



NC: 2026:KHC-D:10535
CRL.A No. 100200 of 2016

CNR: KAHC020108772016

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 24TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MRS JUSTICE RAJESHWARI N.HEGDE

CRIMINAL APPEAL NO. 100200 OF 2016 (C)

BETWEEN:

HANAMANT @ APPU S/O RAMANNA WADDAR,
AGE: 33 YEARS, OCC: MASION,
R/O: TIMMAPUR S.N.,
BADAMI TALUK, DIST: BAGALKOTE.
(NOW IN PRISON AT VIJAYAPUR)

...APPELLANT

(BY SRI. VIJAY S. CHINIWAR, ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY BADAMI POLICE STATION,
REPRESENTED BY SPP.
HIGH COURT OF KARNATAKA,
DHARWAD BENCH, DHARWAD.

...RESPONDENT

(BY SRI. JAIRAM SIDDI, HCGP)

THIS CRIMINAL APPEAL IS FILED U/SEC.374(2) OF CR.P.C., PRAYING TO SET ASIDE THE IMPUGNED JUDGMENT/ORDER OF CONVICTION DATED: 19-05-2016 PASSED BY THE COURT OF II ADDITIONAL DISTRICT AND SESSIONS JUDGE, BAGALKOT IN S.C. NO.45/2012 IN CONVICTING THE ACCUSED FOR THE OFFENCES PUNISHABLE UNDER SECTION 498-A AND 306 OF IPC, THEREBY ALLOW THE PRESENT APPEAL AND KINDLY ACQUIT THE ACCUSED NO.1, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 17.07.2026 AND COMING ON FOR





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PRONOUNCEMENT THIS DAY, JUDGMENT WAS DELIVERED
THEREIN AS UNDER:

CORAM: HON'BLE MRS JUSTICE RAJESHWARI N.HEGDE

CAV JUDGMENT

1. This appeal is filed by the appellant/accused under Section 374(2) of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), challenging the judgment dated 19.05.2016 passed by the II Additional District and Sessions Judge, Bagalkot, in S.C. No.45/2012, whereby the accused/appellant is convicted for the offences punishable under Sections 498A and 306 of the Indian Penal Code.

2. The case of the prosecution, in brief, is as under:

3. The complainant Hanamant Durgappa Waddar being father of the deceased in this case has lodged a complaint on 16.09.2011 at about 11.00 a.m., alleging that his daughter, aged about 24 years, was given in marriage to the accused. During their matrimonial life, she



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gave birth to two children aged about 3 years and 9 months. Thereafter, her husband, i.e., the accused herein, along with her in-laws and other family members, started harassing her and making her starve on one or the other ground. She used to come to her parental house and complain about the harassment. The elders advised both of them to adjust themselves. Despite such advice, the accused did not stop harassing her. On 16.09.2011 at about 6.00 a.m., the complainant was informed that his daughter had died. Hence, the complaint.

4. On the basis of the said complaint, the police registered a case in Crime No.182/2011. After completion of the investigation, the charge sheet was filed against accused Nos.1 to 6 for the offences punishable under Sections 143, 147, 498-A and 306 read with Section 149 of the Indian Penal Code.

5. The prosecution, in order to bring home the guilt of the accused, examined 24 witnesses as PWs.1 to 24, got marked Exs.P1 to P26 and produced M.Os.1 to 4.



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6. After completion of the prosecution evidence, the accused were examined under Section 313 of the Cr.P.C. They denied all the incriminating circumstances appearing against them in the evidence of the prosecution witnesses and denied their complicity in the alleged offences. Their defence was that they had been falsely implicated in the case. However, they did not choose to adduce any defence evidence.

7. After hearing the learned counsel for both the parties, the trial Court passed the impugned judgment, convicting accused No.1 for the offences charged against him and acquitting accused Nos.2 to 6 of all the charges.

8. Being aggrieved by the impugned judgment of conviction, accused No.1 has preferred the present appeal on the following grounds:

a. The impugned judgment and order of conviction, whereby accused No.1 has been convicted, are wholly erroneous and contrary to the evidence on record.



