

KADG010036572023



Presented on : 22-09-2023
Registered on : 22-09-2023
Decided on : 02-05-2026
Duration : 2 years, 7 months, 10 days

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

SC NO. 695/2023

COMPLAINANT:

State by Davanagere Badavane Police Station,
Dist:Davanagere

// Vs //

ACCUSED;

Doddeshi S/o Shivamurthappa,
Age: 36 years,
R/o: 6th Cross, Bapuji School Near,
Kuvempu Nagar, Davanagere

=====
State represented through Public Prosecutor
Sri.K.N.R., Advocate appearing for Accused
=====

Date of commission of offence 29/07/2023

Date of report of offence 29/07/2023

Name of the complainant	Smt. Pallavi
Date of arrest & release of accused.	Accused are on court bail.
Date of commencement of trial	04/02/2026
Date on which the evidence was closed	01/04/2026
Offences alleged	U/sec.323, 354, 504, 506 of IPC and Sec. 3(1)(r), 3(1)(s), 3(1)(w) and 3(2)(v-a)of SC and ST (Prevention of Atrocities) Act.
Opinion of the judge	Accused found not guilty of the aforesaid offences, as per final order.

JUDGMENT

The Davangere Extension Police have registered a case against the accused for the offences punishable under Sections 323, 354, 504, and 506 of the Indian Penal Code, and Sections 3(1)(r), 3(1)(s), and 3(2)(v-a) 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 above said offences.

2. The brief facts of the prosecution's case are as follows:

According to the prosecution, the accused does not belong to a Scheduled Caste or Scheduled Tribe, whereas the informant and her husband (C.W.6) belong to a Scheduled Caste. It is further

alleged that the accused and C.W.6 were friends, and the accused was well aware of the caste of the informant.

3. Further, as per the prosecution, on 28.07.2023 at about 11:55 p.m., the accused called C.W.6 over the phone and abused him in filthy language in connection with a monetary transaction and asked him to come near Lakshmi Floor Mill. Accordingly, C.W.6 went to the said place, and the informant along with her son (C.W.4) followed him.

4. Thereafter, at about 12:20 a.m., when C.W.6 reached in front of Shamanur Clarks INN Lodge, the accused again abused him in filthy language and assaulted him. When the informant and C.W.4 intervened to rescue C.W.6, the accused pushed the informant, humiliated her by taking the name of her caste, outraged her modesty, and also threatened them with dire consequences. On these grounds, the informant lodged a complaint before the jurisdictional police.

5. After registration of the case, C.W.13 registered the FIR against the accused and handed over the case papers to C.W.14 for further investigation. C.W.14, after obtaining necessary permission from his superior officer, 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.

6. Further, he obtained wound certificates relating to the injured persons and also collected caste certificates of both parties. In the meantime, the accused obtained anticipatory bail and appeared before the Investigating Officer. The Investigating Officer also secured the Call Detail Records (CDR) and CAF of both parties. Upon completion of the investigation, he filed the charge sheet, initially pending receipt of the CDR from the concerned service provider. Subsequently, after obtaining the CDR, he filed an additional charge sheet.

7. After filing of the charge sheet, this Court took cognizance of the offences and issued summons to the accused. The accused appeared through his counsel. In compliance with Section 207 of the Code of Criminal Procedure, copies of the charge sheet and other documents were furnished to him. Thereafter, charges were framed, read over, and explained to the accused in Kannada, to which he pleaded not guilty and claimed to be tried.

8. Thereafter, the prosecution examined in all eight witnesses as P.W.1 to P.W.8 and got marked documents at Exhibits P.1 to P.27. Upon closure of the prosecution evidence, the statement of the

accused under Section 313 of Cr.P.C was recorded, wherein all incriminating evidence was put to him. The accused denied the same and did not choose to lead any defence evidence nor did he enter the witness box.

