



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

Dated this the 7th day of March, 2026

: PRESENT :

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

Spl.C.No.83/2020

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

V/s

Accused : Suresh,
S/o Late Kenchappa,
Aged about 34 years,
R/at Kenchikoppa village,
Lakkavalli Hobli,
Tarikere Taluk.

(Represented by Sri BMLG, Adv)

TABULATION OF THE EVENTS

1	Date of commission of offence	05.05.2020
2	Date of report of offence	06.05.2020
3	Date of arrest of accused	08.05.2020



4	Date of release of accused	20.05.2020
5	Name of complainant	Manjunatha A, S/o Ramaiah
6	Offences for which the accused have been charged	Sections 504, 323, 324 and 506 of Indian Penal Code and sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.
7	Date of registration of the case	15.09.2020
8	Date of commencement of recording evidence	07.02.2023
9	Date of closing of recording evidence	21.11.2024
10	Date of judgment	07.03.2026
11	Opinion of the Judge	The charges leveled against accused are not established
12	Duration of the case	Year/s Month/s Day/s 05 05 22

Sd/-

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



JUDGMENT

The present case arise out of the charge sheet submitted by Deputy Superintendent of Police, Tarikere Sub-Division in Crime No.50/2020 on the file of Lakkavalli police station for the offences punishable under sections 504, 323, 324 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 the sake of brevity).

2. It is seen from the record that on 06.05.2020, pursuant to complaint lodged by PW.1-Manjunath as per Ex.P1, PW.9-Prakash.B, who then placed incharge of station house officer at Lakkavalli police station registered case against accused in Crime No.50/2020 for the offences punishable under sections 341, 323, 324, 504 and 506 of IPC and sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC & ST (POA) Act.

3. After completing investigation, PW.10-B.Y.Renuka Prasad, who then worked as Deputy Superintendent of Police, Tarikere Sub-Division submitted charge sheet to the court against accused for aforesaid offences.

4. In a nutshell, case of the prosecution is that a vacant site belonging to one Thimmaraju, the brother of the accused was situated on the left side of the house of CW.1-Manjunath and a vacant site of the accused was situated in front of said site, the accused started constructing a building in his site and at that



time, he had constructed a hut in the vacant site belonging to his brother and in the said regard dispute arose between him and CW.1 on the premise that he had encroached vacant site belonging to his brother. In the said backdrop, on 05.05.2020 at about 8.45 p.m, when CW.1 stood in front of his house situated at Kenchikoppa village, Tarikere Taluk, the accused went there and abused him and his mother CW.4-Thungamma in filthy language. When CW.1 questioned him in the said regard, the accused abused them by touching their caste, assaulted CW.1 with a areca stick on his legs, hit his forehead against the wall by holding his head, assaulted on his person and issued threat to his life and thus the accused committed aforesaid offences.

5. It is seen from the record that the accused was arrested and produced before the court on 08.05.2020 and subsequently he was released on bail on 20.05.2020. The accused has been represented by the counsel of his choice.

6. Thereafter, this court took cognizance of the aforesaid offences and by registering the case as Special Case, the presence of the accused, who was released on bail has been secured by issuing summons and the copies of charge sheet with its enclosures have been provided to the accused in compliance of the provision under section 207 of Cr.P.C. Upon hearing the arguments before charge, as there were sufficient material to presume that the accused might have committed the alleged offences, my predecessor-in-office framed the charge against accused for the



offences punishable under sections sections 504, 323, 324 and 506 of IPC and sections 3(1)(r), 3(1)(s), 3(2) (va) of SC & ST (POA) Act and the accusation was read over and explained to the accused and he pleaded not guilty and claimed to be tried.

7. In order to prove the guilt of accused, the prosecution has examined ten witnesses as PW1 to PW.10, got exhibited seventeen documents as Ex.P1 to Ex.P17 and got identified a areca stick as MO.1.

