

KABI010034962021



**IN THE OF I-ADDITIONAL DISTRICT AND SESSIONS  
JUDGE AND SPECIAL COURT FOR ATROCITY OFFENCES  
AT BALLARI.**

**DATED THIS 20<sup>th</sup> DAY OF AUGUST, 2026**

**: PRESENT :**

**SHRI. H.A. MOHAN., B.A.L., LL.B.**  
I-Addl. District & Sessions Judge &  
Special Judge for Atrocity offences  
Ballari.

**SPECIAL CASE No.997/2021**

**COMPLAINANT : -**

The State by Deputy Superintendent of  
Police, Ballari Rural Sub-Division,  
Ballari.  
(Sirigeri Police station)

**(By Spl. Public Prosecutor, Ballari)**

**Vs.**

**ACCUSED : -**

1. Agasara Chidanandappa @ Seethappa  
S/o Mahadevappa  
Age : 35 Years,  
Occ: Farmer,
2. Mahadevappa,  
S/o Basappa,  
Age: 25 Years, Occ: Farmer,

3. Agasara Gouramma,  
S/o Basappa, **(Dead)**
4. Padmavathi,  
W/o Huchchappa,  
Age: 27 Years, Occ: Labour,
5. Harijana Huchchappa,  
S/o. Ardhageri Eranna,  
Age: 65 Years, Occ: Farmer,
6. Gangadhara  
Occ: Farmer,
7. Thippamma,
8. Huligemma,  
D/o. Huchchappa,
9. Savithri,  
W/o. Gangadhara,  
Occ: Farmer,

All are R/o. Uluru Village, Siruguppa Taluk,  
Ballari District.

**(Accused No.1, 2, 4 to 9 by  
Sri.S.Rangaswamy., Advocate)**

|                                                |                                                                                                                                                          |
|------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Date of offence                                | 12.08.2021                                                                                                                                               |
| Date of reporting of offence                   | 12.08.2021                                                                                                                                               |
| Name of the informant                          | Harijana Veerasha                                                                                                                                        |
| Date of commencement of recording of evidence. | 11.09.2023                                                                                                                                               |
| Date of closing of evidence                    | 11.06.2026                                                                                                                                               |
| Offence/s complained off                       | U/Secs.143, 147, 148, 323, 324, 307, 447, 504, 506 R/w Section 149 of I.P.C. and u/Secs.3(1)(r), 3(1)(s), 3(2)(V), 3(2)(v-a) of SC and ST (PREVENTION OF |

|                      |                                                |
|----------------------|------------------------------------------------|
|                      | ATROCITIES) Act, 1989.                         |
| Opinion of the Judge | The Accused Nos.1, 2, 4 to 9 found not guilty. |

### **J U D G M E N T**

This case emanates from the charge sheet submitted by the Deputy Superintendent of Police, Ballari Rural Sub-Division, Ballari, for the offences punishable u/Sections 143, 147, 148, 323, 324, 307, 447, 504, 506 R/w Section 149 of I.P.C. and u/Secs.3(1)(r), 3(1)(s), 3(2)(V), 3(2)(v-a) of SC and ST (PREVENTION OF ATROCITIES) Act, 1989 against the accused Nos.1 to 9.

2. The case of prosecution in brief is that, on 12.08.2021, at 07.00 a.m., when CW.1 and 4 along with their children Sri.Shankra and Lakshmi were cultivating the land bearing Sy.No.205B measuring 0.90 cents, accused No.1 to 4 belongs Washer-men community along with accused No.5 to 9 belongs to Schedule Caste, by forming unlawful assembly in order to commit a crime, illegally trespassed into the said land and accused No.1 abused CW.1 by calling him as "ಏನಲೇ ಮಾದಿಗೆ ಸೂಳೆ ಮಗನೆ " and asked him to go out from the land and also asked him

