



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE H.P.SANDESH

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CRIMINAL APPEAL NO.968 OF 2021 (C)

BETWEEN:

MANJAPPA
S/O. YANKA BHOVI
AGED ABOUT 55 YEARS
RESIDENT OF T. GOPAGONDANAHALLI VILLAGE
HONNALI TALUK
DAVANAGERE - 577 217.

...APPELLANT

(BY SRI N.S. SAMPANGI RAMAIAH (APPOINTED AS AMICUS CURIAE)
VIDE COURT ORDER DATED 13-2-2026

AND:

STATE OF KARNATAKA
THROUGH NYAMATHI POLICE
DAVANAGERE
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU - 560 001.

...RESPONDENT

(BY SMT. RASHMI PATEL, H.C.G.P.)

* * *

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 374(2) OF
THE CR.P.C PRAYING TO SET ASIDE THE JUDGMENT OF CONVICTION
AND ORDER OF SENTENCE DATED 3-7-2020, PASSED BY THE I
ADDITIONAL DISTRICT AND SESSIONS JUDGE, DAVANAGERE IN





SESSIONS CASE NO.142 OF 2018, CONVICTING THE APPELLANT/ACCUSED FOR THE OFFENCE PUNISHABLE UNDER SECTION 302 OF IPC.

THIS CRIMINAL APPEAL, COMING ON FOR HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH
and
HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE H.P.SANDESH)

Heard Sri N.S. Sampangi Ramaiah, learned Amicus Curiae appearing for the appellant-accused, and Smt. Rashmi Patel, learned High Court Government Pleader appearing for the respondent-State.

2. This appeal is filed against the judgment of conviction and sentence passed by the trial Court for the offence punishable under Section 302 of the IPC, sentencing the accused to undergo life imprisonment along with a fine of Rs. 25,000/-, and in default of payment of fine, to undergo further imprisonment for a period of one year.



3. The factual matrix of the prosecution case is that on 06.08.2017 at about 10.00 p.m., when PW3–Netra and her husband Shivakumar, along with their children, were sleeping in their house situated at T. Gopagondanahally Village, beside the house of the accused, at that point of time, the accused came there and assaulted Shivakumar with a wooden log on his stomach, thereby causing injuries. Immediately, the injured was shifted to Mc.Gann Hospital, Shivamogga, for treatment and thereafter shifted to Wenlock Hospital, Mangaluru, for further treatment. However, on 09.08.2017 at about 6.30 p.m., he succumbed to the injuries. Hence, a complaint was lodged by one Krishnamurthy.

4. The case was registered in Crime No.131 of 2017 for the offence punishable under Section 302 of the IPC. The Investigating Officer conducted the investigation and filed the charge sheet, which was numbered as C.C. No.503 of 2018. The matter was thereafter committed to the Sessions Court and numbered as S.C. No. 142 of 2018.

5. The presence of the accused was secured, and charges were framed against him. He did not plead guilty and



claimed to be tried. Accordingly, the prosecution relied upon the evidence of PW1 to PW23 and got marked documents Exs. P1 to P18 and MO1. On behalf of the defence, Ex.D1 was marked.

6. On closure of the prosecution evidence, the accused was examined under Section 313 of the Cr.P.C., wherein the incriminating circumstances appearing against him were explained and he denied the same.

7. The trial Court, having considered both the oral and documentary evidence, particularly the evidence of the eye-witness PW3, who is the wife of the deceased, and PW7, who is the mother of PW3 and also the wife of the accused, though not an eye-witness and residing in the neighbouring house along with the accused, and placing reliance mainly on the eye-witness account, convicted and sentenced the accused.

8. The learned *Amicus Curiae* appearing for the accused would vehemently contend that though the incident took place on 06.08.2017 at about 10.00 p.m., no complaint was lodged on that day, and there is an inordinate delay in lodging the complaint. It is contended that the complaint was



lodged only after the death of Shivakumar, i.e., on 10.08.2017, and the delay has not been properly explained. It is further contended that no MLC was registered either at Mc.Gann Hospital or at Wenlock Hospital, Mangaluru. The learned counsel submits that the trial Judge failed to take note of non-availability of these materials and, despite such lapses, proceeded to convict the appellant.

