



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 23RD DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

AND

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL APPEAL NO.200348 OF 2023

(374(Cr.PC)/415(BNSS))

BETWEEN:

BALBEEM
S/O NARSINGH KALE,
AGE : 49 YEARS, OCC: COOLIE,
R/O: WAGANGERA, TALUK: AURAD-B,
DIST.: BIDAR – 585 326.

...APPELLANT

(BY SRI.B.C.JAKA, ADVOCATE)

AND:

THE STATE OF KARNATAKA,
THROUGH HOKRANA POLICE STATION,
TQ: AURAD-B, DIST: BIDAR -586 326.
NOW REPRESENTED BY ADDITIONAL SPP
HIGH COURT OF KARNATAKA,
KALABURAGI BENCH – 585 107.

...RESPONDENT

(BY SRI. SIDDALING P.PATIL, ADDL. SPP)

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 374 (2) OF CR.P.C PRAYING TO ALLOW THIS APPEAL AND SET ASIDE THE JUDGMENT OF CONVICTION DATED 06.08.2022 AND ORDER OF SENTENCE DATED 08.08.2022 IN S.C.No.41/2018, PASSED BY THE PRL. DIST. AND SESSIONS JUDGE, AT BIDAR, BY ALLOWING THIS APPEAL. CONSEQUENTLY ACQUIT THE APPELLANT / ACCUSED OF THE CHARGES LEVIED AGAINST HIM, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498-A, 302, 309 OF IPC IN THE INTEREST OF JUSTICE.



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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ
and
HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

(PER: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA)

Heard Sri.B.C.Jaka, learned counsel for the appellant
as well as Sri.Siddaling P.Patil, learned Additional State
Public Prosecutor who represents the respondent-State.

2. Challenge to this appeal is the judgment that is
rendered by the Court of Principal District and Sessions
Judge, Bidar, in S.C.No.41/2018 dated 06.08.2022. The
appellant who was tried and was convicted for the offences
punishable under Sections 498A, 302 and 309 of Indian
Penal Code (for short, 'IPC'), is before this Court
challenging the findings given and the sentence imposed.
The appellant was sentenced to undergo simple
imprisonment for one year and to pay fine of Rs.5,000/-
for the offence punishable under Section 498A of IPC, to
undergo imprisonment for life and to pay fine of



Rs.5,000/- for the offence punishable under Section 302 of IPC and further sentenced to undergo simple imprisonment for three months for the offence punishable under Section 309 of IPC.

3. The matrix of the prosecution case is that, the defacto-complainant has got four daughters and one son. Deceased-Usha (hereinafter referred to as 'deceased', for brevity) is his eldest daughter. The deceased was given in marriage to the appellant herein. The lawful wedlock resulted in birth of two children i.e., PW.5-Suraj and Dheeraj. Deceased was working as a cook at a Government school. Appellant started ill-treating the deceased suspecting her fidelity. The deceased informed about the ill-treatment to her father i.e., PW.4. PW.4 brought the deceased to his house on knowing about such ill-treatment. However, the appellant approached the house of the deceased along with two others, informed PW.4 that he would look after the deceased properly and took her back to his house. On 17.11.2017, around 11:30



AM, PW.4 received a phone call from his grandson i.e., PW.5 that his father (appellant) killed his mother (deceased) and thereafter, consumed poison. On that PW.4 rushed to the spot and gave a complaint to the police.

4. Making observation that the material witnesses supported the case of the prosecution, the cause of death is established and the charges leveled against the appellant were proved, the Sessions Court convicted the appellant.

5. Arguing the matter, learned counsel for the appellant submits that the appellant has not committed any offence whatsoever. No doubt, there were disputes between the appellant and the deceased. However, it is not the appellant who killed the deceased. The deceased might have committed suicide by hanging. No material whatsoever was produced by the prosecution to connect the appellant with the crime. The reasons given by the Sessions Court for passing the judgment of conviction are



opposed to law and the material available on record. Without appreciating the evidence that is brought on record, the Sessions Court passed the judgment of conviction and hence, by setting aside the judgment passed, the appellant may be acquitted of the charges.

