherein he has deposed that he has put his signature in Ex.P.2 while the police removed the dead body from the pit situated in the site belongs to accused No.1 with the help of JCB.

17. PW.7 is the revenue inspector wherein he has deposed that Sira Taluk Tahasildar directed him to visit the spot along with investigating officers and to prepare mahazar. Accordingly, he visited the spot where the dead body was put in the pit and at that time along with him CW.8, police and doctor, Tahasildar were present and the accused No.1 and 2 showed the place of dead body kept in the pit by them and removed the dead body through JCB which was belongs to Ravichandranaiika and mahazar was prepared on 03.06.2022 between 12.30 p.m. to 1.00p.m. He further deposed that he can identify his signature in Ex.P.13 with regard to the securing of



property and clothes from the deceased body i.e., M.O.1 to M.O.6 in Ex.P.13 and he can also identify his signature in Ex.P.14 i.e., with regard to packing of the removed articles in white cloth by the police.

18. PW.8 is the mahazar witness of Ex.P.5 wherein he has deposed that he can identify his signature in Ex.P.5 and he has put his signature while drawing the blood stained sample from Pandunaika and he can identify M.O.7 and he has deposed that the accused No.1 and accused No.2 and deceased are relatives and he can identify accused No.1 and 2. He further deposed that in spite of several times asking the accused persons about Ravichandranika with accused No.1 and 2 they have not given any informatin but later they told that they both have murdered him and put the deceased in a pit dug for construction of house and in this regard he has given statement before the police.

19. PW.9 has deposed that she can identify her father i.e., accused No.1 and she further deposed that



she has not seen any dead body and she do not know anything about this case. But during the lifetime of her uncle, her father, her aunt, sister and her brother Pandu were staying together and police have not recorded her statement.

20. PW.10 is the son of deceased and accused No.2, wherein he has deposed that he can identify accused No.1 and 2 but he do not know how Ravichandranaika died and he do not know anything about this case and he has not given any statement before the police.

21. PW.11 is the mahazar witness to Ex.P.25 wherein he has deposed that about 1 and ½ years back he has put his signature in Sira police station in Ex.P.25 and the police seized material objects M.O.8 to 12 on that day.

22. PW.12 is the JCB operator wherein he has deposed that about 1 year back the police called him to



come to Kamalanaikana Thanda, accordingly he went with JCB and on the request of police he removed mud with the help of JCB in the vacant site from the foundation as per the instruction of police and the mud was removed 5 feet underneath the soil. At that time one dead body of a person was found underneath soil, the police seized M.O.7 on the spot along with bones.

23. PW.13 has deposed that about 2 years back while he was in his house at Hunusekatte, the police called him for removing dead body from underneath the soil, accordingly he was taken to Kamalanaikana Thanda by the police and there was one government vehicle and along with him other 2 persons were there i.e., Kenchappa and Lokesh, but he has not seen the accused persons on the spot. The police told to remove the dead body from the soil, but he don't know who showed the place to the police and the police have already brought JCB and removed the mud 6 to 7 feet from underneath the soil and accordingly, he removed the dead body and



there was a bad smell from the dead body, later he went away from the spot and he has not given any statement to the police.

24. PW.14 is the relative of accused No.2 wherein he has deposed that he do not know the accused No.1, deceased & accused No.2 were stayed in accused No.2's house and he know the accused No.2 as well as accused No.1 as well as the deceased. But he has not gone to accused No.2's house at anytime. He do not know for what reason he was made as witness by the police and he also do not know for what reason accused have appeared before the court.

25. PW.15 is the brother of accused No.2 wherein he has deposed that he do not know the name of accused No.1's wife. But she is alive and he also do not know how Ravichandranaika died and he do not know anything about this case and he has not given any statement before the police and he also do not know for what reason Ravichandranaika was put in the



underneath of soil in the site.

26. PW.16 is the person who supplied material (sand) to accused No.1, wherein he has deposed that he know the accused No.1 and about 2 years back there was Yugadi festival and after 2 to 3 days of the festival he went to unload the mud to the land of accused No.1 but he do not have any JCB and he has taken JCB from his uncle Krishnappa and went to Rajanaika's site after taking mud from the land of accused No.1 i.e., 20 Tractor loads of mud and put the same in the site. And the accused No.1 informed that he has murdered Ravichandranaika and put him in the foundation of the site underneath the soil and in this regard he has given the statement before police.

