



IN THE HIGH COURT OF KARNATAKA AT DHARWAD
DATED THIS THE 2ND DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE V.SRISHANANDA
CRIMINAL REVISION PETITION NO. 100332 OF 2025
(397(CR.PC)/438(BNSS))

BETWEEN:

1. KAREPPA @ KARIYAPPA,
S/O RAMAPPA GULLENNABAR,
AGE. 52 YEARS, OCC. AGRICULTURE,
R/O. UPPAR ONI, KAVALGERI, DHARWAD.
2. IRANNA PARASHURAM KARIYANNAVAR,
AGE. 52 YEARS, OCC. PRIVATE SERVICE,
R/O. NIJAGUNA NAGAR, NEAR PATRESHWARNAGAR,
YADVAD ROAD, DHARWAD.
3. ANIL RAMESH PASTY
AGE. 46 YEARS, OCC. AGRICULTURE,
R/O. KASABAGUDAR ONI,
KAMANAKATTI, DHARWAD.
4. SAGAR KURTAKOTI @ AVINASH SURESH GADAG,
AGE. 35 YEARS, OCC. DRIVER,
R/O. KELAGERI ROAD, VASA VIHAR,
5TH CROSS, DHARWAD.
5. SMT. PEERAVVA KUSHAPPA JADHAV
AGE. 58 YEARS, OCC. HOUSEHOLD WORK,
R/O. UPPAR ONI, KAVALAGERI, DHARWAD.
6. SUNIL KUMAR SOMASHEKAR MAHENDRAKAR,
AGE. 45 YEARS, OCC. BUSINESS,
R/O. SALAKINAKOPPA, JANATA PLOT ROAD,
TQ. AND DIST. DHARWAD.

...PETITIONERS

(BY SRI. MAHESH WODEYAR, ADVOCATE)





AND:

1. STATE OF KARNATAKA,
THROUGH ACP, DHARWAD SUB-URBAN P.S.,
REPRESENTED BY ADDL. SPP
HIGH COURT OF KARNATAKA
DHARWAD BENCH, DHARWAD-580011.
2. SMT. BHARATHI W/O NINGARJ SHIDDAPPANAVAR
AGE 41 YEARS, OCC. HOUSEWIFE,
R/O. LIG 41/1 MALATESH NILAYA, CHITANYA NAGAR,
KELAGERI ROAD, DHARWAD 580003.

...RESPONDENTS

(BY SRI. JAIRAM SIDDI, HCGP FOR R1;
SMT. RANJITA REDDI, ADVOCATE FOR
SRI. SHARANABASAVARAJ C., ADVOCATE FOR R2)

THIS CRIMINAL REVISION PETITION IS FILED UNDER SECTION 397 R/W 401 OF CR.P.C. (438 R/W 442 OF BNSS), PRAYING TO SET ASIDE THE ORDER DATED 28-04-2025 PASSED BY THE II ADDL. DIST AND SESSIONS JUDGE DHARWAD AND SPECIAL COURT FOR TRIAL OF THE OFFENCES UNDER THE POCSO ACT AND SC AND ST(POA) ACT, IN SPL SC AND ST CASE NO.54/2023 FOR THE OFFENCES PUNISHABLE U/SEC 306, 323, 354, 504, 506 R/W 34 OF IPC AND U/SEC 3(2)(V), 3(2)(V-A) OF THE SCHEDULE CASTE AND SCHEDULE TRIBES (PREVENTION OF ATROCITIES) AMENDMENT BILL, 2015 AND CONSEQUENTLY ALLOW THE APPLICATION AND DISCHARGE THE PETITIONERS/ACCUSED NO.2 TO 5 AND 7 TO 8 FOR THE OFFENCES PUNISHABLE UNDER SECTION U/SEC 306, 323, 354, 504, 506, R/W 34 OF IPC AND U/SEC 3(2)(V), 3(2) (V-A) OF THE SCHEDULE CASTE AND SCHEDULE TRIBES (PREVENTION OF ATROCITIES) AMENDMENT BILL, 2015.



THIS CRIMINAL PETITION COMING ON FOR ADMISSION,
THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE V.SRISHANANDA)

Heard Sri Mahesh Wodeyar, learned counsel for revision petitioners, Sri Jairam Siddi, learned High Court Government Pleader for respondent No.1 and Miss Ranjita Reddi for Sri Sharanabasavaraj C., learned counsel for respondent No.2.

2. Present revision petition is filed by the accused No.2 to 5, 7 and 8 in Special SC & ST Case No.54/2023 with the following prayer.

