

KADK010018542021



Presented on : 10-05-2021
Registered on : 10-05-2021
Decided on : 22-06-2026
Duration : 5 years 1 month 12 days

**IN THE COURT OF THE II ADDL. DISTRICT &
SESSIONS JUDGE, D.K., MANGALURU**

Present:

SRI. JAGADEESH V.N.

B.A., M.L.,

II Addl. District & Sessions Judge,
Dakshina Kannada, Mangaluru

Dated this the 22nd day of June 2026

SC/71/2021

Complainant:

The State- Assistant Commissioner of
Police, Mangaluru South Sub-Division,
Mangaluru.

(Rep. by learned Public Prosecutor, D.K., Mangaluru)

Versus

Accused:

1. Julfikar @ Asif
S/o. Late Hasan Bava
Aged about 45 years
R/at near Golden Ground,
Madoor, Kotekar village and post,
Mangaluru Taluk.
2. Jabbar @ Abbas @ Koya @
Sayyad Ummer Koya (Split-up)
3. Ummer Farooq @ Mana Farooq @
@ Shan @ Hakeem (Split-up)
4. Rafiq @ Ajar
S/o. Mohammed
R/at Door No.4-123, Bhandary Lane,
Madoor, Kotekar village and post,
Mangaluru Taluk.
5. Haarish @ Koli Haaris
S/o. Late Idinabba,
Aged about 35 years
R/at UBM Ummarabba House,
Near Madani quarters, Basthipadpu,
Ullala, Mangaluru Taluk.
6. Haneef @ Ibrahim @ Ibba (Split-up)
7. Arfan @ Arfa
S/o. Moideen
Aged about 32 years
R/at C/o. Hoige Ibrahim, near Kumpala
Temple Dwara, Kumpala Someshwara
Village, Mangaluru Taluk.

8. Saifullasan @ Saifu
S/o. U.K. Abdulla,
Aged about 32 years
R/at C/o. Ummer Haji, Basthipadpu,
Ullal, Mangaluru Taluk.
9. Shareef @ Gandu Shareef (Split-up)
10. Hasainar
Aged about 40 years
S/o. Ismail,
R/at Door No.4-137/1,
Bhandary Lane 3, Madoor,
Kotekar village and post, Mangaluru Taluk.
11. Hussainar
S/o. Ismail,
Aged about 40 years
R/at Door No.4-137/1,
Bhandary Lane 3, Madoor,
Kotekar village and post, Mangaluru Taluk.
12. Salam
S/o. Abdul Khader,
Aged about 43 years
R/at Door No.4-165/5, Kushal Nagara,
Kondana site, Kotekar village and post,
Mangaluru Taluk.
- (A1, 4, 10 to 12: by Sri Narayana B., Advocate,
A5 & 7 : by B. Arun Bangera, Advocate
A8: by Sri Narayan Kumar, Advocate)

1. Date of commission of offence : On 13.03.2015 at 20.30 hours
2. Date of report of occurrence : On 14.03.2015 at about 16.35 hours
3. Name of the complainant: : PW.1- Police Sub-Inspector Rajendra
4. Offence complained of : U/Sec. 143, 147, 148, 308, 353, 427 r/w Section 149 of IPC, and Section 2 (A) (B) of KPDLP Act, 1981.
5. Date of arrest of the accused : A1: Released on bail.
A5: released as per the order passed in Crl.M.C. No.869/2015 dated 28.09.2015 passed by Principal District and Sessions Court, D.K., Mangaluru.
A7: released as per the order passed in Crl.M.C. No.1037/2015 dated 21.11.2015 passed by Principal District and Sessions Court, D.K., Mangaluru.
A8: released as per the order passed in Crl.M.C. No.888/2015 dated

29.09.2015 passed by Principal District and Sessions Court, D.K., Mangaluru.

A4, 10, 11 & 12:
released as per the order passed in CrI.M.C. No.1513/2017 dated 12.12.2017 passed by IV Addl. District and Sessions Court, D.K., Mangaluru.

6. Date of commencement of trial : 22.12.2025
7. Date of closing of trial : 30.04.2026
8. Opinion of the Judge : As per final order.

