



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 907 OF 2015 (A)

C/W

CRIMINAL APPEAL NO. 464 OF 2015

IN CRL.A No. 907/2015

BETWEEN:

THE STATE OF KARNATAKA
REPRESENTED BY KORA POLICE 572 128.

...APPELLANT

(BY SRI. M. DIWAKAR MADDUR., HCGP)

AND:

RAMESHA
S/O CHINIGAIAH,
41 YEARS,
FACTORY WORKER,
R/O CHIKKA THOTALUKERE VILLAGE,
KORA HOBLI, TUMKUR TALUK, 572128.

...RESPONDENT

(BY SRI. CHETHAN B.,ADVOCATE)

THIS CRL.A. IS FILED U/S.378(1) AND (3) CR.P.C
PRAYING TO a) GRANT LEAVE TO APPEAL AGAINST THE
JUDGMENT DATED 25.03.2015 PASSED BY THE II ADDL. DIST.
AND S.J., TUMKUR IN S.C.NO.68/2014 INSOFAR AS IT
RELATES TO ACQUITTING THE RESPONDENT/ACCUSED OF THE
OFFENCE P/U/S 306 OF IPC. AND ETC.





IN CRL.A NO. 464/2015

BETWEEN:

RAMESHA
S/O CHINIGAI AH,
AGED ABOUT 41 YEARS,
/AT CHIKKATHOTALUKERE VILLAGE,
KORA HOBLI, TUMKUR TALUK-572 101,
TUMKUR DISTRICT.

...APPELLANT

(BY SRI. CHETHAN B.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY KORA POLICE STATION,
TUMKUR TALUK-572 101,
TUMKUR DISTRICT.

...RESPONDENT

(BY SRI. M. DIWAKAR MADDUR., HCGP)

THIS CRL.A. IS FILED U/S 374(2) CR.P.C PRAYING TO
SET ASIDE THE ORDER DATED:25.3.2015, PASSED BY THE
II ADDL. DIST. & SESSIONS JUDGE, TUMKUR, IN
S.C.NO.68/2014- CONVICTING THE APPELLANT/ACCUSED
FOR THE OFFENCES P/U/S 498-A OF IPC AND ETC.

THESE APPEALS, COMING ON FOR FURTHER
ARGUMENTS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN
AS UNDER:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA



ORAL JUDGMENT

1. Both appeals arise out of the judgment dated 25.03.2015 passed in S.C.No.68/2014 by the II Additional District and Sessions Judge, Tumkur (for short 'the trial Court').
2. The State has preferred Crl.A.No.907/2015 against the order of Acquittal under Section 306 of Indian Penal Code and the appellant/accused has preferred Crl.A.No.464/2015 against the judgment of conviction for the offence under Section 498-A of Indian Penal Code and sentence passed by the trial court to undergo simple imprisonment for a period of one year and to pay fine of Rs.25,000/-.
3. For the sake of convenience, the parties herein are referred to the same rank before the trial Court.
4. Brief facts leading to these appeals are that, the Sub-Inspector of Police, Kora Police Station submitted the charge sheet against the accused for the offence under



Sections 498-A and 306 IPC. It is alleged by the prosecution that the accused married Sujatha on 03.06.2013. They were residing together at Chikkathottilu village of Kora Hobli. After two-and-half months of marriage, accused started subjecting Sujatha, both to mental and physical harassment, by assaulting her and abusing her with a view to coerce her and cause danger to her life and with an intention to cause her death, he abetted Sujatha to commit suicide by giving mental and physical harassment. As a result, Sujatha consumed poison on 28.08.2013 and died. Thus the accused has committed the commission of alleged offence.

5. After filing the charge sheet, case was registered in CC.No.5829/2013 and thereafter the case was committed to the Court of Sessions which was registered in SC.No.68/2014. The accused was arrested on 30.08.2013 and released on bail on 30.11.2013.

6. Upon hearing on charges, trial Court has framed charges for the commission of alleged offence. Same was



read-over and explained to the accused in the language known to him. Having understood the same, accused pleaded not guilty and claimed to be tried.

