IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE R DEVDAS

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

CRIMINAL APPEAL NO. 670 OF 2019 (A)

BETWEEN:

THE STATE OF KARNATAKA
BY C.K.ACHUKATTU POLICE STATION
BENGALURU
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU - 560 001.

...APPELLANT

(BY SRI RANGASWAMY R., HCGP)

AND:

MOHAN KUMAR
S/O CHANNEGOWDA
AGED ABOUT 32 YEARS
R/AT NO.588, 10TH MAIN ROAD
10TH CROSS, BHUVANESHWARI NAGAR
BANASHANKARI, 3RD STAGE
BENGALURU-560 085.

...RESPONDENT

(BY SRI RAVEESH G.R., ADVOCATE)

Digitally signed by
G SHREERAKSHA
Location: HIGH
COURT OF
KARNATAKA

THIS CRL.A. IS FILED U/S.378(1) AND (3) CR.P.C PRAYING THAT TO GRANT LEAVE TO APPEAL AGAINST THE JUDGMENT AND ORDER OF ACQUITTAL DATED 19.12.2018 PASSED IN S.C.NO.986/2013 ON THE FILE OF THE COURT OF XLV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY (CCH-46), ACQUITTING THE RESPONDENT-ACCUSED FOR THE OFFENCES P/U/S 498-A AND 304(B) OF IPC.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 28.10.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE R DEVDAS
and
HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV JUDGMENT

(PER: HON'BLE DR. JUSTICE K.MANMADHA RAO)

This appeal by the State is directed against the judgment and order of acquittal dated 19.12.2018 passed by the XLV Additional City Civil and Sessions Judge, Bengaluru City (CCH-46) in S.C. No.986/2013, whereby the respondent-accused was acquitted of the offences punishable under Sections 498-A and 304-B of the Indian Penal Code.

2. The case of the prosecution, in brief, is that the deceased Pushpalatha and the accused were in love. On 26.11.2012, the parents of the deceased had arranged her engagement with one Mohan. However, on the previous day, the accused eloped with the deceased and their marriage was registered at the Sub-Registrar's Office, Bellur, on 30.11.2012. Thereafter, from 20.01.2013, the

deceased started residing with the accused at house bearing No.588, 3rd Floor, 10th Cross, 10th Main, Bhuvaneshwari Nagar, Bengaluru, within the jurisdiction of C.K. Achukattu Police Station.

3. It is alleged that on 02.03.2013 at about 8.30 a.m., the deceased telephoned her elder brother Govindaraju (CW-1 / PW-2) and informed him that the accused had cheated her by marrying her and was subjecting her to physical and mental cruelty by demanding that she bring money from her parental house by way of dowry. Pursuant to the said call, PW-2 went to the house of the accused, pacified him and advised him not to ill-treat the deceased. However, on the same day, between 2.00 p.m. and 7.30 p.m., the deceased, without being able to bear the alleged ill-treatment and harassment, committed suicide by hanging herself from the ceiling fan in the matrimonial home. On the same night at about 9.00 p.m., the elder brother of the accused informed PW-2 over telephone about the death of the deceased. PW-2 thereafter went to the house, saw the

dead body and lodged the complaint (Ex.P.1), which set the law in motion. Crime No.56/2013 was registered for the offences punishable under Sections 498-A and 304-B of the IPC. After investigation, charge-sheet was filed only against the present accused.

4. The accused appeared before the learned Magistrate, was enlarged on bail, and the case was committed to the Court of Sessions. Charges were framed for the offences under Sections 498-A and 304-B of the IPC. The accused pleaded not guilty and claimed to be tried.

5. In order to prove its case, the prosecution examined 17 witnesses as PWs.1 to 17, marked 20 documents as Exs.P.1 to P.20 and produced three material objects as M.Os.1 to 3. The statement of the accused under Section 313 of the Cr.P.C. was recorded. The accused denied the incriminating circumstances and did not choose to lead any defence evidence.

6. The Sessions Court, after considering the oral and documentary evidence, answered both the points framed by it in the negative and acquitted the accused. Aggrieved by the said judgment and order of acquittal, the State has preferred the present appeal.