27. PW.17 has deposed that he can identify accused No.1 and 2, he know the accused No.1 and 2 while going to his work and he is having one JCB. Accused No.1 since 3 days was requesting him to come to load the mud for his site from his land and accordingly



he went to load the mud from the land of accused No.1 and to unload the same in the site i.e., 20 to 25 tractor mud has been loaded by him from accused No.1's land and evening he returned to his house and after 5 to 6 days later the police called him and informed that accused No.1 has killed some person and put in the foundation of the site and in this regard he has given the statement before police.

28. PW.18 is the PDO of Neralekatte Grama panchayath wherein he has deposed that during the year 2022 the Sira police gave the requisition seeking khata extract of Rajyanaika. Accordingly, he gave the khata extract pertaining to khata No.129 stating that the said property belongs to Rajyanaika which is measuring 20x20 feet and also demand register extract to the police.

29. PW.19 is the AEE wherein he has deposed regarding preparing sketch pertaining to the spot and handing over the same to the police on the request of



police.

30. PW.20 is the Assistant Professor of Sridevi Medical college , Tumakuru wherein he has deposed that Taluka Executive Magistrate of Sira Taluk requested him to conduct post mortem of Sri.Ravichandranaika on 03.06.2022. Accordingly, he conducted the same between 3.00 p.m. to 5.00 p.m. and gave the report as per Ex.P.32.

31. PW.21 is the ASI wherein he has deposed that on 06.06.2022, himself and H.C.54 Nagaraju and WPC 735 Kumari Vijaya were entrusted the work for tracing the accused in Cr. No.102/2020 by CW.37. Accordingly, they went to Kamalanaika Thanda on the basis of information given by them and on 03.06.2022 they received the information that accused were near the Bukkapattana bus-stand, accordingly at 6.00 a.m. they went to the spot and took custody of accused persons and brought them to the police station in the private vehicle and produced before CW.37 at 7.00 a.m. and gave the report and he can identify those accused persons before the court.



32. PW.22 is the senior medical officer wherein he has deposed that on 24.06.2022 at 3.30 p.m. the Sira police authorities gave requisition to secure the blood samples of Pandunaika S/o Ravichandranaika, accordingly on the same day Pandunaika was before him and he secured the blood samples of Pandunaika for DNA examination and sent the same and handed over to the investigating officer as per M.O.7.

33. PW.23 is the Tahasildar wherein she has deposed that on 02.06.2022 Madhugiri Sub-Division Officer has instructed her to exhumate the dead body of deceased Ravichandranaika underneath the soil. Accordingly, on 03.06.2022 she went near the spot that is Kamalanaikana Thanda village, Bukkapattana hobli, Sira Taluk, Tumakuru District in panchayath khata No.129 vacant site on the foundation and carried out the procedural formalities of exhumation of dead body of Ravichandranaika in the presence of CW.7 to 9 at 1.00 p.m. she started the procedure and removed the body



and also found the clothes on the body of deceased and completed the procedure till 3.00 p.m. and there was bones of the dead body. CW.10, CW.11 and CW.12 were also present and they recorded their statements and she can identify those bones as well as clothes and the mahazar witnesses that is Ranganathappa, Gopala Bhajantri have put their signature on the mahazar and accused No.1 and 2 were also present on the spot, at the time of exhumation of dead body of Ravichandranaika.

34. PW.24 is the police official witness wherein he has deposed that on 03.06.2022 he went with the investigating officer to the spot and video recorded the investigation (Mahazar) done by the investigating officer and also took photos on the spot as per Ex.P.12 and Ex.P.14 i.e., exhumation of dead body of Ravichandranaika.

35. PW.25 is the investigating officer wherein he has deposed that on 02.06.2022 at 2.30 p.m. he was in the police station , CW.1 came to the station and gave the



computerized complaint, he received the same and registered the case in crime No.104/2022 and sent the FIR to the court as well as to his higher authority and thereafter on the same day he visited Kamalanaikana thanda i.e., spot and prepared mahazar as per Ex.P.2 between 4.00 p.m. to 5.00 p.m. and as per the contents of complaint, that the body has been kept in the foundation of vacant site, he gave the requisition to Tahasildar, Madhugiri to exhumate the body and on the same day he also gave requisition to district hospital for conducting post mortem on the body of Ravichandranika and also gave requisition to the Tahasildar to exhumate the dead body from the spot.

