



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF FEBRUARY, 2026

PRESENT

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

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CRIMINAL APPEAL NO.141 OF 2025 (A)

C/W

CRIMINAL APPEAL NO.1666 OF 2023 (C)

CRIMINAL APPEAL NO.2337 OF 2024

IN CRL.A No.141/2025

BETWEEN:

STATE OF KARNATAKA
BY ASSISTANT COMMISSIONER OF POLICE
MANGALURU SOUTH SUB-DIVISION
MANGALURU
REPRESENTED BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU-560 001.

...APPELLANT

(BY SMT. RASHMI JADHAV, ADDITIONAL SPP)

AND:

1. SMT. PREMA
W/O. VASU POOJARY
AGED ABOUT 55 YEARS
RESIDING AT HOUSE NO.1-167
M.C.C QUARTERS
NEAR FISHERIES COLLEGE
GORIGUDDE, KANKANADY POST
JEPPINAMOGARU VILLAGE
MANGALURU - 575 007.





2. SMT. GEETHA S.P.
W/O. S.P. ANAND
AGED ABOUT 39 YEARS
D.NO.161/1 MCC
QUARTERS-KUDPADI ROAD
JEPPU
MANGALURU CITY - 574 142.

...RESPONDENTS

(BY SRI AJAY PRABHU M., ADVOCATE FOR R-1;
SRI POOJAPPA J., ADVOCATE FOR R-2)

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THIS CRIMINAL APPEAL IS FILED UNDER SECTION 378(1)(3) OF THE CR.PC PRAYING TO SET ASIDE THE IMPUGNED JUDGMENT AND ORDER DATED 10-8-2023 PASSED BY THE II ADDITIONAL DISTRICT AND SESSIONS (SPECIAL) JUDGE AT D.K. MANGALURU IN SPL.C.NO.190 OF 2019 ACQUITTING THE RESPONDENTS-ACCUSED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 504, 355 AND 326 OF IPC AND SECTION 3(1)(r)(s) OF SC/ST (POA) ACT 1989 AND ETC.

IN CRL.A NO.1666/2023

BETWEEN:

SMT. PREMA
W/O. VASUPOOJARY
AGED ABOUT 53 YEARS
RESIDING AT HOUSE NO.1-167
M.C.C. QUARTERS
NEAR FISHERIES COLLEGE
GORIGUDDE, KANKANADY POST
JEPPINAMOGARU VILLAGE
MANGALURU - 575 007.

...APPELLANT

(BY SRI AJAY PRABHU M., ADVOCATE)

AND:



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CRL.A No. 141 of 2025
C/W CRL.A No. 1666 of 2023
CRL.A No. 2337 of 2024

1. THE STATE OF KARNATAKA
THROUGH ASSISTANT COMMISSIONER
OF POLICE
MANGALURU SOUTH SUB-DIVISION
MANGALURU - 575 001.
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDINGS
BENGALURU-560 001.
2. SMT. GEETHA S.P.
W/O. S.P. ANANDA
AGED ABOUT 38 YEARS
RESIDING AT HOUSE NO.161/1
M.C.C. QUARTERS, JEPPU
MANGALURU CITY - 575 002.

...RESPONDENTS

(BY SMT. RASHMI JADHAV, ADDITIONAL SPP FOR R-1;
SRI POOJAPPA J., ADVOCATE FOR R-2)

* * *

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 374(2)
OF THE CR.P.C PRAYING TO SET ASIDE THE JUDGMENT OF
CONVICTION DATED 10-8-2023 AND ORDER ON SENTENCE
DATED 11-8-2023 PASSED BY THE II ADDITIONAL DISTRICT
AND SESSIONS (SPECIAL) JUDGE, D.K. MANGALURU IN
SPL.C.NO.190 OF 2019, FOR THE OFFENCES PUNISHABLE
UNDER SECTION 325 OF IPC AND SECTION 3(2)(VA) OF SC/ST
(POA) ACT AND ETC.

IN CRL.A NO.2337/2024

BETWEEN:

THE STATE OF KARNATAKA
BY ASSISTANT COMMISSIONER OF POLICE
MANGALURU SOUTH SUB-DIVISION
MANGALURU-560 001.