take back the case filed before the Tahsildhar and also told him that he would kill him. Then accused No.1 and 2 held CW.1 and 4, to murder by assaulting and accordingly with an intention to kill, accused No.5 assaulted CW.1 with Axe on his forehead, two hands and caused bleeding injuries and he also assaulted on his left shoulder, then accused No.6 twisted the left hand of CW.1, accused No.4 abused him with reference to his caste and assaulted with legs and hands and caused injuries. Accused No.7 assaulted CW.4 with sickle on forehead and accused No.8 also assaulted with sickle on her back and caused injuries. Accused No.9 assaulted with stone on the son and daughter of CW.1 and caused injuries. Accused No.4 again abused and asked others to kill them and went away by threatening to kill them and thereby, the accused persons have committed the aforesaid offences.

3. After submitting the charge sheet, cognizance for the aforesaid offences was taken by my learned predecessor. Initially accused No.1 to 9 were in Judicial

custody and thereafter released them on bail. Accused No.3 is reported to be dead.

4. Thereafter, after following the due procedure, my learned predecessor has framed the charges for the aforesaid offences by reading over the same. The accused Nos.1 to 9 have pleaded not guilty and claimed to be tried. Hence, the case was posted for trial.

5. In order to prove the charges, the prosecution has examined C.Ws.1, 4, 3, 7, 5, 6, 10, 11, 17, 8, 19, 20, 13 and 21 as PWs.1 to 14 and got marked got marked 22 documents as Exs.P.1 to P.22 and M.O's.1 to 5. CW.9 is reported to be dead. CW.2, 12, 14, 16, 18 are given-up.

6. Thereafter, the statement of accused No's.1, 2, 4 to 9 as contemplated u/Sec.313 of Cr.P.C., have been recorded by putting the incriminating evidence available against them. The answers given by them are noted in their statements.

7. The accused No's.1, 2, 4 to 9 have not chosen to adduce defence evidence nor submitted the written statement.

8. Heard the learned Spl. Public Prosecutor for State and the learned counsel for the accused Nos.1, 2, 4 to 9.

9. The following points that arise for my consideration:-

1. *Whether the prosecution proves beyond all reasonable doubt that, on 12.08.2021, at 07.00 a.m., in land bearing Sy.No.205B measuring 0.90 cents situated at Uluru Village, all the accused persons had formed unlawful assembly with common object to commit a crime and thereby committed the offence punishable u/Section 143, 147 R/w Sec.149 of I.P.C.?*
2. *Whether the prosecution proves beyond all reasonable doubt that, in connection with the said incident, on the same day, time and place and in furtherance of their common object,*

*they committed rioting by holding deadly weapons and thereby committed the offence punishable u/Section 148 R/w Sec.149 of I.P.C.?*

3. *Whether the prosecution proves beyond all reasonable doubt that, in connection with the said incident, on the same day, time and place and in furtherance of their common object, they illegally trespassed into the land and thereby committed the offence punishable u/Section 447 R/w Sec.149 of I.P.C.?*
4. *Whether the prosecution proves beyond all reasonable doubt that, in connection with the said incident, on the same day, time and place and in furtherance of their common object, accused have assaulted CW.1 and 2 and their children with hands and legs and caused simple hurt and thereby committed the offence punishable u/Section 323 R/w Sec.149 of I.P.C.?*
5. *Whether the prosecution proves beyond all reasonable doubt that, in connection with the said incident, on*

*the same day, time and place and in furtherance of their common object, accused No.4 and 5 have assaulted CW.1 with Axe and Sickle on his forehead, hands and shoulder and caused grievous hurt and thereby committed the offence punishable u/Section 324 R/w Sec.149 of I.P.C.?*

6. *Whether the prosecution proves beyond all reasonable doubt that, in connection with the said incident, on the same day, time and place and in furtherance of their common object, all the accused have abused the CW.1 and 4 in filthy language and provoked them to commit breach of peace and thereby committed the offence punishable u/Section 504 R/w Sec.149 of I.P.C.?*