JUDGMENT

The accused Nos.1, 4, 5, 7, 8, 10 to 12 have faced trial before this Court on the charge sheet filed by Assistant Commissioner of Police, Mangaluru South Sub-Division, Mangaluru for the offence punishable under Sections 143, 147, 148, 308, 353, 427 r/w Section 149 of IPC, and Section 2 (A) (B) of KPDL Act, 1981.

2. Police Sub-Inspector of Ullal Police station has lodged a complaint on 14.03.2015. It was stated in the complaint on 13.03.2015, he and his staff HC 1910 and PC 1168 were on rounds, at about 8.00 p.m. he received an information that some persons formed an unlawful assembly at Thokkottu with respect to sexual harassment given to xxxx child of 3 years by the driver of school bus. Immediately, he and his staffs went to Thokkottu junction. At the junction, so many persons gathered and raising slogans, pelting stones towards vehicles and also blocked highway. He gave warning to through public address system to the said group to disperse, in spite of that, the said group continued to create nuisance on the spot. Hence, he and his staffs made small *lathi* charge towards the group and dispersed the group. The said group pelted stones on him and on his staff. He and his staff sustained injuries on account of pelting stones. He saw Zulfikar, Zabbar, Rafeek, Hakeem and others in the group. After dispersing the group, he and his staffs were taken to hospital and they took treatment. Based on his complaint, a case was registered in Cr.No.91/2015 for the offence punishable under Sections 143, 147, 148, 308, 353, 427 r/w Section

149 of IPC, and Section 2 (A) (B) of KPDLP Act, 1981 against the accused persons and sent FIR to the concerned court.

3. Investigation was ensued. After concluding investigation, the investigating agency has submitted charge-sheet against accused Nos.1 to 12.

4. The committal court furnished charge sheet papers to the accused Nos.1 and 2. Since the offence was exclusively triable by Court of Session, the case was committed to Court of Session only against accused Nos.1 to 4, 5, 7, 8, 10 to 12. Since accused No.6 and 9 are absconding, case was split-up against them in C.C. No.173/2021. The Hon'ble Principal District and Sessions Judge made over the case to this court for trial.

5. The accused Nos.1 to 4, 7, 8, 10 to 12 are on bail and accused No.5 is under body warrant and they are represented by their counsel. Later accused Nos.2 and 3 remained absent and hence a split-up case was registered against them in S.C. No.82/2025.

6. After hearing learned Public Prosecutor and learned counsel appearing for the accused Nos.1, 4, 5, 7,

8, 10 to 12, since there were sufficient materials and grounds against the accused Nos.1, 4, 5, 7, 8, 10 to 12, charge was framed for the offences punishable under Sections 143, 147, 148, 308, 353, 427 r/w Section 149 of IPC, and Section 2 (A) (B) of KPDLP Act, 1981. The charge was read over and explained to the accused Nos.1, 4, 5, 7, 8, 10 to 12, in the language known to them, the accused denied the charges. Thereafter, fixed the trial and issued summons to the witnesses.

7. The prosecution in order to substantiate its case, examined in all 7 witnesses out of 9 witnesses cited as PW.1 to PW.7 and produced in all 10 documents as Ex.P.1 to Ex.P.10 and material objects at MO.1 to MO.5. The statement of the accused Nos.1, 4, 5, 7, 8, 10 to 12 was recorded under section 313 Cr.P.C, wherein they denied incriminating evidence. The accused Nos.1, 4, 5, 7, 8, 10 to 12 have not adduced any evidence either orally or documentary in support of their defence.

8. Heard, the learned Public Prosecutor and learned counsel for accused Nos.1, 4, 5, 7, 8, 10 to 12.

9. It is contended by learned Public Prosecutor that PW.1, PW.2 are the complainant and injured witnesses.

They have clearly deposed before the court with respect to the incident and also against the accused. PW.3 is the doctor who treated them in the hospital. PW.3 has clearly deposed PW.1 and 2 and another injured came to hospital with history of assault in stone pelting incident at Thokkottu and he treated them. The above evidence clearly indicates the accused and other persons formed unlawful assembly with respect to the sexual assault made on the child and created nuisance in the public and also deterred PW.1 and PW.2 in discharging their duties. Hence, she seeks to convict the accused persons for the offences charged against them.

