

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

DATED THIS THE 17th DAY OF MARCH 2026

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

Spl.C.NO:204/2017

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

-Vs-

ACCUSED :

1. Venkegowda,
S/o. Chikka Muniyappa,
Aged about 35 years,
2. Manja @ Manjunath,
S/o. Muniyellappa,
Aged about 33 years,
3. Krishna Murthy,
S/o. Muniyellappa,
Aged about 17 years,
4. Narayanaswamy,
S/o. Venkataramanappa,
Aged about 42 years,
5. Harish,
S/o. Gangaraju,
Aged about 32 years,

All are R/at Sriramanahalli,
Hesaraghatta Hobli,
Bengaluru North Taluk.

(By counsel – Sri.B.B.P- Adv)

1	Date of commission of offence	24.07.2016
2	Date of report of occurrence.	25.07.2016
3	Whether accused is on bail or in judicial custody.	Accused No. 1 to 5 are on bail
4	If in judicial custody, from which date:	-
5	Date of commencement of trial.	23.03.2022
6	Date of closing of trial.	07.03.2026
7	Name of the complainant.	Munibyrappa
8	Offences charged.	Sections 143, 147, 148, 323, 324, 506 r/w Section 149 IPC and Section 3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989
9	Opinion of the judge	Accused No. 1 to 5 found not guilty.
10	Order	As per final order.

J U D G M E N T

The accused No.1 to 5 are charge sheeted for the offences punishable u/sec. 143, 147, 148, 323, 324, 506 r/w Section 149 IPC and Section 3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989.

2. The prosecution case in brief are that Gruhalakshmi House Construction Society Limited has land bearing Sy.No. 45/2 at Sriramanahalli village. The said society authorized CW. 5 Narayanappa to look after the affairs of the said land. CW. 5 had employed CW. 3 Anand and CW. 4 Hemanth Kumar as security men and also entrusted CW. 1 Munibyrappa to supervise them. CW. 1 and CW. 2 Krishna belong to Adi-

Karnataka (SC) community. The accused persons belong to Kuruba community. On 24.07.2016, at 11.30 am, when CW. 1 came to said land along with CW. 2, the accused persons came there holding club and iron rods and picked quarrel with CW. 1 and 2. The accused No.1 abused CW. 1 and 2 in filthy language and humiliated their caste and raised objections to their entering said land. The accused No.2 assaulted CW. 1 with club on the head while accused No.3 assaulted CW. 2 with club on the head. The accused No.1, 4 and 5 assaulted CW. 2 by hands. The accused No.1 caught hold of the shirt collar of CW. 1 and pulled him and assaulted him by hands and again humiliated their caste and put life threat to them. CW. 3 and CW. 4 came and pacified the quarrel and shifted the injured CW. 1 and 2 to Yelahanka Government Hospital for treatment and thereafter, to Ramakrishna Hospital, Jayanagar, Bengaluru for further treatment. On 25.07.2016 at 2.00 p.m, CW. 1 lodged complaint before police in Ramakrishna Hospital.

3. The investigation that commenced pursuant to the registration of the case culminated in the form of charge sheet against accused No.1 to 5. Cognizance of the offences was taken on charge sheet. Accused No. 1 to 5 were got released on bail. After hearing, this court found that there are sufficient grounds to frame charges against accused No.1 to 5. When the charges are framed and read over to the accused persons and they pleaded not guilty and claimed to be tried.

4. In support of its case, the prosecution has examined PW.1 to PW. 9 and got marked Ex.P-1 to Ex.P-9 and MO.1 to 3. 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 above said accused persons u/s 313 of Cr.P.C is recorded accordingly.

5. Heard learned SPP and counsel for accused persons. 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 to 5 in prosecution of common object to commit offences against CW. 1 and 2, formed unlawful assembly?
2. Whether the prosecution proves beyond reasonable doubt that the accused persons being the members of the unlawful assembly in prosecution of above said common object committed rioting?
3. Whether the prosecution proves beyond reasonable doubt that the accused persons being the members of the unlawful assembly in prosecution of above said common object committed rioting armed with weapons like clubs and rods?
4. Whether the prosecution proves beyond reasonable doubt that the accused No.2 and 3 in prosecution of above said common object, assaulted CW. 1 and 2 with clubs and voluntarily caused hurt to CW. 1 and 2?

