



CNR: KAHC010265172017

NC: 2026:KHC:55282
CRL.A No. 472 of 2017

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 472 OF 2017 (C)

BETWEEN:

SRI. D. NAGARAJU,
S/O DODDA LINGASHETTY,
AGED ABOUT 32 YEARS,
R/AT NO.92, 2ND MAIN ROAD,
BETWEEN 7 & 8TH CROSS,
CHAMRAJPET,
BENGALURU – 560 018.

... APPELLANT

(BY SRI. HASHMATH PASHA, SR. COUNSEL FOR
SRI. TEJAS N. ADVOCATE)

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Location:
High Court
of
Karnataka



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AND:

STATE BY GIRINAGAR POLICE,

BENGALURU – 560 085.

REP. BY PUBLIC PROSECUTOR,

HIGH COURT OF KARNATAKA,

BENGALURU – 560 001.

...RESPONDENT

(BY SRI. VINAY MOHADEVIAIAH, HCGP)

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 374(2) CR.P.C. PRAYING TO SET ASIDE THE ORDER DATED 09.03.2017 PASSED BY THE LXIV ADDL.CITY CIVIL AND SESSIONS JUDGE, BENGALURU IN S.C.NO.806/2007- CONVICTING THE APPELLANT/ACCUSED FOR THE OFFENCE PUNISHABLE UNDER SECTION 307 OF IPC.

THIS APPEAL COMING ON FOR FURTHER HEARING, THE COURT DELIVERED THE FOLLOWING:

CORAM: HON'BLE MR JUSTICE S RACHAIAH



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ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE S RACHAIAH)

1. This appeal has been filed by the appellant/accused being aggrieved by the judgment of conviction and order on sentence dated 09.03.2017 passed in S.C.No.806/2007 on the file of the LXIV Addl. City Civil and Sessions Judge, (CCH-65), Bengaluru, wherein the appellant has been convicted for the offence punishable under Section 307 of Indian Penal Code (for short 'IPC').
2. The ranks of the parties before the Trial Court would be considered henceforth for convenience.

Brief facts of the case:

3. The case of the prosecution is that, a complaint came to be registered by the complainant on 19.07.2006 at about 08.00 a.m., stating that she had completed her Diploma course and she was serving as an Apprentice Trainee in BHEL., Bengaluru. The accused and his family members had been to the house of informant and proposed her for marriage. The parents of the informant had also



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consented for the marriage. In the meantime, she was appointed as Junior Engineer at K.P.T.C.L., and she was posted to Shahabad. The accused used to meet her at Shahabad often. The informant was staying along with her mother. On 11.02.2005, accused took the informant to Bengaluru and marriage invitation cards were also printed. Clothes were also purchased for marriage. As per the proposal, marriage was to be performed on 13.02.2005 at Bengaluru. However, surprisingly, on 12.02.2005, accused came to the house of the informant and told that his father was not consenting for the said marriage. Due to the said information, the informant got nervous and she made up her mind to end her life and consumed poison. Immediately she was shifted to hospital for treatment and somehow she was rescued. The accused again contacted her and advised her to lodge a complaint against his father in the Women Police Station, Tyagarajnagar, Bengaluru. Thereafter, the accused started residing along with the informant. The family members of the informant finally fixed the



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marriage and the said marriage is to be performed on 26.01.2006 at Bengaluru.

4. In the meantime, the informant and her family members came to know that the accused had already married another girl on 04.10.2005 and the said marriage was a registered marriage. Thus, the informant enquired about the said marriage with the accused. However, the accused denied the said marriage. The informant asked him to go out of the house. Hence, he was driven out from the house. Though the accused tried to contact the informant, she refused to talk with him. In the meantime, she got job at HAL, Bengaluru and she was going to the said job by taking the bus. On 19.07.2006, the informant left her house around 06.10 a.m. to reach the bus. In the meantime, the accused came on a motorbike and gave a life threat to her and poured acid on her with an intention to cause her death, as a result of which, she sustained injury on her right arm and right portion of the neck and on her face. The said incident was witnessed by one witness namely Vijay who gave



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information to the mother of the informant. In the hospital, the injured gave her statement to the respondent – Police. The respondent – Police registered a case, conducted investigation and submitted charge sheet.

5. To prove the case of the prosecution, the prosecution examined 18 witnesses as PWs.1 to 18 and got marked 36 documents as Exs.P1 to P36 and also identified 9 material objects as MOs.1 to 9. On the other hand, the accused got examined 5 witnesses as DWs.1 to 5 and also got examined 12 documents as Exs.D1 to D12. The Trial Court after appreciating both oral and documentary evidence on record, convicted the accused for the offence stated *supra*.
6. Heard Sri Hasmath Pasha, learned Senior Counsel for Sri. Tejas N, learned counsel for the appellant and Smt. Rashmi Patel, learned High Court Government Pleader for the respondent – State.



