



**IN THE HIGH COURT OF KARNATAKA, AT DHARWAD**

**DATED THIS THE 25<sup>TH</sup> DAY OF OCTOBER, 2025**

**BEFORE**

**THE HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV**

**CRIMINAL APPEAL NO. 100034 OF 2016**

**BETWEEN:**

1. RAJU APPASAB GHEND  
AGE: 28 YEARS,  
OCC: AGRICULTURE,  
R/O: MOLE,  
TALUK: ATHANI,  
DISTRICT: BELAGAUM.
2. APPASAB SIDDAPPA GHEND,  
AGE: 61 YEARS,  
OCC: AGRICULTURE,  
R/O: MOLE,  
TALUK: ATHANI,  
DISTRICT: BELAGAUM.
3. SMT.LAXMIBAI W/O APPASAB GHEND,  
AGE: 53 YEARS,  
OCC: HOUSEWIFE,  
R/O: MOLE,  
TALUK: ATHANI,  
DISTRICT: BELAGAUM.

... APPELLANTS

(BY SRI. SUNIL KUMAR BANGARI, AMICUS CURIE)





**AND:**

1. THE STATE OF KARNATAKA  
BY KAGWAD POLICE,  
REPRESENTED BY STATE PUBLIC PROSECUTOR,  
HIGH COURT BUILDING,  
DHARWAD.

... RESPONDENT

(BY SRI. V.S. KALSURAMATH, AGA)

THIS CRIMINAL APPEAL IS FILED U/S 374(8) OF CR.P.C., PRAYING TO CALL FOR THE RELEVANT RECORDS AND ALLOW THIS CRIMINAL APPEAL BY SETTING ASIDE THE JUDGMENT AND ORDER OF CONVICTION AND SENTENCE RECORDED BY THE LEARNED VI ADDL. DISTRICT & SESSIONS JUDGE-BELAGAVI IN S.C.NO. 258/2013, DATED:12/01/2016 THEREBY CONVICTING THE APPELLANTS FOR THE OFFENCES PUNISHABLE UNDER SECTION 304-B, 498-A R/W SEC. 34 OF IPC & SECTION 3 OF DOWRY PROHIBITION ACT AND SENTENCING THEM TO SUFFER IMPRISONMENT FOR PERIOD OF 7 YEARS.

THIS CRIMINAL APPEAL PERTAINS TO DHARWAD BENCH HAVING BEEN HEARD AND RESERVED ON 14.08.2025 AND COMING ON FOR PRONOUNCEMENT OF JUDGEMENT AT PRINCIPAL BENCH, BENGALURU, THROUGH VIDEO CONFERENCING THIS DAY, THE COURT DELIVERED THE FOLLOWING:

CORAM: THE HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV



**CAV JUDGMENT**

(PER: THE HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV)

This judgment has been divided into the following Sections to facilitate analysis:

|     |   |
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| I   | BRIEF FACTS   |
| II  | ANALYSIS<br><br>A. CONVICTION U/S 304-B R/W 34 OF IPC<br><br>B. CONVICTION UNDER SECTIONS 3 AND 4 OF DOWRY PROHIBITION ACT<br><br>C. CONVICTION UNDER SECTION 498A R/W SECTION 34 IPC<br><br>D. RE. COMPENSATION TO DEPENDANT OF VICTIM |
| III | CONCLUSION  |

**I. BRIEF FACTS**

The present appeal is preferred by accused Nos. 1 to 3 who have challenged the judgment of conviction and order of sentence passed by the 6<sup>th</sup> Additional District and Sessions Judge, Belagavi, in S.C.No.258/2013 dated



12.01.2016, convicting the appellants for the offence punishable under Section 304-B, Section 498-A read with Section 34 of the Indian Penal Code, 1860 and Sections 3 and 4 of Dowry Prohibition Act, 1961 by virtue of which judgment and order of sentence, the accused Nos.1 to 3 were sentenced to undergo imprisonment of 7 years.