8. After the closure of evidence on the side of prosecution, the accused was examined under section 313 of Cr.P.C by putting the incriminating circumstances brought out in the evidence of prosecution witnesses to him. The accused denied all of such circumstances, but he has not adduced any evidence on his behalf.

9. Heard learned Special Public Prosecutor and learned counsels appearing for the accused and I have carefully analyzed the oral and documentary evidence placed on record.

10. In the facts and circumstances of the case, the points that arise for the consideration of this court are:

POINTS

1. Whether the prosecution proves beyond reasonable doubt that on 05.05.2020 at about 8.45 p.m, when CW.1-Manjunath stood in front of his house situated at Kenchikoppa village, Tarikere Taluk within the jurisdiction of Lakkavalli police



station, the accused went there and abused CW.1 and his mother CW.4-Thungamma in filthy language and gave provocation to them knowing fully well that such provocation would cause them 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.1 with hands on his person and banged his forehead against the wall by holding his head and thereby having voluntarily caused simple hurt to CW.1, he committed an offence punishable under section 323 of IPC?
3. Whether the prosecution proves beyond reasonable doubt that on the aforesaid date, time and place, the accused assaulted CW.1 with a areca stick on his legs and thereby having voluntarily caused simple hurt to CW.1 with areca stick, he committed an offence punishable under section 324 of IPC?
4. Whether the prosecution proves beyond reasonable doubt that on the aforesaid date, time and place, the accused issued threat to the life of CW.1 and thereby committed an offence of criminal intimidation punishable under section 506



of IPC?

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, intentionally insulted CW.1, a member of a Scheduled Caste with intent to humiliate him within public view and thereby he committed an offence punishable under section 3(1)(r) of 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, abused CW.1, a member of a Scheduled Caste by touching the name of his caste within public view and thereby he committed an offence punishable under section 3(1)(s) of SC & ST (POA) Act?
7. Whether 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 offences punishable under sections 323, 324 and 506 of IPC against CW.1 knowing that he is a member of a Scheduled Caste and thereby the accused committed an offence punishable under section 3(2)(va) of SC & ST (POA) Act?



8. What order ?

11. My findings on the above points are as under:

Point No.1 to 7: In Negative

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

REASONS

12. **Point No.1 to 7:** These points are taken together for discussion in order to avoid repetition of facts and evidence as these points are inter connected with each other.

13. The specific case of the prosecution is that a vacant site belonging to one Thimmaraju, the brother of the accused was situated on the left side of the house of CW.1-Manjunath and a vacant site of the accused was situated in front of said site, the accused started constructing a building in his site and at that time, he had constructed a hut in the vacant site belonging to his brother and in the said regard dispute arose between him and CW.1 on the premise that he had encroached vacant site belonging to his brother. In the said backdrop, on 05.05.2020 at about 8.45 p.m, when CW.1 stood in front of his house situated at Kenchikoppa village, Tarikere Taluk, the accused went there and abused him and his mother CW.4-Thungamma in filthy language. When CW.1 questioned him in the said regard, the accused abused them by touching their caste, assaulted CW.1 with a



areca stick on his legs, hit his forehead against the wall by holding his head, assaulted on his person and issued threat to his life and thus the accused committed aforesaid offences.

14. As stated above, in order to bring home the guilt of accused for the aforesaid offences, the prosecution has examined ten witnesses as PW1 to PW.10, got exhibited seventeen documents as Ex.P1 to Ex.P17 and got identified a areca stick as MO.1.

15. Ex.P1 is complaint, Ex.P2 is mahazar. Ex.P3 is photograph, Ex.P4 is notice issued to panchas, Ex.P5 is statement of PW.5, Ex.P6 is statement of PW.6, Ex.P7 is statement of PW.7, Ex.P8 is report regarding supply of electricity at the alleged place and time of occurrence, Ex.P9 is report regarding caste of PW.1, PW.4 and the accused, Ex.P10 is wound certificate of PW.1, Ex.P11 is FIR, Ex.P12 is the order by which PW.10 was appointed as investigating officer, Ex.P13 is property form, Ex.P14 is certificate under section 65-B of Evidence Act, Ex.P15 is compact disc, Ex.P16 and Ex.P17 are letter and sketch of place of occurrence.

