



**IN THE COURT OF 1ST ADDITIONAL SESSIONS & SPECIAL
JUDGE AT CHIKKAMAGALURU**

**PRESENT : KIRAN KINI,
1ST ADDL. SESSIONS & SPECIAL JUDGE,
CHIKKAMAGALURU.**

DATED THIS THE 1st DAY OF AUGUST, 2026

Spl.C.NO.117/2019

COMPLAINANT:

The State of Karnataka R/by
Mudigere Police

**[R/by Ld. Special Public
Prosecutor,
Chikkamagaluru]**

- Vs -

ACCUSED:

1. Chethan H.C.@ Chethan Poojari,
S/o Chandra Poojari,
Aged about 24 years,
Labourer,
R/o Halekote Village,
Bidarahalli Post,
Mudigere Taluk.
2. Jeevan Kumar A.N. @ Jeevan,
S/o Narayana,
Aged about 29 years, Labourer,
R/o Halekote Village,
Mudigere Taluk,
Permanent R/o Indira Nagara,
Arehalli Village, Beluru Taluk,
Hassan District.
3. Vijay Kumar @ Vijay @ Kumar,
S/o Srineevasa Naik,
Aged about 30 years,
Labourer,



R/o Halekote Village,
Biddarahalli Post,
Mudigere Taluk.

4. Dinesh H.S.
S/o Subramanya,
Aged about 22 years,
Labourer, R/o Halekote Village,
Bidarahalli Post, Mudigere Taluk.
5. Ganesh H.S. **(Abated)**
6. Madhu @ Vishwanath **(Abated)**
7. Vijendra H.S. @ Vijendra H.S.,
S/o Srineevasa Naik,
Aged about 26 years, Labourer,
R/o Halekote Village,
Bidarahalli Post,
Mudigere Taluk.
8. Chandru Poojari @ Chandru,
S/o Jarappa Poojari,
Aged about 52 years, Labourer,
R/o Halekote Village,
Bidarahalli Post, Mudigere Taluk.
9. Krishna S/o Swamy,
Aged about 50 years, Labourer,
R/o Halekote Village,
Bidarahalli Post, Mudigere Taluk.
10. Sanketh J.M.
S/o Manjunath,
Aged about 21 years, Labourer,
R/o Halekote Village,
Bidarahalli Post, Mudigere Taluk.
11. Kiran H.M., S/o Manjunatha,
Aged about 23 years, Labourer,
R/o Halekote Village,
Bidarahalli Post, Mudigere Taluk.
12. Naveen B.S.
S/o Somashekharappa,



Aged about 25 years, Labourer,
R/o Bettagere Village,
Banakal Hobli, Mudigere Taluk.

13. Prabhakar B.S. S/o Swaminatha,
Aged about 42 years, Car driver,
R/o Nelihudikeri Village,
Kushalanagar Hobli,
Somavarapete Taluk,
Kodagu District.
14. Praveena @ Rajesh,
S/o Ananda Poojari,
Aged about 24 years,
Photographer,
R/o Bettagere Village,
Banakal Hobli, Mudigere Taluk.
15. Vinay C., S/o Raju @ Laxmi Raju,
Aged about 30 years,
Labourer, R/o Halekote Village,
Bidarahalli Post, Mudigere Taluk.

[R/by Sri.HMS, Advocate]

1. Date of commission of offence	24.05.2019
2. Date of report of occurrence	24.05.2019
3. Arrest of accused	A1 to A4, A7 - 25.05.2019 A8 to A15 – 27.05.2019
4. Release of accused	27.05.2019 Accused are on bail
5. Charges framed on	02.03.2021
6. Date of commencement of trial	25.10.2021
7. Date of closing of trial	03.11.2023



8. Name of complainant	Santhosh
9. Offences complained of	Under sections 143, 144, 147, 148, 341, 324, 323, 504, 506 r/w section 149 of IPC and under sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC & ST (POA) Act
10. Opinion of Judge	The accused No.1 to 4, 7 to 15 are found not guilty.
11. Order	As per final order
12. State represented by	Public Prosecutor, Chikkamagaluru
13. Accused defended by	Sri.HMS, Advocate

(KIRAN KINI)
1ST ADDL. SESSIONS & SPECIAL JUDGE,
CHIKKAMAGALURU.