7. The submission of the learned counsel for the appellant is that the judgment of conviction passed by the Trial Court is contrary to the evidence on record. Therefore, the same is liable to be set aside.
8. It is further submitted that the complainant and the appellant were close to each other. Both were intending to marry each other. Even family members had also agreed to perform the marriage. In the meantime, due to unavoidable circumstances, marriage fixed for the first time was cancelled at the instance of the father of the accused. Later, the accused started residing along with the victim. However, the victim after getting the employment in HAL started avoiding him. Therefore, he was questioning her and requesting her to marry him.
9. It is further submitted that the marriage proposal on the second time had been cancelled on the ground that the accused had already married another lady. However, the Investigating Officer did not collect any materials to substantiate the said issue. If the said issue is not



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proved, making false allegation against the accused that he had poured acid on the victim also appears to be concocted and false. However, the Trial Court did not consider the facts of the case under such logic. Consequently, the impugned judgment is passed which requires to be set aside. By making such submissions, learned Senior Counsel prays to allow the appeal.

10. *Per contra*, learned High Court Government Pleader for the respondent - State vehemently justified the judgment of conviction and order on sentence and submitted that the victim knew the accused even prior to the said incident. She could make out easily who was the person who poured the acid on her. The Doctor who conducted examination has rightly noticed that the burn injuries caused to the victim were on account of acid. P.W.5 who is the owner of the chemical shop namely M/s Sridevi Chemicals though has denied that acid was purchased from his shop, the fact remains that the evidence of all the witnesses supported the case of the prosecution without any bias. Therefore, the conviction recorded by



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the Trial Court is proper and interference with the said findings may not be proper. As such, the learned High Court Government Pleader prays to dismiss the appeal.

11. Having heard learned counsel for the respective parties and on perusal of the findings of the Trial Court in rendering the conviction, it is necessary to advert to the facts of the case in brief.
12. Informant Savitha after completing her Diploma Course was serving as Apprentice Trainee at BHEL, Bengaluru. At that time, the accused and his family members put a proposal for marriage. The marriage was fixed. In the meantime, she has been appointed as Junior Engineer in KPTCL and she was posted to Shahabad. The accused used to visit her house at Shahabad wherein she was living along with her mother. The marriage of the informant and the accused was to be performed on 13.02.2005. In the meantime, on 12.02.2005, the informant had received a message from the accused that his father was not willing to perform the marriage and



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asked the family of the informant to cancel it. Due to the said sudden development, the informant got annoyed and consumed poison to end her life. However, on timely intervention by the elders and well-wishers, she survived.

13. After cancellation of the said marriage, she got job at HAL and used to go to her work by bus. The accused used to stay in the house of the informant after obtaining consent from the family members. Finally, the family members of the informant arranged the marriage to be performed on 26.01.2006 at Bengaluru. In the meantime, the informant learnt that the accused had married another girl on 04.10.2005 and it was a registered marriage. Having learnt that he has already married another girl, he was thrown out from the house. Consequently, he poured acid on the victim in order to commit her murder. Hence the complaint.
14. P.W.1 is the informant as well as injured.
15. P.W.2 who is the eyewitness to the incident. However, he has partly supported the case.



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16. P.W.3 is the mother of P.W.1, but she is a hearsay witness.
17. P.W.4 is the sister of P.W.1, however, she is also not an eyewitness to the incident.
18. P.W.5 is the owner of the chemical shop. He was supposed to depose that acid was purchased from his shop, however, he has turned hostile.
19. P.W.6 is a panch witness. He has not supported the case.
20. P.W.7 is the owner of the motorbike which was used for the commission of the offence. However, he has also turned hostile.
21. P.W.8 is the Doctor who treated the victim and submitted report as per Ex.P5.
22. P.W.9 stated to be the mahazar witness. The said mahazar is marked as Ex.P19. Initially, he has not supported the case. However, he has been treated as hostile, conducted cross-examination. Later, he admitted that MO.4 has been seized in his presence.