7. To prove the guilt of the accused, in all 10 witnesses were examined as PWs.1 to 10 and ten documents were marked as Exhibits P1 to 10.

8. On closure of prosecution side evidence, statement under Section 313 of Cr.P.C was recorded. Accused has totally denied the evidence of prosecution witnesses. However, he did not choose to lead any defence evidence on his behalf.

9. Having heard the arguments on both sides, the trial Court has convicted the accused for the offence under Section 498-A of IPC and sentenced to undergo simple imprisonment for a period of one year and pay fine of Rs.25,000/-. Further, the trial Court has acquitted the accused for the offence under Section 306 of IPC.



10. Being aggrieved by the judgment of acquittal, State has preferred Criminal Appeal No.907 of 2015; whereas, the accused has preferred Criminal Appeal No.464 of 2015 against the judgment of conviction and order on sentence passed by the trial Court for the offence under Section 498-A of IPC.

11. Learned HCGP, Sri B.Lakshman would submit that the impugned judgment and order of acquittal recorded by the learned Sessions Judge is contrary to law and facts of the case and evidence on record. The reasons assigned by the learned Sessions Judge while passing the impugned judgment of acquittal are erroneous. The learned Sessions Judge has not appreciated and analyzed the evidence of PW2-the complainant and the elder brother of the deceased.

12. The trial Judge further failed to appreciate the evidence of PW5 to PW9, who being the material witnesses to the case of the prosecution, have clearly deposed regarding the demand of dowry, physical and mental



harassment meted out to the deceased by the accused. The learned Sessions Judge further failed to appreciate the evidence of official witnesses, PW1-doctor and Exhibit P1-Post Mortem report. On all these grounds, it is sought to allow the appeal.

13. As against this, Sri Chetan B., the learned counsel for the appellant in Crl.A.No.464/2015, would submit that the judgment of conviction and sentence passed by the trial Court is illegal, invalid and unsustainable under law. He would submit that the learned Sessions Judge has not properly appreciated the evidence on record and same has resulted in miscarriage of justice. The trial Court has properly appreciated the evidence on record in respect of the offence under Section 306 of Indian Penal Code. However, the trial Court has committed an error in convicting the accused for the offence under Section 498-A of Indian Penal Code.

14. Further he would submit that, it is settled principle of law that the prosecution shall prove the charges levelled



against the accused beyond all reasonable doubt. In the case on hand, the prosecution has failed to prove the charges levelled against the appellant and when the trial Court having acquitted the accused for the major offence under Section 306 of IPC, convicting the appellant for the offence under Section 498-A, is bad in law. The alleged incident had taken place only after 3 months from the date of marriage and more particularly the deceased and the appellant had lived together for only about one-and-half months out of said three months. The appellant was working in a private factory and used to leave the house around 08.00 in the morning and return at 08.00 in the night. Such being the case, the appellant harassing the deceased is unbelievable and further even as per the complaint averments and material evidence, there is no specific explanation given in the complaint as to the nature in which appellant had harassed the deceased. The trial Court, only on assumption and presumption, has convicted the appellant for the alleged crime in the absence of any



cogent proof against the appellant. On all these grounds, it is sought to allow the appeal of the appellant and to dismiss the appeal preferred by the State.

15. Having heard the arguments on both sides and on perusal of the materials placed before this Court, the following points would arise for my consideration:

(i) Whether the trial Court is justified in acquitting the accused for the offence under Section 306 of IPC?

(ii) Whether the trial Court is justified in convicting the accused for the offence under Section 498-A of IPC?

(iii) Whether the appellant is entitled for modification of sentence imposed for the offence under Section 498-A of IPC?

(iv) What order?

16. My answer to the above points are:

Point No.1: in the affirmative;

Point No.2: in the affirmative;

Point No.3: partly in the affirmative;



Point No.4: as per final order.

Regarding Point No.1:

17. I have examined the materials placed before this Court. The trial Court has acquitted the accused for the offence under Section 306 of IPC and convicted the accused for the offence under Section 498-A of IPC. With regard acquittal of the offence under Section 306 IPC is concerned, the trial Court has assigned reasons, which read as under:-

"In order to attract S.306 of IPC, the prosecution has to prove the following ingredients:

- (1) the commission of suicide by a person.*
- (2) that the accused abetted the commission thereof.*

I have narrated the evidence placed by the prosecution before this court while discussing point No.1 above. On overall analysis of evidence on record, now this court has to consider whether the ingredients of abetment have been proved before the court or not?