36. He further deposed that on 03.06.2022 at 7.00 a.m. ASI Narasimhamurthy, H.C.59 Nagaraju, WPC 735 Vijaya brought the accused persons from Bukkapattana bus stop and produced before him at 7.00 a.m. and gave the report and he enquired accused No.1 and 2 and arrested them and recorded their voluntary statement.



As per voluntary statement he video recorded the same through the police officials and he along with CW.7 and CW.8, CW.36, Umeshnaika, Thippeswamy and CW.31 all went to Kamalanaikana Thanda in jeep and prepared mahazar between 11.00 a.m. to 12.00 p.m. and also took photos and the Tahasildar handed over the bed sheet and other clothes which were on the body of deceased to him and he received the same and the mahazar was also prepared as per Ex.P.14 by the Tahasildar and thereafter he returned to the station and entered the same in PF.No.112/2022 and produced the accused before the court along with remand application and recorded the statements of CW.1 to 5 , CW.10, CW.13, CW.17 to Cw.19.

37. He further deposed that on 04.06.2022 he received the post mortem report of Ravichandranaika from District hospital, Tumakuru and on the same day he produced CW.13 before Magistrate and recorded the statement u/s 164 of Cr.P.C. and on 16.06.2022 he received the documents pertaining to the spot from the



panchayath office and on 10.06.2022 he sent the material objects to FSL department and prepared mahazar in the presence of CW.15 and CW.16 between 5.30 p.m. to 6.30 p.m. and seized the articles as mentioned in P.F.No.119/2025 and the said mahazar is marked as Ex.P.25 and they were also sent to FSL department and on 23.06.2022 he recorded the statements of CW.14 I.e., Pandu @ Pandunaika and on the same day he handed over the blood samples to Pandunaika for DNA examination and he also produced CW.14 before the Magistrate to record the statement of CW.14 U/Sec.164 of Cr.P.C. and received the I.O. copy and on 20.07.2022 he sent M.O.7 to FSL department and on 11.07.2022 he received the sketch from AEE of PWD department and on 25.07.2022 he recorded the statement of CW.20 and CW.21 and on 31.07.2022 he recorded the statement of CW.22 and CW.23 and received 65(B) certificates on the same day from CW.33 and 36 and on the same day after completing the investigation by keeping pending of FSL report he has filed the charge-sheet against the accused



and subsequent officer has received the FSL report as per Ex.P.4 to P.45.

38. The prosecution got marked documents at Ex.P.1 to P.45 i.e., complaint, spot mahazars, statements of P.W.3 to 5, seizure mahazars, photos, DVDs, Inquest report, Demand extract, sketch, P.M. report, final opinion, report, 65 B certificate, FIR, voluntary statements, 164 statements and FSL report. The prosecution has got marked M.O's 1 to M.O.12.

39. On over all perusal of oral and documentary evidence it is clear that grand-father of PW.1 i.e., Ramanaika is having 25 acres of land and after his death the name of Ramanaika's wife Mangalibai is entered in the revenue documents on the basis of pavathi varasu. It is an admitted fact that father of Ravichandranaika and Rajanaika died 9 years back and the share of a deceased father is to be given to the deceased and accused No.1. According to PW.1 he was searching for Ravichandranaika to get his signature for partition and



he enquired with the accused No.2 being the wife of Ravichandranaiika, at that time she told PW.1 as well as to the villagers, that on 02.04.2022, on Yugadi festival day at 10.00 p.m. accused No.1 assaulted Ravichandranaiika on his cheek and deceased Ravichandranaiika fell down, at that time Rajanaika stamped Ravichandranaiika's neck and killed him and accused No.1 and 2 both put the dead body in the foundation digged in vacant site belongs to accused No.1. PW.1 also clearly deposed before the court that due to illicit relationship between accused No.1 and 2 and due to property, the accused have murdered Ravichandranaiika. So PW.1 has fully supported the prosecution case.

