

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 342 OF 2022 (A)

BETWEEN:

STATE OF KARNATAKA
BY POLICE INSPECTOR,
KUVEMPUNAGAR POLICE STATION
MYSURU CITY
REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU - 01.

...APPELLANT

(BY SRI. M.V. ANOOP KUMAR, HCGP.)

AND:

SRI. CHANDRASHEKHAR @
CHANDEGOWDA @ CHANDRU
S/O KARIGOWDA,
R/O RAMPURA VILLAGE, KASABA HOBLI,
CHANNAPATNA TALUK-562160,

PERMANENT ADDRESS:
MENASINGANAHALLI VILLAGE,
VIRUPAKSHIPURA,
CHANNAPATNA TALUK,
RAMANAGARA DISTRICT-562159

...RESPONDENT

(NOTICE NOT ORDERED IN R/O RESPONDENT.)

THIS CRL.A. IS FILED U/S.378(1)(3) CR.P.C BY THE S.P.P FOR THE STATE PRAYING TO GRANT LEAVE TO APPEAL AGAINST THE JUDGMENT AND ORDER OF ACQUITTAL DATED 13.10.2021 PASSED IN S.C.NO.2472016 BY IV ADDITIONAL DISTRICT AND SESSIONS JUDGE, MYSURU, THEREBY, ACQUITTING THE ACCUSED NO.2 / RESPONDENT OF THE OFFENSES P/U/S 201 R/W 34 OF IPC AND ETC.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 09.10.2025 AND COMING ON FOR PRONOUNCEMENT OF ORDER THIS DAY, THE COURT, DELIVERED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

CAV JUDGMENT

State has preferred this appeal against the judgment of acquittal dated 13th October 2021, passed in SC No.247 of 2016 by the IV Additional District & Sessions Judge, Mysuru, (for short "the trial Court".)

2. Brief facts leading to this appeal are that, Kuvempunagara Police filed charge-sheet against accused 1 and 2 for offence punishable under Sections 302 and 201 read with Section 34 of Indian Penal Code.

3. It is alleged by the prosecution that accused No.2 used to give driving training to learners at the New Maruti Car Driving School. One Smt. Rakshita used to attend the driving classes and accused No.1 got acquainted with the said Rakshita. In order to meet illegal expenses like Horse race and for gambling, and with an intention to get the gold ornaments and cash, on 11th March, 2016 at about 9:30 am when the said Rakshita was alone in her House, accused assaulted and

committed murder of Rakshita by strangulating her. It is the further case of the prosecution that thereafter, the accused No.1 had stolen the cash and Gold tournaments and kept the dead body in a suitcase and by hiring a car proceeded towards Channapattana, there he secured accused No.2, and with a common intention, proceeded near Menasiganahalli, Karigudda and burnt the dead body. Thereby accused committed offences punishable under Sections 302 and 201 read with Section 34 of Indian Penal Code.

4. On hearing charges, the trial Court framed charges against the accused for the offence is punishable under Sections 302 and 201 read with Section 34 of Indian Penal Code. The same were read over and explained to the accused. Accused pleaded not guilty and claimed to be tried. To bring home the guilt of the accused, the prosecution, in all, examined 31 witnesses PWs1 to 31, marked 69 documents as Exhibits P1 to P69 and 57 Material Objects were marked as MOs1 to 57. During the course of the trial, accused No.1 reported to be dead and accordingly the appeal against accused No.1 was abated and the case was proceeded against accused No.2. Statement of the accused No.2 under Section 313 of Code of Criminal Procedure was recorded. Accused No.2 denied the

evidence of prosecution witnesses, but he has not chosen to lead any defence evidence on his behalf. Having heard the arguments, trial Court acquitted the accused No.2. Being aggrieved by the Judgment of Acquittal, State has preferred this appeal.

5. Sri M.V. Anoop Kumar, learned High Court Government Pleader, would submit that the judgment of acquittal passed by the trial Court is illegal perverse, contrary to law, evidence and material on record. He would submit that on 12th March 2016, PW1 lodged complaint stating that his wife Rakshita was missing. However, he has not mentioned anything about the missing of cash and gold ornaments, but the same has been brought to the notice of the police immediately thereafter. He would submit that the learned judge though in the finding has observed that PW1 while giving the complaint has not mentioned about missing cash or jewelry, but the finding given was an extraneous and misplaced finding in favour of accused, which calls for interference. He would further submit that PW24-Muthushetty is the Investigating Officer. He has deposed in favour of the prosecution that he has collected the evidence against accused No.1 and given report as per Exhibit P42. However, the same

has not been considered by the trial Court. PWs23 and 32 also supported the case of prosecution, but the same is not appreciated by the trial Court. The learned High Court Government Pleader would further submit that from the overall reading of the material on record and also the circumstances in which accused No.2 has played his role in concealing/destroying the evidence of murder committed by accused No.1, it ultimately crystallizes that accused No.1 has committed the act of murder and accused No.2 participated in concealing/destroying the evidence of such crime, thereby committed the offence under Section 201 of Indian Penal Code. Accordingly, he sought to allow the appeal.

