

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO.728 OF 2014

BETWEEN:

SRI VENKATESH
S/O NARAYANAPPA,
AGED ABOUT 42 YEARS
R/AT NOW HOUSE OF JC
CHIKKABALLAPURA PRISON
CHIKKABALLAPURA

...APPELLANT

(BY SRI. S. BALAKRISHNAN, ADV.)

AND:

THE STATE OF KARNATAKA
CHIKKABALLAPURA TOWN POLICE STATION
CHIKKABALLAPURA
REP: BY SPP,
HIGH COURT OF KARNATAKA
BANGALORE - 560 001

...RESPONDENT

(BY SRI. B. LAKSHMAN, HCGP)

THIS CRL.A IS FILED U/S 374(2) OF CODE OF CRIMINAL PROCEDURE PRAYING TO SET ASIDE THE ORDER DATED 21.08.2014 PASSED BY THE PRL. DISTRICT AND SESSIONS JUDGE, CHIKKABALLAPURA IN SC NO.121 OF 2009 WHEREBY APPELLANT/ACCUSED CAME TO BE CONVICTED FOR THE OFFECE P/U/S 498A AND 306 OF IPC AND SENTENCED TO UNDERGO R.I FOR 2 YEARS AND TO PAY FINE OF RS.2,000/- AND IN DEFAULT TO PAY FINE TO UNDERGO R.I. FOR SIX MONTHS; AND ETC.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 12.12.2025 AND COMING ON FOR "PRONOUNCEMENT OF ORDERS" THIS DAY, THE COURT, DELIVERED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

CAV JUDGMENT

The appellant/accused No.4 has preferred this appeal against the judgment of conviction and order on sentence dated 21st August, 2014 passed in S.C No.121 of 2009 by the Principal District & Sessions Judge, Chikkaballapura (for short "the trial Court").

2. For the sake of convenience, the parties herein are referred to as per their status before the trial Court.

3. Brief facts leading to this appeal are that Chikkaballapura Rural Police submitted charge-sheet against the accused 1 to 7 for the offence punishable under Sections 498A, 304B, 306 read with 34 of Indian Penal Code and Sections 3, 4 and 6 of Dowry Prohibition Act. It is alleged by the prosecution that, the marriage of appellant victim-Geetha, daughter of complainant-Chandrashekaraiah was solemnized on 28th April, 2005 at Chikkaballapura as per Hindu rites and customs. Prior to marriage, there was negotiation, in which family members of the appellant demanded jewels for bride and

the groom and dowry of Rs.2,00,000/-. Finally, it was settled that complainant shall give Rs.1,00,000/- as dowry, accordingly 15 days prior to the marriage, complainant delivered Rs.1,00,000/- to the father of the appellant. After marriage, the couple lived cordially in the matrimonial home. Meanwhile, she became pregnant and was suffering from stomach pain, appellant took her to hospital for treatment and brought her to parents house. Thereafter, she gave birth to a baby. Despite informing, accused did not visit her in the hospital. The complainant gave his daughter a mobile and cash of Rs.4,000/- After 20 days, appellant visited her and took away cash and mobile phone. Four months after delivery she was taken to matrimonial house, where she was subjected to mental and physical harassment, demanding further dowry in the form of cash and lands. In the meanwhile, again she became pregnant, but pregnancy was terminated by administering with some tablets, on account of which she suffered stomach pain. Thereafter, all the accused subjected her to cruelty demanding money for construction of house and also to get lands transferred to her name. The complainant paid Rs.50,000/- and despite receiving the said amount, his daughter was subjected to cruelty.

4. On 25th February, 2009 at about 09.00 am, appellant, over phone, requested the son of the complainant to come to his house. When he went, he saw the victim crying and when he asked her to come to her parents house, she replied that she would rather die in her matrimonial house but will not go to her parents house. On 27th March, 2009, at 7.00 pm the appellant informed the complainant over phone that something had happened to Geetha and asked him to come to Government Hospital, when he and his family members went to hospital, the dead body of the victim Geetha was brought in an ambulance. Complainant suspected that accused might have subjected his daughter to cruelty demanding dowry and might have killed her by giving poison. Based on the said complaint, the above case came to be registered.

5. After investigation, the Investigating Officer has submitted the charge-sheet against the accused for the commission of alleged offence. After taking cognizance, case was registered in CC No.253 of 2009. Thereafter, the case was committed to the Court of Sessions and registered in SC No.121 of 2009. The accused appeared before the said Court and were enlarged on bail.