40. As per the evidence of PW.2, he enquired with accused No.2 whether she is having any doubt on any body regarding missing of Ravichandranaiika, at that time, she told she is having doubt on Rajanaika i.e., accused No.1 since from the morning on that day, since her husband came to assault her, she tried to escape, at



that time accused No.1 assaulted the deceased from back side with his hands and Ravichandranaika fell down but he did not die, at that time she took her husband inside the house. And as per the evidence of PW.2, accused No.2 told him to ask accused No.1 about the deceased and again he asked accused No.1 and 2, at that time both the accused told the accused No.1 himself killed the deceased and after killing he put the body in the foundation of the site on the date of Ugadi festival. So PW.2 has also fully supported the prosecution case. Since in the cross-examination of PW.1 and 2, nothing material is revealed by the defence counsel to disbelieve their evidence.

41. When we go through the evidence of PW.3 he identified the accused persons and also deposed regarding the properties owned by accused No.1 as well as the deceased, he also deposed regarding exhumation of dead body from the site of accused No.1 by the police between 12.00 p.m. to 3.00 p.m. So he has also



supported the prosecution case.

42. PW.4 also spoken regarding police exhumation the body from the vacant site of accused No.1. And he clearly deposed that the accused persons showed the spot to the police to remove the deceased body through JCB. And he also deposed that doctor was also present and the body was covered in bed sheet and Tahasildar was present. So he has also supported the prosecution case regarding the body removed from the vacant site of accused No.1.

43. PW.5 and PW.6 have identified their signature in Ex.P.2 and also identified the house of accused No.1 in Ex.P.2 and have clearly deposed that they have put their signature at the time of removing the dead body of deceased Ravichandranika. PW.6 clearly deposed that "ಆರೋಪಿತರು ಶವ ಹೂತಿಟ್ಟು ಸ್ಥಳವನ್ನು ಪೊಲೀಸರಿಗೆ ತೋರಿಸಿರುತ್ತಾರೆ." So both these witnesses have supported the prosecution case.



44. PW.7 being the revenue inspector, he also supported the prosecution case by deposing that accused No.1 and 2 showed the place to the police as well as the Tahasildar and Tahasildar removed the body with the help of JCB on 03.06.2022 between 12.10 p.m. to 1.00 p.m. He has also admitted the material objects on the dead body of deceased. In the cross-examination done by defence counsel nothing material was revealed from his mouth. So, PW.7 has fully supported the prosecution case.

45. PW.8 has clearly spoken that he has put his signature at the time of drawing blood sample from Pandunaika as per Ex.P.5. He has also supported the prosecution case by deposing that accused No.1 and 2 initially have not spoken anything about Ravichandranaika but later they revealed the truth that both of them murdered the Ravichandranaika and put their body in the foundation of the site and police have recorded the statement. In his cross-examination also



nothing much was revealed by the defence counsel. So he has fully supported the prosecution case.

46. PW.9 and PW.10 being the children of accused No.1 and deceased, but they have turned hostile and not supported the prosecution case. But it is not fatal to the case of the prosecution because, the accused might have won over since PW.9 is the daughter of accused No.1 and PW.10 is the son of accused No.2. It is natural they will protect the accused No.1 & 2 on the advise of elders as the majority of witnesses are relatives of accused No.1 and 2.

47. PW.11 has also supported the prosecution case by deposing about Ex.P.25, prepared by the police regarding soil and bones collected from the dead body of deceased as per M.O.No.8 to 12 on the examination of the dead body of deceased. In his cross-examination also nothing was revealed by the defence counsel.



48. PW.12 digged the soil for 5 feet on the vacant site of accused No.1 and found the human dead body and he identified the deceased cloth as well as bones and police seized them and bones were broken. So he has also supported the prosecution case. Since in the cross-examination nothing material was revealed by the defence counsel.

49. PW.13 no doubt he has deposed that he has not seen the accused on the spot, but he deposed regarding the other aspects about him going to the spot along with police and along with him one Kenchappa and Lokesh were also present and he has deposed regarding all the aspects of police called him to the spot to remove the dead body and he accordingly removed the same and went away from the spot. But even though he has not spoken regarding seeing the accused on the spot but PW.13 admitted in the cross-examination done by learned public prosecutor regarding the presence of accused No.1 and 2 on that day on the spot. So the



evidence of PW.13 is not fatal to the prosecution case.