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- b. The learned Sessions Judge has recorded a categorical finding that the prosecution story regarding the torture meted out to the deceased in connection with dowry and the alleged second marriage of accused No.1 is not found in the statements of the prosecution witnesses recorded under Section 161 of the Cr.P.C. However, the learned Sessions Judge, on assumptions and presumptions, relying upon the testimonies of the interested witnesses, namely PWs.1, 5, 6, 7, 9 and 10, came to the conclusion that accused No.1, being the husband of the deceased, subjected her to cruelty and abetted the commission of suicide, which is wholly erroneous.*
- c. The learned Sessions Judge was not justified in convicting the accused under Section 498-A of the IPC in the absence of any oral or documentary evidence to establish that the accused had subjected the deceased to persistent or continuous physical or mental cruelty.*
- d. The learned Sessions Judge has recorded a categorical finding regarding the absence of any demand for dowry. However, the learned Sessions Judge failed to appreciate that the evidence on record discloses that, through the*



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wedlock, the accused and the deceased had two children and that the sister of the accused had been given in marriage to the brother of the deceased. The learned Sessions Judge also failed to appreciate that the accused was living separately with the deceased in a rented house, away from his parents.

- e. Apart from the testimonies of the interested witnesses, there is no oral or documentary evidence, including the evidence of neighbours, regarding any quarrel or misunderstanding between the accused and the deceased to substantiate the allegations made against the accused.*
- f. The learned Sessions Judge failed to consider the defence put forth by the accused that, after undergoing a family planning operation, the deceased was suffering from continuous stomach pain and, as a result thereof, committed suicide. This aspect was elicited in the cross-examination of PWs.2 and 24. The learned Sessions Judge further failed to appreciate that the prosecution had failed to prove the charges against the accused beyond reasonable doubt.*
- g. There was no material on record before the trial Court to convict the accused. Therefore,*



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the impugned judgment of conviction and order of sentence suffer from illegality.

9. Hence, the appellant has prayed for allowing the appeal by setting aside the impugned judgment and acquitting him of the charges.

10. Heard the learned counsel appearing for the parties. Perused the judgment of conviction, the order of sentence and the original records.

11. Upon consideration of the rival submissions and on perusal of the entire evidence on record as well as the appeal papers, the point that arises for consideration is as follows:

"Whether the impugned judgment of conviction and order of sentence suffer from illegality and perversity, warranting interference by this Court?"

12. Submissions of the learned counsel for the appellant is as under:

a. In the present case, though the prosecution examined 24 witnesses, only the relatives of the deceased have



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supported the prosecution case and none of the independent witnesses have supported it.

- b. The specific defence of the accused is that the deceased was a very sensitive person. She was suffering from stomach pain, and the same might have been the reason for her committing suicide.*
- c. It is further argued that, insofar as the allegation of cruelty is concerned, no specific date has been mentioned in the complaint. The complaint was lodged against the accused only after the death of the deceased. In the present case, the trial Court found that there was no evidence against accused Nos.2 to 6 and accordingly acquitted them. However, accused No.1, who is the husband of the deceased, was found guilty by the trial Court.*
- d. It is contended that the trial Court has not properly assessed the evidence of the prosecution witnesses and has erroneously come to the conclusion that the prosecution proved the guilt of accused No.1.*



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e. It is also argued that the evidence of the prosecution witnesses discloses that about nine days prior to the incident, accused No.1 and the deceased had together gone to the house of the sister of accused No.1, as her husband had died. This circumstance indicates that both of them were on cordial terms.

f. Further, it is submitted that the sister of accused No.1 was married to the brother of the deceased, and therefore there was no ill-treatment meted out to the deceased. The trial Court, according to the learned counsel, has failed to properly appreciate this aspect of the evidence.

13. This court have gone through the evidence of the prosecution witnesses, namely:

a. PW1, the father of the deceased, deposed that after her marriage with accused No.1, the deceased lived happily in her matrimonial home for about four to six years. However, he further stated that accused No.1 subsequently subjected her to harassment, as a result of which she committed suicide. During cross-examination,



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PW1 admitted that prior to the incident, neither he nor his family members had lodged any complaint against the accused or their family members, nor was any panchayat convened.

b. He further admitted that at the time of the death of the deceased, she and accused No.1 were residing separately in a separate house, while accused Nos.2 to 6 were residing elsewhere.

c. PW1 also admitted that after the birth of the third child, and after about five months, accused No.1 took the deceased back to his house, and PW1 and his family members used to visit the house of the deceased.

d. PW2, who was cited as a witness to the alleged harassment, did not support the prosecution case.

e. PW4, the brother-in-law of the deceased, also did not support the prosecution case.

f. PW5, the brother of the deceased, deposed in his examination-in-chief about the alleged harassment meted out to the deceased. However, in the cross-



