



**IN THE COURT OF THE I ADDITIONAL DISTRICT AND
SESSIONS JUDGE, TUMAKURU.**

Present:

Sri. Mohamed Ashraf Aris, B.A., LL.M.,
I Addl. District & Sessions Judge,
Tumakuru.

Dated this the 06th day July, 2026

S.C.No.99/2020

Complainant:

State by Chandrashekarapura
Police Station, Gubbi Circle,
Tumakuru District.

(By learned Public Prosecutor, Tumakuru)

-VS-

Accused :

Gangadhara S/o Shivalingaiah,
Aged about 33 years,
R/at Mathikere, C.S.Pura hobli,
Gubbi taluk,
Tumakuru District.

(By learned Chief Defence counsel)

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|----------------------------------|---|------------|
| 1. Date of Commission of Offence | : | 11.08.2020 |
| 2. Date of Report of offence | : | 11.08.2020 |
| 3. Arrest of accused | : | 13.08.2020 |
| 4. Release of accused | : | 08.02.2021 |
| 5. Name of the complainant | : | Seenappa |
| 6. Date of commencement of | : | 11.01.2024 |



- Evidence :
7. Date of closing evidence : 29.08.2025
8. Offence complained of : Sec.302 of I.P.C.
9. Opinion of the Judge : Accused is acquitted for the offence punishable U/sec.302 R/w. Sec.34 of IPC.

J U D G M E N T

The Chandrashekarapura police have filed this charge sheet against the accused for the offence punishable U/Sec.302 of IPC. The charge sheet was filed before the Addl. JMFC, Gubbi and the case was numbered as C.C.737/2020. The learned Addl. Civil Judge and JMFC, Gubbi has taken cognizance of the offence against the accused and has committed the case to this court for trial.

2. Case of the prosecution in brief is as follows:

The deceased Lokesh had questioned the accused with request to the warning given by the accused to CW.2 who is the cousin of the deceased, in connection with some quarrel between the younger brother of the accused and CW.2. After a week thereafter on 10.08.2020 at 8.00 a.m., when the deceased was proceeding in his bike bearing No. KA-05-EG-2508 towards the



house of his uncle-CW.1, he saw accused standing in front of the house and the deceased asked the accused to accompany him outside village; and thereafter the deceased took the accused in his bike outside village, near the house of CW.7-Rangaraju at Kerekodihalli garden and in the night at around 9.00 p.m, both had drinks and they went to a newly constructed shop building at Kenchanahalli near Badageeranahatte cross in the land of Krishnappa and when the deceased Lokesh went to he middle room of that building and slept, the accused with the aforesaid prior enmity and with an intention to kill, at around 10.30 p.m, lifted cement clocks and dropped them on the head of the deceased, causing such injuries which resulted in the death of the deceased Lokesh; and thereby the accused committed the offence punishable U/Sec.302 of IPC.

3. On the basis of the complaint given by the uncle of the deceased, the Chandrashekarapura police registered the FIR on 11.08.2020 in Cr.No.80/2020 for the offence punishable U/Sec.302 of IPC. After completion of investigation, the police have filed the charge sheet against this accused for the offence punishable U/Sec.302 of IPC.



4. After committal of the case, the accused was produced before this court. The accused is represented by his counsel. Thereafter, as per order dated 29.01.2021 in CrI.Mis.49/2021 passed by this court, the accused was granted bail. The accused offered surety and he was released on bail. Thereafter, he remained absent. He was in judicial custody in another case and hence, body warrant was issued against him and was produced through body warrant. Thereafter, he was released in the said main case and hence, NBW was issued by this court. Since the accused remained absent, his bail bonds were cancelled as per order dated 27.09.2022. Later, he was produced through NBW and he was remanded to judicial custody.

5. This court framed charges for the offence punishable U/Sec.302 of IPC on 24.03.2023. The accused pleaded not guilty to the charge framed for the offence punishable U/Sec.302 of IPC.

6. The prosecution examined 18 witnesses and got marked 45 exhibits as Ex.P1 to P45. Material objects M.O.1 to 15 have been marked on behalf of prosecution.

7. After completion of the prosecution evidence, the statement of the accused as required U/Sec.313 of Cr.P.C., was



recorded. The accused has denied the incriminating evidence.

Accused has not led any defence evidence.