5. Whether the prosecution proves beyond reasonable doubt that the accused No.1, 4 and 5 in prosecution of above said common object, assaulted CW. 2 by hands while accused No.1 assaulted CW. 1 by hands and voluntarily caused hurt to CW. 1 and 2?
 6. Whether the prosecution proves beyond reasonable doubt that the accused No.1 in prosecution of above said common object put life threat to CW. 1 and 2 thereby committed offence of criminal intimidation?
 7. Whether the prosecution proves beyond reasonable doubt that accused No.1 not being the member of schedule caste or schedule tribe, humiliated the caste of CW. 1 in public view knowing well that CW. 1 belongs to schedule caste?
 8. What Order?
7. My findings to the above points are :

Point Nos.1 to 7 : In the Negative,

Point No.8 : As per final order for the following:

REASONS

8. **POINT NO.1 to 7:** Since these points are inter connected, they are taken up together for discussion.

9. PW.1 (CW.1) is complainant and injured victim in the incident. PW. 2 (CW. 2) is another victim in the incident. PW. 3 (CW. 3) is an eye witness to the incident. PW. 4 (CW. 7) and PW.9 (CW. 6) are pancha witnesses to the spot panchanama conducted by the police at the scene of offence. PW. 5 (CW.8) is medical officer, Ramakrishna hospital, Jayanagar who examined

injured PW. 1 and 2 and issued wound certificates. PW. 6 (CW. 15) and PW. 7 (CW. 14) are Investigation Officers. PW. 8 (CW. 13) is police official who registered criminal case and issued FIR on the basis of complaint lodged by PW. 1. Further Ex.P1 is complaint lodged by PW. 1 before police. Ex.P2 is the spot panchanama conducted by police at the scene of offence. Ex.P3 and 4 are wound certificates issued by PW. 5. Ex.P5 is the order of Superintendent of Police, Bangalore Rural authorizing PW. 6 to conduct investigation in this case. Ex.P6 is copy of MLC pertaining to treatment of PW. 1 and 2 issued by Yelahanka Government Hospital. Ex.P7 is caste report of PW. 1, PW. 2 and accused persons issued by Tahsildar, Bengaluru North Taluk. Ex.P8 is the order of Superintendent of Police, Bangalore Rural authorizing PW. 7 to conduct investigation in this case. Ex.P9 is FIR. Furthermore, MO. 1 to 3 are clubs with which PW. 1 and 2 are alleged to have been assaulted.

10. PW. 1 Munibyrappa has deposed that himself and PW. 2 and PW. 3 belong to Madiga (SC) community and that he knows the accused persons. PW. 1 has deposed that he is an agriculturist and also working as a security man in Gruhalakshmi House Construction Society at Sriramanahalli village and that CW. 5 has employed him and PW. 2 and PW. 3 and CW.4 as security men in the said society. PW. 1 has further deposed that on 24.07.2016 at 11.30 am, when himself and PW. 2 were at the land of said society in Sriramanahalli village, the accused No.1 and four other persons stood at the scene of offence holding clubs and rods. PW. 1 has further deposed that

the accused No.1 abused them in filthy language and humiliated their caste raising objections to their entering to the said land. PW. 1 has further deposed that when himself and PW. 2 proceeded without heeding to the words of the accused No.1, the accused No.2 assaulted him with club on the forehead while accused No.3 assaulted PW. 2 with club on the left eye as a result of which, the face of PW. 2 swollen. PW. 1 has further deposed that other accused persons assaulted him and PW. 2 by hands and they abused them in filthy language and humiliated their caste and assaulted again and put threat to kill them by dumping them in a well. PW. 1 has further deposed that CW. 4 and 5 came and pacified the quarrel and shifted them to Yelahanka Government Hospital. PW. 1 has deposed that he has lodged complaint as per Ex.P1 in the Hospital and that he identified MO. 1 to 3 clubs.