50. PW.14 and PW.15 are the close relative of accused No.2 so it is natural that they will depose only in favour of the accused. But it is also not fatal to the prosecution case.

51. PW.15 has spoken regarding supplying 20 loads mud to accused No.1 through JCB taken from Krishnappa, his uncle and he came to know about the murder committed by accused No.1 and in that regard he has given statement to the police. No doubt, he turned hostile but in his cross-examination done by learned public prosecutor at that time he has given material admissions regarding information received by him about the alleged murder committed by accused No.1.

52. PW.17 has deposed regarding loading of mud to accused No.1's site and he identified the accused. But he turned hostile, but it is not fatal to the prosecution



case. Since as per his evidence on the request of accused N.1, he took the tractor and loaded 20 to 25 loads of mud and unloaded in the vacant site of accused No.1.

53. PW.20 is the doctor who conducted post mortem and spoken regarding post mortem report and in the cross-examination nothing was revealed to disbelieve the death of deceased.

54. PW.21 spoken regarding tracing out the accused No.1 and 2 and producing before the investigating officer and nothing was revealed in the cross-examination by the defence counsel.

55. PW.22 collected blood stained samples from Pandunaika i.e., the son of deceased and the same was sent to FSL report for DNA execution. FSL report at Ex.P.42 speaks that DNA profile results of Pandu @ Pandunaika S/o Ravichandranaika sample blood is matching with DNA profile result of deceased Ravichandranaika. So, the evidence of PW.22 is fully



supported the prosecution case.

56. PW.23 is the material witness has fully supported the prosecution case regarding exhumation of deceased body from the spot i.e., vacant site of accused No.1 in panchayath khata No.129 on the foundation (ಪಾಯದ ಮೇಲೆ) with the help of JCB and prepared mahazar. She clearly spoken regarding the presence of accused No.1 and 2 on the spot, at the time of exhumation of the deceased body from the foundation put on vacant site of accused No.1. In the cross-examination of PW.23, there are some minor discrepancy regarding procedural aspects but that comes under procedural irregularities in carrying out the formalities. But that does not mean that Tahasildar did not go to the spot and not removed the body in the presence of accused persons and in the place shown by the accused persons. So the irregularity in the procedural aspect is not fatal to the prosecution case.

57. PW.25 is the investigating officer who has fully



supported the prosecution case. So there is some discrepancy in the investigation which is not fatal to the prosecution case.

58. The learned counsel for the accused has argued that there is no direct evidence to prove the case of prosecution and the investigating officer has not collected the material at the instance of the accused and there is only hearsay evidence and FSL authorities are not examined before the court. No material regarding work entrustment to the Tahasildar to exhumate the dead body of deceased. But all these discrepancies comes under the procedural irregularities. That will not take away the entire case of prosecution. Because the PW.1 to 3 have already deposed before the court that accused No.1 and 2 have themselves confessed before them and villagers that they themselves murdered the deceased and put him in the pit dug for construction in the site of accused No.1. And the evidence of PW.4 to P.W.7 is very clear regarding the accused showed the



place to the police where they have put the body of Chandranaika. This evidence is corroborated by the evidence of PW.23 Tahasildar, since she has spoken that body was exhumated in the presence of accused. This itself is sufficient to believe that the prosecution has proved its case. Further, as per the evidence of PW.1 to P.W.3, the motive behind the incident is regarding property and the illegal relationship of accused No.2 with accused No.1 and daily the deceased used to fight with accused No.2 and accused No.1 will rescue her from the deceased. At that time, accused No.1 used to assault the deceased. Like wise on the fateful incident day i.e., on Ugadi festival day when deceased assaulted her, accused No.1 pulled the deceased on the floor, the deceased fell down and accused No.2 saw at that time deceased was alive. Thereafter, the alleged incident said to have taken place as per the confession statement given by accused No.1 and accused No.2 to the witnesses. So, when we go through the evidence of material witnesses i.e., PW.1 to P.W.8, PW.12, PW.13, PW.16, PW.22 to PW.25, they have



fully supported the prosecution case. Except PW.9, PW.10, PW.14, PW.15 remaining witnesses have supported the prosecution case. Hence, the prosecution has clearly established before the court that the accused have committed the alleged offences beyond reasonable doubt. Hence, I answer these points in the **Affirmative**.