10. On the other hand, learned counsel for the accused would contend whether the prosecution has proved the incident or not, but, from the evidence of PW.1 and 2, it is very clear more than 100 people gathered in the incident, however charge-sheet was filed only against 12 persons. Even PW.1 and 2 have not clearly identified the accused persons before the court. No test identification parade was conducted. Admittedly, the PW.1 and PW.2 had no acquaintance with accused persons prior to the incident. It is the specific case of the prosecution that a group gathered, created nuisance in

the public place and also deterred the PW.1 and others in discharging their duties. When such being the case, the Investigating officer should have conducted test identification parade to identify the accused persons, no such test identification parade was conducted. With respect to the sexual assault made on the child, some persons made protest in the junction and the police might have dispersed the said group. But the accused persons never were part of the said incident. The police have falsely implicated the accused in this case. Hence, he seeks to acquit the accused persons.

11. I have perused entire materials available on record. Having heard learned counsel for the parties and on perusal of entire evidence on record, the points that arise for my consideration are;

1. Whether the prosecution has proved beyond reasonable doubt that on 13.03.2015 at about 08.30 p.m., accused No.1 to 12 formed an unlawful assembly in bus stand junction of Thokkottu pete highway of Permannur village, armed with stone, bottle etc., and were protesting against the driver of Omni of Mangaluru, Mangaluru One School situated at Chembu Gudde, had committed sexual assault on a girl attending to the nursery

school, the complainant along with his staff proceeded to the scene of offence. While he was going near the said place the said unruly group came from the opposite direction and immediately the informant cautioned the members of the unlawful assembly to go away without committing any crime, but they started raising voice and protesting, and started pelting stones and bottles towards the Police and thereby accused Nos.1, 4, 5, 7, 8, 10 to 12 along with absconding A6 & A9 and split-up accused Nos.2 and 3 in S.C.82/2025 have committed offences punishable U/s. 143, 147, 148 r/w 149 of IPC?

2. Whether the prosecution further proves beyond all reasonable doubt that on the above said date, time and place, accused being members of unlawful assembly refusing the announcement made by the police to scatter from the place, accused not heeded the same and thrown stones on the vehicles, police and public knowing that it may cause death and thereby accused Nos.1, 4, 5, 7, 8, 10 to 12 along with absconding A6 & A9 and split-up accused Nos.2 and 3 in S.C.82/2025 have committed an offence punishable U/s. 308 r/w 149 of IPC?
3. Whether the prosecution further proves beyond all reasonable doubt that on the above said date, time and place, accused being members of unlawful assembly refusing the

announcement made by the police to scatter from the place, accused not heeded the same and thrown stones on the vehicles, police and used criminal force to deter the public servant from discharging their duty and thereby accused Nos.1, 4, 5, 7, 8, 10 to 12 along with absconding A6 & A9 and split-up accused Nos.2 and 3 in S.C.82/2025 have committed an offence punishable U/s. 353 r/w 149 of IPC?

4. Whether the prosecution further proves beyond all reasonable doubt that on the above said date, time and place, accused being members of unlawful assembly refusing the announcement made by the police to scatter from the place, accused not heeded the same and thrown stones on the vehicles, police and caused damage committed mischief causing loss of more than Rs.50/-and thereby accused Nos.1, 4, 5, 7, 8, 10 to 12 along with absconding A6 & A9 and split-up accused Nos.2 and 3 in S.C.82/2025 have committed an offence punishable U/s.427 r/w 149 of IPC within my cognizance.
5. Whether the prosecution further proves beyond all reasonable doubt that on the above said date, time and place, accused being members of unlawful assembly refusing the announcement made by the police to scatter from the place, accused not heeded the same and thrown stones on the vehicles, police and

caused damage to the public properties and thereby accused Nos.1, 4, 5, 7, 8, 10 to 12 along with absconding A6 & A9 and split-up accused Nos.2 and 3 in S.C.82/2025 have committed an offence punishable U/s.2(A)(B) of KPDL Act r/w 149 of IPC?