JUDGMENT

1. This is a case registered against the accused for the offence punishable under sections 143, 144, 147, 148, 341, 324, 323, 504 and 506 r/w section 149 of Indian Penal Code and sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter referred as SC & ST (POA) Act).



2. It is the allegation of the prosecution that on 24.05.2019 at about 7.45 p.m, at Marikamba layout, Halekote village, Mudigere Taluk, all the accused in connection with their ill-will towards CW.5-Prasad H.T for he having pacified the quarrel as to a site of one Prabhakara, in furtherance of their common object formed an unlawful assembly and committing rioting with deadly weapon like club and wrongfully restrained CW.1-Santhosh from proceeding further and abused CW.4-Kamala and CW.1 in filthy language by touching their caste and assaulted CW.1 with hands and kicked him and caused bodily hurt and accused No.1 and 4 assaulted CW.1 with club on his right hand and left thigh and caused injuries and gave life threat to CW.1 and humiliated him within public view and committed the said offences with the knowledge and for the very reason that CW.1 and CW.4 belonged to a Scheduled Caste and thereby committed the offences punishable under sections 143, 144, 147, 148, 341, 324, 323, 504, 506 r/w section 149 of Indian Penal Code and sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC & ST(POA) Act.
3. The accused are on bail. On completion of the investigation, the Investigation Officer filed the charge-sheet. On taking of the cognizance of the alleged offences, the copies of the charge-sheet documents were furnished to the accused. As the accused denied the charges, the prosecution examined PW.1 to PW.21 and got marked Ex.P1 to Ex.P19 and MO.1. On



conclusion of the prosecution evidence, the statements of the accused under Section 313 of Cr.P.C were recorded. The accused placed no evidence in defence.

4. I have heard the arguments on both the sides. The following points arise for my consideration: -

- 1. Whether the prosecution proves beyond all reasonable doubt that on 24.05.2019 at about 7.45 p.m, at Marikamba layout, Halekote village, Mudigere Taluk, all the accused in connection with their ill-will towards CW.5-Prasad H.T for he having pacified the quarrel as to a site of one Prabhakara, in furtherance of their common object formed an unlawful assembly and committing rioting with deadly weapon like club and wrongfully restrained CW.1-Santhosh from proceeding further and abused CW.4-Kamala and CW.1 in filthy language by touching their caste and assaulted CW.1 with hands and kicked him and caused bodily hurt and accused No.1 and 4 assaulted CW.1 with club on his right hand and left thigh and caused injuries and gave life threat to CW.1 and humiliated him within public view and committed the said offences with the knowledge and for the very reason that CW.1 and CW.4 belonged to a Scheduled Caste and thereby committed the offences punishable**



under sections 143, 144, 147, 148, 341, 324, 323, 504, 506 r/w section 149 of Indian Penal Code and sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC & ST(POA) Act?

2. What order?

5. My findings on the above points are as follows, for the following :-

Point No. 1 : In the Negative

Point No. 2 : As per final order

for the following :-

REASONS

6. Point No. 1 :

- a.** It is the specific allegation of the prosecution that all the accused formed an unlawful assembly and committed rioting with deadly weapons like club and abused CW.1 and CW.4 in filthy language and humiliated them in the public view by touching their caste and assaulted CW.1 with hands and club and caused injuries and gave life threat to CW.1 and committed all the offences with the knowledge and for the very reason that CW.1 and CW.4 belonged to a Scheduled Caste.
- b.** To prove this, the prosecution has examined PW.1 being the first informant and victim, PW.2



being the victim, PW.3 being the eyewitness and panch witness, PW.4 being the eyewitness and panch witness, PW.5 being the circumstantial witness, PW.6 being the eyewitness, PW.7 being the eyewitness, PW.8 being the eyewitness, PW.9 being the eyewitness, PW.10 being the Tahsildar, PW.11 being the Tahsildar, PW.12 being the medical witness, PW.13 being the official witness, PW.14 to PW.19 being the police witnesses, PW.20 and PW.21 being the investigating officers.