11. PW. 2 Krishna has deposed that in the year 2016, PW. 1 took him to the land of Gruhalakshmi House Construction Society at Sriramanahalli village for some work and that when they reached there at 11.30 am, the accused persons raised objections to their coming there and abused them in filthy language, humiliated their caste and put life threat to them. PW. 2 has further deposed that the accused persons assaulted him and PW. 1 with clubs and by hands. PW. 2 has identified MO. 1 to 3 clubs. PW. 2 has further deposed that PW. 3 and CW. 4 were present at the scene of offence at the time of incident and pacified the quarrel. PW. 2 has deposed that he sustained an injury to the eye while PW. 1 sustained head injury

due to assault by the accused persons and that himself and PW. 1 took treatment in Ramakrishna Hospital, Jayanagara, Bengaluru. PW. 2 has further deposed that CW. 1 lodged complaint in the hospital and that he has also given statement before the police.

12. PW. 3 Anand has deposed that he was working as security man in Gruhalakshmi House Construction Society at Sriramanahalli from 2013 to 2018 and that his duty timings was from 7.00 am to 6.30 p.m. PW. 3 has further deposed that on 24.07.2016 at 11.00 am to 12.00 noon, when he was working as a security man, PW. 1 and 2 came to the said land and that all the accused persons also came there holding clubs and rods. PW. 3 has deposed that the accused persons assaulted PW. 1 and 2 with clubs and abused them in filthy language and humiliated their caste. PW. 3 has further deposed that the accused No.1 and 2 caught hold of shirt collar of PW. 1 and pulled him while accused persons assaulted PW. 1 and 2 by hands. PW. 3 has deposed that PW. 1 sustained head injury while PW. 2 sustained injuries to his eye and other parts of the body. PW. 3 has also deposed that himself and CW. 4 saw the incident and shifted the injured PW. 1 and 2 in a car to Government Hospital for treatment and thereafter to Jayanagar Hospital for further treatment. PW. 3 has further deposed that he has given statement before the police and he identified MO. 1 to 3 clubs.

13. PW. 5 Dr. A.V.S. Srikanth, Medical Officer, Ramakrishna Hospital, Jayanagar, Bengaluru has deposed that on 24.07.2016 when injured PW. 1 and PW. 2 were brought by one Lohith to the hospital with a history of assault on same day at 11.30 am, he examined both PW. 1 and 2 and issued wound certificates as per Ex.P3 and Ex.P4. PW. 5 has further deposed that on examination of PW. 2, he found that PW. 2 sustained scalp contusion over occiput, right black eye and non concussive head injury. Similarly, PW. 5 has deposed that on examination of PW. 1, he found that PW. 1 sustained abrasion measuring 2x2cm right side frontal area and non concussive head injury. PW. 5 has opined that injuries of both PW. 1 and 2 are simple in nature and that both injured persons were treated as inpatient and were discharged on 25.07.2016. PW. 5 has further deposed that the scalp, abrasion and head injuries caused to the injured persons are probable in case of assault with wooden clubs while black eye may be caused in case of assault with fisting. During cross examination by the learned SPP, PW. 5 has deposed that if a person skids from motor bike, the injuries sustained in Ex.P3 wound certificate may be caused. If a person is drunk and falls on hard surface, injuries mentioned in Ex.P4 wound certificate may be caused.

14. PW. 8 Balaji, PSI, Rajanakunte police station has deposed that on 25.07.2016, when he was station house officer, HC 710 brought police complaint lodged by PW. 1 in Ramakrishna Hospital, Jayanagar and presented the same before him and that he registered criminal case on the basis of

the said document and issued FIR as per Ex.P9 and handed over further investigation to PW. 7.

15. PW. 7 Konappa Reddy, DYSP and PW. 6 Nagaraj, DYSP, Doddaballapura Sub-Division have deposed that they have conducted investigation in this case. PW. 6 has deposed that he submitted charge sheet against the accused persons after completion of investigation.

16. 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 the occurrence of incident and role of the accused persons in the incident. However it is clear from the evidence on record that the mother of the accused No.5 lodged complaint against PW. 1 and there are cases and counter cases between the complainant party and accused persons. It is also clear from the evidence on record that there is property dispute between the society and the accused No.1. Therefore, it is just and proper to scrutinize and appreciate the evidence of prosecution evidence cautiously and carefully.