6. What Order?

12. My findings to the above raised points are as under:

Point Nos.1 to 5: As per final order

Point No.6: As per final Order,
for the following:

REASONS

13. **Point Nos.1 to 5:** Since the facts and evidence related to all the points are inter-linked, they are taken up together for consideration to avoid repetition.

14. PW.1 is the complainant and injured. He deposes in his deposition that on 13.03.2015, at 8.00 p.m. when he was on rounds, he received a call from police station that so many youth gathered at Ullala-Thokkottu Junction with respect to sexual assault made to a nursery child who is studying in Mangaluru-1 School by

the driver of Omini van. Immediately he and his staffs CW.2 and 3 went to Ullala-Thokkottu Junction. So many Muslim youth were protesting and raising slogans by obstructing vehicles on the road. He made an announcement through public address system asking the group to stop the protest and disperse from the place. Despite his announcement, they continued to do the same. Further group started to pelt stones to the public, vehicles and also to them. He sustained injury to head and back on account of pelting stone on him. CW.2 and 3 also sustained injuries. To avoid further consequences, he and his staffs made *lathi* charge against the group. In the said group, the persons known to him are Zulfikar, Jabbar, Rafeeq, Hakeem @ Manafarooq and others. On account of injuries received, he and his staffs went to Netaji Hospital and took treatment and they continued bandobasth duty as communal violence took place. On 14.03.2015, after completing bandobasth work, he went to police station, prepared complaint and registered a case in Crime No.91/2015. On 15.03.2015, he showed spot to the Investigating officer. The Investigating officer conducted mahazar in the presence of panchas and seized stones and glass pieces. Learned counsel for the

accused have cross-examined the witness. In the cross-examination, it was admitted by him more than 50-60 people gathered at the time of incident. He expressed ignorance about whether Investigating officer submitted charge-sheet as against 50-60 persons. He further admits no test identification parade was conducted by the Investigating officer by calling 50-60 people.

15. PW.2 is another eyewitness and injured in the incident. He deposes on 13.03.2015, he, PW.1 and CW.3 were on rounds in government Jeep. At around 8.00 p.m. when we they were at Kumpala, PW.1 received an information from police station that so many youth gathered at Ullala-Thokkottu Junction with respect to sexual assault made to a nursery child who is studying in Mangaluru-1 School by driver of Omini car. Immediately he, PW.1 and CW.3 went to Ullala-Thokkottu Junction. On the spot around 100 people gathered and raising slogan demanding justice and creating nuisance by obstructing movement of vehicles on the road. Among them he knew some persons. PW.1 made an announcement through public address system requesting the group to stop protest and disperse from the spot and requested not to give trouble to the public.

Despite giving announcement and request, the group continued to protest and started pelting stones on the vehicles and against them. They made simple *lathi* charge. He, PW.1 and CW.3 sustained injuries on account of pelting stone. The persons who were present in the group were Zulfikar @ Asif, Jabbar @ Sayyad Ummer, Rafeeq @ Hazar, Hakeem @ Ummer Farooq, Harris and others. After bandobasth duty, PW.1 lodged complaint. Learned counsel for the accused cross-examined the witness. It was admitted by him more than 100 people gathered in the incident. He further admits no test identification parade was conducted by calling all the 100 people. It was also admitted by him he does not know whether Investigating officer submitted charge-sheet against 100 persons.

16. PW.3 is the doctor who treated PW.1, PW.2 and CW.3. He deposes on 13.03.2015, at 9.00 p.m., PW.1, PW.2 and CW.3 came to hospital with a alleged history of stone pelting by mob at Thokkottu Bus stand on 13.03.2025 at 8.30 p.m. He examined all the injured and gave treatment. The injured persons have sustained tenderness and pain, he treated them, accordingly he furnished wound certificate. Learned counsel for the

accused cross-examined the witness. It was suggested to him, the injuries sustained by PW.1 and 2 are possible as if they fall on rough space, he denies the same.

17. PW.4 is the Investigating officer who submitted charge-sheet. She deposes she took up further investigation of the case on 11.07.2016 and verified investigation up to date done. On verification of charge sheet, some of the accused persons were still absconding, she made an attempt to secure them, but they were absconding. Hence, she filed charge-sheet on 09.08.2016. Learned counsel for the accused cross-examined her. It was suggested to her she did not make any attempt to secure accused persons, she denies the same.