6. I have examined the materials placed before me. It is the case of the prosecution that accused No.2 has committed offence punishable under Section 201 read with Section 34 of Indian Penal Code. Accused No.2/ present appellant has not involved in the commission of offence under Section 302 of Indian Penal Code. Accused No.1 who has committed the murder of the deceased is no more and the case against accused No.1 is already updated. With regard to accusation against accused No.2/the present appellant is concerned, the

trial Court, at paragraphs 65 to 68 of the judgment, has observed as under:

"65. On consideration of the materials available on record, as per the case of the prosecution the Accused No.1 has committed the offence punishable under Sec.302 of IPC., and the Accused No.2 being the father of the Accused No.1 has committed the offence punishable under Sec.201 R/w Sec.34 of IPC. In the case on hand, the Accused No.1 is expired and vide Order dated 10.06.2019 the case against Accused No.1 is abated. Thereby, it is very much necessary to find out whether any incriminating evidence is available against Accused No.2. It is only forthcoming in the evidence of the driver of car examined as PW-22 after reaching from Mysuru to Channapatna, Accused No.1 has secured Accused No.2 and thereafter leaving the driver of the car both the Accused Nos.1 & 2 proceeded to a place and returned after 20 minutes.

66. It is forthcoming from the evidence of PW-22 he was not aware with regard to the contents of the suit case kept on the rear seat of the car. It was also the admission, after returning the car after 20 minutes he has not found the suit case. It is also the admission, only on the say of the police he came to know the said suit case was containing dead body of a woman. The spot and seizure mahazars said to have conducted at the instance of Accused No.2 does not reveal anything with regard to his involvement except seizure of empty water bottle and ear stud and the referred seizures are only in respect of seizure of cash as well as gold ornaments from Muthoot

Fin Corp and Muthoot Finance Limited at the instance of Accused No.1. Thereby, the referred seizure mahazars are pointing only towards the Accused No.1. The fact of identity of the deceased as well as the age as disputed by the accused itself will not take away case of the prosecution. In the case on hand, the role of Accused No.2 is to be established in commission of the offence beyond reasonable doubt.

67. The over all consideration of the entire oral and documentary evidence does not make out a case against Accused No.2, particularly with regard to his involvement for having committed the offence punishable under Sec.201 R/w Sec.34 of IPC. Admittedly, the entire case is based on circumstantial evidence and there is necessity of chain of link and there is failure on the prosecution to prove the said fact, particularly against the Accused No.2. Even as per the case of the prosecution, stated driver of the car is also not an eye-witness to the commission of the offence by the Accused No.2 and leaving away the driver of the car and proceeding of Accused Nos.1 & 2 is also leads to suspicion.

68. As pointed out by the learned Advocate for accused, mere evidence available is pointing the guilt of the Accused No.1 and even as per the case of the prosecution, the Accused No.1 has assaulted Smt. Rakshitha and by way of strangulation committed the murder. Under the circumstances, it can be said that the prosecution has failed to prove the case beyond reasonable doubt. From the oral and documentary evidence of official witnesses, it can be said that the evidence adduced by the prosecution witnesses was

riddled with contradictions, discrepancies, omissions and inherent improbabilities and conduct of the private witnesses were highly un-natural and as such it can be said that the prosecution has failed to prove its case beyond reasonable doubt and Accused No.2 is entitled for benefit of doubt. Hence, I answer Point Nos.1 & 2 in the Negative."

7. On re-appreciation, re-consideration and re-examination of the evidence on record, I do not find any error/illegality in the judgment of acquittal passed by the trial Court. Absolutely, there are no grounds to admit this Appeal. In the result, I proceed to pass the following:

ORDER

Appeal being devoid of merits, dismissed at the stage of admission itself.

**Sd/-
(G BASAVARAJA)
JUDGE**

Inn