



**IN THE COURT OF THE I ADDITIONAL SESSIONS
AND SPECIAL JUDGE AT CHIKKAMAGALURU**

Dated this the 11th day of March, 2026

: PRESENT :

Smt. BHANUMATHI. B.C., B.A.L.,L.L.B.,
I Addl. Sessions & Special Judge,
Chikkamagaluru

Special Case No.59/2023

Complainant: State by Lingadahalli police
(Represented by Special
Public Prosecutor,
Chikkamagaluru)

V/s

Accused: Arun Kumar,
S/o Shekharappa,
Aged about 25 years,
R/at Nandi village,
Lingadahalli Hobli,
Tarikere Taluk,
Chikkamagaluru District.
(Represented by Sri HPV, Adv)

TABULATION OF EVENTS

1	Date of commission of offence	08.01.2023
2	Date of report of offence	10.01.2023
3	Date of arrest of accused	By obtaining anticipatory bail, the accused appeared



		before the court and accordingly, he was released on bail.
4	Date of release of accused	--
5	Name of the complainant	Hareesh, S/o Chandappa
6	Offences for which the accused has been charged	Sections 504, 326 and 506 of Indian Penal Code and sections 3(1)(r), 3(1)(s), 3(2)(v) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.
7	Date of registration of the case	26.05.2023
8	Date of commencement of recording evidence	05.01.2026
9	Date of closing of recording evidence	03.03.2026
10	Date of judgment	11.03.2026
11	Opinion of the Judge	The charges leveled against the accused are not established
12	Duration of the case	Year/s Month/s Day/s 02 09 16

Sd/-

(BHANUMATHI. B.C.,)I Addl. Sessions & Special Judge,
Chikkamagaluru



JUDGMENT

The present case arise out of the charge sheet submitted by the Deputy Superintendent of Police, Tarikere Sub-Division, Tarikere in Crime No.3/2023 on the file of Lingadahalli police station against accused for the offences punishable under sections 504, 326 and 506 of Indian Penal Code (hereinafter referred as 'IPC' for brevity) and sections 3(1)(r), 3(1)(s) and 3(2)(va) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter referred as 'SC & ST (POA) Act' for brevity).

2. According to prosecution, on 10.01.2023, pursuant to complaint lodged by PW.1-Hareesh, CW.17-Netravathi V, who then worked as Sub-Inspector of Police at Lingadahalli police station registered the case against accused No.1 and 2 in Crime No.3/2023 for the offences punishable under sections 324, 504 and 506 of IPC r/w section 34 of IPC and sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC & ST (POA) Act. After completing investigation, CW.18-Nagaraju K.R., who then worked as Deputy Superintendent of police, Tarikere Sub-Division submitted charge sheet to this court against accused No.1 alone for the aforesaid offences by dropping accused No.2 from the charges.

3. The brief factual matrix of the case as culled out from the charge sheet is that on 08.01.2023, one Poojari Chandrappa had turn to graze buffaloes, but on his behalf, he had sent CW.6-Chandappa S/o Basappa to Siddara Oni to graze buffaloes and at about 12 Noon, when CW.6 was drinking water beneath a tree in the land belonging to one



Hanumathappa situated at Nandi village, Tarikere Taluk, the accused went there and abused him in filthy language for having left the buffaloes to his land where Jowar crops were grown and when CW.6 denied the same, the accused assaulted him with a club on his left leg, left hand and waist and caused grievous and simple injuries and when CW.6 questioned him, he abused him in filthy language by touching his caste and issued threat to him and to his family members and thereby the accused committed aforesaid offences.

4. It is seen from the record that by obtaining anticipatory bail, the accused appeared before the court and accordingly, he was released on bail. The accused has been represented by the counsel of his choice.

5. Thereafter, this court took cognizance of the aforesaid offences and by registering the case as Special Case, the presence of accused, who was released on bail has been secured by issuing summons. The copies of charge sheet along with its enclosures have been provided to the accused in compliance of the provision under section 207 of Cr.P.C. As there were sufficient material to presume that the accused might have committed the alleged offences, the court framed the charge against accused for the offences punishable under sections 504, 326 and 506 of IPC and sections 3(1)(r), 3(1)(s), 3(2)(v) and 3(2)(va) of SC & ST (POA) Act and the accusation was read over and explained to the accused and he had pleaded not guilty and claimed to be tried.

6. In order to bring home the guilt of accused, the prosecution has examined six witnesses as PW.1 to



PW.6 and got exhibited 16 documents as Ex.P1 to Ex.P16.