18. PW.5 is the Police Constable who handed over FIR to the court. He deposes on 15.03.2015, PW.1 handed over FIR, in turn he produced FIR before the jurisdictional Magistrate on the same day at 8.05 p.m.

19. PW.6 is the Investigating officer who conducted investigation. He deposes on 14.03.2015, he took up further investigation of the case from PW.1 and verified FIR and complaint. At that time there was communal

tension and law and order problem on account of communal violence held within the jurisdiction of police station, hence, he was on rounds to watch the situation. On the same day he received MLC intimation of PW.2 and CW.3 from Netaji Yallappa memorial hospital. On 15.03.2015, he visited spot. PW.1 showed the spot. He secured CW.4 and 5 as panchaas and conducted mahazar between 12.30 and 1.15 noon and seized glass pieces and gravels by the side of road. On 18.03.2015, he deputed his staffs for search of accused. ASI submitted oral report no information was available with respect to accused. On 25.03.2015, he deputed his staffs on special duty for search of accused. He too was searching the accused with his staffs, but did not find any information about the accused. On the same day, he made a request to the medical officer to furnish wound certificates of PW.1, PW.2 and CW.3. On 03.04.2015, he and his staffs made search of accused. On 13.04.2015, he too made search of the accused. On 27.04.2015, he received wound certificates of PW.1, PW.2 and CW.3. On 17.08.2015, he made a request to the Court to secure presence of Haris @ Koli Haris, Arfan @ Arfa, Saifulla @ Saifu, Haneef @ Ibrahim @ Ibrahim Ibba who were in JC

in crime No.276/2015 of Ullala P.S. On 01.12.2015, at 4.30 a.m, he and his staffs apprehended accused Ummer Koya from his house. On the same day at 4.45 a.m, he and his staffs apprehended accused Asif. On 03.12.2015, he and his staffs apprehended Ummer Farooq @ Mana. In view of his transfer, he handed over further investigation to PW.4. He identified some of the accused persons. Learned counsel for the accused cross-examined the witness. It was suggested to him no CC Camera installed on the spot, he denies the same. It was admitted by him lathi charge was made to disperse the assembly. It was suggested to him he did not visit the spot and did not conduct mahazar, he denies the same. It was also suggested to him he did not apprehend accused persons, he denies the same. It was admitted by him no test identification parade was conducted with respect to identification of the accused.

20. PW.7 is a witness to spot cum seizure mahazar. He deposes police have not called him for conducting any mahazar and no mahazar was conducted in his presence. He admits his signature and states he does not know where his signature was taken. Learned Public Prosecutor treated the witness as hostile and cross-

examined the witness. It was suggested that on 15.03.2015, the police called him and CW.4 to Permannur junction on NH66 near bus stand, PW.1 showed the spot, the police prepared mahazar and seized stones and glass pieces from the spot, he denies the same.

21. Ex.P.1 is the complaint. Ex.P.2 is the FIR. Ex.P.3 is the seizure mahazar. Ex.P.4 to P.6 are the MLC intimations. Ex.P.7 is the wound certificate of PW.1. Ex.P.8 is the wound certificate of PW.2. Ex.P.9 is the wound certificate of CW.3 Kamalaksha. Ex.P.10 is the sketch.

22. It is the case of the prosecution that on 13.03.2015 at 8.00 p.m. some protest was made at Thokkottu junction by a group of people with respect to sexual assault made on 3 year old child who was studying in the school by the driver of school van. On the information received, the complainant and others went to the spot, the group raising slogans and created public nuisance on the spot. PW.1 and other police have requested the group to disperse from the spot. Despite giving warning, they continued to hold protest and

started to pelt stones on the police and public vehicles. PW.1 and others made *lathi* charge and dispersed the group. In the incident, PW.1, PW.2 and CW.3 sustained injuries. PW.1 lodged complaint against the accused and others.