17. On careful and cautious scrutiny and appreciation of prosecution evidence, it is clear that the evidence of PW. 1 to PW. 3 is full of material contradictions and infirmities. PW. 1 has deposed that the accused No.2 assaulted him with club while accused No.3 assaulted PW. 3 with club and other accused persons assaulted him and PW. 2. However PW. 2 and PW. 3 have not specifically deposed as to which of the accused persons

assaulted them with clubs and by hands. On the contrary, they have only deposed that all the accused persons assaulted them with clubs and by hands. PW. 3 has deposed that the accused No.1 and 2 caught hold of shirt collar of PW. 1 and pulled him. On the contrary, PW. 1 and 2 have not deposed that any of the accused persons caught hold of shirt collar of PW. 1 and pulled him. Further, PW. 1 has deposed that himself and PW. 2, PW. 3 and CW. 4 were working as securitymen in the society. However, PW. 2 has not deposed that he was working as a security man in the land of the said Society. The prosecution has not produced identity card, documents of PF account and other documents to show that PW. 1, PW. 2 and CW. 3 and CW. 4 were working as securitymen at the land of the Society at the time of alleged incident. Furthermore, PW. 1 has deposed that CW. 4 and CW. 5 came and pacified the quarrel. On the other hand, PW. 2 has deposed that PW. 3 and CW. 4 came and pacified the quarrel. PW. 3 has deposed that himself and CW. 4 came and pacified the quarrel. In other words, there is material contradiction regarding who were present at the scene of offence at the time of alleged incident. Moreover, it is clear from the wound certificates and medical evidence of PW. 5 that one Lohith had brought injured PW. 1 and PW. 2 to the hospital, though it is alleged by the prosecution that PW. 3 and CW. 4 shifted the injured PW. 1 and PW. 2 to the hospital. It is pertinent to note that it is not mentioned in Ex.P3 and Ex.P4 wound certificates and Ex.P6 MLC extract that PW. 3 and CW. 4 brought injured persons to Yelahanka Government Hospital or Ramakrishna Hospital, Jayanagar. This in turn raises serious doubt regarding the very

presence of PW. 3 and CW. 4 at the scene of offence at the time of alleged incident.

18. Further, PW. 8 PSI who registered criminal case and issued FIR in this case, has admitted during cross examination that another complaint in crime No. 153/2016 was lodged against the same accused persons in Rajanakunte police station. The accused persons have produced copy of FIR in Crime No. 153/2016 at the time of recording statement under Section 313 Cr.PC. The said FIR discloses that CW. 4 Hemanth Kumar lodged said complaint in Crime No. 153/2016 on 24.07.2016 at 7.30 p.m. It is alleged in the said FIR in Crime No. 153/2016 that on 24.07.2016 at 11.30 am, when present CW. 4 was working as a securityman in the land of Gruhalakshmi Society at Sriramanahalli village, the accused No.1 to 4 and others came there and picked quarrel with him and that the present accused No.2 Manjunath assaulted the present CW. 4 with club on the head while accused No.3 Krishna assaulted him by hands and that when present PW. 1 tried to intervene one Dodda Yellappa, assaulted present PW. 1 with club on the head and that accused No.2 assaulted PW. 2 Krishna with club on the head and that when present PW.3 Anand tried to intervene, the accused persons in the said FIR assaulted PW. 3 by hands and legs. This version of present CW. 4 in Crime No. 153/2016 is clearly inconsistent and contradictory with the present prosecution case. The incident alleged in Crime No. 153/2016 and the incident alleged in present Ex.P1 complaint took place at the same scene of offence and at the same time. It is pertinent to

note that the present complaint was lodged on 25.07.2016 at 2.00 p.m while the complaint in Crime No. 153/2016 was lodged regarding same incident on 24.07.2016 itself. There is also no allegation of humiliation of caste in FIR in Crime No. 153/2016.