9. Thereafter, arguments of both sides were heard. Upon considering the oral and documentary evidence on record and the submissions made by both sides, the following points arise for consideration:

- 1) Whether the prosecution proves beyond all reasonable doubt that the accused committed the offence punishable under Sec.323, 354, 504 and 506 of IPC?
- 2) Whether the prosecution proves beyond all reasonable doubt that the accused committed the offence punishable under Sec.3(1)(r), 3(1)(s), 3(2)(v-a), 3(1)(w) of SC and ST (Prevention of Atrocities) Act?
- 3) What order ?

10. 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

11. **Point No.1 & 2** :- These points are interlinked with each other. Hence, in order to avoid repetition of facts, they are taken up for common discussion. The prosecution case has already been set out in detail at the inception of this judgment; therefore, the same is not reiterated here.

12. Nevertheless, it is the case of the prosecution that the accused assaulted the victim, outraged the modesty of the informant, and humiliated them by taking the name of their caste. On the face of it, the allegations disclose serious offences against the accused. It is also evident that, despite the enactment of stringent legislation to eradicate caste-based discrimination, such incidents are still alleged to occur.

13. During the course of arguments, the learned Public Prosecutor contended that, though some witnesses have not supported the case of the prosecution, the testimony of the informant, who is also an injured witness, is sufficient to bring home the guilt of the accused. It is further argued that the testimony of the injured informant is corroborated by medical evidence, and when such testimony is supported by medical records, it carries greater evidentiary value. The learned Public

Prosecutor also submitted that there are no material lapses in the investigation and, therefore, prayed that the accused be convicted and punished for the offences alleged.

14. In this background, in order to substantiate its case, the prosecution has examined the following witnesses:

- P.W.1, the injured informant;
- P.W.2, the son of the informant and an alleged eyewitness;
- P.W.3, another eyewitness;
- P.W.4, another injured witness;
- P.W.5, the spot mahazar witness;
- P.W.6, the medical officer;
- P.W.7, the officer who registered the case; and
- P.W.8, the Investigating Officer.

15. Now, this Court proceeds to appreciate the evidence of the witnesses examined by the prosecution. It is a settled principle of criminal jurisprudence that the testimony of an injured witness carries great evidentiary value in the criminal justice delivery system. In the present case, according to the prosecution, P.W.1 and P.W.4 are the injured witnesses at the hands of the accused.

16. On perusal of the examination-in-chief of P.W.1, she has deposed that on the date of the incident, at about 12:30 a.m. to 1:00 a.m., the accused and her husband had a quarrel over the phone. Thereafter, her husband went near Lakshmi Floor Mill on a

motorcycle, and she, along with her son, followed him. She has further stated that when they reached the spot, the accused along with 4 to 5 other persons were present and they began to abuse her husband in filthy language. However, she has stated that she was not aware of the exact conversation between them and had advised her husband not to quarrel.

17. She further deposed that some persons, along with the accused, attempted to swing a spare (sickle), but it did not hit her husband. Thereafter, the accused and the persons accompanying him allegedly assaulted her husband with a wooden club, though she expressed ignorance regarding their identities. She has further stated that thereafter the accused and the others left the place, and she, along with her husband and son, went to the hospital. She has also stated that the accused humiliated her and her husband by referring to their caste. According to her, the police came to the hospital, and she lodged the complaint as per Exhibit P.1. She further stated that on the next day, the police visited the spot near Lakshmi Floor Mill and conducted the spot mahazar, and that she also gave a statement before the learned Magistrate.

18. At this stage, though the testimony of this witness appears natural, it is necessary to examine the contents of Exhibit P.1 for comparison. In Exhibit P.1, it is stated that after the telephonic

quarrel, all of them went near Lakshmi Floor Mill. It is further stated that when they reached the spot, the accused abused her husband and assaulted him. It is also alleged that when the informant and her son attempted to rescue him, the accused pushed her, humiliated her by taking the name of her caste, assaulted her, and outraged her modesty, and also threatened their lives.

