



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 25TH DAY OF MARCH, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

CRIMINAL APPEAL NO. 100405 OF 2022 (C)

BETWEEN:

HOMAPPA S/O SAKREPPA LAMANI
AGE. 48 YEARS, OCC. BUSINESSMAN,
R/O. NALLERI THANDA, NALLERI VILLAGE,
TQ- KALAGHATAGI, DIST. DHARWAD.

...APPELLANT

(BY SRI S.P. KANDAGAL, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY PSI OF DHARWAD WOMAN PS,
R/BY BY SPP,
HIGH COURT OF KARNTAKA,
DHARWAD BENCH, DHARWAD.
2. BHIMMAVVA LACHAPPA LAMANI
AGE ABOUT 55 YEARS, OCC- HOUSEHOLD,
R/O. NALLERI THANDA, NALLERI VILLAGE,
TQ-KALAGHATAGI, DIST.DHARWAD-581204.

...RESPONDENTS

(BY SRI M.B. GUNDAWADE, ADDL. SPP FOR R1;
SRI D.L. LADKHAN, ADVOCATE FOR R2)

THIS CRIMINAL APPEAL IS FILED U/S 374(2) OF CR.P.C.,
PRAYING TO SET ASIDE HE JUDGMENT AND ORDER DATED
31.01.2020 AND SENTENCE DATED 03.02.2020, PASSED BY THE II
ADDITIONAL DISTRICT AND SESSIONS AND SPECIAL JUDGE,
DHARWAD IN SPL.S.C. NO.26/2019, BY CONVICTING THE APPELLANT
FOR THE OFFENCES CHARGED U/S 376 OF IPC AND 4 AND 6 OF
PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT 2012 &
ETC.

THIS CRIMINAL APPEAL, COMING ON FOR FINAL HEARING, THIS
DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: THE HON'BLE MR. JUSTICE H.P.SANDESH
AND
THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

ORAL ORDER

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

Appellant counsel files a memo reporting the death of the appellant who died on 30.11.2025 while serving the sentence. The counsel in support of this memo produced Medico-Legal Intimation to the Investigating Officer given by the Casualty Medical Officer, K.I.M.S. Hospital, Hubballi, wherein it is stated that the convict was admitted to the hospital on 15.09.2025 at 02.03 a.m. and he was passed away on 30.11.2025.

2. The counsel in support of the said memo also produced the letter dated 30.11.2025 sent to the Investigating Officer by the Superintendent of Jail, Dharwad and also the letters are sent to the Human Rights Commission, Principal Secretary to the Home Department and also the Director of Prison, the learned Judge who passed the conviction order so also the Deputy Director General of the Prisons, Belgaum, and also the concerned Police station.



3. The counsel for the respondent No.1/State and also the counsel for respondent No.2 are present.

4. Having considered the memo and also the Medico-Legal Intimation as well as the letter of the Jail Superintendent who has reported the death to the concerned authorities, the appeal is abated as the appellant is no more.

5. The counsel appearing for the respondent No.2 brought to notice of this Court a recommendation was made by the concerned Judge invoking Section 357(A) of Cr.P.C., for grant of compensation. Having considered the said submission, it is directed that if the compensation is not awarded in accordance with law, the respondent No.2 is directed to approach the trial Court seeking to pass an appropriate order invoking Section 357(A) of Cr.P.C., since it is a case of POCSO offences.

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

**Sd/-
(B. MURALIDHARA PAI)
JUDGE**