

**IN THE COURT OF II ADDL.DISTRICT AND SESSIONS
JUDGE, BENGALURU RURAL DISTRICT, BENGALURU.**

DATED THIS THE 8th DAY OF APRIL 2026

Present: Shri.K.GURUPRASAD,
II Addl. District & Sessions Judge,
Bengaluru Rural District, Bengaluru.

Spl.C.NO:20/2016

COMPLAINANT : State by Bannerghatta Police
[Reptd. by Special Public Prosecutor]

-Vs-

ACCUSED No.1 : P. Narayanaswamy,
S/o. Papanna,
Aged 39 years,
R/at Lakshmipura village,
Jigani Hobli,
Anekal Taluk.

(By counsel – Sri.G.S.,- Adv)

1	Date of commission of offence	19.05.2015
2	Date of report of occurrence.	11.06.2015
3	Whether accused is on bail or in judicial custody.	Accused No.1 is on bail
4	If in judicial custody, from which date:	-
5	Date of commencement of trial.	21.10.2021
6	Date of closing of trial.	28.03.2026
7	Name of the complainant.	Smt. Chennamma
8	Offences charged.	Sections 323, 504 and 506 IPC and Section 3(1)(x)(xi) of Scheduled Castes and Scheduled Tribes (Prevention of

		Atrocities) Act 1989
9	Opinion of the judge	Accused No.1 found not guilty.
10	Order	As per final order.

J U D G M E N T

The accused No.1 is charge sheeted for the offences punishable u/sec. 323, 504 and 506 IPC and Section 3(1)(x)(xi) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989. The accused No.2 and 3 are given up in the charge sheet.

2. The prosecution case in brief are that CW. 1 Smt. Chennamma is wife of CW. 2 Raja while CW. 3 Prakash is son of CW. 1 and 2 and CW. 4 Smt. Velumani is wife of CW. 3. CW. 1 to 4 belong to Bhovi (SC) community while accused No.1 belongs to Thigala community. CW. 1 to 4 are residing in a house at Sampangiramanagar village. CW. 2 had borrowed Rs. 15,00,000/- from the accused No.1 and accused No.3 for his quarry business. However, since, CW. 2 suffered loss in quarry business, he could not repay the said loan to accused No.1 and 3 and as such, CW. 1 to 4 executed and registered an agreement of sale dated 06.02.2013 in favour of the accused No.2 and 3, agreeing to sell the said house. CW. 2 also agreed to vacate the said house after period fo 6 months. After expiry of said period, the accused No.1 began picking quarrel with CW. 1 and 2 insisting to vacate the said house. But CW. 1 had not vacated the house. On 19.05.2015 at 12.00 noon, when CW. 1 to 4 were in the said house, the accused No.1 came near the house and abused them in filthy language and humiliated their caste and

put life threat to them if they would not vacate the said house. The accused No.1 assaulted CW. 2 by hands. On 11.06.2015 at 4.00 p.m, CW. 1 lodged complaint in Crime NO. 119/2015.

3. The investigation that commenced pursuant to the registration of the case culminated in the form of charge sheet against accused No.1. Cognizance of the offences was taken on charge sheet. Accused No.1 was got released on bail. After hearing, this court found that there are sufficient grounds to frame charges against accused No.1. When the charges are framed and read over to the accused and he pleaded not guilty and claimed to be tried.

4. In support of its case, the prosecution has examined PW.1 to 6 and got marked Ex.P-1 to Ex.P-7. During cross examination of PW. 1 and PW. 2, the counsel for accused confronted documents and got marked the same as Ex.D1 to Ex.D5. After closure of prosecution evidence, when incriminating materials in the evidence of prosecution witnesses are read over and explained to accused No.1, he denied the same, but has not chosen to lead defence evidence. The statement of accused u/s 313 of Cr.P.C is recorded accordingly.

5. Heard learned SPP and counsel for accused. Perused evidence on record and court records.

6. The points arising for my consideration are:

1. Whether the prosecution proves beyond reasonable doubt that the accused No.1 abused CW. 1 to 4 in filthy language so as to

provoke them to commit breach of public peace?

