HC-KAR

NC: 2026:KHC:29388
CRL.RP No. 1041 of 2018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JUNE, 2026

BEFORE

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

CRIMINAL REVISION PETITION NO.1041 OF 2018

BETWEEN:

RAJASHEKARA @ RAJASHEKARA MURTHY
S/O RACHAIAH
AGED ABOUT 32 YEARS
R/O SOSALE VILLAGE
T. NARASIPURA TALUK
MYSURU DISTRICT-571124

...PETITIONER

(BY SRI S G RAJENDRA REDDY, ADVOCATE)

AND:

STATE BY
T. NARASIPURA POLICE STATION
T.NARAIPURA
REP BY SPP
HIGH COURT BUILDING
BANGALORE-560 001

...RESPONDENT

(BY SRI DIVAKAR MADDUR, HCGP)

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

THIS CRL.RP IS FILED U/S.397 R/W 401 OF CR.P.C PRAYING TO SET ASIDE THE ORDER OF CONVICTION PASSED BY THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, MYSORE IN CRL.A.NO.86/2018 DATED 07.09.2018 AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

This revision petition is filed against the judgment of conviction and sentence dated 20.02.2018 passed in C.C.No.224/2012 for the offences punishable under Sections 353, 504, 506 of IPC by the Trial Court and also against the judgment dated 07.09.2018 passed in Crl.A.No.86/2018 by the Appellate Court.

2. Heard the learned counsel appearing for the respective parties.

3. The factual matrix of the case of the prosecution is that on 10.01.2012 at 4.45 p.m. when PW1 was discharging his duty in the office, accused entered the chamber of PW1 and started misbehaving with PW1 demanding him to give money as he is in financial crisis. When PW1 said that he has no money and why he has to give money to him, the accused took up quarrel with him saying that no proper work has been done

in construction of Anganavadi building at Alagudu Village. To which, PW1 stated that as per norms, they have completed building work and he has shown estimation to the accused. At that time, accused took up the documents and thrown them on the face of PW1. When, PW1 requested the accused not to make any quarrel in his office and asked him to go out of the office, the accused refuted him that who is he to tell him and dragged PW1 by holding his shirt collar. At that time, CW5 to CW10 pacified the situation. As such, the accused has prevented PW1 from discharging his duties as a public servant and so also abused PW1 in a filthy language and gave life threat. Hence, complaint was given in terms of Ex.P1 and mahazar was done in his presence as per Ex.P2. The police have registered the case based on the complaint and investigated the matter and filed the charge sheet.

4. The accused was secured and he did not plead guilty and claims trial. Hence, prosecution mainly relies upon the evidence of PW1 to PW12 and the documents at Ex.P1 to P11A. The accused was subjected to 313 statement and he

denied the incriminating evidence and not led any defence evidence.

5. The Trial Court considering the material available on record in paragraph 28 held that the evidence of PW1 is in consonance with Ex.P1-complaint. There are no variations or contradictions in the evidence of PW1. His testimony is corroborated by testimony of PW3. Nothing has been brought on record in the cross-examination of PW1 to show that he has any sort of enmity against accused to file a false complaint against him. The fact that on 10.01.2012 at 04.45 p.m., the accused went to the office of PW1 is not at all disputed. However, he has set up the defence that he went to the office of PW1 seeking information regarding construction of Anganavadi building at Alagudu Village and there was altercation between him and PW1. In that regard, he filed complaint against PW1 in Crime No.14/2012. In that connection, accused has not at all produced any document before the Court. Therefore, defence setup by the accused is not at all established with cogent and convincing evidence. On the other hand, the evidence of PW1 coupled with the evidence

of PW3 which clearly establishes the incident. Hence, the Trial Court comes to the conclusion that case of prosecution is proved.

6. The said judgment of conviction was challenged before the Appellate Court in Crl. A. No.86/2018. The Appellate Court having reassessed the evidence available on record, in paragraph 33 held that incident was occurred inside the public office and other witnesses i.e., PW3 and PW6 have spoken about the entry of accused inside the office and making galata with PW1 and throwing of papers and records on the face of PW1. Though PW3 and PW6 partly supported the case of prosecution, the facts narrated by them corroborate the evidence of PW1. So there is a reliable and concrete evidence to believe the case of prosecution and confirmed the judgment of the Trial Court.

7. Being aggrieved by the concurrent finding of both the Courts, the present revision petition is filed by the accused/revision petitioner.

8. The counsel appearing for the revision petitioner would vehemently contend that the Trial Court and Appellate Court failed to consider the evidence of PW1 who has not explained in the complaint with regard to deter the complainant while discharging his duty as a public servant and incident was taken place, which is totally absent on material on records. The counsel also would submit that the evidence of PW1 is wholly unreliable and his evidence is not corroborated by any of the witnesses particularly PW3 and PW6 which have been referred by the Trial Court and there is no such corroboration. Hence, it requires interference of this Court.

9. Per contra, the counsel appearing for the State would vehemently contend that the evidence of PW1 is consistent and nothing is elicited to disbelieve the case of the prosecution. Apart from that the evidence of PW3 and PW6 also corroborates the evidence of PW1. Hence, both the Courts have taken note of the material on record and not committed any error. Thus, the question of interference does not arise.

10. Having heard the learned counsel appearing for the respective parties and also on perusal of the material on

record, the point that would arise for the consideration of this petition is:

1. Whether the Trial Court and the Appellate Court have committed an error in convicting and sentencing the accused and whether it requires interference of this Court exercising the revisional powers?

