

Ramesh @ Ramakanth and Ors vs the State of Karnataka

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Court : Karnataka Kalaburagi

Decided On : Jun-23-2025

Judge : V Srishananda

Appeal No. : CRL.A/200016/2021

Appellant : Ramesh @ Ramakanth and Ors

Respondent : The State of Karnataka

Judgement :

-1- IN THE HIGH COURT OF KARNATAKA, KALABURAGI BENCH DATED THIS THE 23RD DAY OF JUNE, 2025 BEFORE THE HON'BLE MR. JUSTICE V SRISHANANDA CRIMINAL APPEAL NO.200016 OF 2021 (374(Cr.PC)/415(BNSS)) BETWEEN:

1. RAMESH @ RAMAKANTH S/O ABHANG RAO, AGE:31 YEARS, OCC: MECHANIC.
2. ABHANG RAO S/O GANPAT RAO MOHATE, AGE:71 YEARS, OCC: AGRICULTURE,
3. CHANDRABAI W/O ABHANG RAO MOHATE, AGE:65 YEARS, OCC: AGRICULTURE, ALL R/O. BOLEGAON VILLAGE, TQ. UDGIR, DIST.

LATUR- 413517. (MAHARASHTRA STATE), Digitally signed NOW AT BHOPALA NAGAR, UDGIR-413517. by RENUKA Location: HIGH APPELLANTS COURT OF (BY SRI. SANJAY A. PATIL, ADVOCATE) KARNATAKA AND:

THE STATE OF KARNATAKA THROUGH, POLICE, KUSHNOOR POLICE STATION, BIDAR, DIST. BIDAR-585401, REPRESENTED BY ADDL. SPP, HIGH COURT OF KARNATAKA, KALABURAGI BENCH-585107. RESPONDENT (BY SRI JAMADAR SHAHABUDDIN, HCGP) - 2- THIS CRL.A. IS FILED UNDER SECTION 374 (2) OF CR.P.C PRAYING TO ADMIT THE APPEAL AND SET ASIDE THE IMPUGNED JUDGMENT OF CONVICTION AND SENTENCE DATED: 19.01.2021 PASSED BY THE PRL. DISTRICT AND SESSIONS JUDGE AT BIDAR IN S.C NO.229/2016 ON ITS FILE, THEREBY CONVICTING THE APPELLANT NO.1 FOR THE OFFENCES PUNISHABLE U/SEC.498-A OF IPC AND FURTHER CONVICTING APPELLANT NO.1 TO 3 FOR THE OFFENCE PUNISHABLE U/SEC. 3 OF DOWRY PROHIBITION ACT. AND ACQUIT THE APPELLANTS OF ALL CHARGES IN S.C.NO.229/2016 ON THE FILE OF PRL. DISTRICT AND SESSIONS JUDGE, AT BIDAR. THIS APPEAL, COMING ON FOR FURTHER HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER: CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE V SRISHANANDA) Accused who suffered an order of conviction in S.C.No.229/2016 dated 19.01.2021 on the file of the Prl. District and Sessions Judge, Bidar, were sentenced as under: i) Accused no.1 Ramesh is hereby sentenced to undergo rigorous imprisonment for one year for the offence punishable U/Sec.498-A of IPC and shall pay fine of Rs.5,000/-. In default of payment of fine, he shall further undergo simple imprisonment for a period of one month. ii) Accused no.1 to 3 are hereby sentenced to undergo rigorous imprisonment for 3 years for the offence punishable U/Sec.3 of Dowry Prohibition Act and shall -3- each pay fine of Rs.15,000/-. In default of payment of

fine, each one shall further undergo simple imprisonment for a period of 3 months.
iii) The substantial sentences of imprisonment shall run concurrently, whereas default sentence shall run one after other.

iv) Pw.1 Narsingh Rao and Pw.8 Kondabai have lost their dear daughter Nilavathi that to when she was carrying 5 months pregnancy and appears that they do not have any other girl child, therefore, they are entitled for suitable compensation. Therefore, recommendation is made to the DLSA, Bidar, to award suitable compensation to both Pw.1 Narsingh Rao and Pw.8 Kondabai for loss of life of their daughter Nilavathi.

v) The accused no.1 to 3 are entitled for set off the period of detention during crime stage as provided U/Sec.428 of Cr.P.C. vi) The bail bonds and surety bonds of the accused no.1 to 3 stands cancelled. vii) MO.1 to MO.4 are being worthless is ordered to be destroyed after the appeal period. viii) Issue conviction warrant accordingly. ix) The Chief Administrative Officer of this Court is directed to send the certified copy of the judgment of conviction and order of sentence to the District Magistrate/Deputy Commissioner, Bidar, in compliance of Section 365 of Cr.P.C. and also DLSA, Bidar. -4- x) The Chief Administrative Officer of this Court is directed to furnish free copy of the judgment of conviction and order on sentence to the accused no.1 to 3 forthwith.