2. Whether the prosecution proves beyond reasonable doubt that the accused No.1 put life threat to CW. 1 to 4 and thereby committed offence of criminal intimidation?
3. Whether the prosecution proves beyond reasonable doubt that the accused No.1 assaulted CW. 2 by hands and voluntarily caused hurt to CW. 2?
4. Whether the prosecution proves beyond reasonable doubt that accused No.1 not being member of schedule caste or schedule tribe, intimidated and humiliated the caste of CW. 1 to 4 in public view knowing well that they belong to schedule caste?
5. Whether the prosecution proves beyond reasonable doubt that accused No.1 not being member of schedule caste or schedule tribe, used criminal force on CW. 1 with an intention to outrage her modesty knowing well that she belongs to schedule caste?
6. What Order?
7. My findings to the above points are:

Point Nos.1 to 5 : In the Negative,

Point No.6 : As per final order for the following:

REASONS

8. **POINT NO.1 to 5:** Since these points are inter connected, they are taken up together for discussion.

9. PW. 1 (CW. 1) is complainant and victim in the incident. PW. 2 (CW. 2), PW. 3 (CW. 3) are other victims in the incident. PW. 4 (CW. 14) is pancha witness to the spot panchanama conducted by the police at the scene of offence. PW. 5 (CW. 9) is police official, Bannerghatta police station who registered criminal case and issued FIR on the basis of complaint lodged by PW. 1. PW. 6 (CW. 20) is Investigation Officer . Further Ex.P1 is complaint lodged by PW. 1 before PW. 5. Ex.P2 is spot panchanama conducted by the police at the scene of offence. Ex.P3 is FIR. Ex.P4 is caste report of PW. 1 and accused No.1 and 2. Ex.P5 and 6 are Encumbrance Certificates pertaining to the house property of the complainant party. Ex.P7 (Ex.D1) is copy of the registered Agreement of Sale dated 06.02.2013 executed by PW. 1 to 3 and CW. 4 in favour of accused No.2 and 3. Furthermore, Ex.D1 is copy of the registered Agreement of Sale dated 06.02.2013 executed by PW. 1 to 3 and CW. 4 in favour of accused No.2 and 3. Ex.D2 and Ex.D4 are relevant portions of further statements of PW. 1 recorded by the police. Ex.D3 is the certified copy of the plaint in O.S.No. 78/2016 filed by the accused No.2 and 3 against PW. 1 to 3 and CW. 4. Ex.D5 is relevant portion of statement of PW. 2 recorded by the police.

10. PW. 1 Chennamma has deposed that PW. 2 is her husband and they belong to Bhovi community while accused belongs to Thigala community. PW. 1 has deposed that her husband has a house in Sampangiramanagara wherein herself and her family members have built a house and residing therein. PW. 1 has deposed that there was financial transaction between

the accused and her husband and that the accused No.1 was insisting PW. 2 to repay money. PW. 1 has deposed that about 5 years back, her son PW. 3 met with an accident and thereafter, the accused approached her husband PW. 2 and demanded the money back and picked quarrel with PW. 2 and insisted to vacate the house. PW. 1 has deposed that such quarrel took place on 11.06.2015 at 4.00 p.m and accused No.1 had come along with the accused No.2 and 3. PW. 1 has deposed that the accused humiliated their caste and pulled her saree and that though several persons gathered at the scene of offence, no one came to rescue as the accused threatened them. PW. 1 has deposed that the accused and others thrown all the belongings out of the house and as such, herself and her family members have been living in a temple. PW. 1 has further deposed that she went to police station and lodged complaint as per Ex.P1. During the cross examination by learned SPP, PW. 1 has admitted that on 19.05.2015 at 12.00 noon, when herself, her husband were in the house, the accused came near the house and picked quarrel with them and abused them in filthy language and put threat to them and threatened to throw out the belongings. PW. 1 has admitted that the accused also assaulted PW. 2 by hands and that PW. 3 and CW. 4 to 6 witnessed the incident.