23. The prosecution in all examined 7 witnesses and produced 10 documents to prove the case.

24. PW.1 and PW.2 are the eyewitnesses and injured in the incident. Ex.P.1 is the complaint lodged by PW.1 on 14.03.2015 with respect to the incident. It was stated in the complaint since he was on bandobust duty at the spot even after the incident, he could not lodge the complaint immediately after the incident. PW.3 is the doctor who treated PW.1 and 2. PW.1 and 2 have deposed with respect to the incident. PW.3 doctor who treated the PW.1 and 2 has deposed in his deposition PW.1, PW.2 and CW.3 came to the hospital with history of assault on account of pelting stones by the mob, he examined them, they sustained tenderness and pain and he gave treatment. He also deposed PW.1, PW.2 and CW.3 were treated as outpatients. By looking into the oral testimonies of PW.1 and PW.2 and medical evidence

placed on record, it indicates some incident took place on 13.03.2015 at 8.00 p.m. at Thokkottu junction. It is the specific case of the prosecution that the incident took place with respect to the sexual assault made on the child by the driver of school van. The above indicates with respect to the sexual assault made on the child, some protest was made by the group of people at the junction seeking justice to the victim. When the protest was going on, PW.1 and 2 and CW.3 went to the spot and dispersed the mob. During the incident, some stones were also pelted on the police and vehicles. Whether the accused herein were part of the incident is a question for consideration. Ex.P.1 is the complaint. In the complaint, PW.1 states as under:-

“ತೊಕ್ಕೊಟ್ಟು ಪೇಟೆಯಲ್ಲಿ ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿಯ ಮೇಲೆ ಬಸ್ಸಾಡಿಗೆ ತಿರುಗುವ ಜಂಕ್ಷನ್‌ನಲ್ಲಿ ಮುಸ್ಲಿಂ ಯುವಕರು ಗುಂಪು ಸೇರಿಕೊಂಡು ನ್ಯಾಯ ಬೇಕು, ನ್ಯಾಯ ಬೇಕು ಎಂದು ಬೊಬ್ಬೆ ಹೊಡೆಯುತ್ತಾ, ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿಯಲ್ಲಿ ಯಾವುದೇ ವಾಹನಗಳು ಹೋಗದಂತೆ ತಡೆದು ರಸ್ತೆ ತಡೆ ಉಂಟು ಮಾಡುತ್ತಿದ್ದರು. ನಾನು ನಮ್ಮ ಬಳಿ ಇದ್ದ ಮೆಫಾ ಫೋನಿನಲ್ಲಿ ಇದು ಅಕ್ರಮ ಕೂಟವಾಗಿದೆ. ನೀವು ಹೀಗೆ ಗುಂಪು ಸೇರಿದರೆ ಅಶಾಂತಿಗೆ ಕಾರಣವಾಗುತ್ತದೆ. ಸಂಚಾರಕ್ಕೆ ತಡೆ ಉಂಟಾಗುತ್ತದೆ. ನೀವೆಲ್ಲರೂ ಕೂಡಲೇ ಸ್ಥಳದಿಂದ ತೆರಳ ಬೇಕು ಮತ್ತು ಶಾಂತಿ ಕಾಪಾಡಬೇಕು ಎಂದು ಪದೇ ಪದೇ ತಿಳುವಳಿಕೆ ನೀಡಿದೆನು. ಆದರೆ ಸದ್ರಿ