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examination, he admitted that the deceased and accused No.1 were residing separately from accused Nos.2 to 6. He also admitted that no complaint had been lodged regarding the alleged harassment prior to the death of the deceased.

g. PW.6, Another brother of the deceased (also examined by the prosecution).

h. Though he deposed in his examination-in-chief regarding the alleged harassment, he admitted in the cross-examination that no complaint had been lodged prior to the incident or before the death of the deceased.

i. PW7, the mother of the deceased, deposed about the alleged harassment by the accused. However, during cross-examination, she stated that the deceased and accused No.1 were living happily and that they used to visit her house.

j. PW8, another brother of the deceased, also deposed about the alleged harassment. In the cross-examination, he stated that his marriage and the marriage



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of the deceased were performed on the same day in a mass marriage ceremony. He admitted that there was no exchange of dowry, nor was there any demand for dowry or giving of ornaments by the parents of the deceased.

k. He further admitted that his wife was the sister of accused No.1 and that he used to frequently visit the house of the deceased, as his wife belonged to that family.

l. He also admitted that no complaint regarding the alleged harassment had been lodged before the police prior to the death of the deceased.

m. PW9, a relative of the complainant, deposed about the alleged harassment. He further stated that a panchayat had been convened and accused No.1 was advised to look after the deceased properly. In the cross-examination, a suggestion was made that he was giving false evidence, which he denied.



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n. PW10, who was also examined as a witness to the alleged harassment, deposed that a panchayat had been held.

o. PW11 is the scribe of the complaint, which was written as dictated by the complainant (PW1).

p. PW12, who was cited as a witness to the panchayat, did not support the prosecution case.

q. PW13 was also cited as a witness to the panchayat. However, he did not support the prosecution case.

r. PW14, another witness to the panchayat, also did not support the prosecution case.

s. PW15 to PW17, who were cited as witnesses to the alleged harassment, did not support the prosecution case.

t. PW19 to PW23 are the official witnesses.

14. The learned counsel for the appellant submitted that the evidence adduced by the prosecution discloses that only the relatives of the deceased have spoken about



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the alleged harassment. None of the independent witnesses have supported the prosecution case. It is further contended that accused No.1 and the deceased were living happily and that only after the birth of their third child did the deceased develop stomach pain, which might have been the reason for her committing suicide. It is therefore submitted that the trial Court, without properly appreciating the evidence on record, has erroneously convicted accused No.1.

15. *Per contra*, the learned High Court Government Pleader submitted that the prosecution witnesses have consistently deposed about the alleged harassment. Merely because they are relatives of the deceased, their evidence cannot be discarded. Though some of the witnesses have not supported the prosecution case, the evidence of the other witnesses sufficiently establishes the prosecution case. It is therefore contended that the trial Court has properly appreciated the evidence on record and has rightly convicted accused No.1.



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16. The learned High Court Government Pleader further submitted that the charge sheet was initially filed against accused Nos.1 to 6. However, upon appreciation of the evidence, the trial Court found that accused Nos.2 to 6 were not guilty and acquitted them. As per the complaint (Ex.P1), the deceased was looked after properly for about two years after the marriage, and thereafter she was subjected to harassment.

17. The trial Court, on appreciation of the evidence of PW1 to PW6 regarding the alleged harassment, came to the conclusion that accused No.1 and the deceased were residing separately from accused Nos.2 to 6. Accordingly, accused Nos.2 to 6 were acquitted.

18. Insofar as the allegation regarding demand of dowry is concerned, the evidence discloses that the marriage was performed in a mass marriage ceremony and that there was neither any demand for dowry nor any giving or taking of dowry.



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19. The defence of accused No.1 is that a false complaint has been lodged against him and that he never subjected the deceased to any cruelty. Though PW1 to PW10 have deposed regarding the alleged harassment and the convening of panchayats wherein accused No.1 was advised to treat the deceased properly, all of them have admitted that no complaint had been lodged before the police regarding the alleged harassment prior to the death of the deceased.

20. It has also come in the evidence that the sister of accused No.1 was given in marriage to the brother of the deceased. Therefore, according to the defence, there was no occasion for accused No.1 to ill-treat the deceased.

