

KABR010012852016



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

**DATED THIS THE 6<sup>th</sup> DAY OF APRIL 2026**

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

**Spl.C.NO:87/2016**

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

-Vs-

**ACCUSED :**

1. Ramegowda @ Ramanna Gowda,  
S/o. late Attappa,Aged 59 years,  
R/at No. 144, 11<sup>th</sup> Cross,  
Malleshwaram,  
Bengaluru – 03.
2. Sridharagowda @ Sridhar,  
S/o. Venkataramanaiah,  
Aged 40 years,  
R/at No. 137,  
Near S.L. Plastic Factory,  
Chikkasandra, T. Dasarahalli Post,  
Hesaraghatta Main Road,  
Bengaluru.
3. Sandeep.R,  
S/o. Ramegowda,  
Aged 26 years,  
R/at No. 144, 11<sup>th</sup> Cross,

Byalikaval Road,  
Malleshwaram,  
Bengaluru – 03.

4. Deepak.R.S,  
S/o. Ramegowda,  
Aged 27 years,  
R/at No. 144, 11<sup>th</sup> Cross,  
Byalikaval Road,  
Malleshwaram,  
Bengaluru – 03.

(By counsel – Sri.G.P.R- Adv)

1	Date of commission of offence	31.12.2015
2	Date of report of occurrence.	31.12.2015
3	Whether accused is on bail or in judicial custody.	Accused persons are on bail
4	If in judicial custody, from which date:	-
5	Date of commencement of trial.	09.02.2023
6	Date of closing of trial.	28.03.2026
7	Name of the complainant.	Munivenkatappa
8	Offences charged.	Sections 447, 355, 504 and 506 r/w 34 IPC and Section 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989
9	Opinion of the judge	Accused No.1 to 4 found not guilty.
10	Order	As per final order.

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

The accused No.1 to 4 are charge sheeted for the offences punishable u/sec. 447, 355, 504 and 506 r/w 34 IPC and

Section 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989.

2. The prosecution case in brief is that CW. 1 Munivenkatappa is father of CW. 7 Venkataraju and CW. 8 Srinivas and they belong to Adi-Karnataka (SC) community. The accused persons belong to Vokkaliga community. CW. 1, CW. 7 and CW. 8 and accused persons are residents of Chikkasandra village. CW. 1 is owner in possession of Sy.No. 45 measuring 8 guntas in Chikkasandra village. There are three Tamarind trees and a Jack fruit tree in the said land. CW. 1 had also erected a board with photo of Dr. Ambedkar in the said land. On 31.12.2015 at 10.00 am, when CW. 1, CW. 7 and CW. 8 were harvesting tamarind fruits in the said land, the accused persons committed criminal trespass into the said land, picked quarrel with them, abused CW.1, CW. 7 and CW. 8 in filthy language and humiliated their caste. The accused persons also removed the board with photo of Dr. Ambedkar and insulted Dr. Ambedkar by trampling and stepping on the said board with said photo and put life threat to them by burning them alive if they would come to said land again. The accused persons also assaulted CW. 1 with chappal. On 31.12.2015 at 2.30 p.m, CW. 1 lodged complaint in Crime No. 384/2015.

3. The investigation that commenced pursuant to the registration of the case culminated in the form of charge sheet against accused persons. Cognizance of the offences was taken on charge sheet. Accused persons were got released on bail.

After hearing, this court found that there are sufficient grounds to frame charges against accused persons. When the charges are framed and read over to the accused persons, they 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-9. After closure of prosecution evidence, when incriminating materials in the evidence of prosecution witnesses are read over and explained to accused persons, they denied the same, but have 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 persons in furtherance of common intention to commit offences, committed criminal trespass into the land of CW. 1?
2. Whether the prosecution proves beyond reasonable doubt that the accused persons in furtherance of above said common intention, abused CW. 1, CW. 7 and CW. 8 in filthy language so as to provoke them to commit breach of public peace?
3. Whether the prosecution proves beyond reasonable doubt that the accused persons in furtherance of above said common intention, put life threat to CW. 1, CW. 7 and CW. 8 and

thereby committed offence of criminal intimidation?

