



CNR: KAHC010104962021

NC: 2026:KHC:54138-DB
CRL.A No. 398 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR. JUSTICE B.PRAMOD

CRIMINAL APPEAL NO. 398 OF 2021 (C)

BETWEEN:

ANJANEYALU
S/O NARAYANAPPA,
AGED 38 YEARS,
R/O CHAITANYA NAGAR,
DODDABALLAPUR,
BENGALURU RURAL DISTRICT-561 203.

...APPELLANT

(BY SRI. KRISHNAPPA N.R., ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY DODDABALLAPURA TOWN
POLICE STATION,
REPRESENTED BY SPP,
HIGH COURT BUILDING,
BENGALURU-560 001.

...RESPONDENT

(BY SRI. VIJAYKUMAR MAJAGE, SPP-II A/W
SMT. SOWMYA R., HCGP)

THIS CRL.A. IS FILED U/S.374(2) CR.P.C., PRAYING TO
SET ASIDE THE JUDGMENT AND ORDER OF CONVICTION
DATED 05.01.2021 AND SENTENCE DATED 07.01.2021,



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PASSED BY THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE, DODDABALLAPURA, IN SESSIONS CAE NO.10016/2018, CONVICTED THE APPELLANT FOR THE OFFENCES PUNISHABLE UNDER SECTION 489-A AND 302 OF IPC ORDERING SI FOR A PERIOD OF 1 YEAR AND LIFE IMPRISONMENT RESPECTIVELY AND IMPOSING COST OF RS.2,000/- AND RS.10,000/- AND ACQUIT THE APPELLANT OF THE CHARGES LEVELED AGAINST HIM.

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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ
and
HON'BLE MR. JUSTICE B.PRAMOD

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ)

The accused has preferred this appeal, assailing the judgment and order of conviction and sentence passed against him by the Court of IV Additional District and Sessions Judge at Doddaballapura, in SC No.10016/2018 for the offences punishable under Section 498A and 302 of IPC.

2. Brief facts of the case:- the marriage between the deceased, Smt. Nandini and the accused was a love marriage. In the wedlock, two children were born to them.



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Initially, Nandini was living with the accused in their matrimonial house. As they could not lead a comfortable life, the complainant/Sriramalu, father of the deceased arranged a rented accommodation for the couple, in Chaitanya Nagar of Doddaballapura. The accused was working in a power loom and Nandini was working in a private company. When Nandini was pregnant with the first child, she went to her parental home for delivery and after 8-9 months, she returned to her matrimonial home. The accused was insisting her to resume the work. In the meantime, she developed thyroid problems and started taking treatment. For the delivery of the second child, she came to her parental home and 5-6 months after the delivery, she went back to the house of the accused. Even after the delivery of the second child, the accused continued to harass her telling her to go to work, though she was ill. About 15 days prior to the incident, when she was in the house of her sister-Nirmala-PW3, accused went and asked her to accompany him to the bank as her



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signature was required to get LPG subsidy amount. When she told him that she is not keeping well and they could go to the bank on the next day, he assaulted her with his hands causing bleeding injuries to her nose.

3. It is the case of the prosecution that on 01.04.2016 at about 10.00-11.00 a.m. the accused assaulted his wife Nandini, after picking up quarrel with her, as a result of which she collapsed. She was taken to the hospital, wherein the doctor, after examination, declared her dead.

4. At about 11.00 a.m. on 01.04.2016, the father of the deceased was informed about the death of his daughter. Immediately, he along with others rushed to the house of the accused in Chaitanya Nagar, wherein the dead body of Nandini was lying on the floor. On a complaint-Ex.P1, lodged by him, FIR was registered against the accused for the offences punishable under



Section 304-B and 302 IPC and upon investigation charge sheet was filed.

5. The accused was charged for the offences punishable under Section 498A of IPC, Section 304-B and alternatively under Section 302 of IPC. Before the trial Court, the prosecution got examined PWs.1 to 9 and got marked Exs.P1 to P16 and MOs.1 to 3, to establish the charges.

6. The accused put forth a defence that the deceased was suffering from illness such as a thyroid and heart problems and the death was due to cardiac arrest. Upon recording his statement under Section 313 Cr.P.C., he filed a statement claiming that, on the date of incident, he had gone for work and when he returned home, he found his wife lying unconscious and therefore, he took his wife to Sarathi Hospital, wherein the doctor informed him that she is no more. He further stated that their marriage was a love marriage, they both belong to different



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communities, hence, the marriage was not accepted by the parents of the deceased, but he allowed his wife to visit her parents. Further stated that, after the birth of the second child, the deceased was diagnosed with thyroid problems, which later aggravated to cardiovascular disease and he was taking his wife for treatment to M.S.Ramaiah Hospital, Bengaluru periodically. The cardiovascular problem of the deceased escalated and the doctors had advised for valve replacement. Further, he used to operate power looms and usually leave for work in the early morning at 7.00 a.m. and come home for breakfast between 9.00 a.m. to 10.00 a.m., and afternoon between 2.00 p.m. to 3.00 p.m., for lunch. On 01.04.2016 when he returned home for breakfast at about 9.30 a.m., he saw his wife had fallen down and there was no response when he tried to wake her up. Hence, he took her to Sarathi Hospital, wherein the doctor informed him that she was no more.



