

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF OCTOBER, 2020

PRESENT

THE HON'BLE MR. JUSTICE B. VEERAPPA

AND

THE HON'BLE MR. JUSTICE K. NATARAJAN

CRIMINAL APPEAL No.246/2014

C/W

CRIMINAL APPEAL No.690/2020

C/W

CRIMINAL APPEAL No.867/2020

IN CRIMINAL APPEAL No.246/2014

BETWEEN:

1. RAMU
S/O RATHNAGIRIAH,
AGED ABOUT 21 YEARS,
R/AT METARIDODDI VILLAGE,
KAILANCHA HOBLI,
RAMANAGARA TALUK AND DISTRICT.-571501.
2. SHIVANNA
S/O LATE MOTAPPA,
AGED ABOUT 20 YEARS,
R/AT METARIDODDI VILLAGE,
KAILANCHA HOBLI,
RAMANAGARA TALUK & DISTRICT-571501.
3. MADDURA
S/O LATE MARIYAPPA,
AGED ABOUT 19 YEARS,
R/AT METARIDODDI VILLAGE,
KAILANCHA HOBLI,
RAMANAGARA TALUK & DISTRICT-571501.

- 4 . ELEYAIAH @ ELEYA
S/O MARIYAPPA,
AGED ABOUT 23 YEARS,
R/AT METARIDODDI VILLAGE,
KAILANCHA HOBLI,
RAMANAGARA TALUK AND DISTRICT-571501.
- 5 . EERAIAH @ EERA
S/O MUNIYAPPA,
AGED ABOUT 20 YEARS,
R/AT METARIDODDI VILLAGE,
KAILANCHA HOBLI,
RAMANAGARA TALUK
AND DISTRICT. ...APPELLANTS

(BY SRI A.V. RAGHAVENDRA, ADVOCATE)

AND:

STATE BY
JNANABHARATHI POLICE-56060. ...RESPONDENT

(BY SRI VIJAYAKUMAR MAJAGE, ADDL. SPP)

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THIS CRIMINAL APPEAL IS FILED UNDER SECTION 374(2) OF THE CODE OF CRIMINAL PROCEDURE, 1973, PRAYING TO SET ASIDE THE JUDGMENT DATED 4.9.2013 PASSED BY THE IX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BANGALORE IN S.C. No.487/2013-CONVICTING THE APPELLANTS/ACCUSED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 427, 366, 323, 324, 397, 506(B), 376(2) (g) READ WITH 149 OF IPC.

IN CRIMINAL APPEAL No.690/2020

BETWEEN:

RAJA
S/O MUTHURAJA,
AGED ABOUT 27 YEARS
R/AT METARE DODDI VILLAGE

KAILANCHA HOBLI,
RAMANAGARA TALUK,
RAMANGARA DISTRICT.
PIN CODE 562109.

...APPELLANT

(BY SRI A.V. RAGHAVENDRA, ADVOCATE)

AND:

STATE BY
JNANABHARATHI POLICE
REP. BY SPECIAL PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560001.

...RESPONDENT

(BY SRI VIJAYAKUMAR MAJAGE, ADDL. SPP)

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THIS CRIMINAL APPEAL IS FILED UNDER SECTION 374(2) OF THE CODE OF CRIMINAL PROCEDURE, 1973, PRAYING TO SET ASIDE THE JUDGMENT OF CONVICTION AND ORDER OF SENTENCE DATED 22.05.2017 PASSED BY THE LIV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BANGALORE IN S.C.NO.29/2014 - CONVICTING THE APPELLANT/ACCUSED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 427, 366, 323, 324, 397, 376(2)(g) R/W 149 OF IPC.

IN CRIMINAL APPEAL No.867/2020

BETWEEN:

DODDA EERAIHAH @ DODDEERA
S/O EERAIHAH
AGED ABOUT 26 YEARS,
R/O HEBBALA VILLAGE,
ANUGUDU HOBLI, HUNUSUR TALUK
MYSORE DISTRICT.

...APPELLANT

(BY SRI A.V. RAGHAVENDRA, ADVOCATE)

AND:

STATE BY
JNANABHARATHI POLICE

...RESPONDENT

(BY SRI VIJAYAKUMAR MAJAGE, ADDL. SPP)

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THIS CRIMINAL APPEAL IS FILED UNDER SECTION 374(2) OF THE CODE OF CRIMINAL PROCEDURE, 1973, PRAYING TO SET ASIDE THE JUDGMENT DATED 04.09.2013 AND SENTENCE DATED 06.09.2013 PASSED BY THE IX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, AT BENGALURU IN S.C.NO.487/2013, CONVICTING THE APPELLANT/ACCUSED NO.4 FOR THE OFFENCES-PUNISHABLE UNDER SECTIONS 427, 366, 323, 324, 397, 506B, 376(2)(g) R/W 149 OF IPC.

THESE CRIMINAL APPEALS HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ARE COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **B.VEERAPPA, J**, DELIVERED THE FOLLOWING:

JUDGMENT

The unsuccessful accused persons, who have gang raped P.W.28 – Kumari Prakruti (not her real name) have filed these appeals (Criminal Appeal No.246/2014 by accused Nos.2, 5 to 8; Criminal Appeal No.690/2020 by accused No.3 and Criminal Appeal No.867/2020 by