

KADK300004992019



THE COURT OF THE
**V ADDL. DISTRICT AND SESSIONS JUDGE, DK
MANGALURU
(SITTING AT PUTTUR)**

**Present: Sri. Sadananda Nagappa Naik,
BAL., LLB.,
V Addl. District & Sessions Judge,
D.K. Mangaluru
(Sitting at Puttur).**

Dated this the 8th Day of June 2026

Special Case No. 5018/2019

Complainant:

The State of Karnataka through
Uppinangady Police Station.

(By Public Prosecutor, Puttur)

-V/s-

Accused:

Balakrishna Gowda, S/o Krishnappa Gowda,
aged about 32 years, Occ: Driver, R/o
Shanthigudde House, Enjira, Rekhyia Village,
Belthangady Taluk.

(By Sri. Madhava Poojary K. Advocate,)

1. Date of offence. : 14.02.2017

2. Date of FIR. : 31.03.2017
3. Date of Charge Sheet. : 17-8-2020.
4. Date of Framing of Charges. : 12.04.2019
5. Date of commencement of evidence. : 19.06.2025
6. Date on which Judgment is reserved. : 08.06.2026
7. Date of the Judgment. : 08.06.2026
8. Date of the Sentencing Order, if any. : --

Accused Details

Rank of the Accused.	Name of the Accused	Date of Arrest .	Date of Release on Bail.	Offences charged with.	Whether Acquitted or convicted	Sentence imposed	Period of Detention Undergone during trial for purpose of section 428 of the Cr.P.C.
1.	Balakrishna Gowda	03.04.2017	04.04.2017	509, 506 of IPC. Sec. 3(2) (Va) of SC/ST P A Amendment Act	Acquitted	--	--

J U D G M E N T

This is a case arising out of the Charge Sheet filed by the Dy.SP of Puttur Sub Division against Accused alleging the commission of the offences punishable **u/s. 509, 506 of IPC, Section 3(2)(Va) of SC/ST P A Amendment Act 2015.**

2. **The case of the prosecution in nutshell is as follows:**

That, the Accused belongs to Gowda Community and the Complainant belongs to Scheduled caste and knowing that, the victim CW3 married CW2, the Accused became upset and the Accused made false allegations about her and the CW3 has recorded the voice record of false allegations and sent it to CW1 and by knowing this, the Accused met CW1 on 14.02.2017 at about 11.00 A.M., at Udane village, Shiradi Taluk, Puttur Taluk and dragged his phone and threatened the CW1 “ನೀನು ಒಂದು ತಂಗಿಯನ್ನು ಉಳಿಸಿಕೊಂಡಿ, ಇನ್ನೊಂದು ತಂಗಿ ಇದ್ದಾಳಲ್ಲ, ನಿನ್ನ ಸಂಸಾರವನ್ನು ಊರಿನಲ್ಲಿ ತಿರುಗದಂತೆ ಮಾಡುತ್ತೇನೆ. ನಿನ್ನ ತಂಗಿಯ ವಿಡಿಯೋವನ್ನು ಎಲ್ಲರಿಗೆ ಕಳುಹಿಸುತ್ತೇನೆ. ಹೇಗೆ ತಲೆ ಎತ್ತಿ ತಿರುಗುತ್ತಿ” and the accused inspite of knowing that CW.1 and CW.3 belongs to

SC/ST community, insulted them by naming their caste and thereby, it is alleged that the Accused has committed an offence punishable under **Sec.509, 506 of IPC, Section 3(2)(Va) of SC/ST (P A) Act 2015.**

3. The Accused was produced before this Court in pursuance of the summons. After appearance of Accused before this Court, he was enlarged on bail and prosecution papers were supplied to the Accused, as required under Section 207 of Cr.P.C. After hearing Accused, the charge was framed for the offences punishable Sec.509, 506 of IPC, Section 3(2)(Va) of SC/ST (P A) Act 2015. and read over and explained to the Accused. Accused has pleaded not guilty and claimed to be tried.