16. In the case on hand, the criminal law was set into motion on the basis of the complaint said to have been given by CW.1-Manjunath and he is examined as PW.1. He deposed about his acquaintance with accused, CW.2, 3, 5 and 6, relationship with CW.4 and then stated that in the matter of a site situated besides his house belonging to his brother Thimmaraju, on 05.05.2020 at 8.30 p.m, when he was having supper at his house, the accused started



abusing him and his mother and when he questioned him in the said regard, he assaulted with a areca stick on his knees and caused bleeding injuries and then the accused pushed him to a compound wall and at that time, he suffered hurt to his head and by that time, CW.2, CW.3 and CW.5 came there, rescued and got him admitted to Lakkavalli hospital and after obtaining treatment, next day, he reported complaint to the police as per Ex.P1. Two to three days after the lodgment of complaint, the police came to the spot and drew mahazar as per Ex.P2 for about one hour from 10 a.m and seized a areca stick found lying there and took photograph as per Ex.P3. He also identified a areca stick as per MO.1 as the one used by the accused to assault him.

17. PW.1 was subjected to cross-examination by learned special public prosecutor by declaring him as partly hostile and in the said cross-examination, he admitted the suggestion that more often the accused used to quarrel with him in the matter of a site belonging to his brother and on that day, when he came out after finishing his dinner, the accused intercepted him, abused him and his mother in filthy language and when he questioned him, he again abused him in filthy language by touching his caste and then picked a club found lying on the ground and assaulted him with said club and he also admitted that the accused had assaulted on his face with hands and when his mother came out with scream, the accused left the spot by throwing club and by threatening them with dire consequences.



18. PW.4-Thungamma is the mother of PW.1 and she is cited as eyewitness to the incident in question and the accused is also alleged to have abused her in filthy language. She deposed about her relationship with PW.1, acquaintance with accused and other witnesses cited in the charge sheet and stated that one day around 03 years prior to she giving her evidence in the month of October 2023, at around 8.30 p.m, when her son i.e., PW.1 stood outside their house, the accused abused him in filthy language by touching their caste and thereafter he assaulted PW.1 with a stick over his leg and head. By that time, she intervened and questioned the accused in the said regard and at that time, CW.5 to CW.7 came and pacified the ruckus. Then the accused threw the stick at the spot and left by issuing threat to his life and later she gave statement to the police in the said regard.

19. Even PW.4 is declared partly hostile and subjected to cross-examination by the learned public prosecutor and in the said cross-examination, she admitted the suggestion that on 05.05.2020 at 8.45 p.m, her son stood outside their house after having dinner and she stood inside the house and at that time, the accused came and abused PW.1 in filthy language by touching their caste and assaulted him with a areca stick on his legs and banged his head against a wall and assaulted on his person with hands.

20. CW.5-Vijaya Kumar, CW.6-Chandan and CW.7-Basavaraj are cited as eyewitnesses to the incident in question and they are examined as PW.5 to PW.7, but they gave clear go-bye to the case of prosecution. PW.5



to PW.7 have been subjected to detailed cross-examination by the learned Special Public Prosecutor by declaring them as hostile, but nothing favourable to the case of prosecution could be elicited from them. Per contra, they denied all the allegations made against the accused and asserted that they did not give any statement to the police in terms of Ex.P5, Ex.P6 and Ex.P7 regarding the incident in question. Hence, even the evidence of PW.5 to PW.7 is not available to the prosecution to bring home the guilt of the accused.