4. Whether the prosecution proves beyond reasonable doubt that the accused persons in furtherance of above said common intention, used criminal force on CW. 1 by assaulting him with chappal to dishonour CW. 1 and that the accused did so otherwise than on grave and sudden provocation?
5. Whether the prosecution proves beyond reasonable doubt that accused persons not being members of schedule caste or schedule tribe, intimidated and humiliated the caste of CW. 1, CW. 7 and CW. 8 in public view knowing well that they belong 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. 2) is pancha witness to the spot panchanama conducted by the police at the scene of offence. PW. 2 (CW.7) is victim in the incident. PW. 3 (CW. 5) and PW. 4 (CW. 4) are eye witnesses to the incident. PW. 5 (CW. 12) is Investigation Officer. PW. 6 (CW. 11) is police official who registered criminal case and issued FIR on the basis of complaint lodged by CW. 1. Further

Ex.P1 is spot panchanama conducted by the police at the scene of offence. Ex.P2 is photographs of board with photo of Dr. Ambedkar at the scene of offence. Ex.P3 are the photographs of scene of offence taken at the time of conducting spot panchanama. Ex.P4 is complaint lodged by CW. 1 before PW. 6. Ex.P5 and Ex.P6 are the statements of PW. 3 and PW. 4 recorded by the Investigation Officer. Ex.P7 is order of DYSP, North Division, Bengaluru City, authorizing PW. 5 to conduct investigation in this case. Ex.P8 is caste report of CW. 1 and accused persons issued by the Tahsildar, Bengaluru North Taluk. Ex.P9 is FIR.

10. PW.2 Venkataraju has deposed that CW. 1 Munivenkatappa is his father and CW. 8 is his younger brother and they are no more. PW. 2 has also deposed that himself, CW. 1 and CW. 8 belong to Adi Karnataka community while the accused persons belong to Gowda community. PW. 2 has further deposed that his family has a land in Chikkasandra village bearing No. 45 wherein there are Tamarind trees and Jack fruit trees. PW. 2 has further deposed that on 31.12.2015 at about 10 am, when himself, his father CW. 1 and his two younger brothers had been to the said land to harvest Tamarind fruits, the accused persons came there along with 4 to 5 more persons and abused them in filthy language raising objections to their coming to the said land and humiliated their caste. PW. 2 has further deposed that the accused persons removed the board with photo of Dr. Ambedkar at the scene of offence and trampled and kicked the said board. PW. 2 has further deposed that the

accused No.1 assaulted CW. 1 with chappal while the accused persons pushed and manhandled them. The accused persons also put life threat to them if they would again harvest the tamarind fruits in the said land. PW. 2 has deposed that PW. 3 and PW. 4 came and pacified the quarrel. PW. 2 has deposed that himself and his father went to police station where his father lodged complaint as per Ex.P4.

11. PW. 3 Jagadish and PW. 4 Krishnamurthy have not supported the prosecution case. They have deposed that they have not seen any quarrel between the accused persons and CW. 1 nor have they given statements before the police as per Ex.P5 and Ex.P6. PW. 3 has deposed that he does not know CW. 1 and accused persons. PW. 4 has also deposed that he has not seen the accused persons committing criminal trespass into the land of CW. 1, abusing him in filthy language and humiliating his caste and putting life threat to CW. 1 and assaulting CW. 1 with chappal. PW. 4 has deposed that he has not seen the accused persons damaging the board with photo of Dr. Ambedkar.

12. PW. 6 Praveen Babu, PI, Soladevanahalli police station has deposed that on 31.12.2015 at 2.30 p.m, when CW. 1 came to the police station and lodged complaint as per Ex.P4, he registered criminal case and issued FIR as per Ex.P9 and handed over further investigation to PW. 5.