4. In order to establish the above said Charges levelled against the Accused, the Prosecution has examined in all 8 witnesses as PW-1 to PW-8 and got marked the documents at Ex. P-1 to 16 and closed its side. As the Complainant – PW1 and Victim – PW2 and PW3 to PW8 being material witness to Prosecution case have not supported the case of

the Prosecution and as there is no incriminating evidence appearing against the Accused, the statement of Accused under Section 313 of Cr.P.C. was dispensed.

5. Heard the arguments of both sides at length. Perused the materials on record.

6. The points that arise for my consideration are as under:

1. Whether the Prosecution proves beyond all reasonable doubt that, the Accused belongs to Gowda Community and the Complainant belongs to Scheduled caste and knowing that, the victim CW3 married CW2 and the Accused become upset and the Accused made false allegations about her and the CW3 has recorded the false allegations and the Accused tried to insult the modesty of CW3 and thereby committed the offence punishable under sec. 509 of IPC?
2. Whether the Prosecution proves beyond all reasonable doubt that, the Accused on 14.02.2017 at about 11.00 A.M., at Udane village, Shiradi Taluk, Puttur Taluk and dragged his phone and threatened the CW1 “ನೀನು ಒಂದು ತಂಗಿಯನ್ನು ಉಳಿಸಿಕೊಂಡಿ, ಇನ್ನೊಂದು ತಂಗಿ ಇದ್ದಾಳಲ್ಲ, ನಿನ್ನ ಸಂಸಾರವನ್ನು

ಉರಿನಲ್ಲಿ ತಿರುಗದಂತೆ ಮಾಡುತ್ತೇನೆ. ನಿನ್ನ ತಂಗಿಯ ವಿಡಿಯೋವನ್ನು ಎಲ್ಲರಿಗೆ ಕಳುಹಿಸುತ್ತೇನೆ. ಹೇಗೆ ತಲೆ ಎತ್ತಿ ತಿರುಗುತ್ತಿ" and thereby committed the offence punishable under sec. 506 of IPC?

3. Whether the Prosecution proves beyond all reasonable doubt that, the accused person inspite of knowing that CW.1 and CW.3 are belongs to Schedule caste, insulted and abused them and thereby committed an offence under Sec. 3(2)(Va) of SC/ST (Prevention of Atrocity) Act?

4. What order?

7. My answers to the above said points are as under: -

Point No.1: In the Negative

Point No.2: In the Negative

Point No.3: In the Negative

Point No.4: As per the final order for the following;

R E A S O N S

8. **Point No.1 to 3:** Since these Points are inter-linked with each other, in order to avoid the repetition of the facts and for the sake of convenience, these Points are taken up together for common discussion under one head.

9. In bringing home the guilt of the Accused for the above said offences beyond all reasonable doubt, the Prosecution in proof of its above said Case has got examined PW-1 to PW-8 and has got marked Ex. P-1 to 16. The learned public prosecutor has submitted that, the prosecution has proved the case and hence, he prays to convict the accused for the alleged offences. On the other hand, the learned Counsel for the Accused has submitted that, the Complainant, victim and other material witnesses have not supported the case of the prosecution. Hence, he prays to acquit the Accused for the alleged offences.

10. PW.1 Sri. Lokesh is the Complainant, PW3 is the victim and PW2, PW4, PW5 are the material witnesses and PW6 to PW8 are the Mahazar witnesses to the alleged incident. PW1 is the Complainant, who deposed that, he belongs to Scheduled case and the Accused belongs to Gowda community. The accused knows the caste of the Complainant. He further deposed that, the police have not drew any mahazar in his presence and have not seized Mobile and CD. He further identified his signatures on spot mahazar, spot sketch and seizure mahazars, but he has stated that, he does not have knowledge about the contents

of the same. PW3 is the victim, PW4 and PW5 are the material witnesses, who deposed that, they belongs to scheduled caste and they do not have any knowledge about the case and they have not given any statement before the Police. They have not supported the case of the prosecution. PW7 and PW8 are the mahazar witnesses, who have deposed that, they know the Accused, but they do not have knowledge about the case. They have not participated in any Mahazar. However, they identified their signatures in the spot mahazar, spot sketch and seizure mahazars. They have deposed that, the Police have not seized any CD or Mobile phone in their presence. These witnesses were considered as hostile witness and they were subjected to lengthy cross-examination. However, nothing was elucidated from them to support the case of the prosecution. They have also denied giving any statement before the concerned police.