21. CW.2-Bhaskar and CW.3-Madhukumar are cited as panch witnesses to the spot cum seizure mahazar as per Ex.P2 by which the investigating officer is said to have seized a club allegedly used by the accused in the commission of offence and they are examined as PW.2 and PW.3 respectively. PW.2 admitted his signatures in said mahazar as per Ex.P2 as well as the notice at Ex.P4, his presence in Ex.P3 photograph and stated that the police had drawn mahazar in the year 2020 from 11 a.m to 12 p.m near the house of PW.1 and the accused in the matter of quarrel that took place between them, but stated that the police neither drawn any mahazar nor seized any article in his presence. He also stated that he had not seen MO.1 stick earlier. PW.2 is subjected to cross-examination by the learned public prosecutor by declaring him as partly hostile, but nothing worth in support of the mahazar and seizure of MO.1 could be elicited from him as he denied that MO.1 stick was handed over to the police by PW.1 by saying that it was used by the accused to assault him and the police had seized said



stick in his presence.

22. PW.3 admitted his signatures in the notice and the mahazar as per Ex.P4 and Ex.P2 and his presence in Ex.P3 photograph and stated that the police had drawn said mahazar around 02 years prior to he giving his evidence in the month of October 2023 from 11 a.m to 12.30 p.m near the house of PW.1 and the accused in the matter of accused assaulting PW.1 and at that time, the police seized a stick as per MO.1.

23. PW.8-Dr.Manasa, who then worked as medical officer at Primary Health Centre, Lakkavalli deposed that on 08.05.2020 at about 8.00 p.m, PW.1-Manjunath was taken to their hospital by his neighbour with the history of assault on 06.05.2020 at 7.30 p.m and on his examination, she noted small abrasions over his both legs and face and accordingly she treated him for said abrasions and said injuries were simple in nature and in the said regard, she issued wound certificate as per Ex.P10. She stated that the injuries mentioned in Ex.P10 are possible if assaulted with a stick as per MO.1.

24. PW.9-Prakash, who then worked as Head constable at Lakkavalli police station has deposed that on 06.05.2020, when he was placed in-charge of Station House Officer, at 9.30 p.m, PW.1 reported complaint as per Ex.P1 and on the basis of said complaint, he registered case in Crime No.50/2020 as per Ex.P11 and then he handed over the case record to PW.10 for investigation.



25. PW.10-Renukaprasad, who then worked as Dy.S.P. of Tarikere sub-division deposed that on 07.05.2020, he received the case record from PW.9 for investigation as per the order of Superintendent of Police, Chikkamagaluru at Ex.P12. On the same day, he secured the presence of PW.2 and PW.3 as panchas by serving notice to them as per Ex.P4, visited the place of occurrence and in their presence, he drew mahazar as per Ex.P2 at the place shown by PW.1, seized MO.1 areca club and took photograph as per Ex.P3. He deposed about recording the further statement of PW.1, statements of PW.5 to PW.7 as per Ex.P5 to Ex.P7 and PW.4. He also deposed that one Purushotham, HC 74 of Lakkavalli station recorded video at the time of he recording statements of aforesaid witnesses and about he transmitting the same to a compact disc as per Ex.P15 and issuing certificate under section 65-B of Indian Evidence Act as per Ex.P14. He deposed that his staff apprehended the accused and produced before him on 08.05.2020 at 11 a.m and then he conducted arrest proceedings and produced the accused before the court with remand application.

26. PW.10 further deposed about the receipt of wound certificate of PW.1 from PW.8 on 14.05.2020 as per Ex.P10, receipt of report regarding supply of electricity at the alleged place and time of occurrence from CW.8 on 16.05.2020 as per Ex.P8, receipt of sketch of alleged place of occurrence as per Ex.P17 from AEE, Tarikere sub-division on 23.05.2020 through letter dated 22.05.2020 as per Ex.P16, receipt of report regarding caste of PW.1, PW.4 and the



accused as per Ex.P9 on 21.07.2020 and about the submission of charge sheet against the accused to the court by completing investigation.