13. PW. 5 Ashok Pise, ACP, Yeshwanthapura Sub-Division has deposed that on 31.12.2015, he undertook further

investigation in this case from PW. 6 and he visited the scene of offence and conducted spot panchanama as per Ex.P1 in the presence of PW. 1, CW. 1 and CW. 3 and seized board with photo of Dr. Ambedkar and took photographs of the scene of offence as per Ex.P3. PW. 5 has deposed that he recorded further statement of CW. 1 and statements of witnesses and secured caste report of CW. 1 and accused persons as per Ex.P8 and handed over further investigation to CW. 13.

14. I have meticulously gone through the evidence of above said prosecution witnesses. No doubt, PW. 2 has supported the prosecution case and deposed regarding the occurrence of incident and role of the accused in the incident. However, it is clear from the evidence on record that PW. 2 is son of CW. 1. It is further clear that there are land dispute between the complainant party and accused persons and case and counter cases between them. Therefore it is just and proper to scrutinize and appreciate the evidence of PW. 2 cautiously and carefully.

15. On careful and cautious scrutiny and appreciation of evidence of PW. 2, it is clear that his evidence is full of material contradictions and infirmities. PW. 2 has deposed that PW. 3 and 4 came and pacified the quarrel. On the contrary, PW. 3 and PW. 4 have not supported the prosecution case and deposed that they have not seen any quarrel between CW. 1 and accused persons. Further, PW. 2 has deposed that the accused No.1 assaulted CW. 1 with chappal. However, no chappal has been

recovered and seized by the Investigation Officer in this case. Furthermore, PW. 2 has deposed that apart from accused persons, there were 4 to 5 persons in support of the accused and the said 4 to 5 persons came and picked up quarrel with CW. 1 along with accused persons. However, it is clear from the further statement of CW. 1 that no other persons came to scene of offence along with accused persons at the time of alleged incident. Furthermore, though it is alleged by the PW. 2 that the accused persons trespassed into the land of CW. 1 bearing Sy.No. 45, PW. 2 has admitted during cross examination that his grand mother and father i.e., CW. 1 executed registered General Power of Attorney in favour of accused No.1 on 10.05.1996 and that there was a compromise in O.S.No. 26311/2009 between the complainant party and accused in which his grand mother and father received Rs. 25,000/- from the accused No.1. These admissions of PW. 2 during cross examination raises serious doubt regarding exclusive right of CW. 1 over Sy.No. 45, after execution of documents in favour of accused No.1. Furthermore, PW. 2 has deposed that the accused persons pushed and manhandled him and his relatives. However, this fact is not at all disclosed in Ex.P4 complaint. Moreover, the exact words in which each of the accused persons abused CW. 1, PW. 2 and CW. 8 in filthy language and humiliated their caste and put life threat to them are not specifically disclosed in the evidence of PW. 2. In other words, it is highly improbable that the accused NO.1 to 4 used same words to humilate the caste of CW. 1, PW. 2 and CW. 8, abuse them in filthy language or put life threat to them.

16. Further, though alleged incident took place on 31.12.2015 at 10.00 am, complaint was lodged on the same day at 2.30 p.m. It is clear from the cross examination of PW. 6 that the accused NO.1 lodged complaint against CW. 1 and PW. 2 and others at 12.30 p.m on 31.12.2015 in Crime NO. 383/2015. Therefore, it is clear that CW. 1 lodged Ex.P4 complaint against the accused persons only after accused No.1 lodged complaint against CW. 1 and PW. 2 and others. This delay in lodging Ex.P4 complaint coupled with material contradictions and infirmities in the evidence of PW. 2 raises serious doubt regarding the prosecution case.