9. The learned *Amicus Curiae* also brought to the notice of this Court the discussion made by the trial Judge, particularly from paragraph No.42 onwards, regarding the seizure of the weapon alleged to have been used in the commission of the offence. He further referred to the evidence of PW21, the Surgeon at Mc.Gann Hospital, has stated that despite medical advice, the injured was shifted to Wenlock Hospital. The said aspect has been taken note of by the trial Court in paragraph No.43. Ultimately, the injured succumbed to the injuries, and upon considering the evidence of the eye-witness, the trial Court came to the conclusion that it was a case of homicidal death.



10. The trial Court also observed that the evidence of PW3 is consistent and reliable, and that no daughter would depose against her father unless he had committed the offence. In paragraph No.47, after scrutinising the prosecution evidence and all the attending circumstances, the trial Court concluded that it is crystal clear that the accused committed the murder.

11. The learned counsel appearing for the appellant would vehemently contend that, though PW3 is cited as an eye-witness, the Court ought to have taken note of the absence of material evidence with regard to the genesis of the crime. It is further contended that there is a delay of three days in lodging the complaint, which is very crucial in a criminal case, and that the said delay has not been properly considered by the trial Court. Hence, it is submitted that the impugned judgment requires interference by this Court.

12. *Per contra*, the learned counsel appearing for the State would submit that the trial Court, having considered the eye-witness account of PW3, who witnessed the accused inflicting injuries with MO1-wooden log, and also the evidence of PW7, who rushed to the spot on hearing the screaming



sound and saw her husband-accused running out of the house of PW3, has rightly appreciated the evidence on record. It is further submitted that the trial Court has also taken note of the medical evidence and the evidence of the official witnesses and, upon proper appreciation of the same, has rightly convicted the accused.

13. Having heard the learned *Amicus Curiae* appearing for the appellant and the learned HCGP appearing for the State, and upon considering both the oral and documentary evidence on record, the following points arise for consideration by this Court:

1. Whether the trial Court committed an error in convicting the appellant and sentencing him for the offence punishable under Section 302 of the IPC and the same requires interference by this Court?
2. What order?

14. We have perused the oral and documentary evidence, particularly the evidence of PW1 to PW23, who are the material witnesses. It is the case of the prosecution that



PW3–Netra and the deceased Shivakumar were husband and wife, and that PW3 is also the daughter of the accused. It is important to note that it was a love marriage. They were residing at Gopagondanahally Village, adjacent to the house of the accused. It is the further case of the prosecution that the accused used to quarrel with the deceased Shivakumar every day by demanding money. On 06.08.2017, at about 10.00 p.m., when the deceased Shivakumar and his wife were sleeping in their house along with their children, the accused went to their house and assaulted Shivakumar with a wooden log, which is marked as MO1, on his abdomen, as a result of which he sustained a blunt injury.

15. PW3–Netra is an eye-witness, who witnessed the assault made on her husband by the accused. She immediately shifted the injured to Mc.Gann Hospital, where he was treated, and thereafter he was shifted to Wenlock Hospital for further treatment. It is also important to note that PW7, who is the wife of the accused, has deposed that upon hearing the screaming, she rushed to the spot and noticed the accused moving away from the place of occurrence. On enquiry, she



came to know from Shivakumar that the accused had assaulted him. Her evidence appears to be natural and is corroborated by the testimony of PW3.

16. It is important to note that PW3 is none other than the daughter of the accused and PW7 is none other than his wife, and they are also neighbours. No reasons are assigned by the accused for their deposing against him. Nothing has been elicited in the cross-examination of these two material witnesses, namely PW3 and PW7. The trial Judge has also considered the evidence of PW1, who is the complainant and brother of the deceased. He has stated in his evidence that, after receiving information from PW3, he went to Wenlock Hospital, where he found his brother, who had undergone surgery to his abdomen. On enquiry, PW3 disclosed the entire incident to him. Thus, he came to know about the occurrence only through PW3, and his evidence is hearsay in nature. However, PW7 is a circumstantial witness who rushed to the spot and saw the accused running out of the house of PW3. PW2, an independent witness, is a signatory to the inquest. Likewise, PW4 is also an inquest witness to Ex.P6.