27. With the above recapitulation of the evidence of the prosecution witnesses, let me proceed to consider whether the prosecution is able to bring home the guilt of the accused for the alleged offences. As noted above, in the case on hand, the accused have been charged for the offences punishable under sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC and ST (POA) Act along with other offences punishable under IPC. Now let me proceed to examine whether any of the aforesaid offences punishable under SC & ST (POA) Act are made out against the accused in the evidence placed on record by the prosecution. It is to be noted that a non-member of a Scheduled Caste or Scheduled Tribe is punishable under Section 3(1)(r) of said Act if he intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view and he is made punishable under section 3(1)(s) of said Act, if he abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view. Thus a bare perusal of said provisions indicates that a person not being a member of a Scheduled Caste or a Scheduled Tribe is punishable under said provisions if he intentionally insults or intimidates or abuses any member of a Scheduled Caste or a Scheduled Tribe in any place within public view.

28. In the case on hand, the accused is charged for the



offences punishable under sections 3(1)(r) and 3(1)(s) of SC & ST (POA) Act with the allegation that he abused PW.1 and PW.4 in filthy language by touching their caste and issued threat to the life of PW.1. I have carefully perused the entire evidence of the prosecution witnesses in the said regard. In his examination-in-chief, PW.1 has not whispered anything that he was abused by the accused by touching his caste and it is also silent about the accused insulting or intimidating him or PW.4.

29. PW.1 has been subjected to cross-examination by the learned special public prosecutor by treating him as partly hostile and it is only in the said cross-examination, he went on admitting the suggestion that the accused abused him in filthy language by touching his caste and issued threat to his life while leaving the spot. If at all the accused had abused PW.1 by touching his caste and issued threat to his life, then he would have certainly stated about the same in his examination-in-chief itself, but as noted above, there is no whisper to that effect in his chief examination and only admitted the suggestions posed in the said regard by the prosecution by declaring him as partly hostile. Thus the allegations of caste based abuse and insult or intimidation are conspicuously missing in the examination-in-chief of PW.1. When such being the case, this court finds it difficult to place reliance on the answers elicited in his cross-examination of PW.1 by learned special public prosecutor by posing suggestions in the aforesaid regard. Further though PW.4 has stated that the accused had abused PW.1 in filthy language by



touching his caste and issued threat to his life, she has not whispered anything that the accused had insulted, intimidated or abused him in the presence of any person i.e. within public view. Though PW.5 to PW.7 are said to have pacified the ruckus, it is not the case of prosecution that the alleged abuse, insult or intimidation was made by the accused in their presence or in the presence of any person i.e., within public view. Moreover PW.1 has admitted in his cross-examination made by the learned counsel for the accused that except him and his mother and the accused, no one was present at the time of the incident. The prosecution has failed to establish the presence of any third person at the place and time of alleged occurrence as there is no material to show that other than the complainant and accused party, some third persons were also present at the place and time of occurrence and witnessed it. Thus absolutely nothing has been placed on record to show that the accused herein had insulted, intimidated or abused PW.1 or PW.4 in public view. Hence, the prosecution has failed to bring home the guilt of accused for the offences punishable under Sections 3(1)(r) and 3(1)(s) of SC & ST (POA) Act.

30. In the case on hand, the accused is also charged for the offence punishable under section 504 of IPC with the allegation that he had abused PW.1 and PW.4 in filthy language. Whenever there is an allegation that the accused had uttered some filthy words or used foul language invariably he would be charged for the offence punishable under section 504 of IPC, but the offence punishable under said section



can be invoked only when the accused insults a person and thereby gives provocation to that person to break public peace or commit any other offence. In the case on hand, no such evidence has been brought on record by the prosecution. Therefore, this court is of the opinion that the charge under section 504 of IPC is not made out.

31. Having concluded so, let me proceed to examine whether the prosecution is successful in establishing the guilt of the accused for the remaining offences. From the above recapitulation of the evidence of prosecution witnesses, it is apparent that except PW.1 and PW.4, other independent witnesses, who are cited as eyewitnesses to the incident in question have completely resiled from their previous version and not supported the case of prosecution to any extent. PW.8, the Medical Officer deposed about examining PW.1 with the history of assault and about issuing wound certificate as per Ex.P10. PW.9 and PW.10, the police officers have deposed about the formal acts done by them during investigation. Hence in the case on hand, the prosecution mainly rests its case on the evidence of PW.1 and PW.4 and PW.8, the medical officer, who is said to have treated PW.1 after the incident.