7. *Whether the prosecution proves beyond all reasonable doubt that, in connection with the said incident, on the same day, time and place and in furtherance of their common object, all the accused with an intention to murder CW.1 and his family members, accused No.1, 4 and 5 assaulted CW.1*

*with Axe on his head and caused bleeding injuries and also twisted his hands and thereby committed the offence punishable u/Section 307 R/w Sec.149 of I.P.C.?*

8. *Whether the prosecution proves beyond all reasonable doubt that on the above day, time and place, in furtherance of their common object, all the accused have threatened to kill them and thereby committed the offence punishable u/Section 506 R/w Sec.149 of I.P.C.?*
9. *Whether the prosecution proves beyond all reasonable doubt that on the above day, time and place, in furtherance of their common object, accused No.1 to 4 knowing fully well that C.Ws.1 and 4 belongs to Schedule Caste, with an intention to intentionally insulted them with reference to their case in public view, abused them by calling them as “ಏನಲೇ ಮಾದಿಗ ಸೂಳಿ ಮಗನೆ ” and they should not be leaved and thereby committed the offence punishable u/Sec.3(1)(r), 3(1)(s), 3(2)(V) and 3(2)(v-*

a) SC and ST (PREVENTION OF ATROCITIES) Act, 1989?

10. What order?

10. My answer to the above points are as under:

**Point Nos.1 to 9 :-** In the Negative.

**Point No.10 :-** As per final order, for the following:

### **REASONS**

11. **Point Nos.1 to 9 :-** These points are interlinked to each other and as such, they are taken up together for discussion, to avoid repetition of facts.

12. After having heard the learned Spl. Public prosecutor and learned counsel for accused Nos.1, 2, 4 to 9, I have carefully perused the entire evidence on record.

13. In this case PW.1 is the complainant and injured. PW.2 is the wife of PW.1. They have deposed in consequence with the complaint averments in the examination-in-chief. But in the cross-examination they admitted that, there has been a civil dispute pertaining to the land from the year 2016. They do not know writing and

reading. PW.1 does not know the contents of Ex.P.1 and 2. The witnesses to the incident are his close relatives and belongs to same community. He admitted that Ex.P.4 and 5 photos were taken after they took treatment. He admitted that, no injuries are found on the head as per photographs. MO.1 and 2 like weapons are available in the house of all the farmers. MO.1 and 2 are not visible in Ex.P.4 and 5. His signature has not been obtained. He admitted that, during rainy season people will grow paddy crop in the Taluk of Siruguppa. They will sow the paddy during May. He lodged a complaint in the month of August, but it is not visible in Ex.P.4 and 5 with regard to tilling the land and planting the paddy crop. He has not mentioned the Tractor number, driver and owner names. Ballari is at a distance of 30 k.m. from Uluru. He has not mentioned as to in which vehicle they went to Ballari. He has not given proper answer with regard to nature of the injuries. He was admitted in the Hospital for a day. The witnesses to the incident are not the neighboring land owners. Accused No.5 to 9 are supporting accused No.1 to 4 in the Civil

Suit. He has denied other suggestions. PW.2 has also admitted the same suggestions.

14. PW.3 is a witness to the incident. But his evidence would show that, he was not present at the time of the incident and he got a information from CW.1. Therefore, he is a hearsay witness. He has turned hostile to some extent, but given admissions in the cross-examination conducted by learned Special Public prosecutor. On that day, he had visited the Hospital for his treatment. He has admitted that there has been a civil dispute between CW.1 and the accused No.1 to 4.

15. The evidence of PW.5 also indicates that, he is a hearsay witness. He is not from that village as per his answers given in the cross-examination. Because his Aadhar Card is pertaining to Kogile Village. He does not own any land in Uluru village. He has given evasive answers with regard to MO.2. There is no blood stain in MO.1 to 3. He does not know as to what type of clothes were wearing by CW.1 at the time of the alleged incident.

