

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL Nos. 1496 of 2013

STATE OF KARNATAKA

...APPELLANT(S)

VERSUS

SRINIVASA

...RESPONDENT(S)

J U D G M E N T

R. BANUMATHI, J.

1. The appeal by the State of Karnataka is against the acquittal of respondent-accused under section 302 IPC

2. Case of the prosecution is that A-1 was allegedly having illicit relationship with second accused (since dead). On account of which there was altercation between A-1 (respondent) and the deceased Rajashree (wife) and the accused no. 1 is alleged to have strangled the deceased to death. Relying upon the medical evidence (PW-7) and the evidence of PW-8 (father of the deceased), the trial Court convicted respondent no.1 under section 302 IPC and also sentenced him to undergo life imprisonment.

3. Insofar as the second accused, the trial court convicted her under Section 201 IPC and sentenced her to undergo three years imprisonment. (Since accused

no. 2 - Padmavathi is dead, Criminal Appeal No. 1497 of 2013 of accused no. 2 - Padmavathi has already been abated vide Court's order dated 03.05.2016).

4. A-1 was running a power loom on the ground floor of his house and the first floor was used for his residence. The second accused was employed in the power loom and was residing in the second floor. PW-8 and PW-9 (father and mother of the deceased) have spoken about illicit relationship of A-1 and A-2 and that illicit relationship led to frequent quarrel between A-1 and the deceased- Rajashree. PW-5 opened the door and found that the deceased hanging with the telephone cable wire. On the date of occurrence - 05.01.2001 at about 4.30 p.m. the informant- P.W-8 (father of the deceased) got the information that the deceased committed suicide. On the date of occurrence 05.01.2001 the deceased was found dead by hanging. Based on the medical evidence and the evidence adduced by the prosecution, the trial court convicted the accused.

5. The High Court acquitted the accused mainly on the basis of evidence of PW-7 (Doctor) who conducted the post-mortem. In the cross examination, PW-7 (Doctor) has stated that it could be a case of suicide as the ligature mark was not found on the neck. The High Court in extenso referred to the evidence of PW-7 who stated that the ligature mark is anti-mortem in

nature and that if the death is caused by strangulation and the body is put in hanging posture there is every possibility of another ligature mark around the neck. The P.M. report does not disclose the presence of ligature mark around the neck. Based on the evidence of PW-7 (Doctor), the High Court arrived at conclusion that the "medical evidence does not conclusively establish that it is a case of homicidal death" and that the accused is entitled to benefit of doubt.

6. Learned counsel appearing for the State of Karnataka though made elaborate submissions on the evidence of PW-8 and PW-9 -parents of the deceased and also the medical evidence, we are unable to countenance the submissions. When the doctor has given opinion that the suicide cannot be ruled out and the death of the deceased could have been due to suicide which was accepted by the High Court; when the High Court has a view which is a plausible view, we find no good ground to take a different view. After appreciating the oral evidence and medical evidence, the High Court acquitted the accused. In view of above, we do not find any compelling reason or substantial ground to interfere with the order of acquittal.

7. The appeal is, accordingly, dismissed.

.....J.  
[ R. BANUMATHI]

.....J.  
[VINEET SARAN]

NEW DELHI  
14TH AUGUST, 2018