7. The learned High Court Government Pleader appearing for the appellant-State has strenuously contended that the impugned judgment of acquittal is contrary to the oral and documentary evidence on record and suffers from serious perversity. It is submitted that the Sessions Court has failed to appreciate the evidence of the material witnesses, particularly PWs.2, 7, 8, 9 and 13, who have consistently spoken about the deceased being subjected to physical and mental cruelty by the accused in connection with demand for dowry. The learned HCGP contended that the deceased had telephoned her brother (PW-2) on the morning of 02.03.2013 and specifically complained that the accused had cheated her and was demanding money, and that PW-2 had even gone to the matrimonial home and advised the accused. It is argued

that the evidence of the mother (PW-13) regarding repeated telephonic complaints made by the deceased about harassment has been lightly brushed aside by the Sessions Court.

8. The learned HCGP further submitted that the death of the deceased occurred within about three months of the marriage and was admittedly unnatural, and therefore the Sessions Court ought to have drawn the statutory presumption under Section 113-B of the Indian Evidence Act. It is contended that the Sessions Court committed a serious error in discarding the death note (Ex.P.2) and the writings found on the left hand of the deceased, which were noticed at the time of post-mortem and spoken to by the medical officer. The learned HCGP argued that in cases of dowry death it is highly unnatural to expect a newly married woman to disclose her matrimonial problems to outsiders, and therefore the absence of independent witnesses cannot be a ground to discard the evidence of close relatives. It is also submitted that the incident having taken place within the four walls

of the matrimonial home, the Sessions Court ought to have invoked Section 106 of the Indian Evidence Act and called upon the accused to explain the circumstances leading to the death of the deceased. The learned HCGP further contended that the Sessions Court has given undue importance to minor discrepancies and omissions and has failed to consider the evidence in its proper perspective, resulting in miscarriage of justice. On these grounds, it is prayed that the judgment of acquittal be set aside and the accused be convicted for the offences under Sections 498-A and 304-B of the IPC.

9. Per contra, the learned counsel appearing for the respondent-accused supported the judgment of the Sessions Court and submitted that the view taken by the Sessions Court is a possible and reasonable view based on a careful appreciation of the evidence. It is contended that the marriage was love marriage performed against the wishes of the parents and the elder brother of the deceased, and that after the marriage the parental family had completely severed all ties with the deceased. The

learned counsel pointed out that PW-2 and PW-7 have admitted in their cross-examination that neither they nor any family member visited the matrimonial home at any time after the marriage until the morning of 02.03.2013, and that a relinquishment deed was got executed from the deceased at Bellur Police Station. It is argued that in such circumstances the evidence of the close relatives regarding continuous demand for dowry and harassment becomes inherently weak and requires strong independent corroboration, which is wholly lacking in the present case. The learned counsel submitted that the entire case of cruelty rests on uncorroborated oral assertions of telephonic conversations, and the Investigating Officer has admitted that no call detail records were collected. With regard to the death note, it is contended that the note does not bear the signature of the deceased, that PW-2 himself admitted that the police showed the note book to him, and that the circumstances surrounding its recovery and the writings on the hand of the deceased are shrouded in suspicion. The learned counsel further submitted that

mere unnatural death within seven years of marriage is not sufficient to attract Section 304-B of the IPC or the presumption under Section 113-B of the Indian Evidence Act, unless the foundational fact of cruelty or harassment soon before death in connection with demand for dowry is proved. It is argued that the Sessions Court has given sound and cogent reasons for not accepting the prosecution case and that no interference is warranted in this appeal against acquittal.

10. We have heard the learned High Court Government Pleader appearing for the appellant-State and the learned counsel appearing for the respondent-accused. We have carefully perused the entire oral and documentary evidence available on record as well as the impugned judgment.

11. The points that arise for our consideration are:

(i) Whether the prosecution has proved beyond reasonable doubt that the accused subjected the deceased to cruelty within the meaning of Section 498-A of the IPC by demanding dowry?

(ii) Whether the prosecution has proved beyond reasonable doubt that the death of the deceased was a dowry death within the meaning of Section 304-B of the IPC, and whether the presumption under Section 113-B of the Indian Evidence Act is attracted?