7. The sketch of alleged place of occurrence with covering letter issued by CW.9-H.Shivayogi, the Assistant Engineer, Tarikere, the report regarding caste of PW.2 and the accused issued by CW.10-Poornima, the Tahsildar of Tarikere Taluk with enclosures, the wound certificate issued by CW.11-Dr.Santhosh, the medical officer at Government Hospital, Tarikere, the RTC extract pertaining to the alleged place of occurrence issued by CW.13-Nagendra Naik, the Sheristedar of Taluk office, Tarikere with letter, x-ray film and report issued by CW.12-Dr.Nagaraja Goppajji N., the medical officer at Government Hospital, Tarikere are marked in the evidence of prosecution with the consent of learned counsel for accused as Ex.P12 to Ex.P16 respectively.

8. In the case on hand, the material witnesses, who are supposed to depose about the acts alleged on the part of the accused have turned hostile and not supported the case of prosecution to any extent. Hence, the examination of CW.3, who is cited as panch witness to the mahazar and CW.16 to CW.18, the police officers, who are supposed to depose about their formal acts regarding registration of FIR, drawing mahazars, arrest of accused, collection of documents pertaining to the place of alleged incident etc., was dropped by rejecting the prayer of Public Prosecutor as no purpose would have been served by examining them.

9. The examination of accused as required under section 313 of Cr.P.C is dispensed with as no



incriminating material against accused is brought out in the evidence of prosecution witnesses.

10. Heard arguments of both side and I have carefully analyzed the oral and documentary evidence placed on record.

11. The points that arise for the consideration of this court are:

POINTS

- 1) Whether prosecution proves beyond reasonable doubt that on 08.01.2023, one Poojari Chandrappa had turn to graze buffaloes, but on his behalf, he had sent CW.6-Chandappa S/o Basappa to Siddara Oni to graze buffaloes and at about 12 Noon, when CW.6 was drinking water beneath a tree in the land belonging to one Hanumathappa situated at Nandi village, Tarikere Taluk within the jurisdiction of Lingadahalli police station, the accused went there and abused him in filthy language for having left the buffaloes to his land where Jowar crops were grown and gave provocation knowing fully well that such provocation would cause him to break public peace and thereby he committed an offence punishable under section 504 of IPC?
- 2) Whether the prosecution proves beyond reasonable doubt that on the aforesaid date, time and place, the accused assaulted CW.6 with a club on his left leg, left hand and waist and thereby having voluntarily caused



grievous hurt to CW.6, the accused committed an offence punishable under section 326 of IPC?

- 3) Whether the prosecution proves beyond reasonable doubt that on the aforesaid date, time and place, the accused issued threat to the life of CW.6 and his family members and thereby the accused committed an offence of criminal intimidation punishable under section 506 of IPC?
- 4) Whether the prosecution proves beyond reasonable doubt that on the aforesaid date, time and place, the accused not being the member of any Scheduled Caste or Scheduled Tribe, intentionally insulted CW.6, a member of a Scheduled Caste with intent to humiliate him within public view and thereby committed the offence punishable under section 3(1)(r) of the SC & ST (POA) Act?
- 5) Whether the prosecution proves beyond reasonable doubt that on the aforesaid date, time and place, the accused not being the member of any Scheduled Caste or Scheduled Tribe, abused CW.6, a member of a Scheduled Caste by touching the name of his caste within public view and thereby committed the offence punishable under section 3(1)(s) of the SC & ST (POA) Act?
- 6) Whether the prosecution proves beyond reasonable doubt that on the aforesaid date, time and place, the accused not being the member of any Scheduled Caste or Scheduled



Tribe, committed the offence under section 326 of IPC which is punishable with imprisonment for a term of ten years or more against CW.6 knowing that he is a member of a Scheduled Caste and thereby he committed an offence punishable under section 3(2)(v) of the SC & ST (POA) Act?

- 7) Whether the prosecution proves beyond reasonable doubt that on the aforesaid date, time and place, the accused not being the member of any Scheduled Caste or Scheduled Tribe, committed the offence under sections 323 and 506 of IPC against CW.1 knowing that he is a member of a Scheduled Caste and thereby committed an offence punishable under Section 3(2)(va) of the SC & ST (POA) Act?
- 8) What order ?

12. The findings of the court on the above points are as under:

Point No.1 to 7: In the Negative,

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

REASONS

13. **Point No.1 to 7:-** These points are connected with each other and as such the same are taken together for discussion in order to avoid repetition of facts and evidence.