...APPELLANT

(BY SMT. RASHMI JADHAV, ADDITIONAL SPP)



NC: 2026:KHC:5735-DB
CRL.A No. 141 of 2025
C/W CRL.A No. 1666 of 2023
CRL.A No. 2337 of 2024

AND:

1. SMT. PREMA
W/O. VASUPOOJARY
AGED ABOUT 55 YEARS
RESIDING AT HOUSE NO.1-167
M.C.C. QUARTERS
NEAR FISHERIES COLLEGE
GORIGUDDE, KANKANADY POST
JEPPINAMOGARU VILLAGE
MANGALURU - 575 007.
2. SMT. GEETHA S.P.
W/O. S.P. ANAND
AGED ABOUT 39 YEARS
RESIDING AT DOOR NO.161/1
M.C.C. QUARTERS
KUDPADU ROAD, JEPPU
MANGALURU CITY - 574 142.

...RESPONDENTS

(BY SRI AJAY PRABHU M., ADVOCATE FOR R-1;
SRI POOJAPPA J., ADVOCATE FOR R-2)

* * *

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 377 OF THE CR.PC PRAYING TO ALLOW THIS APPEAL AND MODIFY THE JUDGMENT OF CONVICTION DATED 10-8-2023 AND ORDER ON SENTENCE DATED 11-8-2023 PASSED IN SPL.C.NO.190 OF 2019 ON THE FILE OF THE II ADDITIONAL DISTRICT AND SESSIONS (SPECIAL) JUDGE, DAKSHINA KANNADA DISTRICT, MANGALORE, INsofar AS IMPOSING INADEQUATE SENTENCE PASSED AGAINST ACCUSED FOR THE OFFENCE PUNISHABLE UNDER SECTION 325 OF IPC AND SECTION 3(2)(VA) OF SC/ST (POA) ACT, 1989, BY IMPOSING MAXIMUM SENTENCE.

THESE CRIMINAL APPEALS, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

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



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C/W CRL.A No. 1666 of 2023
CRL.A No. 2337 of 2024

HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE H.P.SANDESH)

Criminal Appeal No.141/2025 and Criminal Appeal No.2337/2024 are filed by the appellant-State challenging the acquittal the accused for the offences punishable under Sections 504, 355 and 326 of Indian Penal Code, 1860 (for short, 'IPC') and Section 3 (1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC/ST(PoA) Act') as well as for inadequate sentence imposed against accused for the offences punishable under Sections 325 of IPC and under Section 3(2)(va) of SC/ST(PoA) Act.

2. Criminal Appeal No.1666/2023 is filed by the appellant-accused challenging the order of conviction dated 10.08.2023 and sentence dated 11.08.2023 passed in Spl.Case No.190/2019 by learned II Addl. District & Sessions(Special) Judge, Dakshina Kannada, Mangaluru for the offences punishable under Sections 325 of IPC and Section 3 (2)(va) of SC/ST(PoA) Act.



3. This Court has already admitted the appeal filed by the appellant-accused with the consent of both the counsel appearing for the State as well as the counsel appearing for the accused, the matters are taken up for final disposal.

4. Having considered the factual aspects of the case, the incident took place between neighbours. The injured was undergoing treatment at M.V. Shetty Hospital, Mangaluru, and CW-15, Hanuma Reddy, Head Constable of Mangaluru South Police Station, visited the said hospital and recorded the statement and registered the case after recording the statement at the first instance in Crime No.169 of 2019 for offences punishable under Sections 324, 355, and 504 of the IPC and Sections 3(1)(r)(s), and 3(2)(va) of the SC/ST(PoA) Act.

5. Subsequently, the case was transferred to Kankanady Town Police Station, Mangaluru, on 01.08.2019. On the basis of the same, the case was registered in Crime No. 82 of 2019 for the offences punishable under Sections 324, 355, and 504 of the IPC and Sections 3(1)(r)(s), and 3(2)(va) of the Act.



6. The statements of the victim as well as her husband were recorded. The police have invoked the provisions of the special enactment, alleging that the accused abused the victim by stating that she belongs to lower community, came from elsewhere, and acted in a high-handed manner.

7. The police investigated the matter and filed the charge sheet against the accused for the offences punishable under Sections 504, 355, and 326 of the IPC and Sections 3(1)(r)(s), and 3(2)(va) of the SC/ST(PoA) Act.