16. PW.3 is the witness to spot panchanama. He has identified his signature in Ex.P.2 and he has also identified MO.1 to 5. In the cross-examination he admitted that, police were not summoned him. He did not summon Eresh. He does not know as to from which place shirt and panche were brought to that place. He does not know as to, to whom MO.1 to 3 belongs. He admitted that, since he is a Government Employee, at the instance of police, he came and given evidence. That shows that, he was tutored witness and not a natural witness.

17. It is to be noted here that, the above two interested witnesses have given evidence in favour of CW.1. But PW.6 to 8 and 10 who are independent witnesses and eye witnesses to the incident as per the case of the prosecution, have not supported the case of the prosecution. They have turned hostile. They have not admitted any suggestion made to them in the cross-examination conducted by learned Special Public Prosecutor. Therefore, the evidence of these witnesses do not corroborate the evidence of PW.1 and 2.

18. PW.9 is the Doctor. According to him on 12.08.2021 CW.1 and 4 along with their children came to the Hospital and he gave treatment. There was no fracture. He has identified the MOs.

19. In the cross-examination he admitted that, there are Primary Health Center in Sirigeri and Siruguppa. He has not mentioned the age of the injuries in Ex.P.11 to 14.

20. PW.11 is the Police Sub-Inspector who has registered FIR. He has denied the suggestion that, a false case has been registered by him. But he admitted that in Ex.P.1 seal and signature of the doctor are not found and the mental status of CW.1 has not been mentioned.

21. PW.12 is the investigating officer. He has deposed with regard to conducting panchanama, recording of statements of witnesses, obtaining wound certificates and submission of charge sheet.

22. In the cross-examination he admitted that, doctor has not certified in Ex.P.1 to the effect that CW.1

was in fit state of mind to give the statement. He has not obtained the documents pertaining to Civil case. He has not produced the RTC of the land.

23. PW.13 is the person who has taken photographs and issued certificate. He has not put his signature in spot panchanama. The certificate is not in accordance with law.

24. PW.14 is the Forensic Science Expert. He has given evidence with regard to MO.1 to 3. He has identified his report as per Ex.P.22. In the cross-examination he admitted that, he has not detected the age of the blood. He has not detected as to whether it was human blood or not. He has not detected as to on which part of the articles the blood stains were there.

25. The above said evidence would show that, the complaint as per Ex.P.1 is not proved in accordance with law. The versions given PW.1 and 2 are not supported by independent witnesses. MOs. were not available at the spot as per Ex.P.4 and 5. There were no injuries on the head.

Land was not tilled and paddy crop was not grown. The nature of injuries stated in Ex.P.1 and in the evidence, are not proved by the prosecution. Two interested and hearsay witnesses have given contradictory statements. One is not from that village. That shows that the CW.1 wanted to take undue advantage of the situation to lodge a complaint against the accused No.1 to 9. The police officers should have obtained signature of the doctor in Ex.P.1, because CW.1 was taking treatment. Therefore, it is a fatal to the case of prosecution. So, it is very clear that the evidence adduced by the prosecution is not cogent, convincing and satisfactory. There are so many contradictions and omissions which go to the root of case. Accused No.5 to 9 belongs to same community. Hence, special act is not applicable to them. There is no independent evidence to show that accused No.1 to 4 have abused CW.1, 4 with reference to their caste within public view. Therefore, all these doubts shall be extended in favour of accused. Hence, I am not inclined to accept the arguments of learned Special Public Prosecutor. As rightly pointed by the learned counsel for the accused, the evidence adduced by

the prosecution is not inspiring and cogent. Therefore, I hold that evidence adduced by the prosecution is not at all convincing and acceptable. Therefore, it cannot be based to prove the charges. Accordingly, I answer above points in the **Negative**.

26. **Point No.10** :- In the result, I proceed to pass the following :

**ORDER**

Acting U/Section 235(1) of Cr.P.C., the accused Nos.1, 2, 4 to 9 are hereby acquitted of offences punishable u/Sections 143, 147, 148, 323, 324, 307, 447, 504, 506 R/w Section 149 of I.P.C. and u/Secs.3(1)(r), 3(1)(s), 3(2)(V), 3(2)(v-a) of SC and ST (PREVENTION OF ATROCITIES) Act, 1989.