- c. At the first instance, the prosecution has to prove the spot. As per the first information statement, the alleged incident took place on the road in front of house of one Akku Hannu. The FIR depicts the same. PW.1 has deposed that the alleged incident took place when he was running from the house of CW.4 i.e., PW.2. He has not stated at which spot the accused committed the alleged offences. PW.2 has deposed that the incident took place when CW.1 came to her house and was recording the quarrel. This implies that as per the say of PW.2, the incident took place in her house. PW.3 has deposed that the incident took place in front of house of CW.4 when CW.1 was running



away. PW.4 has deposed that the incident took place in front of the house of CW.4. PW.5 has deposed that the incident took place in the house of CW.4. PW.6 has deposed that the incident took place in front of house of CW.4. PW.7 has deposed that the incident took place in front of house of CW.4. PW.8 has deposed that the incident took place in front of house of CW.4. PW.9 has deposed that the incident took place in front of house of CW.4. On perusal of Ex.P2 mahazar alleged to have been conducted at the spot alleged to have been shown by PW.1, the incident took place on the cement road leading from Mudigere-Daradahalli tar road to Marikamba layout. On perusal of the spot sketch in Ex.P2, it gets clear that neither the house of Akku Hannu or the house of CW.4 situated near the spot. On perusal of the spot sketch, the house of CW.4 is at a distance of 50 meters from the alleged spot. On perusal of Ex.P9, spot sketch prepared by the Assistant Executive Engineer, it gets clear that the spot is situated just in front of the house of CW.4. The allegation as to the spot in first information, the evidence of PW.1, PW.2 to PW.9 and Ex.P2, the sketch in Ex.P2 and Ex.P9 are contrary to each other and there is no resemblance in the spots



mentioned in first information statement, mahazar, mahazar sketch, spot sketch and evidence of PW.1 to PW.9. To prove the commission of the offences by the accused, the prosecution is required to prove the spot at which the accused alleged to have committed the offences. In the case on hand, the prosecution has failed to prove the spot at which the accused are alleged to have committed the alleged offences. Hence, I am of the opinion that the prosecution has failed to prove the spot.

- d.** Further the prosecution has to prove the presence of the victim at the spot. When there is doubt as to the spot at which the incident is alleged to have taken place, the presence of the victim at a particular spot becomes doubtful. If the allegation in the first information statement is taken into consideration, the victim requires to be presumed to have been present in front of the house of Akku Hannu. If the evidence of PW.1 and PW.2 is taken into consideration, then the victim requires to be presumed to have been present in the house of CW.4 i.e., PW.2. If the evidence of PW.3 to PW.9 is taken into consideration, the victim is to be presumed to have been present in front of the house of PW.2.



If Ex.P2 is taken into consideration, then the victim is to be presumed to have been present on the road leading to Marikamba extension from Mudigere-Daradahalli road, which is at a distance of 50 meters from the house of PW.2. If the Ex.P9 is taken into consideration, the spot is at a distance of 4.00 meters from the house of PW.2 and hence the victim is to be presumed to have been present just at a distance of 4.00 meters from the house of PW.2. As such the presence of the victim at a particular spot at the time of alleged incident becomes doubtful.

- e. Further the prosecution has to prove the presence of the accused at the spot. When there is doubt as to the spot at which the incident is alleged to have taken place, the presence of the accused at a particular spot becomes doubtful. If the allegation in the first information statement is taken into consideration, the accused require to be presumed to have been present in front of the house of Akku Hannu. If the evidence of PW.1 and PW.2 is taken into consideration, then the accused require to be presumed to have been present in the house of PW.2. If the evidence of PW.3 to PW.9 is taken into consideration, the accused are to be