21. The evidence further discloses that accused No.1 and the deceased lived happily for about three to four years and were blessed with three children. It was only after the birth of their third child that the deceased allegedly developed stomach pain, and about nine months thereafter she committed suicide. Admittedly, prior to the



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incident, no complaint was lodged against accused No.1 or accused Nos.2 to 6 regarding the alleged harassment. Had there been continuous ill-treatment during the period they lived together, the deceased could have lodged a complaint against accused No.1.

22. It has also come in the evidence that accused No.1 and the deceased were residing separately, whereas accused Nos.2 to 6 were residing elsewhere. Nevertheless, allegations have also been made against accused Nos.2 to 6 in the complaint. This creates an impression that the allegations in the complaint have been exaggerated and that, after the deceased committed suicide, the complainant implicated all the accused.

23. The evidence further reveals that the marriage of the deceased and accused No.1 was performed in a mass marriage ceremony, the sister of accused No.1 was married to the brother of the deceased, they lived happily for about three to four years, and three children were born out of their wedlock. It is also undisputed that no



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complaint was lodged against accused No.1 or his family members prior to the death of the deceased. Further, accused No.1 and the deceased were residing separately from accused Nos.2 to 6.

24. Further, it has also come in the evidence that about nine days prior to the incident, accused No.1 and the deceased had together visited the house of the sister of accused No.1 on account of the death of her husband. These circumstances Probabilize the defence that the deceased might have committed suicide due to her stomach ailment and her sensitive nature.

25. Significantly, the complaint does not contain any specific averments regarding the proximity of time between the alleged acts of harassment and the commission of suicide. There are also no specific allegations indicating any act of mental cruelty or harassment immediately preceding the incident. In the absence of such specific averments, it cannot be concluded



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that the deceased committed suicide solely because of the alleged harassment by accused No.1.

26. In cases involving suicide or abetment of suicide, the Hon'ble Supreme Court has consistently held that the prosecution must establish its case beyond reasonable doubt and that a conviction cannot rest on mere suspicion or conjecture arising from the fact that the deceased committed suicide. There must be clear and cogent evidence to establish that the accused, by his conduct, intentionally instigated or compelled the deceased to commit suicide. Mere harassment, domestic quarrels, or unpleasant behaviour, by themselves, are insufficient to attract the offence under Section 306 of the IPC.

27. Further, there must be a direct and proximate nexus between the conduct of the accused and the commission of suicide. A remote incident or a past grievance is ordinarily insufficient unless it had a continuing and immediate impact on the deceased. Since



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Section 306 of the IPC creates criminal liability, every essential ingredient of the offence of abetment must be proved beyond reasonable doubt. If two views are reasonably possible on the evidence, the benefit of doubt must necessarily go to the accused.

28. In the recent decision of the Hon'ble Supreme Court in ***Balaji Jaiswal Vs. State of Chattisgarh and Another*** reported in **2026 INSC 375**, it has been held that, to attract the offence of abetment of suicide, there must be proof of direct or indirect acts of instigation or incitement by the accused, and such acts must be in close proximity to the commission of suicide. Mere past incidents or generalized allegations of harassment, without such a proximate nexus, do not satisfy the requirements of Section 306 of the IPC.

29. In the present case, though it is alleged that the accused subjected the deceased to harassment, admittedly no complaint was lodged before the police prior to the incident. Though it is stated that panchayats were



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convened regarding the alleged harassment, the complaint was lodged against all the accused, including accused Nos.2 to 6, despite the evidence clearly showing that accused Nos.2 to 6 were not residing with accused No.1 and the deceased.

30. Therefore, this Court is of the considered opinion that the prosecution has failed to establish that the alleged acts of accused No.1 had a proximate and live link with the commission of suicide by the deceased. The trial Court itself has acquitted accused Nos.2 to 6.

31. Upon re-appreciation of the entire evidence on record, this Court is of the opinion that the prosecution has also failed to prove the guilt of accused No.1 beyond reasonable doubt. Consequently, extending the benefit of doubt to accused No.1, he is entitled to an acquittal. The impugned judgment, therefore, suffers from illegality and perversity and calls for interference by this Court.



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32. Accordingly, the point for consideration is answered in the affirmative, and the following order is passed:

ORDER

- i. The appeal is ***allowed***.
- ii. The judgment and order of conviction dated 19.05.2016 passed by the II Additional District and Sessions Judge, Bagalkot, in S.C. No.45/2012 is hereby set aside.
- iii. Accused No.1 is acquitted of the offences punishable under Sections 498-A and 306 of the Indian Penal Code.

Sd/-
(RAJESHWARI N.HEGDE)
JUDGE