32. As noted in the preceding paragraphs, PW.5 to PW.7, who are said to have witnessed the incident in question and pacified the scuffle have totally retracted from their previous version and not supported the case of prosecution to any extent. In the said regard, it is apparent to note that in the first information reported



by PW.1 as per Ex.P1, there is no whisper about the presence of PW.5 to PW.7 at the place and time of occurrence or about they pacifying the scuffle. Even the evidence of PW.1 is silent about the same. In view of the same, there is no surprise in PW.5 to PW.7 not supporting the version of prosecution as the possibility of they being planted as eyewitnesses cannot be ruled out.

33. PW.4, the mother of PW.1 is also cited as an eyewitness to the incident in question and the accused is alleged to have abused her in filthy language. It is pertinent to note that in the evidence of PW.1, there is no whisper about the presence of his mother i.e., PW.4 at the place and time of occurrence. Thus there is no whisper in his evidence about PW.4 witnessing the incident and questioning the accused in the said regard. Even PW.4 has stated that when PW.1 stood outside the house, the accused abused him in filthy language and then assaulted him with a stick on his leg and head and at that time, she questioned the accused by screaming. It is also interesting to note that in the cross-examination made by the learned special public prosecutor, it is suggested to her that at the time of incident, her son i.e., PW.1 stood outside the house after having dinner and she stood inside the house and then the accused abused PW.1 in filthy language by touching his caste and assaulted on his legs, hit his head against a wall and assaulted on his person with hands and said suggestions are candidly admitted by the witness. From the aforesaid version given by PW.4 in her examination-in-chief and the suggestions posed to her in her cross-examination, it



is difficult to believe the version of the prosecution that PW.4 was present at the place and time of occurrence and witnessed the same. In addition to this, PW.4 has admitted in her cross-examination made by the learned counsel for the accused that at the time of alleged incident, she was preparing food inside the house and when she came out, no one was seen. She also admitted that when she came out, the accused was not abusing PW.1. In view of these, it is difficult to believe the theory of the prosecution that PW.4 was present at the place and time of alleged occurrence and witnessed the same. Hence, the prosecution rests its case mainly on the evidence of PW.1 and PW.8.

34. In his first information as per Ex.P1, it is alleged by PW.1 that the incident took place on 05.05.2020 at around 8.30 p.m and on the same day, he went to Government hospital at Lakkavalli and took treatment and thereafter he returned to his village, held talks with the villagers and the relatives and next day i.e., on 06.05.2020 at 9.30 p.m, he reported said complaint to the police. Even in his evidence, PW.1 has reiterated that the incident took place on 05.05.2020 at 8.30 p.m and on the same day, he took treatment at hospital at Lakkavalli and next day he reported complaint to the police. Further in any event it is not the case of prosecution that PW.1 took treatment in any of the hospital after the lodgment of Ex.P1 complaint for the injuries allegedly sustained by him in the incident in question. Surprisingly, it has come in the evidence of PW.8, the medical officer, who treated PW.1 that he was taken to their hospital



on 08.05.2020 at 8 p.m with the history of assault that took place on 06.05.2020 at 7.30 p.m. Further the contents of the wound certificate issued by PW.8 as per Ex.P10 further go contrary to the aforesaid oral evidence of PW.8 as it says that the examination of PW.1 was done on 06.05.2020 at 8 p.m with the history of assault that took place on 06.05.2020 at 7.30 p.m. As noted above, according to prosecution the alleged incident took place on 05.05.2020 at 8.45 p.m. Further according to PW.1, the alleged incident took place on 05.05.2020 at 8.30 p.m and on the same day, he took treatment at Government Hospital, Lakkavalli, but according to the oral evidence of PW.8, PW.1 was taken to their hospital on 08.05.2020 at 8 p.m with the history of assault on 06.05.2020 at 7.30 p.m and as per the contents of wound certificate issued by her at Ex.P10, PW.1 was examined on 06.05.2020 with the history of assault that took place on 06.05.2020 at 7.30 p.m. Thus the evidence of PW.1 and PW.8 contradicts each other with respect to the date of alleged incident as well as the date and time at which PW.1 allegedly took treatment.