8. The points that arise for determination are as follows:

1. Whether the prosecution proves beyond all reasonable doubt that on 10.08.2020 at around 10.30 p.m., at Kenchanahalli near Badageeranahatti cross near the land of Krishnappa, with prior enmity, the accused lifted cement blocks and dropped them on the head of Lokesh causing such injuries leading to the death of Lokesh and thereby, the accused has committed an offence punishable U/Sec.302 of I.P.C.?

2. What Order?

9. Heard arguments on both sides.

10. The answer to the aforesaid points are as follows:

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

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

REASONS

11. **Point No.1:** The Doctor who has conducted the post mortem examination of the deceased, is cited as CW.22 and is examined as PW.17. He has deposed that he has conducted the post mortem examination of the deceased Lokesh on 11.08.2020



between 4.30 p.m. to 5.30 p.m. at District Hospital mortuary. He has stated that the deceased was wearing a red colour full sleeves shirt which had blood stains and blue colour jeans pant and brown colour inner-wear. Those clothes are marked as M.Os.4 to 6. He has deposed that when he examined the body there was stiffness on all parts of the body and that there were dry blood stains on the left hand. He has noted the following external injuries on the deceased.

- 1) Contused abrasion measuring 13x5 cms behind the left ear, with the lacerated wound measuring 3x0.5 cm, bone deep wound on the upper third portion
- 2) Lacerated wound measuring 7 cm x 0.5 cm bone deep wound behind the first injury.
- 3) Contused abrasion measuring 2x1 cm, on the back side of the left ear.
- 4) Contused abrasion present all over the left ear blade.
- 5) Contused abrasion measuring 6x1 cm, 2x1 cm and 5x1.5 cm present all over the outer part of the left arm and over the left shoulder.
- 6) Abrasion measuring 10x9 cm., present over the right fore arm.

12. The Doctor has further stated that on dissection, he found contused blue colour wound on the left and right side of



inner scalp and that there were fracture of the inner lower part of the skull and injuries on the layer of the brain with blood flow. The chest part and abdomen part were intact. He has stated that there was smell of alcohol inside the stomach.

13. The Doctor has given his opinion regarding the cause of death in the post mortem report. The post mortem report is marked as Ex.P26. The Doctor has stated that all injuries are antemortem and were fresh at the time of death. He has mentioned the time since death as between 12 to 24 hours prior to post mortem examination. He has opined that the death is due to shock and Haemorrhage as a result of head injury. In the evidence, the Doctor has deposed that all injuries found on the deceased are possible if someone drops cement blocks on the deceased and that there is possibility of death due to such injuries. The evidence of the Doctor, the post mortem report Ex.P26 and the inquest report Ex.P20 shows that the death is a homicidal death.

14. There are no eye witnesses in this case. The case of the prosecution depends on the circumstantial evidence. The mother of the deceased has been examined as PW.14. PW.14 has stated



that about 3 years ago her son Lokesh was murdered. She has deposed that the villagers told her about the murder on that day in the morning at 6.00 a.m. and that she went immediately to the spot and found her son dead and that there were blood stains and injuries on his head. CW.1-Sheenappa the uncle of the deceased has given the first information. He is examined as PW.1. He has deposed that the villagers informed about the death and immediately he went to the spot and found the deceased lying with head injuries and that deceased had died at that spot and there were 3-4 cement blocks fallen over the dead body. He has signed the mahazar Ex.P1 which was drawn by the police at that spot. He has deposed that there were liquor bottles, glass and also water bottle at that spot. The investigating officer i.e., PW.18 has deposed about drawing of spot mahazar on 11.08.2020 between 10.30 a.m to 12.00 noon. PW.18 has deposed that he found 4 cement blocks near the dead body and about taking the blood stains and hair found on the cement blocks and about seizing the 4 cement blocks.

15. The prosecution has relied on the evidence of PW.2 Manjunath, who is said to have seen the deceased along with the



accused prior to the death. But, PW.2 has not supported the prosecution case. According to the prosecution, PW.2 has seen the accused and the deceased on the previous day night. In the chief-examination, he has deposed that he does not know how and where the deceased died. He has deposed that he came to know of the death around 3 years ago, but he did not go to the spot or seen the dead body. He has deied giving any statement to the police. PW.2 was treated as hostile and cross-examined by learned PP. In the cross-examination, he has admitted the suggestion that on 10.08.2020 between 7.30 p.m. to 8.00 p.m., he saw the deceased riding the bike bearing No.KA-05-EG-2508 along with the accused who was sitting behind him. Further, it was suggested that, he came to know that the accused smashed the head of the deceased by putting cement blocks over the head of the deceased. The said suggestion was denied by PW.2. According to the prosecution, this PW.2 had given a statement to the police as per Ex.P9. But, PW.2 has denied giving any such statement.