6. Upon hearing on charges, the trial Court has framed charges against the accused for the alleged offences, the same were read over and explained to the accused. Having understood the same, accused pleaded not guilty and claimed to be tried.

7. To prove the guilt of the accused, in all, 18 witnesses were examined as PW1 to PW18. 33 documents were marked as Exhibits P1 to P33. No material objects were marked by the prosecution. On closure of prosecution side evidence, statements of accused under Section 313 of Code of Criminal Procedure were recorded. Accused have denied the evidence of prosecution witnesses. However, they did not choose to lead any defence evidence on their behalf. During the course of prosecution evidence, Exhibits D1 to D4 were marked.

8. Having heard the arguments on both sides, the trial Court acquitted accused 1 to 3 and 5 to 7 for offences under Section 498A, 304B, 306 read with Section 34 of Indian Penal Code and Section 3, 4 and 6 of Dowry Prohibition Act. Accused No.4/appellant herein, was also acquitted for the offence punishable under Section 3, 4 and 6 of Dowry Prohibition Act and Section 304B of Indian Penal Code. The trial Court

convicted accused No.4/appellant herein for the offence under Sections 498A and 306 of Indian Penal Code and sentenced the accused to undergo rigorous imprisonment for a period of two years and to pay fine of Rs.2,000/- for the offence under Section 488A of Indian Penal Code. Further, accused No.4 was sentenced to undergo rigorous imprisonment for a period of 8 years and to pay fine of Rs.5,000/- for the offence punishable under Section 306 of Indian Penal Code. Being aggrieved by the judgment of conviction and order on sentence, the accused No.4 has preferred this appeal.

9. Learned Counsel, Sri S. Balakrishnan appearing for the appellant would submit that, the trial Court has held that there are no materials against the appellant for the offence punishable under Section 304B of Indian Penal Code and Sections 3, 4 and 6 of Dowry Prohibition Act. The trial Court ought to have extended the same benefit to the appellant for the offence under Sections 498A and 306 of IPC, but has erroneously convicted him for the said offence. He would submit that PW1-Chandrasekharaiyah-father of the deceased, has stated in his evidence that after marriage with the appellant, they were living cordially. His entire evidence indicates that he is an hearsay witness. He had not deposed

anything regarding his personal knowledge of matrimonial life of his daughter-Geetha. PW1 has not deposed regarding the demand or harassment on the part of the accused No.4. PWs2 to 4 are not consistent in their evidence and they have not spoken regarding matrimonial life of deceased-Geetha. Independent witnesses have not supported the case of the prosecution. Hence, there is no corroboration of evidence of PWs1 to 4. Further, it is admitted that PWs1 to 4 do not, in any way, establish that appellant treated the deceased with cruelty of such nature as defined under Section 498A Indian Penal Code. The evidence of PWs1 to 4 also do not establish any nature of cruel treatment on the part of the appellant, which abetted the deceased to commit suicide. There are also no evidence to attract clause 'A' of explanation of Section 498A of Indian Penal Code. Further, he would submit that absolutely there are no evidence to prove the essential ingredients of Sections 107 and 306 of Indian Penal Code. The trial Court has acquitted the accused for offence punishable under Sections 3, 4 and 6 of Dowry Prohibition Act. When the trial Court has acquitted the accused for the offence under Sections 3, 4 and 6 of Dowry Prohibition Act, the question of demanding dowry by this accused does not arise. However, the trial Court has convicted the accused for the offence under

Sections 498A and 306 of Indian Penal Code, which is not sustainable under law. On all these grounds, it was sought for allowing the appeal.

10. To substantiate his argument, learned counsel relied on the following decisions:

- i) PRAKASH AND OTHERS v. STATE OF MAHARASHTRA AND ANOTHER RENDERED IN CRIMINAL APPEAL NO... OF 2024 ARISING OUT OF SLP (CRL.) NO.1073 OF 2023 DECIDED ON 20.12.2024;
- ii) MAHENDRA AWASE v. THE STATE OF MADHYA PRADESH RENDERED IN CRIMINAL APPEAL NO.221 OF 2025 (@ SPECIAL LEAVE PETITION (CRL.) NO.11868 OF 2023) DECIDED ON 17.01.2025;
- iii) RAJESH CHADDHA v. STATE OF UTTAR PRADESH - 2025 SCC ONLINE SC 1094;
- iv) MARIANO ANTO BRUNO AND ANOTHER v. INSPECTOR OF POLICE - (2023)15 SCC 560.

11. On the other hand, Sri. B. Lakshman, learned High Court Government Pleader appearing for respondent-State, would submit that the trial Court has properly appreciated the evidence on record in proper perspective and had convicted the accused. There are no grounds to interfere with the impugned judgment of conviction and order on sentence passed by the trial Court. Hence, he sought for dismissal of this appeal.