2. Appellant No.2 is the father-in-law and Appellant No.3 is

the mother-in-law of the victim. Appellant No.1 being the husband, has died during pendency of the appeal. Therefore, appeal against appellant No.1 stood abated. Appellant No.2 had the benefit of anticipatory bail before the Trial Court and Appellant No.3 was in custody for a period of 42 days.

3. The health condition of appellant No.2 is noticed by this

Court who is present before the Court. He is suffering with paralysis and is unable to move on his own. He needs atleast one attendant even to look after his day to day activities.

4. Appellant No.3 being the wife of appellant No.2 is aged about 69 years as on date. Her health condition is also fragile.

5. After due trial, accused have been convicted as stated supra. Conviction is recorded by the learned Trial Judge for the offence punishable under Section 3 of the Dowry Prohibition Act, 1961. -5-

6. State, for the reasons best known to it, did not challenge

the validity of the judgment whereby all the accused persons have been acquitted for the offence punishable under Sections 498A and 304B of the Indian Penal Code.

7. Even though learned counsel for the appellants addressed

the arguments on the question of validity of conviction of the appellant Nos.2 and 3 for the offence punishable under Section 3 of the Dowry Prohibition Act, this Court having noticed that the ingredients to attract the offence under the said provision have been established by the prosecution by giving cogent evidence on record. Therefore, this Court is of the considered opinion that conviction of the appellants for the offence punishable under Section 3 of the Dowry Prohibition Act, needs to be maintained.

8. Further, State having not challenged the Order of acquittal for remaining offences, the judgment has become final.

9. The very fact that the learned Trial Judge has acquitted

the appellants for the offence punishable under Sections 498A and 304B of the Indian Penal Code itself shows that the learned -6- Trial Judge has rightly appreciated the material evidence on record in the impugned judgment.

10. For conviction of the appellants under Section 3 of the

Dowry Prohibition Act, learned Trial Judge has taken into consideration the fact that a gold ring was given at the time of marriage. Further, there was a demand to replace the gold ring alleging that the gold ring that was given at the time of

marriage was not of gold and it was a duplicate ring. Therefore, same was sought to be replaced by original golden ring.

11. Learned Trial Judge recorded a find that Accused persons,

on coming to know that the gold ring given at the time of marriage was fake, returned the said gold ring to the parents of the deceased and demanded an original gold ring and therefore, passed an order of conviction for the offence punishable under Section 3 of the Dowry Prohibition Act.

12. Even after re-appreciation of the evidence on record, this

Court is of the considered opinion that the conviction of the appellants for the offence punishable under Section 3 of the Dowry Prohibition Act needs to be maintained. -7-

13. Having said thus, taking note of the fact that appellant

No.3 is an old lady aged about 69 years as on date, if the custody period already undergone is treated as period of imprisonment by enhancing the fine amount in a sum of Rs.15,000/-, and further taking note of the health condition of appellant No.2 who has suffered paralysis and is unable walk without the assistance of an attendant, if he is ordered to undergo imprisonment for a day till rising of the Court and directed to pay enhanced fine in sum of Rs.15,000/- for the offence punishable under Section 3 of the Dowry Prohibition Act, ends of justice would be met.

14. Accordingly, for the foregoing discussion, the following:

ORDER

(a) The Criminal Appeal is allowed in part.

(b) Appeal against appellant No.1 is dismissed as abated.

(c) While maintaining the conviction of appellant

Nos.2 and 3 for the offence punishable under Section 3 of the Dowry Prohibition of Act, appellant No.2 is directed to undergo simple imprisonment for the day till rising of the Court and insofar as appellant No.3 is -8- concerned, custody period already undergone by her is treated as the period of imprisonment by enhancing the fine amount in a sum of Rs.15,000/- each i.e., Rs.15,000/- already imposed + Rs.15,000/- enhanced by this Court, in all Rs.30,000/- each).

(d) Time is granted till 30.07.2025 to pay the enhanced fine amount.

(e) Failure to pay the enhanced fine amount, the imprisonment ordered by the Trial Judge stands restored automatically.

(f) Office is directed to return the Trial Court

records with copy of this judgment for issue of modified conviction warrant. Sd/- (V SRISHANANDA) JUDGE kcm paragraphs 1 to 14 RSP-operative portion List No.: 1 Sl No.: 77 CT:PK

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