14. The specific case of the prosecution is that on 08.01.2023, one Poojari Chandrappa had turn to graze buffaloes, but on his behalf, he had sent CW.6-Chandappa S/o Basappa to Siddara Oni to graze buffaloes and at about 12 Noon, when CW.6 was drinking water beneath a tree in the land belonging to one Hanumathappa situated at Nandi village, Tarikere Taluk, the accused went there and abused him in filthy language for having left the buffaloes to his land where Jowar crops were grown and when CW.6 denied the same, the accused assaulted him with a club on his left leg, left hand and waist and caused grievous and simple injuries and when CW.6 questioned him, he abused him in filthy language by touching his caste and issued threat to him and to his family members and thereby the accused committed aforesaid offences.

15. As stated above, in order to bring home the guilt of accused, the prosecution has examined six witnesses as PW.1 to PW.6 and got exhibited 16 documents as Ex.P1 to Ex.P16.

16. Ex.P1 is complaint, Ex.P2 is FIR, Ex.P3 is restatement of PW.1, Ex.P4 is mahazar, Ex.P5 and Ex.P6 are photographs, Ex.P7 to Ex.P11 are statements of PW.3 to PW.6 and PW.2 respectively, Ex.P12 is sketch and letter, Ex.P13 is report regarding caste of PW.2 and the accused with enclosures, Ex.P15 is RTC extract with letter and Ex.P16 is x-ray with report.

17. In the case on hand, the criminal law was set into motion on the basis of the complaint given by CW.1-Hareesh and he is examined as PW.1. He deposed about his acquaintance with the accused, CW.2 to



CW.5, 7 and 8, his relationship with CW.6 and then stated that he belongs to Adi Karnataka, a Scheduled Caste and the accused belongs to Lingayath community. He further deposed that no harm was caused to his father i.e. CW.6 by the accused at any point of time and he did not lodge any complaint against accused to the police in the said regard. As he admitted his signatures in the complaint and FIR, those documents came to be marked as Ex.P1 and Ex.P2 respectively for the sake of convenience. He deposed that he had affixed his signatures to those documents at the instance of police at Lingadahalli station around 02 years prior to he tendering his evidence before the court, but he is not aware of the contents of those documents and the purpose for which his signatures were taken.

18. From the perusal of examination-in-chief of PW.1, it is clear that he had given a clear go bye to the case of prosecution and not supported its case to any extent. Hence, PW.1 has been subjected to detailed cross-examination by learned Special Public Prosecutor by declaring him as hostile, but nothing favourable to the case of prosecution could be elicited in his cross examination as he has denied all the allegations made against the accused and asserted that he did not give any complaint as per Ex.P1 against accused. Thus, PW.1 has not supported any of the allegations leveled against the accused and also denied the lodgment of complaint as per Ex.P1 and also asserted that he did not give further statement to the police as per Ex.P3. Hence, evidence of PW.1 is not available for the prosecution to establish its case.



19. PW.2-Chandappa, who is the father of PW.1 is cited as victim of alleged incident, but he too totally retracted from his previous version and not supported any of the allegations leveled against the accused. PW.2 has been declared hostile and subjected to detailed cross-examination by the learned Special Public Prosecutor, but nothing favourable to the case of prosecution could be elicited from him. Per contra, he has denied all the allegations leveled against accused and asserted that he did not give any statement to the police as per Ex.P11. Hence, the evidence of PW.2 is also not available for the prosecution to establish its case.

20. PW.3-Gangamma and PW.4-Chandrappa are cited as eyewitnesses and PW.5-Rekha and PW.6-Nagaraja are cited as circumstantial witnesses to the incident in question. They too turned hostile and not supported the case of prosecution to any extent. PW.3 to PW.6 have been subjected to detailed cross-examination by the learned Special Public Prosecutor by treating them as hostile, but nothing favourable to the case of prosecution could be elicited from them. Per contra, they denied all the allegations leveled against accused and asserted that they did not give any statement to the police as per Ex.P7 to Ex.P11 respectively regarding the incident in question.

21. As recapitulated in the proceeding paragraphs, PW.1 to PW.4, the informant, victim and so-called eyewitnesses are the material witnesses to depose about the acts alleged on the part of the accused, but they have totally retracted from their previous version and not supported any of the allegations leveled against accused. Even PW.5 and PW.6, who are cited



as circumstantial witnesses have not supported the case of prosecution.

22. The other head of evidence relied by the prosecution is the wound certificate said to have been issued by CW.11-Dr.Santhosh, who then worked as medical officer at Government Hospital, Tarikere pertaining to the examination of PW.2 as per Ex.P14, which came to be marked in the evidence of prosecution with the consent of learned counsel for accused. PW.2, the injured has not supported the case of prosecution that he was assaulted by the accused. Hence, it is difficult to hold that the accused herein is responsible for the injuries mentioned in said wound certificate.