12. Having heard the arguments on both sides and on perusal of materials, the following points would arise for my consideration.

1. Whether the trial Court is justified in convicting accused No.4/appellant herein for the commission of offence under Section 306 and Section 498 Indian Penal Code?
2. What Order?

13. I have examined the materials placed before this Court. Before appreciation of the evidence on record, it is relevant to extract Section 306 of Indian Penal Code. The same reads thus:

"Section 306: Abetment of Suicide.-

If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."

14. Section 107 of Indian Penal Code reads thus:

"A person abets the doing of a thing, who:

- 1. Instigates any person to do that thing; or*
- 2. 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 order to the doing of that thing; or

- 3. Intentionally aids, by any act or illegal omission, the doing of that thing."*

15. It is also relevant to mention as to the essential ingredients that constitute offence under Section 306 of Indian Penal Code. The same reads thus:

"An offence under Section 306 has following essential ingredients:

- i) That any person committed suicide;*
- ii) That such a commission of suicide by the consequence of an abetment;*
- iii) That the abetment was made by the accused."*

16. The Hon'ble Supreme Court, in the case of M. ARJUNAN v. STATE OF TAMILNADU reported in (2019)3 SCC 315, has observed that essential ingredients under Section 306 of Indian Penal Code makes it clear that the act of insulting the deceased by using abusive language, will not by itself, constitute the abetment of suicide. There should be evidence capable of suggesting that the accused intended to instigate the deceased to commit suicide. Unless the ingredients of instigation/abetment to commit suicide are satisfied, the

accused cannot be convicted under Section 306 of Indian Penal Code.

17. The Hon'ble Supreme Court, in its recent decision in the case of RAJESH CHADDHA (supra), has observed as under:

"..., an act of 'cruelty' for the purpose of Section 498A, corresponds to a willful conduct of such nature, that may cause danger to the life, limb and health of the woman, which is inclusive of the mental and physical health and the harassment caused to her, by coercing her to meet unlawful demands or impossible standards. Further, the demand for dowry in terms of Section 3 and Section 4 of the D.P.Act, 1961 refers to both a direct or indirect manner of demand for dowry made by the husband or his family members. In order to meet the threshold of the offences under Section 498A IPC and Sections 3 and 4 of the D.P. Act, 1961, the allegations cannot be ambiguous or made in thin air."

18. To constitute the offence under Section 498A of Indian Penal Code, the prosecution has to prove the following ingredients:

"An offence under Section 498A has following essential ingredients:

- (a) *that the victim was a married lady (she may also be a widow);*
- (b) *that she has been subjected to cruelty by her husband or the relative of her husband;*

(c) *that such cruelty consisted of either (1) harassment of the woman with a view to coerce meeting a demand for dowry, or (2) a willful conduct by the husband or the relative of her husband of such a nature as is likely to lead the lady to commit suicide or to cause grave injury to her life, limb or health;*

(d) *that such injury aforesaid may be physical or mental. When the husband or the relative of a husband of a woman subjects such woman to cruelty, he or they shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine."*

19. In the case on hand, the Investigating Officer has submitted the charge sheet against the accused 1 to 7 for commission of offence under Sections 498A, 304B, 306 r/w Section 34 of Indian Penal Code and Sections 3, 4 and 6 of Dowry Prohibition Act. The trial Court has acquitted accused 1 to 3 & 5 to 7 for the offence under Sections 498A, 304B, 306 r/w 34 of Indian Penal Code and Sections 3, 4 and 6 of Dowry Prohibition Act. The trial Court has also acquitted the accused No.4/appellant herein for the offence under Sections 3, 4 and 6 of Dowry Prohibition Act and Section 304B of Indian Penal Code. However, the trial Court has convicted the accused No.4/appellant herein for the offence under Sections 498A and 306 read with Section 34 of Indian Penal Code. As per

complaint-Exhibit P1, it is all the accused who have mentally and physically ill-treated the daughter of the complainant to bring dowry. Many-a-times, the family members of the complainant and elders have conducted a panchayat in this regard. On 25th March, 2009 at 09.30 am, the complainant had received a call from his daughter, wherein she had stated that the accused have assaulted the deceased to bring money and have also stated that if she did not bring money, they will kill her. PW1 has not specifically stated as to the assault made by the accused No.4/present appellant. However, he has deposed that accused 1 to 7 have given mental and physical harassment to the deceased for a period of two years.