2. Brief facts made out by the prosecution are that, accused No.2 is the father and accused No.3 is the mother of accused No.1. The deceased daughter of P.W.1 Kallappa Abu Munje and P.W.2 Tulasavva Kallappa Munje, Lakshmi @ Seema was given in marriage to accused No.1 on 08.11.2011. Their marriage was performed in accordance with a customary practice "Yadi Me Shadi". At the time of engagement, a memorandum was drawn up showing the properties to be given from the side of the bride to the bridegroom as also from the bridegroom to the bride. It is stated that for a period of 3 to 4 months, deceased Lakshmi @ Seema was looked after cordially and subsequently, the



accused subjected Lakshmi @ Seema to cruelty and insisted to get half tola of Gold from her parental house. It is further made out that Lakshmi @ Seema gave birth to a male child and accused No.1 insisted that Seema was to bring half tola of Gold as well as cash of Rs.50,000/- failing which he would marry another lady. It is further made out that elders advised the accused not to cause trouble while assuring that Seema would make the payment and Lakshmi @ Seema went back to her in-laws house where it was stated she was once again harassed for not bringing half tola of Gold and Cash of Rs.50,000/-. The said harassment was informed by Seema to her parents when she had gone to their house for "Urus". At such time, it is stated that accused No.1 was advised and subsequently, Seema was sent along with the accused to matrimonial house.

3. On 06.05.2013, parents were informed regarding death of Lakshmi @ Seema and accordingly, complaint was lodged in Crime No. 118/2013.



4. Inquest Panchanama was drawn on 07.05.2013 in the presence of Panchas; spot panchanama was recorded on the same day and 2 pieces of rope were seized. On the same day, Deputy Superintendent of Police, Chikkodi is stated to have seized 11 household articles from the house of 2<sup>nd</sup> accused under mahazar as shown by P.W.1.

5. Postmortem was conducted and after completion of investigation, charge sheet was filed and case was committed to the Principal District and Sessions Judge, Belagavi. Charges were framed and the points for consideration raised were as follows:

*"1) Whether the accused No.1 being the husband of Seema, accused Nos. 2 and 3 being the in-laws of Seema, in furtherance of their common intention, subjected the said Seema to cruelty by demanding dowry of half tola of gold and hard cash of Rs.50,000/- in the house of accused, after lapse of four months of her marriage and thereby the accused have committed offences punishable under Section 498-A r/w. sec. 34 of IPC?"*



2) *Whether the accused, demanded dowry, indirectly through Seema, from the parents of Seema and thereby all the accused committed an offence punishable u/s. 4 of D.P.Act?*

3) *Whether the accused, in furtherance of their common intention, in their house, on 6.5.2013, committed dowry death, by causing the death of Seema and thereby accused have committed offences punishable u/s. 304-B r/w Sec. 34 of IPC?*

4) *What order?"*

6. On behalf of the prosecution, P.W.1 to P.W.24 were examined and Exhibits P1 to P.30 were marked and M.Os. 1 to 22 were also marked.

7. The prosecutor has given up witnesses P.W.3, 7, 19, 21 and 26. There was no defence evidence and statement of accused has been recorded under Section 313(5) of Cr.P.C. After trial and arguments, judgment of conviction and order of sentence has been passed.

8. Heard both sides.



## II. ANALYSIS:

9. In light of the above, following point arises for consideration:

i) Whether the judgment of conviction and order on sentence passed by the trial Court calls for affirmation?

### A. CONVICTION UNDER SECTION 304-B R/W SECTION 34 OF IPC.

10. Insofar as the conviction as regards Section 304-B r/w Section 34 of IPC, the trial Court has recorded a finding in the affirmative on the point for consideration at point no.3 which deals with the said aspect.

11. Section 304-B reads as follows:

**"304B. Dowry death.—**(1) *Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her*



*husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death.*

*Explanation - For the purpose of this subsection, "dowry" shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).*

*(2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life."*

12. In the present case, the evidences of PWs.1 to 3 (PW.1 is the father; PW.2 is the mother and PW.3 is the brother of the deceased) are on same lines.

13. The requirement for conviction under Section 304-B are:



i) the death of a woman occurred otherwise than under normal circumstances. Such death must have occurred within seven years of marriage.

ii) The victim was subjected to cruelty or harassment by her husband or relative of her husband in connection with demand for dowry.

iii) In case of death in such circumstances, death shall be called dowry death and husband or relative shall be deemed to have caused death.