ಗುಂಪು, ನಮ್ಮ ಮಾತನ್ನು ಗಣನೆಗೆ ತೆಗೆದುಕೊಳ್ಳದೆ ಒಮ್ಮೆಲೆ ಉದ್ರೇಕಗೊಂಡು ಸಮವಸ್ತ್ರದಲ್ಲಿ ಸರಕಾರಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ನಮ್ಮನ್ನು ಕೊಲೆ ಮಾಡಬೇಕೆನ್ನುವ ಉದ್ದೇಶದಿಂದ ನಮ್ಮ ಮೇಲೆ, ಕಲ್ಲು ತೂರ ತೊಡಗಿದರು. ಅಲ್ಲದೆ ಹೋಗುವ ಬರುವ ವಾಹನಗಳ ಮೇಲೆ ಕಲ್ಲು ತೂರ ತೊಡಗಿದರು. ಪರಿಣಾಮವಾಗಿ ಕೆಲವು ವಾಹನಗಳ, ಬಸ್‌ಗಳ ಗಾಜುಗಳು ಪುಡಿಯಾದವು. ಕೆಲವು ವಾಹನಗಳು ಕಲ್ಲು ತೂರಾಟದಿಂದ ಜಖಂ ಗೊಂಡವು. ಕೂಡಲೇ ನಾವು ಲಘು ಲಾರಿ ಪ್ರಹಾರ ಮಾಡಿ ಸದ್ರಿ ಗುಂಪನ್ನು ಚದುರಿಸಿದೆವು. ಆಗ ಸದ್ರಿ ಅಕ್ರಮ ಕೂಟದ ಗುಂಪು ಎದ್ದು ಬಿದ್ದು ಓಡಿ ತಪ್ಪಿಸಿಕೊಂಡಿರುತ್ತದೆ. ಸದ್ರಿ ಗುಂಪಿನಲ್ಲಿ ನಮ್ಮ ಪರಿಚಯದ 1) ಜುಲೈಕರ್. 2) ಜಬ್ಬಾರ್ 3) ರಫೀಕ್, 4) ಹಕೀಂ ಮತ್ತು ಇತರರ ಮುಖ ಪರಿಚಯ ಸಿಕ್ಕಿರುತ್ತದೆ. ಸದ್ರಿಯವರು ನೋಡಿ ಪರಿಚಯ ಇರುವ, ಹೆಸರು ತಿಳಿದಿಲ್ಲದ ಸ್ಥಳೀಯ ಮುಸ್ಲಿಂ ಯುವಕರಾಗಿರುತ್ತಾರೆ. ಸದ್ರಿಯವರನ್ನು ಮುಂದಕ್ಕೆ ನೋಡಿದರೆ ಗುರುತಿಸುಲ್ಲವು.”

25. In the deposition, PW.1 deposes as under:-

“In the said assembly the persons known to me Zulfikar, Jabbar, Rafeeq, Hakeem @ Manafarooq and other unknown persons were present.

I can identify the persons who were pelted stones and created nuisance on that day both known and unknown persons. Today 8 accused persons present before the court. Witness states the names of persons known to him are not present today. All other 8 present before the court were on that day in the incident. ”

26. PW.2 in his deposition deposes as under:-

“ In the mob the persons know to me were Zulfikar @ Asif, Jabbar @ Sayyad Ummer, Rafeeq @ Hazar, Hakeem @ Ummer Farooq and Harris were present. Others were unknown to me.

I can identify Accused whom I know their names. Today 8 accused present before the Court. Witness identifies from right first as Rafeeq @ Hazar, 2nd person as Zulfikar, 3rd person as Jabbar @ Sayyad Ummer, 7th person as Harris. On enquiry with them they reveal their names as Hazar, Zulfikar, Salam and Harris.”

27. PW.6 Investigating officer who investigated the case deposes as under:-

“On 01.12.2015, at 4.30 a.m, I and my staffs apprehended accused Ummer Koya S/o. Sayyad Abdulla from his house. On the same day at 4.45 a.m, I and my staffs apprehended accused Asif S/o. Hasan Bawa near his house. We brought both accused to the police station. After medical examination, I sent them to Jurisdictional Court along with remand application.

On 03.12.2015, I and my staffs apprehended Ummer Farooq @ Mana Farooq S/o. Moyiddin at 6.00 a.m, near Old port Masjid brought him to police station, after examination sent him to Jurisdictional Court along with remand application.

I can identify Haris @ Koli Haris, Arfan @ Arfa, Saifulla @ Saifu, Haneef @ Ibrahim @ Ibrahim Ibba, Ummer Koya S/o. Sayyad Abdulla, Asif S/o. Hasan Bawa and Ummer Farooq @ Mana Farooq S/o. Moyiddin. Today 7 accused persons present before the Court. Then witness states he can identify them only by face and not by name. Witness states all the 6 persons whom he arrested are present before the Court today. Witness states except first person from right, he arrested all other six persons. On enquiry with other six persons except first person from right, they revealed their names as Salam, Asif, Saif, Assainar, Hazar, Hussainar.”

28. From the above, it is evident some protest incident took place on 13.03.2015 at 8.00 p.m. From the aforesaid evidence, it is also evident more than 100 people made protest in the said incident. Other than persons who held the protest, public were also moving at the time of incident. In the evidence of PW.1 and 2, they have not clearly identified the accused persons.