presumed to have been present in front of the house of PW.2. If Ex.P2 is taken into consideration then the accused are to be presumed to have been present on the road leading to Marikamba extension from Mudigere-Daradahalli road, which is at a distance of 50 meters from the house of PW.2. If the Ex.P9 is taken into consideration, the spot is at a distance of 4.00 meters from the house of PW.2 and hence the accused are to be presumed to have been present just at a distance of 4.00 meters from the house of PW.2. On perusal of evidence of PW.1, it gets clear that PW.1 has deposed that all the accused were present. On perusal of evidence of PW.2 to 9, it gets clear that they have deposed about the presence of all the accused at the spot. On perusal of cross-examination of PW.2, she has deposed that she cannot say which of the accused were present during the quarrel. On perusal of evidence of PW.5, it gets clear that he was informed by CW.4 about the incident. This implies that PW.5 was not present at the time of alleged incident. PW.6 has deposed that at the time of alleged incident 15 people were there and he does not know their names and addresses. If that be so, the evidence of PW.6 as to the presence of all



the accused at the spot, becomes highly doubtful. PW.7 has deposed that when he went to the spot, PW.1 was lying under the tree and he does not know what happened prior thereto. If that be so, PW.7 has not witnessed the presence of the accused and hence, his evidence cannot be accepted. PW.8 has deposed that he does not know what galata took place near the house of PW.2. This implies that he was also not present at the spot. PW.9 has deposed that he was at his house in between 6.30 to 8.30 p.m. If that be so, there was no possibility for him to be at the spot and hence, his evidence cannot be taken into consideration. As per the case of the prosecution, the incident took place at about 7.45 p.m. There is no evidence on the part of the prosecution to the effect that there was electric facility at the spot at the alleged time. If that be so, the witnesses including the victim identifying the persons as the accused becomes doubtful. Further there is no T.I.P to prove the presence of the accused at the spot. In view of the above, the presence of the accused itself becomes doubtful. Under the circumstances, I am of the opinion that the prosecution has failed to prove the presence of all the accused at the spot.



- f.** It is the specific allegation that the accused formed an unlawful assembly and committed rioting with deadly weapons like club. The prosecution has produced club at MO.1 and PW.1 has identified MO.1. Further PW.2 to PW.4, PW.6 to PW.9 have deposed about the accused No.1 and 4 assaulting PW.1. PW.1 has further deposed that the accused had also brought the sickle. This implies that the accused formed unlawful assembly with deadly weapons like club and sickle and committed rioting. But the prosecution has not produced the sickle. If at all, the accused had committed rioting with deadly weapons like club and sickle, the prosecution would have definitely produced the sickle. Mere production of club without production of sickle gives rise to doubt as to the accused forming unlawful assembly with deadly weapons as alleged by the prosecution and deposed by PW.1 and other witnesses. As already discussed herein above, the prosecution has failed to prove the exact spot at which the alleged offences have been alleged to have been committed. Further the prosecution has also failed to prove the presence of the victim as well as the accused at the alleged spot, for the



reasons discussed herein above. When the prosecution has failed to prove the presence of the victim as well as the accused at the alleged spot, the allegation of the prosecution that the accused formed unlawful assembly with deadly weapons and committed rioting cannot be accepted.

- g.** It is the specific allegation of the prosecution that the accused persons wrongfully restrained PW.1 and committed the offence of wrongful restraint. PW.1 has not stated about the accused wrongfully restraining him. The allegation as to commission of other offences cannot be considered to be wrongful restraint. To prove the wrongful restraint, the prosecution has to prove that the victim was obstructed from moving in any direction. In the case on hand, admittedly, the victim ran away. This implies that the allegation as to the accused wrongfully restraining PW.1 cannot be accepted. When PW.1 himself has not deposed about the accused restraining him wrongfully, the evidence of other witnesses in this regard, cannot be accepted. Under the circumstances, I am of the opinion that the prosecution has failed to prove the allegation as to the accused wrongfully



restraining PW.1.