14. It is also necessary to notice the presumption under Section 113A of the Evidence Act, 1872, which reads as follows:

**"113A. Presumption as to abetment of suicide by a married woman.** - *When the question is whether the commission of suicide by a woman had been abetted by her husband or any relative of her husband and it is shown that she had committed suicide within a period of seven years from the date of her marriage*



*and that her husband or such relative of her husband had subjected her to cruelty, the court may presume, having regard to all the other circumstances of the case, that such suicide had been abetted by her husband or by such relative of her husband.*

*Explanation. - For the purposes of this section, "cruelty" shall have the same meaning as in section 498A of the Indian Penal Code (45 of 1860)."*

15. By virtue of the above provision where the married woman commits suicide within a period of seven years from the date of her marriage and facts reveal that she has been subjected to cruelty, the Court may presume that such suicide has been abetted by her husband or his relatives.

16. Section 113B of the Evidence Act also provides for a presumption as to dowry death and reads as follows:

**"113B. Presumption as to dowry death. –**  
*When the question is whether a person has*



*committed the dowry death of a woman and it is shown that soon before her death such woman had been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the court shall presume that such person had caused the dowry death.*

*Explanation. – For the purposes of this section, "dowry death" shall have the same meaning as in section 304B of the Indian Penal Code (45 of 1860)."*

17. The main ingredients for raising such presumption would be as follows:

i) Where it is established that a woman soon before her death has been subjected to cruelty or harassment by any such person;

ii) Such cruelty or harassment was in connection with demand for dowry;

iii) where point (i) and (ii) are established, the court shall presume that such person had caused dowry death.



18. Dowry death shall have the same meaning as in Section 304B of the Indian Penal Code.

19. In light of the above, it is to be noticed that undisputedly the date of marriage is 08.11.2011. The date of death was 06.05.2013, which is within seven years of marriage.

20. The date of marriage is also evidenced by Ex.P2 which is the 'Yadi' which was marked by the prosecution. It has come out in evidence that in terms of the custom namely "Yadi me Shadi" marriage was performed on the same date i.e., on 08.11.2011.

21. The factum of suicide is also not in dispute as is made out from the Inquest Panchanama, Postmortem report and evidence of the Doctor (Ex. P13, P24 and PW.20 respectively)

22. Insofar as the deceased being subjected to cruelty or harassment, the evidence of PWs.1 to 3 would



indicate that the agreement entered into in the 'Yadi' provided for payment of half Tola gold which PW.1 - father of the deceased states that as the accused had failed to give the gold ornaments of half Tola in terms of Ex.P2, they had not given gold to the accused and there were quarrels.

23. This demand regarding Half Tola of gold is stated to have been made by accused collectively, which the deceased used to inform by way of telephone call and also when she visited the house of her parents. Such stand was corroborated by the evidence of PW.3, brother and PW.2, mother.

24. It was also specifically asserted by PW.1 that in the context of such demand, elders of the village PWs.6, 9 and 13 were informed and that they visited the house of the accused with the family of the deceased and requested the accused not to abuse Seema and sought for time to satisfy the demand. It is made out from the evidence that the deceased at such time was in the house of her parents and



thereafter accused no.1 picked up the deceased and took her back while continuing with harassment in the matrimonial house. Such assertion is corroborated by the evidence of PWs.2 and 3. The said version is also corroborated by PW.9, an elderly person Baburamu Munje. It is further asserted by him that the demand of half tola of gold and Rs.50,000/- was mentioned to him by the deceased.

25. Such demands for dowry would constitute cruelty/ harassment. Any demand for dowry continuously with further threats by the husband of getting married to another lady as made out by PW.1 if the demand is not met, would constitute cruelty.

26. The evidence of mother, brother and father cannot be discarded merely on the ground that they are interested witnesses. There is no uniform rule to discard the evidence of the witnesses who happen to be the family members of the deceased. The witnesses are consistent



that the evidence of PW.9 who is an elderly person would also corroborate such version.

27. The statement of the deceased regarding harassment made to PWs.1 to 3 and 9 constitutes relevant evidence.

28. The factum of death was eight days after she was left in the house of the accused. Such assertion comes out from the evidence of PW.2 the mother and corroborated by PW.9. The elders had visited the house of the accused along with her parents to seek time for payment of dowry and only after such visit was the deceased brought from her parents house and left in the house of the accused. It has come out from the evidence as noted above that the elders visited the accused house in the context of demands for dowry. In light of the death within eight days of leaving her in the in-laws house which was preceded by demands for dowry, it could be stated that the cruelty/ harassment by the accused was soon before her death.