11. In this case, PW.3, being the victim and PW1 being the Complainant, they have not supported the case of Prosecution. PW2, PW4 and PW5 are the eye witnesses to the case of Prosecution and they turned hostile, PW.6 to

PW8 are the witnesses to the spot mahazar and spot sketch. They have denied the contents of the Ex.P2 to Ex.P5.

12. By looking into the aforesaid oral and documentary evidence placed by the Prosecution on record, I hold that the persecution has utterly failed to prove the incident, the guilt of the accused and the involvement of the accused person in the alleged incident. Under these circumstances, I hold that, the accused is entitled for benefit of doubt. Accordingly, I record my answer to the above points **No.1 to 3 in the negative.**

13. **Point No.4:-** In the result, I proceed to pass the following:

ORDER

Accused is found not guilty. Hence acting U/Sec.235(1) of Cr.P.C., the accused is acquitted of the offences punishable u/Sec.509, 506 of IPC and Section 3(2)(Va) of SC/ST (PA) Act.

The bail bond and surety bond except the bond executed u/Sec.437A of Cr.P.C., shall stand cancelled.

***MO.1 - Mobile Phone is ordered to be
confiscated to the Government, after appeal
period is over.***

(Dictated to the Stenographer, directly on Computer and corrected by me and then pronounced in the open court today, this **8th day of June 2026**)

**(Sadananda Nagappa Naik)
V Addl. District and Sessions Judge
D K Mangaluru (Sitting at Puttur)**

:: ANNEXURE ::

Witnesses examined for Prosecution:-

Rank	Name	Nature of Evidence.
PW.1/CW.1	Lokesha S/o Late Choma Mugeru	Complainant
PW.2/CW.3	Indresh I R S/o Rangayya	Eye witness
PW.3/CW.2	Sumithra W/o Indresh I R	Victim
PW.4/CW.4	Baby W/o Late Choma Mugeru	Eye witness
PW.5/CW.5	Kum. Savitha D/o Late Choma Mugeru	Eye witness
PW.6/CW.7	Venkappa Gowda S/o Somanna	Witness regarding the marriage engagement of victim
PW.7/CW.9	Keshava S/o Thaniya	Seizure Mahazar and spot mahazar witness
PW.8/CW.10	Balappa S/o Madhava	Seizure Mahazar and spot mahazar witness

Documents exhibited for Prosecution:

Sl.No.	Exhibit Number	Description.
1	Ex.P1	Complaint
2	Ex.P1(a)	Signature of PW1
3	Ex.P2	Spot Mahazar
4	Ex.P2(a)	Signature of PW1
5	Ex.P2(b)	Signature of PW7
6	Ex.P2(c)	Signature of PW8
7	Ex.P3	Spot Sketch
8	Ex.P3(a)	Signature of PW1
9	Ex.P3(b)	Signature of PW7
10	Ex.P3(c)	Signature of PW8
11	Ex.P4	Seizure Mahazar
12	Ex.P4(a)	Signature of PW1
13	Ex.P4(b)	Signature of PW7
14	Ex.P4(c)	Signature of PW8
15	Ex.P5	Seizure Mahazar
16	Ex.P5(a)	Signature of PW1
17	Ex.P5(b)	Signature of PW7
18	Ex.P5(c)	Signature of PW8
19	Ex.P6	Statement of PW1
20	Ex.P7	Statement of PW2
21	Ex.P8	Statement of PW3
22	Ex.P9	Statement of PW4
23	Ex.P10	Statement of PW5
24	Ex.P11	Statement of PW6
25	Ex.P12	Seizure Mahazar
26	Ex.P12(a)	Signature of PW
27	Ex.P13	Seizure Mahazar
28	Ex.P13(a)	Seizure Mahazar
29	Ex.P14	Caste certificate of Accused
30	Ex.P15	Caste certificate of CW1 and CW2
31	Ex.P16	FSL report

Witnesses examined for Defence;

	- NIL -
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Documents Marked for Defence;

	- NIL -
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MATERIAL OBJECTS MARKED;

MO.1	Mobile phone
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**(Sadananda Nagappa Naik)
V Addl. District and Sessions Judge,
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