19. However, on comparing the contents of Exhibit P.1 with the examination-in-chief of P.W.1, several inconsistencies are noticed. In Exhibit P.1, there is no mention that the accused was accompanied by other persons, whereas in her deposition, P.W.1 has stated that the accused was accompanied by 4 to 5 persons who also participated in the assault. Further, in the complaint, it is stated that the accused assaulted her husband, whereas in her oral testimony, she has stated that both she and her husband were assaulted. These discrepancies create material inconsistencies in her evidence.

20. Further, as per the spot mahazar, the place of occurrence is shown as being in front of Shamanur Clarks INN Lodge, whereas P.W.1 has deposed that the incident took place near Lakshmi Floor Mill. It is brought out in the cross-examination that there is considerable distance between these two locations. This

contradiction creates doubt regarding the exact place of occurrence.

21. It is also necessary to consider the cross-examination of P.W.1. During cross-examination, she has admitted that her husband received the phone call outside the house and that she was not aware of the contents of the conversation. She has further admitted that she did not know what transpired between her husband, the accused, and the other persons at the spot. She has also admitted that due to darkness, she was unable to identify who actually touched or assaulted her.

22. She has further stated that on the next day, she showed the police the wooden club and spare at the spot. However, the prosecution has not produced any material objects or recovery evidence in this regard. This omission creates further doubt regarding the prosecution case.

23. Thus, upon a careful comparison of the examination-in-chief, cross-examination, and the contents of Exhibit P.1, it is evident that there are several inconsistencies and doubtful circumstances in the testimony of P.W.1. These discrepancies create serious doubt in the mind of the Court regarding the reliability of her evidence.

Therefore, it becomes necessary to scrutinize the evidence of the other witnesses in order to arrive at a just conclusion in the case.

24. Further, at this stage itself, it is relevant to consider the evidence of the medical officer. According to P.W.6, the victim was examined by him and, at that time, he noticed complaints of pain over the stomach and on the left side of the chest. However, when the testimony of P.W.1 suffers from several inconsistencies, and when, according to her own version, some other persons apart from the accused had assaulted her, it creates doubt regarding the role of the accused. Thus, it would show that her testimony is not in consonance with the prosecution version. Though the prosecution has examined the medical officer as P.W.6, the medical evidence does not corroborate the testimony of P.W.1 or the prosecution case in material particulars.

25. Further, on going through the evidence of P.W.2, who is the son of the informant, it is evident that he has not supported the case of the prosecution during his examination-in-chief. He has categorically deposed that in his presence, the accused did not commit any offence against his mother or father, and that the accused did not abuse, assault, outrage the modesty of his mother, or humiliate them by taking the name of their caste. He has further stated that he did not give any statement to the police against the

accused. At this stage, it is clear that this witness, being one of the material and eyewitnesses for the prosecution, has not supported the case.

26. The record further discloses that the learned Public Prosecutor treated P.W.2 as hostile and subjected him to cross-examination. However, nothing useful could be elicited from him. Even during cross-examination, he denied all the specific suggestions that the accused had assaulted his father, outraged the modesty of his mother, and humiliated them by taking the name of their caste. Hence, the testimony of this witness does not inspire confidence in support of the prosecution case.

27. Further, the prosecution has examined another witness as P.W.3. He has also deposed that in his presence, the accused did not commit any offence against P.W.1 and P.W.4. He has stated that he is not aware of any act of assault, abuse, or outraging of modesty by the accused, nor of any caste-based humiliation. He has also stated that he did not give any statement to the police against the accused. Thus, it is evident that this alleged eyewitness and independent witness has also not supported the prosecution case.

28. The record further shows that the learned Public Prosecutor treated P.W.3 as hostile and cross-examined him at length. However,

the effort proved futile, as he denied all the specific suggestions put to him by the prosecution. Therefore, his testimony also does not advance the case of the prosecution.

29. Further, the prosecution has examined another material witness as P.W.4. According to the prosecution, the accused had abused and assaulted this witness. However, as per the evidence of P.W.4, when he reached the place of incident along with his wife and child, the accused was present along with 4 to 5 other persons. He has stated that he was not aware of the names of those persons. He further deposed that a quarrel took place between him and those other persons regarding a monetary transaction.