- h.** It is the specific allegation of the prosecution that the accused abused PW.1 and PW.2 in filthy language and insulted them in the presence of public view by touching their caste. PW.1 has deposed that the accused were abusing PW.2 by saying 'ಸೂಳೆಮುಂಡೆ, ಬೇವರ್ಸಿ'. PW.2 has also deposed that the accused abused her by saying 'ಬೇವರ್ಸಿ ಮುಂಡೆ, ಸೂಳೆ ಮುಂಡೆ'. But they have not deposed about the accused abusing PW.2 by touching her caste. If at all, the accused had really abused PW.2 by touching her caste, PW.1 and PW.2 would have definitely deposed about the same. The very fact that PW.1 and PW.2 have not deposed about the accused abusing PW.2 by touching her caste, implies that the accused had not abused PW.2 by touching her caste. As such, the evidence of PW.3, PW.4, PW.6 and PW.7 about the accused abusing PW.2 by touching her caste, cannot be accepted. Further PW.1 has deposed that he was abused by the accused by saying 'ಸೂಳೆಮಗನೇ, ನೀನು ಘಟ್ಟದವರು, ಹಸಲರು, ಜಾತಿನ ಕೇಯ'. But, PW.2 to PW.9 have not deposed on their own about the accused abusing PW.1 by such words. If at all, the accused had really abused PW.1 by using



such words, PW.2 to PW.9 would have definitely deposed about the words with which the accused had abused PW.1 on their own. The very failure on the part of PW.2 to PW.9 to depose about the accused abusing PW.1 by using such words on their own, makes it clear that the accused had not abused PW.1 by using such words. When the prosecution has failed to prove that the accused abused PW.1 and PW.2 by touching their caste and in filthy words, the allegation that the accused so abused in the public view cannot be accepted. As already discussed herein above, the prosecution has failed to prove the presence of the victim as well as the accused at the spot, the allegation that the accused committed the alleged offence at the spot cannot be accepted.

- i. It is the specific allegation of the prosecution that the accused assaulted PW.1 with hands and legs and with club and caused simple hurt and injury. On perusal of wound certificate marked at Ex.P8, it gets clear that the victim sustained (1) swelling and tenderness over the right side of back, (2) 4 c.m x ½ c.m abrasion over left thigh and swelling and tenderness over the left thigh, (3) 3 c.m x ½ c.m abrasion, swelling and



tenderness over forearm and (4) 1 c.m x 1 c.m abrasion, swelling and tenderness over right foot. On perusal of Ex.P4, which is the photograph of the injury on the left thigh shows a scar and not abrasion. Such injury cannot be caused by blunt object like club. On perusal of the evidence of PW.1, it gets clear that he has deposed that the accused No.4 assaulted on his right leg with club and accused No.1 assaulted his right hand with sickle. As already discussed herein above, the prosecution has not produced the sickle and as such, the evidence that the accused No.1 assaulted PW.1 with sickle cannot be accepted. On perusal of Ex.P8 wound certificate, injuries No.3 and 4 were on the right hand and right leg and they show the abrasions, swelling and tenderness. If the assault was with club, there would not have been any abrasion and if the assault was with sickle, there would have been cut injuries. PW.1 has not sustained any cut injury and abrasion cannot be caused by blunt object. Further as already discussed herein above, the prosecution has failed to prove the presence of the victim as well as the accused at the alleged spot. Hence, the allegation of the prosecution that the accused assaulted PW.1 with club and the evidence of PW.1 that he was



assaulted with club and sickle cannot be accepted. As such, the evidence of other witnesses regarding the accused assaulting PW.1 with club cannot be accepted. Hence, I am of the opinion that the prosecution has failed to prove the allegations in this regard.

- j.** It is the specific allegation of the prosecution that the accused gave life threat to PW.1. PW.1 has deposed that he was threatened of not leaving him with life. PW.2 to PW.9 have not deposed anything about the accused threatening PW.1 specifically as deposed by PW.1. If at all, the accused had threatened PW.1 as deposed by him, PW.2 to PW.9 would have deposed definitely about the accused threatening PW.1 to life. Further as already discussed herein above, the prosecution has failed to prove the presence of the victim as well as the accused at the spot and hence, the allegation that the accused were present at the spot and gave life threat to PW.1, cannot be accepted. Under the circumstances, I am of the opinion that the prosecution has failed to prove that the accused gave life threat to PW.1.
- k.** It is the specific allegation of the prosecution that the accused committed the alleged offences



with the knowledge and for the reason that the victims belonged to Scheduled caste community. When the prosecution has failed to prove the commission of any of the alleged offences, the allegation that the accused committed the said offences with the knowledge and for the reason that the victims belonged to Scheduled Caste community, cannot be accepted.

l. On perusal of the entire materials on record, it gets clear that the prosecution has failed to prove its allegations against the accused.

m. Hence, I answer the above point accordingly.