35. As noted above, as per the oral evidence of PW.1 and his first information as per Ex.P1, the incident took place on 05.05.2020 at 8.30 p.m and on the same day, he took treatment at Government hospital, Lakkavalli and next day i.e., on 06.05.2020, he reported complaint to the police, but there is no material to show that PW.1 had taken treatment on 05.05.2020 at Government hospital, Lakkavalli or any other hospital with the history of alleged assault and according to PW.8, PW.1 was taken to their hospital



on 08.05.2020 and as per the wound certificate issued by her at Ex.P10, PW.1 was examined on 06.05.2020. The version of PW.8 and the contents of Ex.P10 wound certificate goes contrary to the aforesaid version of PW.1. Further according to PW.8, she treated PW.1 with the history of assault that allegedly took place on 06.05.2020 at 7.30 p.m and it goes completely contrary to the version of prosecution and evidence of PW.1. The evidence made available on record by the prosecution is not certain as to when the alleged assault took place and when PW.1 had taken treatment. The discrepancies noted above cannot be viewed lightly as the same goes to the very root of the prosecution case.

36. In addition to this, it is pertinent to note that according to prosecution the first information as per Ex.P1 was reported to the police by PW.1 on 06.05.2020 at 9.30 p.m at the station. If at all the version of PW.1 that he had taken treatment at Government hospital, Lakkavalli on the date of incident itself i.e., on 05.05.2020 for the injuries sustained with the history of assault, then certainly the hospital would have sent MLC intimation to the jurisdictional police, but in the case on hand no such intimation was received by the police and as noted above, the criminal law was set into motion on the basis of the first information reported by PW.1 in person to the police on the next day. This discrepancy also throw doubt on the case of the prosecution.

37. Further according to prosecution, the accused was very much known to PW.1 and when such being the



case, he would have taken the name of the accused as his assailant before the medical officer if the allegations leveled against him were to be true, but in the evidence of PW.8 and Ex.P10 wound certificate, the details such as the name of the assailant, the weapon allegedly used by the assailant are conspicuously missing. The things would have been different, if PW.1 was severely injured at the time of narrating the alleged incident to the medical officer, but as per the medical evidence made available on record, PW.1 had suffered small abrasions over his legs and face. When such being the case, nothing prevented him from taking the name of the accused as his assailant before the medical officer. The absence of the details such as the names of the assailant, the weapon used also throw doubt on the version of the prosecution.

38. In his first information as per Ex.P1, PW.1 has alleged that the accused had assaulted him with a club. In his evidence, he has stated that the accused had assaulted him with a areca stick as per MO.1. Further it is specifically stated by PW.1 that he was assaulted by the accused on 05.05.2020 at 8.30 p.m. In the cross-examination made by the learned counsel for the accused, PW.1 and PW.4 have categorically admitted that there was no supply of electricity on 05.05.2020 at 8.30 p.m or 8.45 p.m. PW.1 further admitted that the surface of areca stick would be flat and a club would be round in shape. As noted above, in Ex.P1, PW.1 has alleged that he was assaulted by the accused with a club and in his evidence he has stated that the accused had assaulted him with areca



stick as per MO.1. This discrepancy assumes significance in view of the aforesaid admission given by PW.1 and PW.4 that there was no supply of electricity at the place and time of occurrence which allegedly took place in front of the house of PW.1 and the accused. Moreover as noted in the preceding paragraphs, though the accused was known to PW.1, he had not taken his name as his assailant before the medical officer and even there is no whisper about the instrument allegedly used in the commission of offence in the history given before her. In the light of above discussion, this court finds it difficult to believe the case of the prosecution that PW.1 was assaulted with MO.1 stick and it is the accused who assaulted him.