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23. P.W.10 was working as Deputy Director, FSL at Bengaluru. On conducting the examination of the items given to him, he submitted a report as per Ex.P22.
24. P.W.11 was working as Police Constable. He is stated to have apprehended the accused and produced him before the Police Inspector.
25. P.W.12 was working as Doctor. He has conducted examination of the victim and he has also conducted plastic surgery and submitted the wound certificate as per Ex.P24.
26. P.W.13 stated to the witness to the mahazar, which is marked as Ex.P18. Under the said mahazar, bike was seized.
27. P.W.14 stated to be the General Surgeon at KR Hospital, Bengaluru. According to him, victim Savitha had been admitted to the hospital for treatment for one day. He had issued the wound certificate as per Ex.P25.
28. P.W.15 was working as Police Inspector. According to her, she had received a complaint and registered FIR.



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29. P.W.16 was working as Police Inspector, conducted investigation and submitted the charge sheet.
30. P.W.17 was also working as Police Inspector, conducted part of investigation.
31. P.W.18 is the Assistant Sub-Inspector, who was deputed to deliver FIR to the Court.
32. D.W.1 was working as Manager (Human Resource), HAL, Bengaluru. He has stated in his evidence that the accused was working in HAL on 19.07.2006. As per the records, the accused entered the office at about 06.54 a.m. and he went out around 02.26 p.m. He has produced Ex.D2 – attendance register. He has been cross-examined by the prosecutor. However, nothing has been elicited to disbelieve the evidence of D.W.1.
33. D.W.2 was working as Senior Manager. He has deposed about the transportation arrangement made to the employees. However, his evidence is not so significant for discussion.
34. D.W.3 was also working in HAL and he is the friend of the accused. He has deposed in his evidence that he had met



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accused in HAL main gate around 06.10 or 06.15 a.m. Further, he stated that around 06.10 a.m. to 07.00 a.m., the accused was with him. Around 02.00 p.m., the accused was summoned to the main gate. Therefore, he went there.

35. D.W.4 was working as staff nurse and wife of Nagaraj. She stated in her evidence that the accused Nagaraj is her husband. On 04.09.2005, her marriage was performed at Doddaganapathi temple. Later, she was residing at HAL quarters along with her husband. She further stated that Savitha had filed a false case against her husband in order to take revenge as her husband refused to marry her.
36. D.W.5 who is the accused in this case, examined himself and stated in his evidence that he has not committed any offence as alleged in the complaint.
37. On going through the evidence of all these witnesses, P.W.1 stated to be the material witness to the incident. In her evidence she has stated that, the accused had poured acid on her due to ill-will with the intention of



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killing her. However, in the cross-examination, she has admitted that she was waiting near Nagendra Block to board the HAL bus. However, D.W.2 stated in his evidence that as per the records, HAL bus is not authorized to give the stop at Nagendra Block. She further admitted that the person who came in the motorcycle was wearing helmet and she could recognize him. Therefore, she recognized him. However, she did not give a clarity regarding identification.

38. P.W.2 is the resident of Bengaluru and working as a collection agent. He deposed that he did not see the accused. However, when he was inside his house in Nagendra Block, he heard the screaming voice of P.W.1. He came out from the house. According to him, P.W.1 sustained burn injuries on her hand and also shoulder. However, he further stated that he could not make out which hand she sustained injury.

39. On going through the evidence of all the witnesses, there are ambiguities and also some improvements in the evidence of PWs.1 and 2, who are stated to be the



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eyewitnesses to the incident. P.W.5 being a material witness to the incident, where it is alleged that accused had purchased chemicals from his shop, has turned hostile and not supported the case. Evidence of D.W.4 would indicate that, prior to the alleged incident, complaints were given to the Commissioner of Police against P.W.1 on 6.12.2005 and on 29.03.2006. However, complaint came to be registered by P.W.1 against the accused on 19.07.2006 alleging that she had been subjected to acid attack which creates serious doubt regarding the incident. In fact, the presence of accused near HAL main gate has been established not only through documentary evidence but also oral evidence by the other witnesses. Therefore, the findings of the Trial Court in rendering the conviction without considering the plea of alibi is arbitrary and illegal. Therefore, I am of the considered opinion that the accused has proved his case in respect of plea of alibi. Hence, the findings in respect of conviction is liable to be set aside.



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40. In the light of the observations made above, I proceed to pass the following:-

ORDER

- i) The Criminal Appeal is *allowed*.
- ii) The judgment of conviction and order on sentence dated 09.03.2017 passed in S.C.No.806/2007 on the file of the LXIV Addl. City Civil and Sessions Judge, (CCH-65), Bengaluru, is set aside.
- iii) The appellant is acquitted for the offences punishable under Section 307 of IPC.
- iv) Bail bonds executed, if any, stand cancelled.

Sd/-
(S RACHAIAH)
JUDGE

BSS
List No.: 1 Sl No.: 66