2. What order?

Point No.1:

11. Having considered the material on record and also the grounds which have been urged in the revision petition as well as the reasoning of the Trial Court and the Appellate Court, no doubt, the incident was taken place inside the office of PW1. It is rightly pointed out by the counsel for the State that incident was not denied. But only this Court has to take note that whether there is a corroborative evidence before the Court or not. No doubt, while exercising the revisional power, this Court cannot go into in detail the evidence available on record

and only this Court can look into that whether the order of the Trial Court suffers from its legality and correctness.

12. Now, coming to the aspect of evidence of PW1, it discloses that he reiterated in terms of the complaint at Ex.P1. But he admits that in the complaint that he has not mentioned having demanded the money by the accused and with regard to the demanding of money is concerned, the witnesses PW3 and PW6 have also not spoken anything. Though PW1 says that accused came and questioned the quality of construction made at the Alagudu village Anganavadi building and his evidence is not corroborated by other co-officials of the very same department.

13. PW3 is the D-group employee and he speaks that accused came to the office on 10.01.2012 and also he categorically says that accused asked the information in respect of the construction of Anganavadi building at Alagudu village and PW1 immediately replied that he will give the details and altercation was taken place. Only in a single word, PW3 says that it caused the obstruction of discharge of public duty, but no details are given regarding causing of obstruction is

concerned. But he says that himself, CW7 and CW9 have pacified the incident and brought the accused outside the premises. But in the cross-examination, when learned Public Prosecutor made the suggestions regarding the incident and also dragging PW1 by accused holding his shirt collar, the same was denied. But in the cross-examination by the accused counsel, PW3 admits that police have not explained the statement given by him. Having perused the evidence of PW3, it is clear that there is no corroborative evidence except saying that accused visited the office and quarrel has taken place. It is very clear that accused came and sought information from PW1.

14. This Court has to consider the evidence of PW6 who claims that he was present at the time of the incident. PW6 says that accused enquired and sought for information in respect of Anganavadi construction and PW1 replied that they done the work in accordance with the approval and no need to give any information. PW6 also says that the very PW1 has thrown the papers and accused went back and accused did not make any quarrel and thereafter no such incident was taken

place. Thus, this evidence also not corroborates with the evidence of PW1. Though suggestion was made with regard to that accused misbehaved with PW1 and dragged him holding his shirt collar, the same was denied.

15. Having considered this, it discloses that the main star witnesses to the prosecution are PW1, PW3 and PW6. Having taken note of their evidences wherein PW3 speaks only about the incident. The material is very clear that accused came and demanded information with regard to the construction made in respect of the Anganavadi building. But no incident was taken place according to PW6. But PW3 says that there was a quarrel, but no material was placed before the Trial Court to show that accused was holding PW1's shirt collar and dragged him. Though it is mentioned by PW1 in the complaint as well as his evidence about dragging him, holding his collar, same is not corroborated.

16. In a case of criminal trial, it requires corroboration also. Thus, in the case on hand, the very prosecution case is doubtful since PW3 and PW6 have turned hostile. Though PW3 supported the case of the prosecution partly, the same do not

inspires the confidence with regard to the ingredients of Section 353 of IPC. Only it discloses that accused came and sought for an information with regard to the construction of the Anganavadi building. But PW6's evidence is very clear that no other untoward incident was taken place. Both PW3 and PW6 who are the eyewitnesses categorically deposed they have witnessed the incident, they have been turned hostile and suggested in the cross-examination that accused dragged PW1 by holding his shirt collar, same was denied. When exercising the powers in a criminal case, there must be a corroboration. In the absence of corroboration, the question of subjecting the accused for sentencing does not arise. Both the Courts have committed an error in appreciating the evidence of PW1, PW3 and PW6 wherein there is no such corroboration. The very approach of the Appellate Court that the evidence of PW1 is corroborated by the evidence of PW3 and PW6 is also not based on the records. The admissions on the part of those witnesses were not considered in a proper perspective by the Trial Court as well as the Appellate Court. Thus, the judgment of conviction suffers from its infirmity and also suffers from its legality and correctness.

17. In respect of the offences under Section 504, PW1 only says that accused abused him in a filthy language but not stated that which word was used while abusing him. Thus, the Trial Court committed an error even in convicting for the offence punishable under Section 504 of IPC. So also, the Trial Court convicted the accused for the offence punishable under Section 506 of IPC. Though PW1 stated that there was a threat to his life but the same is not spoken by PW3 and PW6 who are the eyewitnesses to the incident with regard to the threat is concerned. The ingredients of Sections 504 and 506 o IPC also not proved by the prosecution. Hence, invoking of Sections 504 and 506 of IPC also an infirmity by the Trial Court and confirming the same by the Appellate Court. Hence, I answer the above point as affirmative.

18. In view of the discussions made above, I pass the following:

ORDER

The revision petition is allowed.

The judgment of conviction and sentence dated 20.02.2018 in C.C.No.224/2012 for the offences under Sections 353, 504 and 506 of IPC and also the judgment of confirmation passed in Crl.A.No.86/2018 dated 07.09.2018 are set aside.

Consequently, the revision petitioner is acquitted for the aforesaid offences.

If any fine amount is deposited by the petitioner, the same is ordered to be released in his favour on proper identification.

Registry is directed to refund the cash deposit which was made before this Court by the revision petitioner on proper identification.

Sd/-
(H.P.SANDESH)
JUDGE

SN