11. PW. 2 Raju has deposed that PW. 1 is his wife and PW. 3 is his son and CW. 4 is his daughter-in-law and that they belong to Bhovi community. PW. 2 has deposed that he knows the accused who belongs to Thigala community. PW. 2 has deposed that Government granted him a site wherein he

constructed a house and residing therein along with his wife, son and daughter-in-law. PW. 2 has further deposed that he had borrowed Rs. 10,00,000/- from the accused for quarry business and subsequently made part payment but he could not repay the entire amount. PW. 2 has deposed that the accused demanded to repay the amount and thereafter his son met with an accident and as such, he could not repay the entire amount to the accused. PW. 2 has further deposed that about 6 years back at 4 to 5 p.m, when himself, his wife and his sons and daughter-in-law were in the house, the accused came and picked quarrel with them. PW. 2 has deposed that the accused twisted the leg of his son, which had been wounded in the accident. PW. 2 has further deposed that the accused tried to assault on his head and that the accused assaulted him with stick. PW. 2 has deposed that he called the police on phone stating that the accused had locked the house and that himself and his family members stayed in a temple for 3 days. During cross examination by learned SPP, PW. 2 has deposed that the accused came near his house and insisted to pay the amount or to vacate the house and that the accused humiliated their caste and threatened to throw the house hold articles out of the house. PW. 2 has admitted that the accused assaulted him by hands and that PW. 3 and CW. 4 to CW. 6 have witnessed the incident.

12. PW. 3 Prakash has deposed that PW. 1 and 2 are his parents and CW. 4 is his wife and CW. 5 and CW. 6 are his relatives and they belong to Bhovi (SC) community. PW. 3 has

further deposed that the accused persons belong to Thigala community. PW. 3 has deposed that on 19.05.2015 at 12.00 noon, when himself, PW. 1 and PW. 2 and CW. 4 and CW. 6 were in the house, the accused No.1 and his wife and his relative Venkatesh came near the house and picked quarrel with them. PW. 3 has deposed that the accused No.1 abused them in filthy language, humiliated their caste and put life threat to them. PW. 3 has also deposed that the accused No.1 assaulted PW. 1 and that the accused No.1 pulled his leg and threw away the belongings. PW. 3 has deposed that the accused picked quarrel to insist them to vacate the house and that when he called police helpline NO. 100, the police came there. PW. 3 has deposed that CW. 5 and 6 intervened and pacified the quarrel.

13. PW. 5 Narendrababu, PSI, Bannerghatta police station has deposed that on 11.6.2015 at 4.00 p.m, when PW. 1 lodged complaint as per Ex.P1, he registered criminal case and issued FIR as per Ex.P3 and handed over further investigation to PW. 6.

14. PW. 6 Balaramgowda, DYSP, Bengaluru Subdivision has deposed that on 12.06.2015 he undertook further investigation in this case from PW. 5 and visited the scene of offence and conducted spot panchanama as per Ex.P2 in the presence of PW. 2, CW. 13 and PW. 4 from 9.00 to 10.30 am and recorded further statement of PW. 1 and statement of other witnesses and secured caste report as per Ex.P4 from the Tahsildar and received Ex.P5 and Ex.P6 from Sub-Registrar,

Bannerghatta. PW. 6 has further deposed that when the accused appeared before him along with anticipatory bail order, he released the accused on bail and submitted charge sheet against accused No.1 after completion of investigation.

15. I have meticulously gone through the evidence of above said prosecution witnesses. No doubt, PW. 1 to 3 have supported the prosecution case and deposed regarding occurrence of incident and role of accused No.1 in the incident. However, it is clear from the evidence on record that there is dispute regarding financial transaction between the complainant party and accused and there were cheque bounce case and civil litigation filed by the accused and his family members against the complainant party. Moreover, PW. 1 to 3 are closely related. Hence it is just and proper to appreciate and scrutinize the evidence of these witnesses carefully and cautiously.