Admittedly, no test identification parade was conducted with respect to the identification of accused persons. Even according to the prosecution, more than 40-50 people involved in the said protest, but the charge-sheet was filed only against 12 persons. From the aforesaid evidence, it cannot be said the accused persons conducted protest and whether the accused persons were also part of the said protest incident. By considering the above, I am of the opinion the prosecution has failed to prove the guilt of the accused beyond reasonable doubt. In view of the aforesaid discussions, I answer Point Nos.1 to 5 in the 'Negative'.

29. **Point No.6**: In view of aforesaid discussion, I proceed to pass the following:

ORDER

Acting under Section 235 (1) of Cr.P.C. the accused Nos.1, 4, 5, 7, 8, 10 to 12 are acquitted for the offence punishable under Sections 143, 147, 148, 308, 353, 427 r/w Section 149 of IPC and Section 2 (A) (B) of KPDLP Act, 1981.

The bail bonds and surety bonds of the accused Nos.1, 4, 5, 7, 8, 10 to 12 stand cancelled. Sureties of accused are discharged.

The bail bond and surety bond of the accused furnished under section 437-A Cr.P.C. shall be in force for a period of six months.

Preserve the entire record till the disposal of split up case against accused Nos.2, 3, 6 and 9.

(Dictated to the SG-I, typed by her, corrected and then pronounced by me in the Open court, on this the 22nd day of June 2026)

(JAGADEESH V.N.)

II Addl. District & Sessions Judge
D.K., Mangaluru.

ANNEXURE

List of witnesses examined for the prosecution:

<u>Nos.</u>	<u>Name of witnesses</u>	<u>Description</u>
PW.1	Rajendra B.	Complainant and injured
PW.2	Mohan L.	Eye-witness and injured

PW.3	Dr. Mahabalesh Shetty	Doctor who treated PW.1, PW.2 and CW.3
PW.4	Shruthi N.S.	Investigating officer who submitted charge-sheet.
PW.5	Sunil Kumar B.K.	PC who handed over FIR
PW.6	Savithru Tej P.D.	Investigating officer
PW.7	Vishwanath	Witness to spot cum seizure mahazar.

List of witnesses examined for the accused:

<u>Nos.</u>	<u>Name of witnesses</u>	<u>Description</u>
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-Nil-

List of documents exhibited for the prosecution:

<u>Exhibit No.</u>	<u>Description of the Exhibit</u>	<u>Proved by / Attested by</u>
Ex.P.1	Complaint	PW.1
Ex.P.1 (a)	Signature of PW.1	PW.1
Ex.P.2	FIR	PW.1
Ex.P.2 (a)	Signature of PW.1	PW.1
Ex.P.3	Seizure mahazar	PW.1
Ex.P.3 (a)	Signature of PW.1	PW.1
Ex.P.3 (b)	Signature of PW.6	PW.6
Ex.P.3 (c)	Signature of PW.7	PW.7
Ex.P.4 to Ex.P.6	MLC intimations	PW.3
Ex.P.7	Wound certificate of PW.1	PW.3

Ex.P.7 (a)	Signature of PW3	PW.3
Ex.P.8	Wound certificate of PW.2	PW.3
Ex.P.8 (a)	Signature of PW.3	PW.3
Ex.P.9	Wound certificate of CW.3 Kamalaksha	PW.3
Ex.P.9 (a)	Signature of PW.3	PW.3
Ex.P.10	Sketch	PW.6
Ex.P.10 (a)	Signature of PW.6	PW.6

List of documents exhibited for the accused:

<u>Exhibit No.</u>	<u>Description of the Exhibit</u>	<u>Proved by / Attested by</u>
NIL		

List of material objects marked for the prosecution:

Material Object No.	Description of the Exhibit	Proved by/ Attested by
MO.1	Stones	PW.1
MO.2	Stones	PW.1
MO.3	Stones	PW.1
MO.4	Stones	PW.1
MO.5	Glass pieces	PW.1

(JAGADEESH V.N.)

II Addl. District & Sessions Judge
D.K., Mangaluru