16. It is the case of the prosecution that PW.6 i.e., CW.7 who is the person who sold liquor to the accused has given a statement as per Ex.P13 stating that the accused and deceased had come to



his shop and purchased liquor. But, PW.6 has not supported the prosecution case. He has denied giving any statement as per Ex.P13. He is the owner of the land at Horakere Seemanthara. It was suggested to him that on the date of the incident, two persons came in a bike in the night between 8.30 to 9 and one of them asked for liquor packet and that he gave Raja Whiskey packet to them. He has denied those suggestions.

17. The brother of the deceased i.e., CW.9 Harish has been examined as PW.7. He is also not an eye witness. He was treated partly as hostile. He has denied that he has given a statement to the police as per Ex.P14 stating that there was quarrel between the accused and his uncle's son Sampath Kumar. He has denied the suggestion that due to the said enmity, the accused has picked up quarrel with the deceased Lokesh and has killed the deceased by dropping cement blocks on the head of the deceased.

18. The inquest report is marked as Exhibit P20. The Investigating Officer PW18 has deposed that he requested CW16 to CW18 to come to the spot where the dead body was found and the inquest was conducted between 12.30 to 03.30 p.m. He has



noted the injuries found on the head of the deceased. He has deposed that he recorded the statements of the mother of the deceased i.e., CW19 and also the statements of the witnesses CW20 and CW21, who were present at the time of the inquest. The photos taken at the time of inquest are marked as Exhibit P3 and Exhibit P4. The photographs of the cement stones/blocks which were Seized at the time of the mahazar are marked as Exhibits P29 to P33. Thereafter the body was sent for post mortem examination to the District Hospital through CW28. The clothes which were on the deceased have been Seized as per the seizure mahazar Exhibit P16. PW10 is an independent witness to the said seizure mahazar Exhibit P16, but PW10 did not support the prosecution version. On 12.08.2020, the Investigating Officer has recorded the further statement of the complainant CW1. The further statement is marked as Exhibit P7. As per Exhibit P7, the complainant has stated about the prior enmity. According to the said statement, the deceased Lokesh had questioned the accused with respect to the warning given by the accused to CW2, who is the cousin of the deceased, in connection with some quarrel between the younger brother of the accused and CW2 and after a week on 10.08.2020 at



08.00 a.m., when the deceased was proceeding in his bike towards the House of this first informant, the deceased saw the accused standing in front of the house of the accused and the deceased asked the accused to accompany him outside village and thereafter both of them went in the bike and they had drinks and when the deceased went inside the Shop premises which was newly constructed and open and when the deceased was sleeping the accused dropped the cement blocks. This is a hearsay statement of the complainant. This is not supported by any credible evidence. The photographs shows that the shop premises is a newly under construction building which shows that it was constructed in cement blocks and it was not even plastered with cement. It was an open place. The motive which the prosecution has been trying to put forth is not inspiring. That motive is not supported by any convincing evidence. CW2, who is the son of the complainant who is said to be the person who had quarrel with the younger brother of the accused, which was the starting point of the alleged quarrel which led to enmity, has deposed that he came to know from others about the death of the deceased and has stated that he came to know that the Accused had killed the



deceased, since the deceased had scolded the younger brother of the accused. But that is not the statement given by CW1 in his further statement regarding motive. Even if the version of the prosecution is believed, it is a very weak circumstance.

19. Investigating officer has further deposed that on 12.08.2020 he recorded the further statements of the witnesses CW1 to CW7 as per Exhibit P7 and recorded the statements of the witnesses CW4, i.e., PW3. But PW3 has not supported the prosecution case. According to the prosecution, these witnesses PW2, PW3, PW4 have seen the Accused and the deceased on the night prior to the death of the deceased. However, they have not supported the prosecution case. They have denied having given the statements to the police as per Exhibit P9 to 11. The prosecution has also examined three villagers as PW5 to PW7. It is the case of the prosecution that these witnesses have also seen the accused and the deceased together prior to the death on the previous day night. These witnesses have also denied the case of the prosecution and have denied having given any statements to the police as per Exhibit P12 to 14.