23. In addition to this, in the case on hand, it is to be noted that the material witness i.e. the injured examined by the prosecution has totally retracted from his previous version and not supported the case of prosecution to any extent. Thus, the contents of Ex.P14 the wound certificate are not supported by injured before the court. Moreover ordinarily, the value of medical evidence is only corroborative and in the absence of substantive evidence, it is unsafe to connect the accused with the crime in question only on the basis of medical evidence, which is a mere opinion of an expert, which only lends corroboration to the direct evidence placed on record. Thus in the fact situation, this court is of the opinion that in the absence of substantive evidence, the aforesaid wound certificate as per Ex.P14 per se is not sufficient to hold the accused guilty of alleged offences.

24. In the fact situation, the material witnesses have retracted from their previous version and not



supported the theory of prosecution to any extent. Under these circumstances, a question that crops up for consideration is whether the evidence of CW.3, who is cited as panch witness to the mahazar and CW.16 to CW.18, the police officers, who are supposed to depose about the formal acts regarding registration of FIR, drawing of mahazars, arrest of accused, collection of documents pertaining to the place of alleged occurrence etc., per se would be sufficient to believe the case of prosecution and to hold the accused guilty of alleged offences.

25. In this context, in my humble opinion, this court has to fall back on the provision laid down in section 60 of Indian Evidence Act, which makes it very clear that the oral evidence must be direct. In other words, if the evidence refers to a fact, which could be seen, it must be evidence of a witness who says he saw it and if the fact refers to a fact which could be heard, then it must be the evidence of a witness who says he heard it, then only it becomes direct evidence.

26. By keeping in mind the scope of section 60 of the Indian Evidence Act, I have carefully perused the material placed on record and what CW.3, CW.16 to CW.18 are supposed to depose, but they are not supposed to say anything that they were present at the spot when the incident took place and witnessed the same. Therefore it becomes clear that they are not eyewitnesses to incident and their evidence is not direct with regard to the acts alleged on the part of accused. Hence their evidence would not have helped the prosecution to connect the accused with the charges leveled by it.



27. Thus in the instant case, PW.1 to PW.6, the material witnesses have completely retracted from their previous version and not supported the theory of prosecution to any extent. In the absence of direct evidence, the medical evidence made available on record is not sufficient to connect the accused with the charges leveled by the prosecution. Hence, this court is constrained to hold that the prosecution has miserably failed to bring home the guilt of the accused. Accordingly, **point No.1 to 7** are answered in the **Negative**.

28. In the facts and circumstances of the case, it is to be noted that PW.2, who is cited as victim has not supported the case of prosecution as required under Clause 6(3) and Clause 7(10) of Karnataka Victim Compensation Scheme, 2011 and therefore he is not entitled to any compensation.

29. **Point No.8:-** In the light of above findings, I proceed to pass the following:

ORDER

By acting under section 235(1) of Cr.P.C, the accused is acquitted of the offences punishable under sections 504, 326 and 506 of Indian Penal Code and sections 3(1)(r), 3(1)(s), 3(2)(v) and 3(2)(va) of Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and he is set at liberty.

Bail bonds executed by the accused and his surety stand canceled. However, the bail bonds secured in compliance of section 437-A of Cr.P.C., shall be in force for a period of six months from today.



The property subjected in PF No.02/2023 is ordered to be confiscated to the State after the expiry of period prescribed for filing appeal, if no such appeal is preferred.

No order as to compensation.

(Dictated to Stenographer Grade-III directly on computer and computerized by her, script corrected and then signed by me on this the 11th day of March, 2026)

Sd/-

(BHANUMATHI. B.C.)

I Addl. Sessions & Special Judge
Chikkamagaluru

ANNEXURE

List of witnesses examined on behalf of prosecution:

PW.1 Harish
PW.2 Chandappa
PW.3 Gangamma
PW.4 Chandrappa
PW.5 Rekha
PW.6 Nagaraj

List of documents exhibited on behalf of prosecution:

Ex.P1 Complaint
Ex.P1(a) Signature
Ex.P2 FIR



- Ex.P2(a) Signature
- Ex.P3 Further statement of PW.1
- Ex.P4 Mahazar
- Ex.P4(a) Signature
- Ex.P5-6 Photographs
- Ex.P7-P11 Statements of PW.3 to PW.6 and PW.2
- Ex.P12 Sketch and letter
- Ex.P13 Report regarding caste of PW.2 and accused
- Ex.P14 Wound certificate
- Ex.P15 RTC extract and letter
- Ex.P16 X-ray and report

**List of witnesses examined on behalf of defence:
Nil**

**List of documents marked on behalf of defence:
Nil**

**List of material objects:
Nil**

Sd/-
(BHANUMATHI. B.C.)
I Addl. Sessions & Special Judge
Chikkamagaluru