29. In light of the presumption under Section 113B of the Evidence Act, it could be stated that the ingredients of Section 304B of IPC was satisfied.

30. As rightly observed by the trial Court, an adverse inference is also to be drawn in light of non-explanation of the circumstances leading to the deceased committing suicide in her in-laws house.

31. Though the accused have made suggestions to the witnesses that the deceased was not interested to marry and she was suffering from unbearable stomach ache and accordingly committed suicide, the said suggestions are not supported by any cogent evidence by the accused.

32. Accordingly, the judgment of the trial Court also does not call for any interference on such aspect of conviction under Section 304B of IPC. The trial Court by detailed discussion from para 67 to 74 has analysed the evidence of PWs.1 to 3, taken note of presumption under



Section 113B of the Evidence Act, has also drawn an adverse inference of the accused not having explained the circumstances leading to the suicide.

**B. CONVICTION UNDER SECTIONS 3 AND 4 OF DOWRY PROHIBITION ACT**

33. As regards the conviction under Sections 3 and 4 of the Dowry Prohibition Act, the Sessions Court has convicted the accused.

Section 4 of Dowry Prohibition Act reads as follows:

**"4. Penalty for demanding dowry.**— *If any person demands, directly or indirectly, from the parents or other relatives or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to two years and with fine which may extend to ten thousand rupees:*

*Provided that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months."*



34. The demand for dowry directly or indirectly from the parents of the bride is by itself an offence.

35. The discussion of evidence of PWs.1 to 3 as referred to above would hold good as regards the offence under Section 4 of the Dowry Prohibition Act. The demand for dowry has been communicated by the deceased to PWs.1 to 3 and PW.9. Such assertions by the witnesses on the basis of statement made by the deceased would constitute relevant evidence. The allegations made are collectively against the accused and it could be stated that the acts of harassment attributed to the accused would constitute acts in furtherance of common intention.

36. The demand for dowry need not be direct and could be indirect as well. In the present case, there was demand for dowry made against the deceased who has revealed such fact to her family i.e., PWs.1 to 3 as well as village elder PW.9. The finding of the Trial Court holding in



the affirmative as regards the offence under Section 4 of the Dowry Prohibition Act does not call for interference on such aspect.

**C. CONVICTION UNDER SECTION 498A R/W SECTION 34 IPC**

37. The finding of the Trial Court as regards offence under Section 498A r/w 34 of IPC on points for consideration (i) is also in the affirmative.

Section 498A of IPC reads as follows:

***"498A. Husband or relative of husband of a woman subjecting her to cruelty.—***

*Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.*

*Explanation.—For the purpose of this section, "cruelty" means—*

*(a) any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or*



*danger to life, limb or health (whether mental or physical) of the woman; or*

*(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand."*

38. What is made an offence is subjecting woman to cruelty. In terms of the explanation, cruelty would include any willful conduct which is of such a nature as is likely to drive the woman to commit suicide. Further under Explanation (b) cruelty is a wider concept as harassment of the woman with a view to coerce her or any person related to her to meet unlawful demand, would constitute cruelty.

39. If the evidence as noticed above is taken note of, it is clear that the demand for half tola of gold and Rs.50,000/- was made and she was allowed to come back to the matrimonial home only after assurance given by the



elders along with the complainant's family. The trial court has rightly held on such aspect in the affirmative.

40. Accordingly, the point for consideration is answered in the affirmative.

**D. RE. COMPENSATION TO THE DEPENDENT OF VICTIM**

41. While the judgment of conviction and order of sentence is confirmed and aspect that requires due consideration is restitution of the victim.<sup>1</sup> While the wife of accused no.1 could be construed to be victim which would be a conservative understanding of the term the 'victim' in the present case the question as to whether the child from within the wedlock of accused No.1 and his wife, who as on

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<sup>1</sup> The Observations made by the Apex Court in *Suresh and Another v. State of Haryana, (2015) 2 SCC 227*, is of relevance and is as follows:

"16. We are of the view that it is the duty of the courts, on taking cognizance of a criminal offence, to ascertain whether there is tangible material to show commission of crime, whether the victim is identifiable and whether the victim of crime needs immediate financial relief. On being satisfied on an application or on its own motion, the court ought to direct grant of interim compensation, subject to final compensation being determined later. Such duty continues at every stage of a criminal case where compensation ought to be given and has not been given, irrespective of the application by the victim. At the stage of final hearing it is obligatory on the part of the court to advert to the provision and record a finding whether a case for grant of compensation has been made out and, if so, who is entitled to compensation and how much. Award of such compensation can be interim. Gravity of offence and need of victim are some of the guiding factors to be kept in mind, apart from such other factors as may be found relevant in the facts and circumstances of an individual case.



date is a minor (aged about 12 years) could also be treated to be a victim requires consideration.

42. It is to be noticed that under Section 2(wa) of Cr.P.C., victim is defined as follows:

*"(wa) "victim" means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression "victim" includes his or her guardian or legal heir"*

43. The deceased who is a victim is survived by accused No.1 and son who are legal heirs. Literal interpretation of 2(wa) would include the accused and the son as legal heirs. If that were to be so, the Court would be competent to either award compensation under Section 357 (3) of Cr.P.C. payable by the accused to the victim or make recommendation for awarding of compensation under section 357-A of Cr.P.C. However, the power conferred under Section 357-A provides for awarding of compensation upon



a recommendation by the Court under the Victim Compensation Scheme.

44. The recourse to recommending for awarding compensation under the Victim Compensation Scheme, can be where:

(a) The accused is unable to pay and order for the accused to pay victim compensation which is not capable of implementation due to the accused's indigency as such order passed against the accused that cannot be implemented would be no order of compensation at all.

(b) Where, the compensation awarded under Section 357 is inadequate, the Court shall take recourse to awarding of compensation under the Victim Compensation Scheme under Section 357-A.



45. It is a settled position as laid down by the Apex Court<sup>2</sup> that there is a duty on the Courts to apply their mind as regards compensation in every case whether the judgment is one of acquittal or conviction. This interpretation would be on a plain understanding of the object of victim compensation introduced under Section 357-A.

46. The trial Court in the present case has no doubt applied its mind as regards victim compensation while recording a finding that there is no material placed to demonstrate ability of the accused to pay compensation. The appellate Court during the appeal proceedings while dealing with grant of bail to the accused has no doubt

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<sup>2</sup> The Apex Court in *Ankush Shivaji Gaikwad v. State of Maharashtra*, (2013) 6 SCC 770, has held as follows:

46. The amendments to CrPC brought about in 2008 focused heavily on the rights of victims in a criminal trial, particularly in trials relating to sexual offences. Though the 2008 amendments left Section 357 unchanged, they introduced Section 357-A under which the Court is empowered to direct the State to pay compensation to the victim in such cases where

*“the compensation awarded under Section 357 is not adequate for such rehabilitation, or where the cases end in acquittal or discharge and the victim has to be rehabilitated”.*

Under this provision, even if the accused is not tried but the victim needs to be rehabilitated, the victim may request the State or District Legal Services Authority to award him/her compensation. This provision was introduced due to the recommendations made by the Law Commission of India in its 152nd and 154th Reports in 1994 and 1996 respectively.



imposed a condition to the accused to pay a sum of Rs.3,00,000/- while passing order on suspension of sentence. It must be noticed that *stricto sensu*, such amount which has been deposited by the accused cannot be construed to be an order for grant of compensation under Section 357 of Cr.P.C passed against the accused. However, a meaningful legal understanding of the direction would result in this Court construing the amount deposited by the accused to be compensation to be paid by the accused in terms of Section 357(3) of Cr.P.C.

47. The question then arises whether recourse to awarding compensation under the Victim compensation Scheme can still be resorted to and whether the amount eventually paid by the DLSA under the Victim compensation Scheme requires to be adjusted by taking note of the amount paid by the accused under Section 357 in light of the mandate of Clause-7(2) of the Karnataka Victim Compensation Scheme, 2011.