20. The Investigation Officer has deposed that on 13.08.2020 the accused was produced before him by CW26 and CW30 and that the accused gave a confession statement stating that he would show the place of the occurrence and clothes which he had worn on that day. P24 is the arrest report given by CW26 who is examined as PW15. PW18 i.e., the I.O, has deposed that the accused produced a coffee coloured pant, a light green T-shirt with blood stains before him in the police station and that they were seized as per the mahazar Exhibit P17. PW12 is said to be an independent witness to this mahazar Exhibit P17. He has turned hostile and did not support the case of the prosecution. The pant and the T-shirt are marked as Material Objects 13 and 14.

21. It is the case of the prosecution that the accused gave confession statement and led the investigation team to the place of occurrence, in the presence of the witnesses CW14 and 15 and that the mahazar of the spot was Conducted as per Exhibit P34. CW14 and CW15 have been examined as PW11 and PW12. PW11 and PW12 have completely turned hostile. They have denied that the accused have led them to the spot and showed the spot and that a slipper was seized from the said spot. These witnesses have



denied the same. Therefore even the Recovery of the articles said to be recovered as per the confession statement of the accused is not supported by convincing evidence. All the independent mahazar witnesses have turned hostile and did not support the prosecution case. Under such circumstances, the collection of the blood said to be collected from the spot and the blood stains on the cloth of the accused and the collection of blood from the spot are all doubtful. They are not supported by convincing evidence.

22. The learned PP has argued that the blood stains on the cloth which was seized from the body of the deceased and blood stains found in the cloth of the accused were matching and therefore, it shows the presence of the accused at the time of the death. Further, the learned PP has also pointed out to the FSL report which is marked as Ex.P35 and argued that it shows both blood samples belong to the same group and therefore, it is an incriminating circumstances against the accused.

23. Even if the FSL report shows that there was human blood on the Bricks and on the clothes of the deceased and the accused, it is not sufficient to establish the presence of the accused, in view



of the doubtful evidence of the prosecution. The FSL reports are marked as Exhibits P.35, 42 and 43. The inquest under Section 174 of Cr.P.C is limited to ascertaining the apparent cause of death and recording the nature and position of the injuries found on the dead body. An inquest report is not substantive evidence regarding the manner in which the offence was committed or the identity of the offender.

24. The prosecution has produced the RTC extract in respect of the land belonging to Krishnappa, which is marked as Exhibit P21 and the spot sketch which is marked as Exhibit P22. So far as the death of the deceased at the said place is not disputed. The evidence is sufficient to show that the deceased died at that spot due to injuries on his head. But to connect the accused to the said incident, there is no convincing evidence. Even the last alive theory or last seen together theory put forth by the prosecution is not proved convincingly. None of the independent witnesses have supported the case of the prosecution. The motive which is put forth by the prosecution is not convincing enough to show that the accused would go to the extent of Killing the deceased with the said alleged weak motive. It is true that there is no need to prove



motive, but when motive is put forth by the prosecution, it has to be proved convincingly. The alleged confession statement given by the accused is also not proved. Case of the prosecution regarding recovery of slipper of the deceased at the spot at the instance of the accused is also not proved convincingly. It is not supported by any independent mahazar witnesses.

25. On an overall appreciation of the evidence, there is no convincing evidence to prove the case of the prosecution. The chain of circumstances which the prosecution has put forth has not been established. Necessary circumstances to establish the chain of circumstances are not proved. Basic facts relied by the prosecution to establish the circumstances are not proved even by preponderance of probabilities. The guilt of the accused is not proved beyond reasonable doubt. Chain of circumstances are not proved beyond reasonable doubt. On weighing the entire facts on the basis of the available evidence, this Court is of the opinion that the prosecution has failed to establish the guilt of the accused beyond all reasonable doubt and hence the benefit of doubt is given to the accused. Therefore point No.1 is answered in the **Negative.**



26. **Point No.2**: Since the prosecution has failed to establish point number 1, the accused is entitled to be acquitted. Hence the following order is passed.

ORDER

Acting under Section 235(1) of CrPC, the accused is found not guilty and consequently he is acquitted of the offence punishable under Section 302 of IPC.

The accused who is in judicial custody shall be set at liberty forthwith if he is not required in any other case.

M.Os 1 to 15 shall be destroyed after the period of appeal.

(Dictated to the Stenographer after transcribed, typed and corrected and then pronounced by me in open Court on this the 06th day of July, 2026.)