30. He has further stated that those persons, who were along with the accused, abused him, and one of them assaulted him on his left shoulder. He has also deposed that thereafter they left the place. He has further stated that during the commotion, one of the persons pushed his wife, and that subsequently, the nearby public intervened and pacified the situation.

31. Thus, from the testimony of P.W.4, it is clear that he has not attributed any overt act to the accused. On the contrary, he has specifically stated that the persons accompanying the accused were responsible for the alleged acts. Therefore, even in his examination-

in-chief, there are material inconsistencies with the prosecution case.

32. The learned Public Prosecutor treated P.W.4 as hostile and suggested to him that the accused had committed the offences, including assault, abuse, caste-based humiliation, and outraging the modesty of his wife. However, P.W.4 denied all such suggestions. Therefore, the testimony of this witness also does not assist the Court in arriving at a conclusion regarding the guilt of the accused.

33. The remaining witnesses examined by the prosecution are official witnesses, namely, P.W.7, who registered the case, and P.W.8, the Investigating Officer. The record shows that they have deposed in accordance with the investigation conducted by them. However, when the material witnesses examined by the prosecution have not supported its case and have given evidence inconsistent with the prosecution version, the testimony of the Investigating Officer by itself does not carry much weight. Therefore, it is not necessary to discuss their evidence in detail at this stage.

34. On a cumulative reading of the entire evidence on record, it is evident that there are several inconsistencies in the prosecution case. The testimony of the informant (P.W.1) is not consistent with

the contents of the complaint (Exhibit P.1). The eyewitnesses have not supported the case of the prosecution. Further, P.W.4 has clearly indicated that the alleged acts were committed by persons accompanying the accused and not by the accused himself.

35. Additionally, there is inconsistency regarding the place of occurrence when the spot mahazar is compared with the oral evidence of the witnesses. These discrepancies create serious doubt about the prosecution case.

36. It is a settled principle of criminal law that when there is a lack of cogent and reliable evidence, the benefit of doubt must go in favour of the accused. In the present case, the prosecution has failed to establish the guilt of the accused beyond reasonable doubt. Accordingly, Point Nos. 1 and 2 are answered in the Negative.

37. Point No.2:- In view of my findings on Point No.1, 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 323, 354, 504 and 506 of IPC., and Sec. 3(1)(r), 3(1)(s),3(1)

(w) and 3(2)(v-a) of SC and ST (Prevention of Atrocities) Act.

The bail bond and surety bond stand canceled.

(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 :

PW.1	Pallavi
PW.2	Mailari
PW.3	Manjunath
PW.4	Dharma Naik
PW.5	Chandrappa
PW.6	Dr. Prabhugouda Patil
PW.7	Malavva
PW.8	Mallesh Doddamani

LIST OF EXHIBITS MARKED FOR THE PROSECUTION:

Ex.P.1	Complaint
Ex.P.2	Panchanama
Ex.P.3	Sketch
Ex.P.4	Photographs
Ex.P.5	Statement of C.W.4
Ex.P.6	Statement of C.W.5

Ex.P.7	Statement of C.W.6
Ex.P.8	Sketch
Ex.P.9	Requisitions - 4
Ex.P.10	Covering letter
Ex.P.11 to 14	Caste certificates of Accused and Victim
Ex.P.15	65B Certificate
Ex.P.16	CDR of Accused and PW4
Ex.P.17	Notice
Ex.P.18	Wound Certificate
Ex.P.19	FIR
Ex.P.20	Order of the Superintendent
Ex.P.21	Requisition
Ex.P.22	Requisition
Ex.P.23	Caste Certificate
Ex.P.24	Request for CDR and CAF report
Ex.P.25 to 27	65B report, CDR Report and Customer application form

LIST OF WITNESS EXAMINED FOR DEFENCE :- Nil.

LIST OF EXHIBITS MARKED FOR DEFENCE :- Nil.

Sd/-
II Addl. District & Sessions Judge
Davanagere