In Sec. 306 of IPC, the definition of abetment is not given. Therefore, the court has to look back upon Sec. 107 of I.P.C. to ascertain what is the



*definition of abetment' Abetment according to Sec.
107 IPC means:*

*"A person abets the doing of a thing, who-
First-Instigates any person to that thing,; or*

*Secondly- Engages with one or more other
person or persons in any conspiracy for the doing of
that thing, if an act or illegal omission takes place in
pursuance of that conspiracy, and in other to the
doing of that thing; or*

*Thirdly Intentionally aids, by any act or legal
omission, the doing of that thing.*

*Explanation: A person who, by wilful
misrepresentation, or by wilful concealment of a
material fact which is bound to disclose, voluntarily
causes or procures, or attempts to cause or procure,
a thing to be done, is said to instigate the doing of
that thing.*

*On reading of the above said definition of
abatement, the prosecution so far as this case is
concerned, has to prove that the accused has
instigated the deceased to commit suicide or
intentionally he aided by acts or illegal omission and
due to his such misconduct, he dragged the said
lady to commit suicide Therefore, there must be an*



intention in the mind of the court that by doing a particular act, accused indirectly or directly instigating a person to commit suicide or facilitating or intentionally aiding or other person to commit suicide The commission of suicide must be within the knowledge of the accused knowing full well that by doing such act, the other person may commit suicide intentionally he has done that. If these ingredients are established by the prosecution then only the court can convict the accused person. In this regard, it is necessary to refer the rulings reported in 1995 SCC (CrI.)1157 "MAHENDRA SINGH AND ANOTHER VS STATE OF M.P.", Hon'ble Supreme Court has held that:

"Abetment of suicide - On facts neither of the ingredients of abetment are attracted Dying declaration of the deceased wife alone not sufficient to bring the acts of the appellants husband, mother-in-law and sister-in-law of the deceased, within S.306- Conviction for abetment of suicide merely on the allegation of harassment to the deceased not suitable".

In another ruling reported in 2002 Supreme Court Cases (CrI.), 1088-" RAMESHKUMAR VS. STATE OF CHHATTISHGARH" the three Judges' Bench of the Hon'ble Supreme Court held that-

"Ss 306 & 107- Whether husband abetted suicide of wife by instigating her to do



so Appreciation of evidence" Instigation Meeting There must be a reasonable certainty to incite the consequence - Having regard to the dying declaration and suicide note of the deceased along with all other circumstances of the case, held, offence under S.306 not made out. Merely because there was some ill-treatment or harassment, the Court cannot invoke Section 306"

In another ruling reported in 2002 Supreme Court Cases (Crl.) 1141- "SANJU VLIAS SANJAY SINGH SENGAR VS. STATE OF M.P. the Hon'ble Supreme Court explained the ingredients of Section 107 of I.P.C., particularly the word "Instigate" as denotes incitement or urging to do some drastic or inadvisable action to stimulate or incite- Presence of mens rea is the necessary concomitant for instigation- Words uttered in a quarrel or on the spur of moment, such as " to go and die" cannot be taken to be uttered with mense rea". This ruling also referred to a suicide note. The court held that:

"Appellant specifically named in suicide note which was otherwise not coherent and reflected disturbed state of mind- There was also evidence on record that the deceased always indulged in drinking and was not doing any work Suicide note, taken with other circumstances, held, deserved no credence."

By looking to the above said decisions, these decisions are laid down the principles that the



instigation or facilitation by the accused only with an intention to see that the deceased committed suicide and the conduct of the accused plays very important role particularly that too seen before the death of the deceased. In this background, the Court has to see the evidence on record to ascertain whether this mis-conduct of the accused instigated or aided or even created such circumstances to the deceased to commit suicide Now I will refer to the evidence of the witnesses before the Court, according to the circumstances placed by the prosecution.