When the case was kept for judgment, accused No.2 was reported to be dead. In that regard death summary of accused No.2 is produced. Case was abated against accused No.2 and judgment was passed in respect of accused No.1.

59. Point No.3 :-In view of my findings on above Point No.1 and reasons stated above, I am of the opinion that, accused No.1 is liable for conviction for the offences punishable under Sec.302 and 201 R/w Sec. 34 of IPC. Hence, I **proceed to pass the following:**

ORDER

Acting under section 235(2) of Cr.P.C., accused No.1 is hereby convicted for the offences



punishable U/sec.302 and 201 R/w Sec.34 of Indian Penal Code.

(Dictated to the Stenographer, computerized transcript revised and then pronounced by me in open court on this the 3rd day of August 2026).

(N.Narasamma)

II Addl., Dist & Sessions Judge,
Tumakuru.

: ORDER ON SENTENCE :

Accused No.1 is produced from judicial custody before the court through Video Conference.

The learned public prosecutor and learned counsel for accused are present.

In compliance of Sec.235(2) of Cr.P.C., this Court has made personal enquiry with the accused No.1 with regard to sentence on 04.08.2026.

On enquiry with accused No.1 submits that, lenient view may be taken in awarding sentence.



The learned public prosecutor countering the same submits that reasonable sentence has to be imposed against the accused No.1.

Sec.302 of I.P.C. provides for punishment for murder-whoever commits murder shall be punished with death, or imprisonment for life and shall also be liable to fine.

It is the trite proposition of law that maximum sentence of death has to be awarded only in the rarest of rare case and this case is not comes within the said category in the opinion of this court.

The Hon'ble Supreme Court in its decision reported in **(2006) 10 SCC 673** in the case of **Siddarama Vs. State of Karnataka** held that, at the time of considering the imposition of sentence, the court no doubt has to



keep in perspective the fact that sending the accused behind the bars is not the only remedy but reformation has also to be adopted in appropriate cases, but at the same time, the Court has to strike a balance keeping in view the offence committed and effect of the punishment on the society at large and on the victim. The sentence in a case should send a signal to the society about the guilty being punished. The court has to strike a balance between the reformatory as well as punitive theories.

The Hon'ble Supreme Court in its another decision reported in **2012(1) Crimes 5 (SC)**, in the case of **Akram Khan Vs. State of West Bengal** held that, while awarding sentence, the court has to bear in mind the nature, the circumstances of the offences and the background of the victim, the



social background of the accused, the economic and mental condition, prospects of rehabilitation, absence of mens rea, instigation and influence, delay in disposal of the case, state of health of the accused, gravity of the offence, whether he is habituated, whether the offence has been well planned and the socio-economic offences.

Taking into consideration of the law propounded by the Hon'ble Supreme Court with regard to imposition of sentence, the submission made by the accused, counsel for accused and the learned public prosecutor, this Court proceeds to pass the following order of sentence on accused-

: ORDER :

Convict/accused No.1 shall undergo rigorous imprisonment for life and shall also pay a fine of



Rs.1,00,000/- for the offence punishable U/sec.302 r/w Sec. 34 of I.P.C. In default of payment of fine amount, he shall undergo rigorous imprisonment for a term of one year.

Accused is further sentenced to under go imprisonment for 3 years and fine of Rs.10,000/- for the offence punishable under Sec.201 r/w Sec. 34 of IPC. In default of payment of fine amount, he shall further directed to under go simple imprisonment for a period of 6 months.

Convict/accused No.1 is entitled for the benefit of set off period as provided under Sec.428 of Cr.P.C.



Office to issue conviction warrant of convict/ accused No.1 accordingly.

Office is directed to send the copy of the judgment to the Superintendent, prison, Tumakuru with a direction to the Superintendent to serve the copy of the judgment to the accused No.1 and obtain his endorsement and report compliance of same to this court.

Both the sentence shall run concurrently.

M.O-1 to M.O.12 being worthless are ordered to be destroyed after expiry of appeal period.

