

KADG010040312023



Presented on : 27-10-2023
Registered on : 27-10-2023
Decided on : 02-05-2026
Duration : 2 years, 6 months, 6 days

**IN THE COURT OF
II ADDL DISTRICT AND SESSIONS JUDGE DAVANGERE
AT DAVANGERE, DAVANGERE
(Presided Over by SRI. PRAVEEN KUMAR.R.N)**

SPL.Case(SC/ST)/718/2023

COMPLAINANT:

State by Honnali Town Police Station,
Honnali, Dist: Davanagere

// Vs //

ACCUSED;

Parameshwarappa @ Yattinamanera Parameshwarappa, S/o
Siddappa, Age: 56 years, R/o: Kulagatte village,
Tq: Honnali, Dist: Davanagere.

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State represented through Public Prosecutor
Sri.M.S.M.K., Advocate appearing for Accused

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Date of commission of 05/08/2023
offence

Date of report of offence	05/08/2023
Name of the complainant	Sri. Harisha N
Date of arrest & release of accused.	Accused persons are on court bail.
Date of commencement of trial	03/03/2026
Date on which the evidence was closed	04/03/2026
Offences alleged	U/sec.504, 324 of IPC and Sec.3(1)(r),(3(1)(s), and 3(2)(v-a) of SC and ST (POA) Act
Opinion of the judge	Accused found not guilty of the aforesaid offences, as per final order.

JUDGMENT

The Honnali Police have registered a case against the accused for the offences punishable under Sections 324 and 504 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Upon completion of the investigation, the Investigating Officer has filed a charge sheet against the accused for the said offences.

2. Brief facts of the prosecution case are as follows:

According to the prosecution, the victim belongs to a Scheduled Caste and the accused does not belong to either the Scheduled Castes or Scheduled Tribes. It is further alleged that on 05.08.2023 at about 4:00 p.m., the informant/victim was grazing his cattle near the land belonging to the accused. At that time, the accused allegedly started abusing the victim. When the informant began videographing the incident using his mobile phone, the accused abused him in filthy language, insulted him by taking the name of his caste, and assaulted him with a stone. As a result, the victim sustained injuries on his forehead and left elbow. On these grounds, the informant lodged a complaint before the jurisdictional police.

3. The record reveals that C.W.17, who is the Station House Officer, registered the case against the accused and handed over the case papers to C.W.18 for further investigation. Thereafter, C.W.18 commenced the investigation by obtaining permission from the Superintendent of Police, visited the scene of occurrence, and prepared the spot mahazar in the presence of panch witnesses as shown by the informant. He also recorded the statements of witnesses, collected the caste certificates of both parties, and obtained the medical certificate of the victim. Further, the Investigating Officer collected a pen drive produced by the

informant. Upon completion of the investigation, he filed the charge sheet against the accused. In the meantime, the accused had obtained anticipatory bail.

4. After filing of the charge sheet, this Court took cognizance of the offences and issued summons to the accused. The accused appeared through counsel. After compliance with Section 207 of the Code of Criminal Procedure, charges were framed, read over, and explained to the accused in Kannada. The accused pleaded not guilty and claimed to be tried.

5. Thereafter, in order to prove its case, the prosecution examined five witnesses as P.W.1 to P.W.5 and marked seventeen documents as Exhibits P.1 to P.17. Material Object No. 1 was also marked. Upon completion of the evidence of these witnesses, the learned Public Prosecutor sought issuance of summons to the remaining witnesses cited in the charge sheet. However, the said request was rejected on the ground that all the material witnesses examined had not supported the prosecution case.

6. Thereafter, the statement of the accused under Section 313 of the Code of Criminal Procedure was dispensed with. Upon hearing both sides and on perusal of the oral and documentary evidence on record, the following points arise for consideration:

- 1) Whether the prosecution proves beyond all reasonable doubt that the accused committed the offence punishable under Sec. 504 and 324 of IPC?
 - 2) Whether the prosecution proves beyond all reasonable doubt that the accused persons committed the offence punishable under Section Sec. 3(1)(r), 3(1)(s), and 3(2)(v-a) of SC and ST (POA) Act?
 - 3) What order ?
7. My answer to the above points are as under :-

Point No.1 : In the Negative,
Point No.2 : In the Negative,
Point No.3 : As per final order for the following;

REASONS

8. **Point No.1 and 2:-** These points are interlinked with each other. Hence, in order to avoid repetition of facts, they are taken up for common discussion. Further, the brief facts of the prosecution case are already set out in the opening part of the judgment, and therefore, they are not repeated here. Nevertheless, it is the case of the prosecution that the accused humiliated the victim by taking the name of his caste, abused him in filthy language, and assaulted him with a stone, as a result of which the victim sustained injuries.

