



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 4TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V.SRISHANANDA

CRIMINAL PETITION NO. 101426 OF 2021 (482(CR.PC)/528(BNSS))

BETWEEN:

AKSHAY S/O. K. SUBBANNA
AGED 21 YEARS, OCC STUDENT,
R/O. 5TH WARD, RANIPETH, HOSAPETE,
DIST BALLARI, PRESENTLY STAYING IN
DAIVAGNA HOSTEL, VIDYANAGAR,
HUBBALLI, DIST DHARWAD.

...PETITIONER

(BY SRI. SHASHANK S. CHATNI, ADVOCATE FOR SRI. G.I.
GACHCHINAMATH, ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY ITS GOKUL ROAD POLICE STATION,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
DHARWAD, DIST DHARWAD.

...RESPONDENT

(BY SMT. KIRTELATA R. PATIL, HCGP)

THIS CRIMINAL PETITION FILED U/S 482 OF CR.P.C., PRAYING TO CALL FOR RECORDS IN RESPECT OF S.C.NO.122/2018 ON THE FILE OF V ADDL. DISTRICT AND SESSIONS JUDGE, DHARWAD SITTING AT HUBBALLI AND SET ASIDE THE IMPUGNED ORDER DATED 24/02/2021 MADE IN SESSIONS CASE NO.122/2018 ORDER ON APPLICATION FILED UNDER SECTION 227 OF THE CODE OF CRIMINAL PROCEDURE PASSED BY THE V ADDL. DISTRICT AND SESSIONS JUDGE, DHARWAD SITTING AT HUBBALLI PRODUCED AS ANNEXURE-D AND FURTHER ALLOW THE APPLICATION FILED UNDER SECTION 227 OF THE CODE OF CRIMINAL PROCEDURE.





THIS 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.Shashank C. Chatni, learned counsel appearing on behalf of Sri.G.I.Gachchinamath, learned counsel for the petitioner and Smt.Kirtilata R. Patil, learned High Court Government Pleader for the respondent/State.

2. Present petition is filed under Section 482 of Cr.P.C. with the following prayer:

"Wherefore, for the reasons stated above the petitioner most humbly prays that this Hon'ble Court graciously may be pleased to

- a. Call for records in respect of SC No.122/2018 on the file of Vth Additional District and Sessions Judge, Dharwad sitting at Hubballi.*
- b. Set aside the impugned order dated 24.02.2021 made in Sessions Case No.122/2018 order on application filed under Section 227 of Code of Criminal Procedure passed by the Vth Additional District and Sessions Judge, Dharwad, sitting at Hubballi produced as Annexure-D and further allow the application filed under Section 227 of the Code of Criminal Procedure.*



c. Grant such other reliefs as this Hon'ble Court deems fit under the circumstances of the present case including an order for costs may kindly be passed in the interest of justice and equity."

3. Gist of the complaint averments would reveal that daughter of the complainant was attending the college and she returned to the home after the college. When the complainant asked the inmates of the house about the whereabouts of the deceased, they intimated that she has come from the college and is taking rest in the room after consuming the food.

4. At about 8.30 p.m., on the same day, when the complainant called the deceased, there was no response from her room and therefore, she went inside the room and saw that the deceased had hung herself with the help of a churidar veil to the ceiling fan. She intimated the same to the police the next day. When the complainant was searching the bag of the deceased, a death note was found which was handed over to the police at the time of panchanama and based on the said death note, a case came to be registered against the petitioner herein for the offence punishable under Section 306 of IPC who had



deserted the petitioner after having the physical relationship and having affair with two more girls of the same college.

5. Being frustrated with the conduct of the petitioner, deceased had committed suicide is the gist of the death note.

6. Police after registering the case, thoroughly investigated the matter and filed charge sheet.

7. Presence of the accused was secured before the Trial Court and there was an application filed under Section 227 of Cr.P.C. seeking for discharge of the petitioner.

8. Said application was opposed by the prosecution by filing written objections.

9. Learned Sessions Judge after entertaining the objections and hearing the parties in detail, noted that *prima facie* materials are available in the case on hand which would form direct nexus between the suicidal death of the deceased and petitioner and thus, dismissed the application seeking discharge.



10. Being aggrieved by the same, petitioner is before this Court, in this petition.

11. Learned counsel for the petitioner reiterating the grounds urged in the petition contended that death note is not sacrosanct and there are many contradictions in the prosecution papers itself.

12. Therefore, there is no material on record and the words found in the complaint would not be sufficient to proceed with the case as against the petitioner for the offence punishable under Section 306 of IPC and sought for allowing the petition.

13. Per contra, learned High Court Government Pleader for the respondent/State would contend that the contents of the death note is to be established during the course of trial as the Investigation Officer has taken the specimen handwriting of the deceased and compared the handwriting in the death note which would tally each other and therefore, the contentions urged on behalf of the petitioner cannot be countenanced in law that too at the stage of deciding the dismissal of the application seeking discharge and sought for dismissal of the petition.



14. Having heard the parties in detail, this Court perused the material on record meticulously.

15. On perusal of the material on record, especially the death note, it is crystal clear that the petitioner had physical relationship with the deceased. In fact, the death note also reveals that the deceased had become pregnant and it has been terminated.

16. Thereafter, petitioner deserted the deceased and started an affair with two more girls of the same college which resulted in great degree of frustration insofar as deceased is concerned and unable to bear the frustration, she committed suicide by hanging herself in the room.

17. These aspects of the matter are to be established by the prosecution placing cogent and convincing evidence on record.

18. Material collected by the investigation agency in the form of charge sheet would be sufficient enough to frame the charge is the case formed by the learned Trial Judge.



19. Therefore, this Court does not find any infirmity whatsoever in the order of rejecting the application filed by the petitioner seeking discharge.

20. Accordingly, following:

ORDER

Petition is ***dismissed***.

Sd/-
(V.SRISHANANDA)
JUDGE

KAV
CT-CMU
LIST NO.: 3 SL NO.: 10