(Mohamed Ashraf Aris)

I Addl. Dist. & Sessions Judge,
Tumakuru.

ANNEXURE

Witnesses examined on behalf of prosecution:

PW.1 :	Seenappa
PW.2 :	Manjunatha
PW.3 :	Sampath
PW.4 :	Shanthamma
PW.5 :	Kiran



PW.6 : Nagaraju
PW.7 : Harisha
PW.8 : Thimmaiah
PW.9 : Sampathkumar
PW.10: Muniraju
PW.11: Mohammed Noor
PW.12: Syed Salman
PW.13: Murthy
PW.14: Sakamma
PW.15: Rajanna
PW.16: T.N.Nagaraju
PW.17: Dr.Rudramurthy
PW.18: C.Ramakrishnaiah

Witnesses examined on behalf of defence:

- NIL -

Documents exhibited on behalf of prosecution:

Ex.P1 : Complaint
Ex.P1(a) : Signature of PW.1
Ex.P1(b) : Signature of PW.16
Ex.P2 : Spot mahazar.
Ex.P2(a) : Signature of PW.1
Ex.P2(b) : Signature of PW.8
Ex.P3 to 6 : Photographs of deceased Lokesh and motor bike

Ex.P7 : Statement of PW.1
Ex.P8 : One C.D./DVD
Ex.P9 : Statement of PW.2
Ex.P10 : Statement of PW.3
Ex.P11 : Statement of PW.4
Ex.P12 : Statement of PW.5
Ex.P13 : Statement of PW.6
Ex.P14 : Statement of PW.7
Ex.P15 : Seizure mahazar
Ex.P15(a) : Signature of PW.8
Ex.P15(b) : Signature of PW.18
Ex.P16 : Seizure mahazar
Ex.P16(a) : Signature of PW.10



Ex.P16(b)	:	Signature of PW.18
Ex.P17 & 18	:	Seizure mahazars
Ex.P17(a),18(a):		Signatures of PW.11
Ex.P17(b),18(b):		Signatures of PW.12
Ex.P18(c)	:	Signature of PW.18
Ex.P19	:	Notice
Ex.P19(a)	:	Signature of PW.11
Ex.P20	:	Inquest mahazar
Ex.P20(a)	:	Signature of PW.13
Ex.P20(b)	:	Signature of PW.18
Ex.P21	:	RTC extract
Ex.P21(a)	:	Signature of PW.18
Ex.P22	:	Sketch
Ex.P23	:	Covering letter submitted by AEE
Ex.P23(a)	:	Signature of PW.18
Ex.P24	:	Report submitted by H.C 90 Nayaz Ahamed
Ex.P25	:	FIR
Ex.P25(a)	:	Signature of PW.16
Ex.P26	:	Post mortem report
Ex.P26(a)	:	Signature of PW.17
Ex.P26(b)	:	Signature of PW.32
Ex.P27 & 28	:	Photos of motor bike
Ex.P29 to 33	:	Photos of article seized
Ex.P34	:	Spot mahazar
Ex.P34(a)	:	Signature of PW.18
Ex.P34(b)	:	Signature of accused
Ex.P35 & 36	:	Acknowledgments issued by FSL
Ex.P35(a)& 36(a):		Signature of PW.18
Ex.P37 to 40	:	Photographs of alleged spot & dead body of deceased
Ex.P41	:	Certificate issued U/Sec.65(B) of Indian Evidence Act
Ex.P41(a)	:	Signature of PW.18
Ex.P42 & 43	:	FSL reports
Ex.P44	:	Sample seal
Ex.P45	:	Copy of RC book



Documents exhibited on behalf of defence :

- NIL -

Material objects exhibited on behalf of prosecution :

- M.O.1 : 2 liters empty water bottle
- M.O.2 : Unsealed Raja whiskey pouch
- M.O.3 : One big stone
- M.O.4 : Red colour full over shirt
- M.O.5 : Blue colour jeans pant
- M.O.6 : Brown colour underwear
- M.O.7 : One pair chappal
- M.O.8 : Hairs lying on brick
- M.O.9 : Blood stained mud
- M.O.10 : Plain Mud
- M.O.11 : 2 liters empty water bottle
- M.O.12 : 90 ml Raja whiskey empty pouch
- M.O.13 : Brown colour ready-made pant
- M.O.14 : Light yellow colour T-shirt
- M.O.15 : Blood stained cloth

I Addl. Dist. & Sessions Judge,
Tumakuru.