This court acknowledges the service rendered by Sri. CDC., advocate appeared for accused.



(Dictated to the Stenographer, computerized transcript revised and then pronounced by me in open court on this the 04th day of August 2026).

(N.Narasamma)

II Addl., Dist & Sessions Judge,
Tumakuru.

ANNEXURE

List of witnesses examined for the prosecution:

PW-1	: Sevanayka
PW-2	: Kamalanayka
PW-3	: Lalyanayka
PW-4	: Chandranayka
PW-5	: Chikkaveeranaika
PW-6	: Krishnanaika
PW-7	: Ranganathappa
PW-8	: Bamlanaika
PW-9	: Priyanka bai
PW-10	: Pandu
PW-11	: Ranganath
PW-12	: Lokesha
PW-13	: Rajashekar
PW-14	: Hemanna
PW-15	: Ambikabai
PW-16	: Kantharaju
PW-17	: Krishnapps
PW-18	: Barakath ali



PW-19 : Devaraju D.G.
PW-20 : Dr. Gunaiah
PW-21 : Narasimhamurthy
PW-22 : Dr. Ramesh
PW-23 : Mamatha M.
PW-24 : Umesh Naika
PW-25 : B.P.Hanumantharao

List of documents marked for prosecution:

Ex.P-1 : Complaint
Ex.P-1(a,b) : Signatures
Ex.P-2 : Spot Panchanama
Ex.P-2(a,b,c,d) : Signatures
Ex.P-3,4,6 : Statements
Ex.P.5 : Seizure Panchanama
Ex.P-5(a,b,c) : Signatures
Ex.P.8&9 : Photos
Ex.P.10 : DVD
Ex.P.11 : Inquest report
Ex.P-11(a -h) : Signatures
Ex.P-12 : Spot panchanama
Ex.P-12 (a,b) : Signatures
Ex.P-13 : Seizure Mahazar
Ex.P-13 (a,b) : Signatures
Ex.P-14 : Spot panchanama
Ex.P-14(a, b) : Signatures
Ex.P.15 to 22 : Photos
Ex.P-23,24 : Statements
Ex.P.25 : Seizure Panchanama



Ex.P-25(a,b) : Signatures
Ex.P.26,27 : Portion of statements
Ex.P.28, 29 : Demand Extracts
Ex.P-28(a) : Signature
Ex.P-29 (a) : Signature
Ex.P.30 : Sketch
Ex.P-30(a,b) : Signatures
Ex.P.31 : P.M. report
Ex.P-31 (a,b) : Signatures
Ex.P-32(a) : Signature
Ex.P.32 : Final opinion
Ex.P.33 : Report
Ex.P.33(a) : Signature
Ex.P.34, 40 : 65(B) certificates
Ex.P.34(a, b) : Signature
Ex.P.35 : FIR
Ex.P-35 (a,b) : Signatures
Ex.P.36,37 : Voluntary statements
Ex.P-36(a) : Signature
Ex.P-37 (a,b) : Signatures
Ex.P.38, 39 : 164 statements
Ex.P.40(a) : Signature
Ex.P.41 to 43 : FSL reports
Ex.P-28(a) : Signature
Ex.P.44, 45 : 2 DVDs.

List of witnesses examined for the accused:

- NONE -



List of documents marked for the accused:

Ex.D.1- Some portion of statement of PW.16

List of Material Objects :

- M.O.1 : One black pant
- M.O.2 : Full shirt
- M.O.3 : Inner ware
- M.O.4 : Ududara (ಉಡುದಾರ)
- M.O.5 : Neck thread (ಕುತ್ತಿಗೆಗೆ ಕಟ್ಟಿದ ದಾರ)
- M.O.6 : Bed sheet
- M.O.7 : Blood sample collected
- M.O.7(a) : Signature
- M.O.8, 9 : Mud
- M.O.8(a) : Signature
- M.O.9(a) : Signature
- M.O.10 : Sodium Chloride container
- M.O.10(a) : Signature
- M.O.11 : Dried bone container
- M.O.11(a) : Signature
- M.O.12 : Long bone
- M.O.12(a) : Signature.

**II Addl. Dist. & Sessions Judge,
Tumakuru.**