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7. Along with the written statement, the accused produced the copy of the discharge summary issued by M.S.Ramaiah Hospital, Bengaluru. The said document reflects that the deceased took treatment as an inpatient in the said hospital from 12.01.2016 to 30.01.2016, for hyperthyroidism and at the time of discharge she was suggested valve replacement after 1 month.

8. The fact that the accused and the deceased were living in the same house is not disputed. The defence taken by the accused is that the deceased was suffering from thyroid and heart related problems. Due to which she suffered giddiness and fell down, as a result of which she sustained fatal injuries.

9. In the cross examination of PW1, the defence suggested to him that due to thyroid problem and heart ailment, the deceased fell down and sustained injuries, which was denied by PW1. The deceased suffering from thyroid problem has been stated in Ex.P1. However, PW1



has denied the suggestion that due to thyroid problem, the deceased would get giddiness and fall frequently. Though the defence tried to contend that the deceased was suffering from heart problem and the doctor had advised for valve replacement, there is no material to show that, due to the said health issues, she fell down and sustained fatal injuries.

10. Appreciating the oral and documentary evidence on record, the trial Court came to the conclusion that the deceased and the accused were married about 6 years prior to the alleged incident and it was a love marriage. Couple was initially residing in the native place of accused in Andhra Pradesh, but later settled in Doddaballapura. Since the unnatural death of the deceased Smt.Nandini had occurred within 7 years of marriage, the police incorporated Section 304B of IPC, apart from Section 302 of IPC, in the charge sheet. The trial Court held that there are no allegations of dowry harassment against the accused and he has not ill-treated



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or harassed the deceased demanding dowry. Hence, no case is made out for the charge under Section 304B of IPC.

11. Regarding harassment and cruelty meted to the deceased, the evidence of PW1, clearly discloses that even after the second child, when the accused was unable to go for work due to the thyroid problem, the accused was forcing her to work and demanding to hand over the salary to him. Further, the evidence on record reveals that about 15 days prior to the incident, the accused picked up quarrel with the deceased and assaulted on her face due to which she sustained bleeding injuries in her nose and mouth. The witnesses have stated that the deceased took treatment in Sarathi Hospital. The evidence given by PWs.1 to 3 is clear and cogent to the effect that there was continuous harassment and the deceased was treated with cruelty by the accused.



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12. The learned counsel for the appellant contended that the prosecution has not established that the deceased died a homicidal death. He contended that, the accused himself shifted the deceased to the hospital, which goes to show that he is innocent and he tried to save the deceased, when he saw her lying unconscious in the house.

13. The prosecution has got examined PW.5, the doctor who conducted the Post Mortem examination. The Post Mortem report is marked as Ex.P9. PW.5 has noticed the following injuries:

"i) Boggy swelling over temporo parietal region measuring 6x8 cms present.

ii) Deep cut wound over right eyebrow measuring 2x2 cms.

iii) On right side, black eye present.

iv) Bleeding through right auditory canal seen - trickled blood?

v) Gross thyromegaly present.

vi) The wound edges appear reddish in colour.



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vii) Sub galeal haematoma present over left temporo parietal region".

14. PW.5 has mentioned in the Post Mortem Report that *"there was no evidence of any fracture or dislocation, the deceased was known case of thyroid dysfunction and she was under treatment in M S Ramaiah Hospital, Bengaluru. The Cranium and Spinal Canal were intact except congested membranes over left temporo parietal area. Thorax, abdomen and other organs were intact and congested"*.

15. PW.5 has opined that *"the death may be due to cardio respiratory arrest due to syncope caused by severe Traumatic impact on left temporo parietal region as history furnished in FIR"*.

16. In the cross-examination, PW.5 has stated that he obtained information from the relatives of the deceased that the deceased was *suffering from Thyroid dysfunction*. He has stated that *"syncope" means temporary non*



supply of blood to the brain due to low blood pressure and it may be caused due to fall and the person becomes unconscious". He has however clarified that as far as this case, it was not due to low blood pressure as the word "syncope" is also understood even otherwise.

17. PW.5 has denied the suggestion that *the "heart valve abnormality is common in Thyroid patients and it is only a rare possibility. The heart valve replacement is done to persons suffering from valvular dysfunction with haemodynamic instability"*. He has denied that the injuries that were mentioned in the Post Mortem report would be caused due to fall over some materials. He has also opined that *"if a person falls, he/she can sustain such injury only on one side i.e., the impact side and in the present case, a cut injury over a right eye brow was also found. Therefore, those injuries cannot be sustained due to fall on materials kept in the room"*.