7. Point No.2:-

For the reasons discussed herein-above, I proceed to pass the following:

ORDER

1. The accused No.1 to 4, 7 to 15 are acquitted of the offences punishable under sections 143, 144, 147, 148, 341, 504, 323, 324 and 506 r/w section 149 of IPC and 3(1)(r), 3(1)(s) and 3(2)(va) of the SC & ST (POA) Act as per section 232 of Cr.P.C.



- 2. Bail bonds executed by the accused shall stand cancelled after the appeal period as required under section 437-A of Cr.P.C.**
- 3. MO.1 is ordered to be destroyed after the appeal period.**
- 4. The Office is directed to forward a copy of this judgment to the District Magistrate as provided under Section 365 of Cr.P.C.**

(Dictated to the Stenographer Grade-III directly on the computer, typed by her, corrected and pronounced by me in open Court on this 1st day of August, 2026).

(KIRAN KINI)
1ST ADDL. SESSIONS & SPECIAL JUDGE,
CHIKKAMAGALURU.

ANNEXURE

LIST OF WITNESSES EXAMINED FOR PROSECUTION:

CW.1	PW.1	Santhosh	First informant & victim
CW.4	PW.2	Kamala	Victim
CW.2	PW.3	Guruprasad	Eyewitness and panch witness
CW.3	PW.4	Vittal	Eyewitness and panch witness
CW.5	PW.5	Prasad	Independent witness
CW.6	PW.6	Ramu	Eyewitness



CW.7	PW.7	Raghu	Eyewitness
CW.8	PW.8	Paramesh	Eyewitness
CW.9	PW.9	Mahesh	Eyewitness
CW.10	PW.10	H.M.Ramesh	Tahsildar who issued caste certificate
CW.11	PW.11	Meghana	Tahsildar who issued caste certificate of A2
CW.15	PW.12	Dr.Hemanth Bhat	Medical witness
CW.14	PW.13	Mahesh D.J.	Assistant Engineer who prepared the sketch
CW.19	PW.14	Thimmappa	Police official
CW.20	PW.15	Imtiyaz Pasha	Police official
CW.21	PW.16	Lakshman	Police official
CW.22	PW.17	Sunil Kumar	Police official
CW.16	PW.18	Vasanth A.	Police official
CW.23	PW.19	Ranganathan	Police official
CW.24	PW.20	H.T.Ramesh	Investigating officer
CW.25	PW.21	B.S.Angadi	Investigating officer

LIST OF DOCUMENTS EXHIBITED FOR THE PROSECUTION:

Ex.P1	Complaint	PW.1
Ex.P2	Mahazar	PW.1
Ex.P3-P4	Photographs	PW.1
Ex.P5	Notice	PW.3
Ex.P6	Caste certificate	PW.10
Ex.P7	Caste certificate	PW.11
Ex.P8	Wound certificate	PW.12
Ex.P9	Sketch	PW.13
Ex.P10	Letter	PW.13



Ex.P11	Report regarding place of occurrence	Consent
Ex.P12	Memo of hospital	PW.18
Ex.P13	DVD	PW.19
Ex.P14	65-B certificate	PW.19
Ex.P15	FIR	PW.20
Ex.P16	Report	PW.20
Ex.P17	Order of S.P	PW.21
Ex.P18	Caste certificate	PW.21
Ex.P19	Caste certificate	PW.21

THE WITNESSES EXAMINED ON BEHALF OF DEFENCE:

-NIL-

THE DOCUMENTS MARKED ON BEHALF OF DEFENCE:

-NIL-

MATERIAL OBJECTS MARKED ON BEHALF OF PROSECUTION:

MO.1	Club
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(KIRAN KINI)
**1st ADDL. SESSIONS & SPECIAL JUDGE,
 CHIKKAMAGALURU.**