8. The Trial Court, having considered the material on record, noted that although the doctor issued Wound Certificate stating that there was a fracture, no X-ray was produced to substantiate the same. Considering the nature of the injury, the Court invoked Section 325 of the IPC instead of Section 326.

9. The allegation of PW-1 is that the accused assaulted her with a wooden reaper piece and also with an umbrella, as a result of which she sustained injuries. The Wound Certificate discloses that there were simple injuries, and though it mentions fracture, the same is not supported by any X-ray evidence. However, taking note of the nature of the injuries,



the trial Court convicted the accused for the offence punishable under Section 325 of the IPC and also invoked the provisions of the Special Enactment.

10. Upon consideration of the evidence of PW-1, she admits that she belongs to lower Caste; however, she has nowhere stated that the accused uttered her specific caste name or abused her with the intention to humiliate her in public view. When such being the case, the Trial Court committed an error in invoking the provisions of the Special Enactment. Similarly, the evidence of PW-2, who is the husband of PW-1, does not disclose that the accused referred to the specific caste name of PW-1 or insulted her with the intention to humiliate her in the presence of the general public. Therefore, the trial Court erred in invoking the provisions of the Special Enactment.

11. Further, though the Wound Certificate mentions fracture, no X-ray or supporting medical record has been produced to substantiate the same. In the absence of X-ray evidence, the opinion remains only on clinical assessment. Had the fracture been supported by X-ray evidence, there would have been merit in the contention of the learned counsel for the



State that Section 326 of the IPC ought to have been invoked. However, in the absence of such material, the contention regarding inadequate sentence and acquittal for the graver offence under Section 326 of the IPC is not supported by evidence.

12. In the above circumstances, this is a fit case for modification of the conviction for the offence under Section 324 of the IPC and not under Section 325 of the IPC. The question of invoking the provisions of Section 3(2)(va) of the SC/ST(PoA) Act also does not arise, as the essential ingredients of the offence have not been established in evidence. Hence, it is appropriate to modify the judgment and sentence passed by the trial Court.

13. Having regard to the gravity of the offence and the manner in which the incident took place, it is evident that the quarrel arose suddenly between two women with respect to the drying of clothes, which was trivial issue. In such circumstances, this Court is of the opinion that this is not a case for imposing the sentence as there is not motive and premeditation.



14. The Court also takes note of the fact that the dispute is between neighbours. In matters of this nature, Courts generally lean towards imposing fine and awarding compensation rather than sentencing the accused to imprisonment, particularly in cases involving minor offences and first-time offenders, so as to avoid further disruption of relations between the parties. However, the adequacy of fine depends on the gravity of the offence. In furtherance of the principles of restorative justice, the fine imposed in such cases can be directed to be paid to the victim as compensation for the loss or injury suffered, which may serve the ends of justice more effectively than a term of imprisonment.

15. Taking note of the said fact into consideration also, it is appropriate to modify the sentence for an offence under Section 324 of IPC without any punishment and having considered the nature of injury, it is appropriate to impose only a fine of Rs.50,000/- as sentence instead of imprisonment.

16. In view of the discussions made above, we pass the following:



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ORDER

- i) Crl.A.No.414/2025 and Crl.A.No.2337/2024 filed by the appellant/State are ***dismissed***.
- ii) Crl.A.No.1666/2023 filed by the accused is ***allowed-in-part***.
- iii) The judgment of conviction dated 10.08.2023 and sentence dated 11.08.2023 passed in Spl.Case No.190/2019 against the accused by learned II Addl. District & Sessions (Special) Judge, Dakshina Kannada, Mangaluru is modified. Accused is acquitted of the offences punishable under Section 325 of IPC and Section 3(2)(va) of SC/ST (PoA) Act, 1989. However, the sentence imposed under Section 325 IPC is modified to section 324 IPC and accused is imposed only with a fine of Rs.50,000/-. On deposit of Rs.50,000/- by accused before the trial Court, the same shall be payable to PW.1/victim on proper identification.
- iv) Bail bonds, if any, executed by accused stand cancelled.
- v) If the appellant-accused has already deposited Rs.20,000/- as ordered by the trial Court, she



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shall deposit the balance amount within three weeks.

Sd/-
(H.P.SANDESH)
JUDGE

Sd/-
(VENKATESH NAIK T)
JUDGE

AM
List No.: 1 Sl No.: 5