18. PW.5 though admitted that syncope may be caused due to fall and the person may become unconscious, in the present case, as there were other injuries i.e., a cut wound over a right eyebrow, he has stated that the *"said injury could not have occurred again if she had fallen on some other object because there was no likelihood that an unconscious person again turn on the other side and fall"*.

19. A perusal of the Post Mortem report and evidence of PW.5 clearly reveals that the deceased had sustained the swelling over left side of the head and a deep cut wound over the right eyebrow measuring 2x2 cm and the presence of right side of black eye. In view of the injuries noticed, the contention of the defence that the deceased sustained those injuries on account of a fall as she suffered giddiness due to her heart ailment, cannot be accepted and same is not established.



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20. The trial Court has come to the conclusion that all the aforesaid injuries are *prima facie* appear to be the result of assault or beatings given by the accused and therefore, it is a clear case of homicide. To come to the said conclusion, the trial Court has held that it is not the case of the prosecution that accused had given single blow to the deceased. The multiple injuries on the body of the deceased show that it was more than a slap, caused due to repeated assault/beatings. The accused, except for confining to the valve replacement theory and thyroid problems suffered by the deceased, has not offered any explanation regarding the aforesaid injuries found on the dead body of the deceased which are noted in the Inquest report as well as in the Post Mortem report. Therefore, the facts and circumstances proved by the prosecution brings the case squarely within the ambit of the four Clauses of the definition of murder contained in Section 300 IPC and this is not a case of culpable homicide not amounting to murder.



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21. There are no eyewitnesses to the incident. However, the fact that the incident has taken place in the house where the accused and deceased were residing, is not in dispute. The defense of the accused is that the deceased fell down and sustained injuries and at the time of incident he was not present at home. The same is not established. On the other hand, from the medical evidence, it is proved that the deceased sustained injuries on account of assault. Question to be answered is *whether this is a case of culpable homicide amounting to murder or not?*

22. As per Ex.P9, the deceased had sustained swelling over left *temporo parietal region* measuring 6x8 cm. There was a deep cut wound over right eyebrow measuring 2x2 cm and the black eye present. PW.5 has admitted that if a person falls, he/she can sustain injury on one side, i.e., the impact side. It is not the case of the prosecution that the accused assaulted the deceased with any weapon, due to which she sustained deep cut wound



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over the right eyebrow. Hence the cut injury on the eyebrow could be possible when the deceased fell down after she was assaulted on her temporo parietal region.

23. In Ex.P1, the complainant-PW.1 has stated that Nagalakshmi informed the incident to his neighbour by name Venkatesh. As per Ex.P1, the said Nagalakshmi and the accused shifted the deceased to Sarathi Hospital. Nagalakshmi who is examined as PW.2 has deposed in her evidence that she heard the quarrel taking place between the accused and the deceased and thereafter, the accused informed her that in the quarrel, he had assaulted the deceased and she had fallen down. She went inside the house and noticed that the deceased had fallen unconscious. The accused brought the autorikshaw and both of them shifted her to the hospital, wherein the doctor, after examination, declared that she was dead.

24. The above material on record goes to show that the incident took place in a quarrel and in the said quarrel,



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the accused slapped the deceased, as a result of which she fell down. As per medical evidence, the deceased has sustained a swelling over the left temporo parietal region. The evidence of PW.5 does not reveal that the said injury was sufficient in the ordinary course of nature to cause death. However, the accused had the knowledge that the said act committed by him was likely to cause the death. Hence in our considered view, the act committed by the accused would amount to culpable homicide not amounting to murder, punishable under Section 304 Part-II of IPC.

25. In view of the above discussion and for the foregoing reasons, we proceed to pass the following:

ORDER

- i. The appeal is ***allowed in part.***
- ii. The judgment dated 05.01.2021 and the order on sentence dated 07.01.2021, convicting and



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sentencing the accused/appellant for the offence punishable under Section 302 of IPC is set aside.

- iii. The accused/appellant is convicted for the offence punishable under Section 304 Part-II of IPC.
- iv. The conviction and sentence for the offence punishable under Section 498A of IPC is confirmed.
- v. For the offence under Section 304 Part-II IPC, the accused/appellant is sentenced to undergo rigorous imprisonment for 10 years and he shall pay a fine of Rs.10,000/- (Rupees Ten Thousand only), in default to pay the fine amount, shall undergo simple imprisonment for a period of six months.
- vi. The rest of the order passed by the trial Court to pay compensation out of the fine amount and the direction issued to the District Legal Services Authority, Bengaluru Rural District, to decide the quantum of compensation to be awarded to the



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victims under the Karnataka Victim Compensation Scheme, 2011, is unaltered.

- vii. Both the sentences shall run concurrently and the accused is entitled to the benefit of setoff under Section 428 of Cr.P.C. (Section 468 of BNSS, 2023).

**Sd/-
(MOHAMMAD NAWAZ)
JUDGE**

**Sd/-
(B.PRAMOD)
JUDGE**

HB,BSV
List No.: 1 Sl No.: 15