16. On careful and cautious appreciation and scrutiny of evidence of PW. 1 to 3, it is clear that their evidence is full of material contradictions and infirmities. PW. 1 has deposed that the alleged incident took place on 11.06.2015 at 4.00 p.m. Even PW. 2 has deposed that the alleged incident took place at 4 to 5.00 p.m. On the contrary, PW. 3 has deposed that the alleged incident took place on 19.05.2015 at 12.00 noon. In other words, there is material contradiction regarding date and time of alleged incident. Further, PW. 1 and PW. 3 have deposed that the accused No.2 and 3 came along with accused No.1 and picked quarrel with PW. 1 to PW. 3 and CW. 4. On the contrary,

PW. 2 has not at all deposed that the accused No.2 and 3 came to the house of PW. 1 to pick quarrel with PW. 1. In fact, PW. 6 has admitted during cross examination that PW. 1 has given further statement before him as per Ex.D4 that accused No.2 and 3 i.e., Kavitha and Venkatesh did not come near the house of PW. 1 to pick quarrel with PW. 1, though PW. 1 has denied that he has given statement before police as per Ex.D4. Thus, there is material contradiction regarding the presence and role of accused No.2 and 3 in the alleged incident. Furthermore, PW. 1 and PW. 3 have deposed that the accused assaulted PW. 2 by hands. On the contrary, PW. 2 has deposed that the accused tried to assault him on the head and accused also assaulted him with stick. No such stick was seized and recovered by the police in this case. PW. 2 and 3 have admitted during cross examination that PW. 2 did not take any treatment in the hospital. If really PW. 2 had been assaulted by hands or with stick, he would have sustained some injuries or at least tenderness. No such medical evidence is available to prove said fact. PW. 2 has deposed that the accused twisted the leg of PW.3, which had been wounded in an accident. However, PW. 1 has not at all whispered regarding said fact in her evidence. Even PW. 3 has deposed in his examination in chief that the accused pulled his wounded leg. But PW. 3 has deposed during cross examination by counsel for accused that when accused tried to pull his leg, his parents came and rescued him and that he has not taken treatment in the hospital. These contradictions regarding assault on PW. 2 and PW. 3 raise serious doubt regarding the prosecution case. Moreover, PW. 1 to 3 have

deposed that the accused threw away their belongings out of house and locked the house and as such, they temporarily stayed in temple. However, PW. 6 has deposed that PW. 1 has not given further statement nor have PW. 2 and PW. 3 given statement before him that the accused locked the house by throwing away the belongings and as such, they spent night in temple.

17. Secondly, PW. 1 to PW. 3 have deposed that the accused humiliated their caste. However, it is not clear from the prosecution evidence as to whether any member of the public was present at the time of alleged humiliation of caste (**vide Hithesh Verma V/s State of Uttarakhand**). PW. 1 to 3 and CW. 4 to CW. 6 are relatives. There is no clear and convincing evidence to show the presence of any member of public (not merely relatives like PW. 1 to 3 and CW. 4 to 6) at the time of alleged humiliation of caste. Even though PW. 1 has deposed that the friends of her son, namely Pushpalatha and Nagaraj were present, PW. 2 and PW. 3 have not at all deposed regarding the presence of the said two persons. Moreover, the said Pushpalatha and Nagaraj were cited in the charge sheet as pancha witnesses and not as eye witnesses. Therefore, the prosecution has utterly failed to prove that the accused humiliated the caste in public view.

18. Thirdly, the alleged incident taken place on 19.05.2015 at 12.00 noon, Ex.P1 complaint was lodged on 11.06.2015 at 4.00 p.m. Even though PW. 2 and PW. 3 have

deposed that they approached the police to lodge complaint on the same day, but the police did not received the said complaint, there is no clear and convincing evidence to prove the said fact. No satisfactory explanation has been given in the prosecution evidence regarding such inordinate delay in lodging Ex.P1 complaint. Therefore, such unexplained delay coupled with above said material contradictions and infirmities in prosecution evidence raise serious doubt regarding the prosecution case.