48. The Karnataka Victim Compensation Scheme prepared pursuant to the powers conferred under Section 357-A of Cr.P.C. being a product of beneficial exercise of executive power, must be interpreted with a leaning towards relief to the victim. The legislature having noticed repeated assertions of prisoners rights and while noticing under emphasis to the victims rights, though it fit to introduce Section 357-A. Under Section 2(e) of the Karnataka Scheme 2011 victim is defined as follows:

*"(e) "Victim" means a person who himself has suffered loss or injury as a result of crime and rehabilitation and includes his dependants who had suffered loss or injury as a result of the crime and who require rehabilitation".*

49. It is clear that the victim "includes his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation"

50. The present factual matrix would present a case where the wife of accused No.1 having committed suicide is



no doubt a victim of the crime. However, while considering the aspect of right of the victim to be compensated, the child of accused No.1 and the deceased is required to be treated as a victim. Clearly, the definition of victim under the Karnataka Victim Compensation Scheme, 2011 would include dependent of a victim who has suffered injury as a result of crime. The wife of accused No.1 having committed suicide being a victim in terms of Clause-2(e) of the Scheme, the dependent who has suffered loss and who requires rehabilitation is also a victim within the definition of the scheme.

51. The child has not only lost motherly love and affection but by virtue of confirmation of the order of conviction is also being deprived of fatherly love, affection and his support. The child at this stage still being a minor aged about 12 years requires rehabilitation.

52. While taking note of a sum of Rs.3,00,000/- which as discussed to be treated to constitute compensation



under Section 357 of Cr.P.C., its inadequacy for rehabilitation stares in the face of the Court. Taking judicial notice of costs of education and other needs of the child considering that accused (i.e., father) would now undergo sentence of imprisonment, the amount of Rs.3,00,000/- would wholly be inadequate. Accordingly, where compensation under Section 357 of Cr.P.C. is inadequate and the Court is of the view that the accused is not in a position to pay even if any order is passed, the Court could make appropriate recommendation for payment of compensation under the Karnataka Victim Compensation Scheme, 2011 framed under Section 357-A of Cr.P.C. It is clarified that the amount paid under the Compensation Scheme would not be adjustable or set off in terms of Section 7(2) of the Karnataka Victim Compensation Scheme, 2011. Such direction is passed in light of discussion supra.



53. As the trial Court in its order has observed that there is no material placed by the Prosecution as regards the capacity of the accused to pay compensation, it could be stated that order even if passed against the accused to pay compensation could be un-implementable in the absence of demonstrable ability of the accused to pay compensation.

54. Accordingly, it would be appropriate to recommend payment of compensation under the Karnataka Victim Compensation Scheme, 2011 and DLSA is to take appropriate steps in this regard. As the child is a minor, the compensation amount would be kept in a Fixed Deposit till the child attains majority and the amount may be disbursed as and when the expenses have to be incurred for education, health and other needs of the child. The Secretary, DLSA is required to take appropriate decision as regards disbursement of compensation which would be need based.



The amount of compensation awarded would be kept in a Fixed Deposit till the child attains majority subject to disbursement as stipulated above.

As regards compensation to the victim, the Trial Courts ought to take note of the manner in which this Court has dealt with compensating victim, which approach would go a long way in addressing the need for reparation of the victim. The monetary compensation though cannot undo the wrong, but would be "some solace" to the victim and their family.

**III. CONCLUSION:-**

55. The judgment and order on sentence passed by the Court of the VI Additional District and Sessions Judge, Belagavi, dated 12.01.2016 in S.C.No.258/2013 convicting appellant Nos. 1 to 3 is affirmed.

Insofar as the payment of compensation in terms of the Scheme framed under Section 357-A of Cr.P.C is



concerned, the District Legal Services Authority, Belagavi, is hereby directed to take necessary steps as regards the quantification of compensation, in light of the discussion made above.

56. Accordingly, the appeal is ***disposed of***.

57. In light of the disposal of the appeal, the accused Nos. 1 to 3 are hereby directed to surrender before the Trial Court within 14 days from the date of communication of this judgment to the accused.

58. Registry is directed provide a free copy of this judgment to the accused Nos.1 to 3 and mark a copy of this judgment to the trial Court, Karnataka State Legal Services Authority and District Legal Services Authority, Belagavi.

**Sd/-**  
**(S.SUNIL DUTT YADAV)**  
**JUDGE**

NP/VP