The bail bond of accused Nos.1, 2, 4 to 9 and that of their sureties shall be continued for a period of six months or till filling of appeal, if any.

M.O.1 and 2 – Axe and sickle shall be confiscated to the State, after appeal period is over.

M.O.3 to 5 – stone, white shirt and white panche are being worthless and hence, they are ordered to be destroyed, after appeal period is over.

[Dictated to the Stenographer Grade-III transcribed and computerized by him, corrected, initialed and then pronounced by me in the open Court on this the **20<sup>th</sup> day of August, 2026**]

**(H.A. MOHAN),**  
Spl. Judge and I-Addl. Sessions Judge  
Ballari.

**ANNEXURE**

**LIST OF WITNESSES EXAMINED ON BEHALF OF PROSECUTION :**

P.W.1. Veeresh  
P.W.2. Sumangalamma  
P.W.3. Srinivas  
P.W.4. Thimmappa  
P.W.5. Hanumantha  
P.W.6. Siddappa  
P.W.7. Eranna  
P.W.8. Kori Nagaraja  
P.W.9. Dr.Sathish Reddy  
P.W.10. Kori Rangappa  
P.W.11. Amaraiah Gouda  
P.W.12. M.G.Sathyanaarayana Rao  
P.W.13. Vasanth  
P.W.14. Dr.Basavaraj Koti

**LIST OF DOCUMENTS MARKED ON BEHALF OF PROSECUTION :**

Ex.P.1. Complaint.  
Ex.P.1(a). Signature of P.W.1.  
Ex.P.1(b). Signature of P.W.11  
Ex.P.2. Spot Panchanama.

Ex.P.2(a). Signature of P.W.1.  
Ex.P.2(b). Signature of P.W.3.  
Ex.P.2(c). Signature of P.W.12.  
Ex.P.3. Notice.  
Ex.P.3(a). Signature of P.W.1  
Ex.P.3(b). Signature of P.W.3.  
Ex.P.3(c). Signature of P.W.12.  
Exs.P.4 & 5 Photos  
Exs.P.6 & R.T.C Extracts.  
7.  
Exs.P.6(a)& Signature of P.W.12.  
7(a).  
Ex.P.8. Statement of P.W.6.  
Ex.P.9. Statement of P.W.7.  
Ex.P.10. Statement of P.W.8.  
Exs.P.11 to Wound Certificates.  
14.  
Exs.P.11(a) Signature of P.W.9.  
to 14(a).  
Exs.P.11(b) Signature of P.W.12.  
to 14(b).  
Ex.P.15. Statement of P.W.10.  
Ex.P.16. FIR.  
Ex.P.16(a). Signature of P.W.11.  
Ex.P.17. Copy of the order.  
Ex.P.17(a). Signature of P.W.12.  
Ex.P.18. Rough Sketch.  
Ex.P.18(a). Signature of P.W.12.  
Ex.P.19. Requisition Letter dated:14.08.2021.  
Ex.P.19(a). Signature of P.W.12.  
Ex.P.20. Acknowledgment.  
Ex.P.20(a). Signature of P.W.12.  
Ex.P.21. Caste Certificate.  
Ex.P.21(a). Signature of P.W.12.  
Ex.P.22. RFSL Report.  
Ex.P.22(a). Signature of P.W.14.

**MATERIAL OBJECTS MARKED ON BEHALF OF PROSECUTION :**

**M.O.1.** Axe  
**M.O.2.** Sickles

- M.O.3.** Stone  
**M.O.4.** White Shirt  
**M.O.5.** White Lungi

**LIST OF WITNESSES EXAMINED ON BEHALF OF  
DEFENSE :**

NIL

**LIST OF DOCUMENTS MARKED ON BEHALF OF  
DEFENSE :**

NIL

Spl. Judge and I-Addl Sessions Judge,  
Ballari.