(iii) Whether the impugned judgment of acquittal calls for interference in this appeal?

12. Before adverting to the evidence, it is necessary to notice certain undisputed facts. The marriage between the accused and the deceased was a love marriage. It was performed against the wishes of the parents and the elder brother of the deceased. On the day fixed for the engagement of the deceased with another person, the accused and the deceased eloped and got their marriage registered. The parents of the deceased lodged a missing complaint at Bellur Police Station. The couple appeared before the said police station and stated that they had married with free consent. It is also not in dispute that after the marriage, the parents of the deceased and PW-2 had almost no contact with the deceased. PW-2 has admitted in his cross-examination that neither he nor his

parents visited the matrimonial home of the deceased at any time after the marriage until the morning of 02.03.2013. It is further admitted that a relinquishment deed was got executed from the deceased at Bellur Police Station, thereby severing her ties with the parental property and family.

13. PW-2 is the elder brother of the deceased and the complainant. In his examination-in-chief, he has stated that after the marriage the accused used to ill-treat and harass the deceased demanding that she bring money from her parental house. He has further stated that on 02.03.2013 at about 8.30 a.m. the deceased telephoned him and informed that the accused had cheated her by marrying her and was demanding money. According to him, he went to the house of the accused, advised the accused, and at that time the deceased also told him that the accused was ill-treating her. On the same night he received information about the death of the deceased and thereafter lodged the complaint.

14. In his cross-examination, PW-2 has admitted that after the marriage neither he nor his parents had any contact with the deceased and the accused. He has further admitted that he went to the house of the accused only on the morning of 02.03.2013. He has also admitted that a relinquishment deed was got written from the deceased at Bellur Police Station. With regard to the death note (Ex.P.2), he has stated that the police showed the note book to him and that he did not discover it himself. He has further stated that there is no signature on the death note. These admissions assume significance while evaluating the reliability of his evidence regarding continuous harassment.

15. PW-7 is the father of the deceased. In his examination-in-chief he has spoken about the alleged ill-treatment of the deceased by the accused demanding dowry. In his cross-examination, however, he has admitted that the marriage of the deceased with the accused was against his wishes. He has further admitted that after the marriage neither he nor any of his family

members visited the house of the accused and that the deceased also did not visit their house. He has also admitted the execution of the relinquishment deed. With regard to the writings allegedly found on the left hand of the deceased, he has stated that he came to know about the same only after the post-mortem. He has further stated that the police did not enquire him in detail regarding the case. The evidence of PW-7, therefore, does not disclose any independent knowledge of the alleged cruelty; it is largely based on what was allegedly told to him by others.

16. PW-13 is the mother of the deceased. She has deposed that the deceased used to telephone her and inform her about the ill-treatment and demand for money by the accused. She has also referred to certain writings allegedly made by the deceased on her hand and in the note book. In her cross-examination it has come on record that the Investigating Officer did not collect any details regarding the alleged telephone calls between the deceased and PW-13. No call detail records have been

produced. The evidence of PW-13 regarding the alleged continuous harassment, therefore, rests entirely on uncorroborated oral assertions of telephonic conversations.

17. The prosecution has also examined certain other witnesses. PW-1 - K.S. Nagaraj is a friend of PW-2. The material objects (M.O.1- chair, M.O.2 - saree and M.O.3 -note book) were marked. PW-17 - S.K. Malatheesha, the then Police Inspector, registered the case, visited the spot and seized the chair, note book and death note as per the mahazar at Ex.P.5. He also took photographs at the spot. PW-15 - V. Muniyappa, the then Special Tahsildar of Bengaluru North Taluk, conducted the inquest panchanama (Ex.P.4) on the request of the Investigating Officer. PW-10 is the doctor who conducted the post-mortem examination. The post-mortem report (Ex.P.14) confirms that the death was due to hanging. Photographs of the dead body (Exs.P.6 to P.12) have been marked. Some of the photographs show writings on the left hand of the deceased. The death note (Ex.P.2)

contained in the note book (M.O.3) has also been marked. However, the evidence does not establish with certainty the authorship of the writings or the circumstances under which the note book came into existence. The further investigation was conducted by PW-16 - S. Suresh Babu, the then ACP, who filed the charge-sheet. He has admitted in his cross-examination that he did not collect the call detail records relating to the alleged telephone conversations between the deceased and her mother. He has also admitted that after investigation the other accused persons named in the FIR were given up and charge-sheet was filed only against the present accused.