- i. *Call for records.*
- ii. *Set aside the order dated 28-04-2025 passed by the II Addl. Dist and Sessions Judge Dharwad and Special Court for trial of the offences under the POCSO Act and SC and ST (POA) Act, in Spl SC and ST Case No.54/2023 for the offences punishable u/sec 306, 323, 354, 504, 506 r/w 34 of IPC and u/sec 3(2)(v), 3(2)(v-a) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Amendment Bill, 2015 and consequently allow the application and discharge the petitioners/accused no.2 to 5 and 7 to 8 for the offences punishable under section u/sec 306, 323, 354, 504, 506, r/w 34 of IPC and u/sec 3(2)(v), 3(2) (v-a) of the Schedule Caste*



and Schedule Tribes (Prevention of Atrocities) Amendment Bill, 2015.

3. Facts in the nutshell which are utmost necessary for disposal of the present petition are as under:

3.1 After thorough investigation petitioners and others have been charge sheeted for the offences punishable under Section 306, 323, 354, 504, 506, r/w 34 of IPC and u/sec 3(2)(v), 3(2) (v-a) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Amendment Bill, 2015 upon the lodged by the second respondent.

3.2 Gist of the column No.17 of the charge sheet would make it clear that husband of the second respondent namely Ningaraja had borrowed sum of ₹10,00,000/- with first accused with a promise that he would pay interest at the rate of 3% per month. There were some differences with regard to the non-payment of the loan amount and as such, there was a registration of the property in favour of the second accused and repeatedly Ningaraja and his family members were harassed to vacate and hand over the premises.



3.3 When the matter stood thus, on 21.07.2023 at about 06:00 p.m. at the instigation of first accused, accused No.2 to 5 and 7 and 8 went near the house of the complainant and abused the husband of the complainant in a filthy language taking out caste name and told the husband of the complainant that if they do not vacate the premises, they would throw away the articles and such persons must die because they are unable to clear the dues.

3.4 Complainant was mishandled and she has been pulled by holding her hairs and when she fell down, they abused complainant and her family members in filthy language by taking out caste name in the presence of CW10 and CW11, who had intervened to pacify the quarrel. Because of the said act, husband of the complainant being frustrated in the life committed suicide at about 08:00 p.m. by consuming the poison and before he consumed poison, he has recorded a video message about the harassment meted out to him and his family members by the petitioners and others.



3.5 In other words, the death note in the case on hand is the electronic record in the form of mobile clipping which has been part of the charge sheet materials.

4. Pursuant to the filing of the charge sheet, learned Special Judge took cognizance of the offences alleged against the petitioners and others and registered the special case and proceeding with the matter.

5. Petitioners herein after appearing before learned Special Judge filed an application seeking an order of discharge insofar as the petitioners are concerned on the ground that a civil litigation has been converted into a criminal case with ulterior motive.

6. They also contended that mere uttering of the words 'go and die' would not *per se* amount to abatement and therefore, there is no material on record to establish the abatement so as to hold the petitioners liable for the suicidal death of the husband of the complainant and sought for discharging them.



7. Learned Special Judge after entertaining the objections of the prosecution, heard the arguments of the parties and dismissed the application.

8. Being aggrieved by the same, petitioners are before this Court.

9. Sri Mahesh Wodeyar, learned counsel for the petitioners reiterating the grounds and in the petition would contend that there is no material on record which would form *prima facie* nexus between the suicidal death of the husband of the complainant and the present petitioners and therefore, continuation of the criminal proceedings is nothing but abuse of process of law and sought for allowing the petition.

10. Per contra, Sri Jairam Siddi, learned High Court Government Pleader and Ms. Ranjitha would oppose the revision grounds. They would also contend that against the order of discharge, no revision petition is maintainable in view of Section 14 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and sought for dismissal of the petition.



11. Having heard the arguments of both sides, this Court perused the material on record meticulously.

12. On such perusal of the material on record, in view of Section 14, every order passed by the Special Court concerning the provisions of SC & ST (POA) Act, concerning the penal provisions of the SC & ST (POA) Act, is appealable under Section 14 of the Act.

13. As such, the present revision petition itself is not maintainable.

14. Nevertheless, even on the merits, *prima facie* materials are available on record which would form the nexus between the present petitioners and the incident in of the video clipping recorded by the deceased before his death, which can be treated as dying declaration in the form of electronic records.

15. Taking note of the principles of law enunciated by the Hon'ble Apex Court in the case of ***State of Orissa v. Debendra Nath Padhi*** reported in ***(2005) 1 SCC 568***, this Court does not find any grounds whatsoever much less good ground to interfere with the order of the trial Court.



16. At the most, grounds urged in the petition would be a defence that has to be established by the petitioners in the trial in accordance with law.

17. Reserving such liberty for the petitioners following order is passed.

ORDER

Petition is dismissed.

**Sd/-
(V.SRISHANANDA)
JUDGE**

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CT:CMU
LIST NO.: 3 SL NO.: 76