9. At this stage, it is pertinent to note that though the Legislature has enacted stringent laws to eradicate caste-based discrimination from society, such practices unfortunately still persist. However, in the present case, there is no dispute with regard to the caste status of either party.

10. On perusal of the record, it reveals that in order to substantiate its case, the prosecution has examined P.W.1 as the victim and informant, and P.W.2 to P.W.5 as alleged eyewitnesses to the incident. At this juncture, it is relevant to note that in the criminal justice delivery system, the testimony of an injured witness is given significant importance. In the present case, according to the prosecution, the accused assaulted P.W.1 with a stone, resulting in injuries. Therefore, it is necessary to first appreciate the evidence of P.W.1.

11. On careful consideration of the examination-in-chief of P.W.1, it is evident that he has not supported the case of the prosecution. He has categorically deposed that the accused did not commit any offence against him, did not abuse him, and did not assault him with a stone. He has further stated that he did not sustain any injuries and did not take any medical treatment. He has also denied

that the accused humiliated him by taking the name of his caste in a public place.

12. Further, P.W.1 has stated that he did not lodge any complaint as per Exhibit P.1 and that he is unaware of the contents of the spot mahazar. He has also denied having given any pen drive to the police and has not identified the video clips said to be contained therein. Thus, it is clear that P.W.1, being both the injured witness and the informant, has not supported the prosecution case.

13. At this stage, on comparing the contents of Exhibit P.1 with the testimony of P.W.1, it is evident that there is no corroboration between the two. Though the Public Prosecutor treated P.W.1 as hostile and cross-examined him at length, nothing useful could be elicited from his evidence. Even during cross-examination, P.W.1 has denied all the material suggestions put to him regarding abuse, caste-based insult, and assault by the accused. Hence, even in cross-examination, P.W.1 has not supported the prosecution case.

14. It is a settled principle of law that even if the injured witness does not support the prosecution case, the Court can base a conviction on the testimony of reliable eyewitnesses. In the present case, P.W.2 to P.W.5 are cited as eyewitnesses. However, on perusal of their examination-in-chief, it is clear that they have also not

supported the prosecution case. They have uniformly deposed that the accused did not commit any offence against P.W.1 in their presence and that he neither abused nor assaulted P.W.1, nor humiliated him by taking the name of his caste. They have further denied having given any statements before the police implicating the accused.

15. The record further discloses that the Public Prosecutor treated these witnesses as hostile and cross-examined them at length. However, such cross-examination did not yield any material supporting the prosecution case. Even during cross-examination, all these witnesses have denied the suggestions that the accused abused, assaulted, or humiliated P.W.1 by taking the name of his caste in their presence. Thus, it is evident that all the material witnesses examined by the prosecution have not supported its case.

16. Therefore, on an overall appreciation of the entire evidence on record, it is clear that there is no cogent and reliable evidence against the accused to establish the alleged offences. It is a cardinal principle of criminal law that when the prosecution fails to prove its case beyond reasonable doubt, the benefit of doubt must go to the accused. In the present case, the prosecution has utterly failed to

establish the guilt of the accused beyond reasonable doubt. Accordingly, Point Nos. 1 and 2 are answered in the Negative.

17. Further, the Public Prosecutor has filed an application under Section 340 of the Cr.P.C read with Section 193 of the IPC, seeking initiation of perjury proceedings against P.W.1 . It is alleged that the said witness gave false evidence before the court. The Public Prosecutor also submitted that the witness received compensation from the government after filing the complaint, but has now testified that the accused did not commit any offence. It is also requested that P.W.1 be directed to return the compensation he received.