20. PW2-Vinay P.C., has not whispered anything against the accused No.4 as to the alleged ill-treatment said to have been given by the said accused.

21. PW3-Shanthamma, mother of the deceased, also has not whispered anything as to the ill-treatment given by the accused to her daughter.

22. PW4-Ananda and PW7-Bhagyamma are hearsay witnesses.

23. PW5-Raghunatha Reddy and PW6-Govindappa have not supported the case of prosecution. These witnesses were treated as partly hostile witnesses with the permission of the Court and were cross-examined by the learned Public Prosecutor.

24. PW8-Venkatachalapathi and PW9-Narayayswamy, have not supported the case of the prosecution.

25. PW10-M. Srinivas, witness to seizure mahazar, has not supported the case of the prosecution.

26. PW11-Nagabhushana and PW12-Manjula, attesters to inquest panchanama, have deposed that they have witnessed the dead-body of the deceased at the time of conducting inquest panchanama. Both have deposed as to presence of wound on the back of head of the deceased. They have deposed that they do not know the cause of death of the deceased.

27. PW13-Venkatachala is the seizure mahazar witness.

28. PW14 is Dr. Diwakar, conducted post-mortem over the dead-body of the deceased and issued report as per Exhibit

P22 and then issued official information regarding the cause of death of the deceased.

29. PW15-Dayananda Narayana Reddy has not supported the case of the prosecution.

30. PW16-Smt. Meenakshi, Sub-Inspector of Police, PW17-Sri K.V. Nanaiah, Assistant Commissioner of Police and PW18-Chandrappa H.N., have deposed as to their respective investigation.

31. A careful scrutiny of the entire evidence placed on record, makes it clear that none of the witnesses have deposed as to the demand of dowry by accused No.4/appellant herein. On the contrary, during the course of cross-examination of PW1, he has clearly admitted that accused No.1 bore the entire expenses of marriage. The Investigating Officer has not collected any material as to the date, time and year of harassment, so also, demand of dowry. PW3-mother of the deceased has deposed in her evidence that they have given gold ornaments as per customs prevailing in the community. Considering the evidence placed by the prosecution, the trial Court has held that there is no evidence against the accused as to the alleged mental or physical ill-treatment said to have

been given by the accused, and the trial Court has acquitted all the accused, except accused No.4, for commission of alleged offence.

32. It is the specific case of the prosecution that all the accused subjected the deceased to cruelty and due to the mental and physical ill-treatment given by the accused and demand of dowry made by all the accused, the deceased committed suicide. When the trial Court has acquitted all the other accused, the question of demanding dowry and inflicting of the alleged mental and physical harassment by accused No.4 alone, does not arise.

33. The trial Court in its judgment, has observed that in the inquest panchanama it is mentioned as to the injury caused to the back of the head of deceased. None of the witnesses have deposed in their evidence that accused No.4 has assaulted the deceased on the back of her head. The Investigating Officer also has not filed charge-sheet against the accused No.4 for commission of offence under Section 302 read with Section 34 of Indian Penal Code. The Investigating Officer has not investigated as to how the deceased sustained injury to the back of her head. Without any evidence, the trial Court has presumed that due to the physical and mental harassment

given by accused No.4, the deceased committed suicide, which is not sustainable under law.

34. Viewed from any angle, I do not find any cogent, convincing, clinching, trustworthy or acceptable legal evidence to constitute the offence under Sections 498A or 306 of Indian Penal Code against accused No.4/appellant herein. Considering the facts and circumstances of the case, and keeping in mind the decisions relied upon by the learned counsel for the appellant, I am of the opinion that the prosecution has failed to prove the guilt against the accused beyond all reasonable doubt and the trial Court is not justified in convicting the accused No.4 for offence punishable under Sections 498A and 306 of Indian Penal Code. Accordingly, I answer point No.1 the negative.

Regarding Point No.2:

35. In the result, I proceed to pass the following:

O R D E R

- i) Appeal is allowed;
- ii) The judgment of conviction and order on sentence dated 21st August, 2014 passed in SC

No.121 of 2009 by the Principal District & Sessions Judge, Chikkaballapura, is set aside;

- iii) Appellant/accused No.4 is acquitted of offence under Sections 498A and 306 of Indian Penal Code;
- iv) Fine amount, if any in deposit, shall be returned to the appellant/accused No.4, in accordance with law;
- v) Bail bond executed by the appellant/accused No.4 shall stand cancelled;

Registry to send the copy of this judgment along with trial Court records to the concerned court.

**Sd/-
(G BASAVARAJA)
JUDGE**

Inn