17. As regard to Ex.P1 spot panchanama, PW. 1 Rakesh who is alleged to be pancha witness to Ex.P1 spot panchanama has deposed regarding conducting of Ex.P1 spot panchanama in December 2015 at the scene of offence from 2.30 p.m to 3.00 p.m in the presence of himself, CW. 1 and CW. 3. However, PW. 1 has not subsequently offered for cross examination after recall of PW. 1 for cross examination. There are no sufficient grounds for non appearance of PW. 1 for cross examination. Therefore, the accused had no opportunity to cross examine PW. 1. In absence of such cross examination, evidence of PW. 1 cannot be considered in proof of Ex.P1 spot panchanama. PW. 2 has deposed in his chief examination that the police came to the scene of offence and conducted spot panchanama and seized the board. However, PW. 2 has admitted that he was not present at the time of conducting spot panchanama and as such, he has no personal knowledge regarding conducting of Ex.P1 spot

panchanama. Even though, PW. 5 has deposed regarding conducting of Ex.P1 spot panchanama, his evidence by itself is not sufficient and reliable to prove Ex.P1 spot panchanama. Therefore, Ex.P1 spot panchanama is not proved by the prosecution.

18. In view of my above discussion, I am of the considered view that the prosecution has utterly failed to bring home the offences alleged against the accused persons beyond reasonable doubt. Even though, PW. 2 has supported the prosecution case and deposed regarding the occurrence of incident and role of the accused in the incident, his evidence is full of material contradictions and infirmities and as such it is not safe to rely upon his evidence alone to convict accused, without corroboration through evidence of independent eye witnesses. Even though PW. 3 and PW. 4 who are independent eye witnesses to the incident, have not supported the prosecution case and have denied that they have seen any quarrel between CW. 1 and accused persons. Even though PW. 3 and 4 have been cross examined by the learned SPP with the permission of this court, nothing has been elicited which is helpful to the prosecution. Further, even though it is alleged that the accused persons humiliated the caste of CW. 1, PW. 2 and CW. 8, the prosecution has utterly failed to prove that such humiliation of caste was in the presence of any member of public. CW. 1, PW. 2 and CW. 8 are relatives and they cannot be considered as members of public (**vide Hithesh Verma V/s State of Uttarakhand**). Since PW. 3 and 4 have not supported

the prosecution case, the prosecution has utterly failed to prove the presence of PW. 3 and PW. 4 and consequently, the prosecution has failed to prove the presence of any member of public. The prosecution has also failed to prove Ex.P1 spot panchanama. Consequently accused No.1 to 4 are entitled to acquittal in this case. Accordingly, I answer point No.1 to 5 in Negative.

19. **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 to 4 not guilty of committing the offences punishable u/sec. 447, 355, 504 and 506 r/w 34 IPC and Section 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and accordingly they are acquitted of said offences.

The bail bond of the accused No.1 to 4 shall remain in force for a period of 6 months from this day.

Board shall be confiscated to state after appeal period is over.

(Dictated to the Stenographer, transcribed and typed by her, then corrected and pronounced by me in open court, this the 6<sup>th</sup> 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	Rakesh
PW.2	Venkataraju
PW.3	Jagadish
PW.4	Krishnamurthy
PW.5	Ashok Pise, ACP
PW.6	Praveen Babu, PI

**List of documents exhibited for the prosecution:**

Ex.P1	:	Spot panchanama
Ex.P2	:	Photograph
Ex.P3	:	Photographs
Ex.P4	:	Complaint
Ex.P5 & 6	:	Statements of PW. 3 and 4
Ex.P7	:	Order of DYSP
Ex.P8	:	Caste report
Ex.P9	:	FIR

**List of witnesses examined for the defence: NIL****List of documents exhibited for the defence: NIL****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**

Acting under Sec.235 of Cr.P.C, I find accused No.1 to 4 not guilty of committing the offences punishable u/sec. 447, 355, 504 and 506 r/w 34 IPC and Section 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and accordingly they are acquitted of said offences.

The bail bond of the accused No.1 to 4 shall remain in force for a period of 6 months from this day.

Board shall be confiscated to state after appeal period is over.

**(K.GURUPRASAD)**

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