6. Per contra, learned Additional State Public Prosecutor states that the material witnesses supported the case of the prosecution. Father of the deceased spoke in clear terms about the ill-treatment and harassment of the appellant, son of the deceased i.e., PW.5, spoke about the fact that he found his father i.e., appellant herein having consumed poison soon after the incident and that he was informed by his father that he killed his mother and further, medical evidence clearly establishes the cause of death and therefore, the Trial Court rightly convicted the appellant and thus, there are no grounds to interfere with.

7. The incident, as per the version of the prosecution happened on 17.11.2017. There is no dispute



about the fact that on the same day, appellant consumed poison. By following the prescribed procedure, the prosecuting agency collected vomit mixed soil, control soil and one plastic bottle labeled as 'Datsun 1(L)'. As per the report given by the Regional Forensic Science Laboratory, Kalaburagi, which is marked as Ex.P12, vomit mixed soil and the plastic bottle labeled as 'Datson 1(L)', contains Chlorpyrifos (Organophosphorus insecticide) and Alphamethrin (Pyrethroid insecticide). What prompted the appellant to consume poison on the same date of incident that is on the date when deceased lost her life and at around the same time, is not stated by learned counsel who represents the appellant before this Court nor any clarification was given before the trial Court. Undoubtedly, it is for the prosecuting agency in a criminal trial to establish the case beyond all reasonable doubt. However, if a fact is within the special knowledge of the accused, it is for him to state about said fact and the circumstances in



which he was said to have had knowledge of that fact or information in that regard.

8. In the case on hand, the appellant failed to state anything as to why he consumed the poison at the relevant time. Though it is argued that the deceased committed suicide, yet, the medical evidence speaks otherwise. Further there is no reason for the son of the appellant i.e., PW.5 to state that he was informed by his father that he strangled his mother and thereafter, consumed poison.

9. Now coming to the motive for commission of the offence, PW.9 who is none other than the brother of the appellant stated in his chief examination that his brother was suspecting the character of the deceased. He also stated that four days prior to death, himself, appellant and CW.19 Eknath went to the maternal home of the deceased and brought her to stay with his brother by advising her. PW.9 during the course of cross-examination admitted that since his brother had complained his father-



in-law that the deceased was talking with others in the school, where she is going for cooking, therefore she was taken to maternal home. All these facts clearly go to show that the appellant by suspecting character and fidelity of the deceased, on the date of incident, caused the death of the deceased.

10. At Paragraph-37 of the judgment, the Trial Court having divided the case of the prosecution into three parts, firstly, regarding physical and mental cruelty meted out to the deceased from the accused; secondly, appellant-accused killing his wife by tying towel around her neck by strangulating her; thirdly, the appellant-accused after killing his wife attempted to commit suicide by consuming pesticide, discussed these aspects, subjecting the evidence produced by the prosecuting agency to scrutiny, ultimately came to a conclusion that the prosecution succeeded in establishing that it is the appellant-accused who caused the death of the deceased and thereafter, attempted to commit suicide.



11. However, so far as offence punishable under Section 498A of IPC is concerned, we are unable to agree with the finding given by the Sessions Court that the charge leveled against the appellant is proved. Only when the prosecution establishes that the accused has subjected the victim to cruelty which is of such a nature that would drive her to commit suicide or to cause grave injury or danger to life, limb or health or cause such harassment with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand, then the accused will be held liable for committing offence punishable under Section 498A of IPC.

12. In the case on hand, no such ingredients are found. The appellant by suspecting character of the deceased as per the evidence produced, has caused the death of the deceased. Therefore, we hold that the prosecution failed to establish the guilt of the accused



beyond all reasonable doubt for the offence punishable under Section 498A of IPC.

13. Therefore, the appeal is disposed of holding that the appellant is found not guilty of the offence punishable under Section 498A of IPC. Thereby the appellant is acquitted for the said charge.

14. So far as the charges leveled against the appellant for the offences punishable under Section 302 and 309 of IPC are concerned, we do not find any merit in the appeal and thus, the findings given in respect of those charges are confirmed and consequently, the sentence imposed is also confirmed.

15. The appeal is accordingly, *disposed of*.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

VNR
List No.: 1 Sl No.: 4
Ct:VK