18. The prosecution has not examined any independent witness such as neighbours, friends, or colleagues of the deceased or the accused who could speak about the alleged harassment or demand for dowry. The entire case of the prosecution with regard to cruelty rests on the evidence of the close relatives of the deceased, namely PW-2, PW-7 and PW-13. These witnesses had almost no contact with the deceased after

the love marriage. Their evidence regarding continuous demand for dowry and harassment is not supported by any contemporaneous complaint, any medical evidence of physical injury prior to the death, or any independent material.

19. With regard to the death note (Ex.P.2), it is seen that the note does not bear the signature of the deceased. PW-2 has admitted that the police showed the note book to him. The medical officer who conducted the post-mortem has not given any specific opinion regarding the writings found on the hand of the deceased linking them conclusively to the deceased under the circumstances of the case. The recovery of the note book and the photographs, though forming part of the record, do not by themselves establish that the deceased was subjected to cruelty by the accused in connection with demand for dowry soon before her death.

20. Section 304-B of the IPC requires that the death of a woman must have been caused by burns or bodily injury or must have occurred otherwise than under

normal circumstances within seven years of her marriage, and that soon before her death she must have been subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry. Section 113-B of the Indian Evidence Act raises a presumption only when the foundational facts contemplated under Section 304-B are established. The mere fact that the death occurred within a short period after the marriage and that the death was unnatural is not sufficient to attract the presumption. The prosecution is required to prove the existence of cruelty or harassment soon before the death in connection with demand for dowry.

21. In the present case, the evidence on record does not establish with the required degree of certainty that the deceased was subjected to cruelty or harassment by the accused in connection with demand for dowry soon before her death. The evidence of the relatives is not free from the taint of interestedness arising from the circumstances of the love marriage and the subsequent

severance of ties. The absence of any independent corroboration and the failure of the Investigating Officer to collect the call detail records further weaken the prosecution case.

22. Having regard to the entire material on record, we find that the view taken by the Sessions Court is a possible view based on a reasonable appreciation of the evidence. The evidence of the prosecution witnesses does not establish beyond reasonable doubt the essential ingredients of the offences under Sections 498-A and 304-B of the IPC. The foundational facts necessary for attracting the presumption under Section 113-B of the Indian Evidence Act have not been proved. Consequently, the question of invoking Section 106 of the Indian Evidence Act also does not arise in the manner sought to be contended by the State.

23. It is well settled that in an appeal against acquittal, the appellate court will not interfere with the order of acquittal merely because another view is possible. Interference is warranted only when the view taken by the

Sessions Court is perverse, unreasonable or based on no evidence, or when there is a serious miscarriage of justice. In the present case, we do not find any such infirmity in the judgment of the Sessions Court.

24. After a careful consideration of the entire oral and documentary evidence, the circumstances of the case, and the legal principles governing the offences under Sections 498-A and 304-B of the IPC and the presumption under Section 113-B of the Indian Evidence Act, we are of the considered opinion that the Sessions Court has correctly appreciated the evidence and has arrived at the right conclusion in acquitting the accused.

25. For the foregoing reasons, we pass the following:

ORDER

(i) The Criminal Appeal is ***dismissed***.

(ii) The judgment and order of acquittal dated 19.12.2018 passed by the XLV Additional City Civil and Sessions Judge, Bengaluru

City (CCH-46) in S.C. No.986/2013 is confirmed.

(iii) The bail bonds, if any, executed by the respondent-accused shall stand cancelled.

(iv) The original records be returned to the Sessions Court forthwith.

Sd/-
(R DEVDAS)
JUDGE

Sd/-
(DR.K.MANMADHA RAO)
JUDGE

BNV