Prosecution has relied upon the evidence of P. W.2. P.W.5 to P.W.8 so far as this particular aspect is concerned, all these witnesses have stated about the cruelty meted out to deceased Sujatha by the accused. According to them, she has consumed alcohol because of the cruelty meted out to her by the accused.

It is to be noted that the intention of the accused placed an important role in the criminal cases. Nothing can be made out in the evidence of prosecution witnesses, in particular the evidence of PW.2, PW.5 to P.W.8 so as to establish that accused had intended to provoke his wife or instigate his wife to commit suicide. In view of the principles



*enunciated in the ruling cited above in the facts and circumstances of the case, I am of the considered opinion that the evidence placed before the court is not at all sufficient to bring home the guilt of the accused so far as offence punishable u/s 306 of I.P.C. is concerned. Accordingly, the point taken up for consideration is answered **in the negative**"*

18. On re-appreciation, re-consideration and reexamination of the entire evidence on record, I do not find any factual or legal error in the impugned judgment of acquittal for the offence under Section 306 IPC. Accordingly I answer Point No.1 in affirmative.

Regarding Points 2 and 3:

19. With regard to the conviction under Section 498-A IPC, the trial Court has properly appreciated the evidence on record and convicted the accused for the offence under Section 498-A IPC and passed a sentence for a period of 1 year and also to pay a fine of Rs.25,000/-.

20. Learned counsel for the accused/appellant has submitted that the offence under Section 498-A IPC is



punishable with imprisonment for a term which may extend to 3 years and shall also be liable to fine. The learned counsel would submit that, the accused has already undergone judicial custody for a period of 3 months. Then same may be set off for the Commission of Offence under Section 498-A IPC. Further he would submit that accused has not committed any offence prior to this.

21. I have examined the materials in this regard. In the title page of the judgment, it is stated that date of arrest is 30.08.2013 and date of release is 30.11.2013. It is also clearly mentioned that the accused was in judicial custody for a period of 3 months. The alleged commission of offence under Section 498-A IPC is punishable with imprisonment for a term which may extend to 3 years and shall also be liable to fine. The State has not placed any materials to show that accused is convicted prior to this Judgment. While imposing sentence, the trial Court has observed that the accused has two children aged 6 and 4 years. There is nobody to look after those children. Accused is the only person in the house. It is



his second marriage and if he is sentenced to imprisonment, his children will be thrown to streets.

22. Considering the mitigating circumstances, so as to show the leniency to the accused and also the period of detention already undergone by the accused, I am of the opinion that, it is just and proper to modify the sentence passed by the trial Court for a period of 3 months instead of one year with fine of Rs.25,000/- for the offence under Section 498-A of IPC. Hence, I answer Point No.2 in affirmative and Point No. 3, partly in the partly affirmative.

Regarding Point No.4:

23. For the aforesaid reasons and discussions, I proceed to pass the following order:

ORDER

i) The Criminal appeal No.907 of 2015
filed by the State is ***dismissed***;

ii) The Criminal appeal No.464 of 2015
filed by the appellant is ***partly allowed***;



iii) The Judgment of conviction for the offence under Section 498-A of IPC by the II Additional District and Sessions Judge, Tumakuru in SC No.68/2014 dated 25.03.2015 is confirmed.

iv) The Sentence passed by the II Additional District and Sessions in SC No.68/2014 dated 25.03.2015 is modified as under:

a) Accused is convicted and sentenced to undergo simple imprisonment for a period of 3 months for the offence under Section 498-A of IPC and also pay a fine of Rs.25,000/-.

v) It is submitted that fine amount already deposited by the appellant. The accused is entitled for set off under Section 428 of Cr.P.C. for the period already undergone in the judicial custody. Out of fine amount of Rs.25,000/-, Rs.20,000/- shall be paid to PW2-Nanjundaiah, by way of compensation as per order passed by the trial Court.



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vi) Bail bond of the accused shall stand
cancelled.

Registry is directed to send a copy of this judgment to
the trial Court along with TCR.

Sd/-
(G BASAVARAJA)
JUDGE

DHA,LDC
List No.: 1 Sl No.: 39