17. PW13 and PW22 are circumstantial witnesses. In their evidence, they have deposed that their houses are situated near the houses of the accused and PW3. They have further stated that on hearing the screaming at night, they went to the house of Netra and noticed that the accused run away from the spot. They came to know about the incident through PW3. They are also witnesses to the spot mahazar.

18. Having taken note of the eye-witnesses evidence, it is to be observed that PW3 is the daughter of the accused and PW7 is the wife of the accused, the evidence of PW1, PW2, and PW4, as well as PW13 and PW22, who are circumstantial witnesses and who saw the accused running away from the house, has also been considered. All these materials have been duly taken note of by the trial Court while appreciating the evidence on record. Nothing has been elicited in the cross-examination of PW3 and PW7 to show that they were having any enmity against the accused so as to falsely implicate him. When such being the case, we do not find any grounds to interfere with the findings recorded by the Trial Court.



19. The learned *Amicus Curiae* appearing for the appellant would vehemently contend that the complaint was not lodged immediately after the incident. However, the Court has to take note of the fact that the accused is none other than the father of PW3 and the husband of PW7. The first priority of the family members was to shift the injured to the hospital. Immediately after the incident, the injured was taken to Mc.Gann Hospital, Shivamogga, and thereafter shifted to Wenlock Hospital, Mangaluru. The complaint was lodged immediately after the death of Shivakumar. The mere delay in lodging the complaint, in the facts and circumstances of the present case, cannot be a ground to acquit the accused. Normally, when an incident takes place among family members, the immediate concern would be to save the injured rather than to approach the police station. In the case on hand, the injured was shifted to hospitals at different places, namely Shivamogga and Mangaluru, and the Court has to take note of the distance involved in shifting the injured. Therefore, the question of lodging the complaint immediately does not arise.



20. Having considered the fact that the accused is the father of PW3 and the husband of PW7, the Court cannot expect that they would falsely implicate the accused out of animosity. The medical evidence also clearly establishes that it is a case of homicidal death. To prove the same, the prosecution has examined the doctors as PW11 and PW17. The post-mortem report is marked as Ex.P10, and the FSL reports are marked as Exs.P7 and P8. In view of the above material on record, we do not find any grounds to reverse the findings of the trial Court. Even to reverse such findings, there must be cogent evidence to arrive at a different conclusion, which is absent in the present case.

21. The trial Judge has also discussed the evidence of PW12 in paragraph No.28 and has noted that injury Nos.1 to 4 are surgical sutured wounds measuring 22 cms on the anterior abdominal wall in the midline, suggestive of surgical intervention. It is further observed that the cause of death was due to complications arising from injuries to the intestine and liver (abdominal injuries), secondary to blunt force trauma.



22. Having considered the nature of the external injuries as well as the opinion of the doctor, it is clear that the case is one of homicidal death. The evidence of PW3 and PW7, coupled with the testimony of the circumstantial witnesses, clearly points out that it is the accused who committed the murder. None of the witnesses has any animosity against the appellant so as to falsely depose against him. When such being the case, we do not find any grounds to interfere with the findings of the trial Court or to arrive at a different conclusion. Accordingly, the point is answered against the appellant-accused.

23. In view of the discussions made above, we pass the following:

ORDER

- i) The appeal is ***dismissed***.
- ii) The Registry is directed to pay amount of Rs.10,000/- (*Rupees ten thousand only*) to the *Amicus Curiae* for the able assistance



**NC: 2026:KHC:12254-DB
CRL.A No. 968 of 2021**

rendered. The Registry shall pay the said
Amicus Curiae fee forthwith.

**Sd/-
(H.P.SANDESH)
JUDGE**

**Sd/-
(VENKATESH NAIK T)
JUDGE**

AM,PHM
List No.: 1 Sl No.: 11