19. Moreover, the alleged offences in the present case occurred on 24.07.2016 at about 11.30 am while Ex.P1 complaint was lodged on 25.07.2016 at 2.00 p.m. Therefore, there is delay of one day in lodging Ex.P1 complaint. It is also pertinent to note that the previous complaint regarding same incident was lodged by the present CW. 4 on 24.07.2016 itself in Crime No. 153/2016. The narration of the incident in Crime No. 153/2016 is clearly inconsistent and contradictory with the narration of incident disclosed in Ex.P1 complaint. Moreover, the delay in lodging Ex.P1 complaint is not properly and satisfactorily explained by the prosecution. The delay in lodging present Ex.P1 complaint coupled with above said contradictions and inconsistencies in the prosecution evidence raise serious doubt regarding the prosecution case.

20. As regards the Ex.P2 spot panchanama, PW. 4 Narasimhamurthy and PW. 9 Kenchayellappa have not supported the prosecution case. PW. 4 and PW. 9 have deposed that they have signed on Ex.P2 spot panchanama in Rajanakunte police station and that the police have not seized MO. 1 to MO. 3 in their presence. No doubt, PW. 4 has supported the prosecution case in his examination in chief, but he has not supported the prosecution case during cross

examination by the counsel for accused. Even though PW. 7 who is Investigation Officer has deposed regarding conducting of Ex.P2 spot panchanama and seizure of MO. 1 to 3, evidence of PW. 7 is inconsistent with the evidence of PW. 4 and PW. 9 and as such, it is not safe to rely upon their evidence of PW. 7 to prove Ex.P2 spot panchanama. Hence the prosecution has utterly failed to prove Ex.P2 spot panchanama and seizure of MO. 1 to 3 thereunder.

21. 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 persons beyond reasonable doubt. No doubt, PW. 1 to 3 have supported the prosecution case and deposed regarding the occurrence of incident and role of the accused persons in the incident. However their evidence is full of material contradictions and infirmities and as such it is not safe to rely upon their evidence without corroboration through evidence of independent eye witnesses. However, no such evidence of independent eye witness is available in this case. There is also delay in lodging Ex.P1 complaint which is not satisfactorily explained by the prosecution. The narration of the incident in question disclosed in Crime No. 153/2016 is contradictory and inconsistency with the narration of the incident in the present case, though both FIRs pertaining to the same incident at the same time and same place. The prosecution has also failed to prove Ex.P2 spot panchanama and seizure of MO. 1 to 3 clubs thereunder.

Consequently accused No. 1 to 5 are entitled to acquittal in this case. Accordingly, I answer point No.1 to 7 in Negative.

22. POINT NO.8: In the result I proceed to pass the following:-

ORDER

Acting under Sec.235 of Cr.P.C, I find accused No.1 to 5 not guilty of committing the offences punishable u/sec. 143, 147, 148, 323, 324, 506 r/w Section 149 IPC and Section 3(1)(r)(s) 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 5 shall remain in force for a period of 6 months from this day.

MO.1 to 3 being worthless, shall be destroyed 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 17th day of March 2025)

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

ANNEXURE

List of witnesses examined for the prosecution:

PW.1	Munibyrappa
PW.2	Krishna
PW.3	Anand

PW.4	Narasimhamurthy
PW.5	Dr. Srikanth
PW.6	Y. Nagaraju, DYSP
PW.7	T. Konappa Reddy, DYSP
PW.8	Balaji, PSI
PW.9	Kenchayellappa

List of documents exhibited for the prosecution:

Ex.P1	:	Complaint
Ex.P2	:	Spot mahazar
Ex.P3 and 4	:	Wound certificates
Ex.P5	:	Order of SP
Ex.P6	:	MLC Extract
Ex.P7	:	Caste report
Ex.P8	:	Order of SP
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:

MO.1 to 3 : Clubs

(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 5 not guilty of committing the offences punishable u/sec. 143, 147, 148, 323, 324, 506 r/w Section 149 IPC and Section 3(1)(r)(s) 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 5 shall remain in force for a period of 6 months from this day.

MO.1 to 3 being worthless, shall be destroyed after appeal period is over.

(K.GURUPRASAD)

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