18. At this stage, it is important to note that perjury proceedings can only be initiated when a person lies in court or in an affidavit, and such lie is material to the case. The falsehood must satisfy the ingredients of Section 191 of the IPC, which reads thus;

Sec. 191- Giving false evidence.—Whoever, being legally bound by an oath or by an express provision of law to state the truth, or being bound by law to make a declaration upon any subject, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, is said to give false evidence.

19. In the present case, P.W.1 , who is the victim have testified before the court that they did not lodge any complaint against the accused persons as per Exhibit P.1. When P.W.1 denies having given a complaint, it is the duty of the prosecution to establish that he had indeed lodged the complaint as per Exhibit P.1. If the prosecution fails to do so, it cannot be concluded that P.W.1 gave false evidence during his examination-in-chief.

20. Moreover, there is no material on record to show that anyone suffered due to the testimony of P.W.1 nor the accused filed any application alleging such harm. Hence, there is no merit in the application filed by the prosecution under Section 340 Cr.P.C read with Section 193 IPC to initiate perjury proceedings against P.W.1 . Accordingly, the application is dismissed.

21. Further, the Public Prosecutor has requested the court to direct P.W.1 to return the compensation he received from the government, on the ground that said witness has now testified against the prosecution.

22. The record shows that during the examination-in-chief, P.W.1 admitted to having received compensation from the government. However, it is important to note that the government did not take permission from the court before providing the

compensation. As per the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, it is the duty of the government to provide basic necessities, maintenance, shelter, and other support when a member of a Scheduled Caste or Scheduled Tribe is subjected to atrocities by someone who does not belong to those communities. Therefore, the compensation paid is a matter between the government and the victims.

23. None of the provisions or rules under the SC/ST (Prevention of Atrocities) Act empower the court to direct the victims to return the compensation received from the government after the conclusion of the case. The duty of the court at this stage is only to decide whether the prosecution has proved the guilt of the accused beyond reasonable doubt and whether the victim is entitled to relief under Section 357 of the Cr.P.C.

24. Considering all these facts, and since the Act itself does not provide for any direction by the court for recovery of compensation, it is not appropriate to direct P.W.1 to return the compensation he received from the government. Accordingly, the prayer of the Public Prosecutor is declined.

25. Point No.3:- In view of my findings on Point No.1 and 2 , I proceed to pass the following;

ORDER

Acting U/Sec.235(1) of Cr.P.C., the accused is acquitted for the offence punishable U/section 504 and 324 of IPC and Sec. 3(1)(r), 3(1)(s), and 3(2)(v-a) of SC and ST (POA) Act

The bail bond and surety bond stand canceled.

M.O.1 is worthless is ordered to be destroyed after the appeal period is over.

(Dictated to the Stenographer directly on the computer, corrected, signed and then pronounced by me in the open court this the 2nd day of May 2026.)

Sd/-

(Praveen Kumar R.N.)

II Addl. District & Sessions Judge
Davanagere

ANNEXURE**LIST OF WITNESS EXAMINED FOR PROSECUTION :-**

P.W.1	Harish
P.W..2	Anil Kumar
P.W..3	Umesh Naik
P.W.4	Lokesh Naik
P.W.5	Chandru

LIST OF EXHIBITS MARKED FOR THE PROSECUTION:-

Ex.P.1	Complaint
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Ex.P.1(a)	Signature of P.W.1
Ex.P.2	Seizure of pendrive Panchanama
Ex.P.3	Pendrive
Ex.P.4	Photo
Ex.P.5	65(B) Certificate
Ex.P.6	Further Statement of C.W.1
Ex.P.7	Spot Panchanama
Ex.P.8	Sketch
Ex.P.9 & 10	Photographs
Ex.P.11	65B Certificate
Ex.P.12	CD
Ex.P.13	Statement of CW.6
Ex.P.14	Further Statement of CW.6
Ex.P.15	Statement of C.W.7
Ex.P.16	Statement of C.W.8
Ex.P.17	Statement of C.W.9

LIST OF WITNESS EXAMINED FOR DEFENCE :- Nil

LIST OF EXHIBITS MARKED FOR DEFENCE :- Nil.

LIST OF MATERIAL OBJECTS MARKED FOR PROSECUTION :-

M.O.1 Stone

Sd/-

II Addl. District & Sessions Judge
Davanagere