19. As regards the Ex.P2 spot panchanama, PW. 1 has deposed that the police came to the scene of offence after lodging complaint and conducted spot panchanama as per Ex.P2 on 12.06.2015 from 9.30 to 10.30 am in the presence of PW. 4 and CW. 14. Even PW. 4 Nagardj has deposed that on 12.06.2015, the police conducted spot panchanama near the house of PW. 1 to PW. 3 from 9.30 to 10.30 am and himself and CW. 13 signed on the said panchanama. However, it is clear from the evidence on record that PW. 4 and CW. 13 are not local witnesses. While PW. 4 is resident of Kengeri and CW. 13 is the resident of Nayandahalli Main Road, Bengaluru. No proper explanation has been offered by PW. 6 as to why local residents of Sampangiramanagara or nearby places secured as pancha witnesses to Ex.P2 spot panchanama. PW. 4 has admitted during cross examination that he is a Journalist and was frequently called to the police station by the police. Therefore, evidence of PW. 1 and PW. 4 is highly unreliable and insufficient to prove Ex.P2 spot panchanama.

20. In view of my above discussion, I am of the considered view that the prosecution has utterly failed to prove the offences alleged against the accused No.1 beyond reasonable doubt. Even though, PW. 1 to 3 have supported the prosecution case and deposed regarding the occurrence of incident and role of the accused in the incident, their evidence is full of material contradictions and infirmities. They are close relatives. Hence, it is not safe to rely upon their evidence alone to convict accused, without corroboration through evidence of independent eye witnesses. However, no such independent eye witnesses is available in the present case to corroborate the evidence of PW. 1 to PW. 3. There is also delay in lodging Ex.P1 complaint which is not satisfactorily explained by the prosecution. The prosecution has also failed to prove Ex.P2 spot panchanama. Consequently accused No.1 is entitled to acquittal in this case. Accordingly, I answer point No.1 to 5 in Negative.

21. **POINT NO.6** In the result, I proceed to pass the following:-

ORDER

Acting under Sec.235 of Cr.P.C, I find accused No.1 not guilty of committing the offences punishable under 323, 504, 506 IPC and Section 3(1)(x)(xi) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and accordingly he is acquitted of said offences.

The bail bond of the accused No.1 shall remain
in force for a period of 6 months from this day.

(Dictated to the Stenographer, transcribed and typed by her, then corrected
and pronounced by me in open court, this the 8th day of April 2026)

(K.GURUPRASAD)
II Addl.District & Sessions Judge,
Bengaluru Rural District, Bengaluru.

ANNEXURE

List of witnesses examined for the prosecution:

PW.1 : Chennamma
PW.2 : Raju
PW.3 : Prakash
PW.4 : Nagaraj
PW.5 : Narendrababu, PSI
PW.6 : Balaramgowda, DYSP

List of documents exhibited for the prosecution:

Ex.P1 : Complaint
Ex.P2 : Spot panchanama
Ex.P3 : FIR
Ex.P4 : Caste report
Ex.P5 & 6 : Encumbrance Certificates
Ex.P7 : Copy of the registered Agreement of Sale

List of witnesses examined for the defence: NIL

List of documents exhibited for the defence:

Ex.D1 : Copy of the registered Agreement of Sale
Ex.D2 & 4 : Relevant portions of further statement of PW. 1
Ex.D3 : Certified copy of the plaint in O.S.No. 78/2016
Ex.D5 : Relevant portion of statement of PW. 2

List of material objects marked for the prosecution:

NIL

List of material objects marked for the defence:

NIL

(K.GURUPRASAD)
II Addl.District & Sessions Judge,
Bengaluru Rural District,Bengaluru.

**Judgment pronounced in open court Vide
separate order:**

ORDER

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(K.GURUPRASAD)

II Addl.District & Sessions Judge,
Bengaluru Rural District,Bengaluru.