39. Moreover it is specifically alleged by the prosecution that a vacant site belonging to one Thimmaraju, a brother of the accused was situated on the left side of the house of PW.1 and a vacant site of the accused was situated in front of said site, the accused started constructing a building in his site and at that time, he had constructed a hut in the vacant site belonging to his brother and in the said regard dispute arose between him and PW.1 on the premise that he had encroached vacant site belonging to his brother and the alleged incident is said to have taken place in the said backdrop.

40. Having regard to the existence of dispute between the accused and the complainant party in the aforesaid regard and in view of the answers elicited in the cross-examination of PW.1 and PW.4, the defence theory of false implication appears to be more



probable than the theory of abuse and assault made by the prosecution. This court is of the considered opinion that the aforesaid discrepancies and the admissions elicited in the cross-examination by the defence are material enough to create dent in the case of prosecution because in the proved set of facts and circumstances, the possibility of implication of the accused in the crime in question owing to existence of aforesaid dispute cannot be ruled out.

41. In the light of the above discussion, this court is of the considered opinion that the prosecution has failed to bring home the guilt of accused beyond reasonable doubt by placing cogent and reliable evidence and it is settled that any amount of suspicion cannot take the place of proof and it is for the prosecution to establish the guilt of the accused for the alleged offences beyond reasonable doubt. It is also settled that when the court entertains a doubt on the basis of the evidence placed on record regarding the guilt or otherwise of the accused, the benefit of doubt should always be extended to the accused. In the fact situation, the court is constrained to extend the benefit of doubt to the accused as the prosecution has failed to bring home their guilt beyond reasonable doubts. Accordingly, I answer point No.1 to 7 in **Negative**.

42. **Point No.8:** In view of the 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, 323, 324 and 506 of IPC and sections 3(1)(r), 3(1)(s), and 3(2) (va) of the Scheduled Castes and 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. 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.

MO.1 being worthless is ordered to be destroyed after the expiry of period prescribed for filing appeal, if no such appeal is preferred.

(Dictated to Stenographer Grade-III directly on computer and computerized by her, script corrected and then signed by me on this the 7th day of March, 2026).

Sd/-

(BHANUMATHI. B.C.,)

I Addl. Sessions & Special Judge
Chikkamagaluru

ANNEXURE

1. List of witnesses examined on behalf of prosecution:

PW.1 Manjunatha
PW.2 Bhaskara



PW.3 Madhu Kumar
PW.4 Thungamma
PW.5 Vijayakumar
PW.6 Chandan
PW.7 Basavaraj
PW.8 Dr.Manasa
PW.9 B.Prakash
PW.10 Renuka Prasad

List of documents exhibited on behalf of prosecution:

Ex.P1 Complaint
Ex.P1(a-b) Signatures
Ex.P2 Mahazar
Ex.P2(a-d) Signatures
Ex.P3 Photograph
Ex.P4 Notice issued to panchas
Ex.P4(a-c) Signatures
Ex.P5 Statement of PW.5
Ex.P6 Statement of PW.6
Ex.P7 Statement of PW.7
Ex.P8 Report regarding supply of electricity at the alleged place and time of occurrence
Ex.P8(a) Signature
Ex.P9 Report regarding caste of PW.1, PW.4 and the accused
Ex.P9(a) Signature
Ex.P10 Wound certificate of PW.1
Ex.P10(a-b) Signatures
Ex.P11 FIR
Ex.P11(a) Signature
Ex.P12 Order by which PW.10 was appointed as investigating officer



- Ex.P12(a) Signature
- Ex.P13 Property form
- Ex.P13(a) Signature
- Ex.P14 Certificate under section 65-B of Evidence Act
- Ex.P14(a) Signature
- Ex.P15 Compact disc
- Ex.P16 Letter
- Ex.P17 Sketch of place of occurrence

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

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

**List of material objects identified on behalf of
the prosecution.**

MO.1 Areca stick

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