

KAMD010031822021



Presented on : 09-09-2021

Registered on : 09-09-2021

**IN THE COURT OF THE V ADDL.DISTRICT & SESSIONS
JUDGE, MANDYA**

:PRESENT:

SRI. M.C. NANJEGOWDA, B.A.L., L.L.M.,
V Addl. District & Sessions Judge, Mandya.

Dated this the **11th** day of **August, 2026**

Spl.C.No:178/2021

COMPLAINANT:

The State by
Melukote Police Station,
Srirangapatna Sub-Division,
Mandya District.

(Represented by
Special Public Prosecutor, Mandya)

Vs.

ACCUSED:

1. Yogaraju, S/o Late Narasegowda,
Aged about 50 years,
2. Radha, W/o Yogaraju,
Aged about 40 years,

3. Ranjitha, D/o Yogaraju,
Aged about 24 years,
4. Rohith S/o Yogaraju,
Aged about 22 years,
R/o Athiganahalli Village,
Melukote Hobli,
Pandavapura Taluk,
Mandya District.

(By Sri. **S.P.**, Advocate)

1.	Date of offence	16-06-2021
2.	Date of lodging first Information	16-06-2021
4.	Offence alleged against the accused persons	Offences punishable U/s. 354, 323, 504 and 506 R/w Sec.34 of IPC and Sec.3(1)(r) (s), Sec.3(1)(w) of SC and ST (Prevention of Atrocities) Amendment Act.
5.	Name of the informant	Smt.Sundramma
6.	Date of recording of Evidence	22-10-2024
7.	Date of closure of Evidence	16-06-2026
8.	Date of Judgment	11-08-2026
9.	Result	As per final order

J U D G M E N T

The Deputy Superintendent of Police, Srirangapattana Sub-division, Srirangapattana, Mandya District has filed present charge-sheet against accused persons alleging that they have committed the offences punishable under Sec. 323, 354, 504 and 506 R/w Sec.34 of IPC and Sec.3(1)(r)(s) and (w) of SC and ST (Prevention of Atrocities) Amendment Act, 2015.

2. Case of the prosecution in nutshell is that survey No.41/P2 situate at Attiganahalli Village, Melukote Hobli, Pandavapura Taluk, Mandya District belong to Cw1 and 2 and it stands in the name of Cw1. On 16/6/21 at 12pm when Cw1 and 2 were cultivating their land the accused No.1 to 4 with common intention of committing crime on Cw1 and 2 came near their land, stopped the cultivating tractor, abused CW.1 and 2 in filthy language and by referring their caste stating that “ಹೊಲೆಯ ನನ್ನ ಮಕ್ಕಳ, ಎಷ್ಟು ಬಾರಿ ನಿಮಗೆ ಹೇಳುವುದು, ಈ ಜಮೀನು ನಮಗೆ ಸೇರಬೇಕೆಂದು, ಬೋಳಿಮಗನೇ, ಸೂಳೇಮಗನೇ”. The accused No.2 dragged the saree of CW.1, the accused No.1

assaulted the CW.1 on her back and CW.2 on his cheek and threatened Cw1 and 2 stating that he would take away their lives if they come once again for cultivation of said land and thereby, all the accused persons have committed the offences alleged above.

3. Based on first information lodged by CW.1-Smt. Sundramma a case was registered against the accused persons in Cr.No.90/2021 of Melukote Police Station. Cw15 registered the case and handed over the further investigation to Cw16 investigation officer. Cw17 conducted a detailed investigation, collected the necessary materials and after completing the investigation, filed charge-sheet against the accused persons.

4. On perusal of materials supplied with the final report/charge sheet, this court took the cognizance and issued the summons to the accused people. In response to the summons issued by this court the accused persons appeared through their advocate. Copies of the charge sheet were

furnished to the accused people as required under section 207 of Cr.PC. Being satisfied with sufficient materials against the accused persons and as there were no grounds for discharge, this court framed the charges for the alleged offences punishable under section 354, 323, 504 and 506 R/w Sec.34 of IPC and Sec.3(1)(r),(s) and w) of SC and ST (Prevention of Atrocities) Amendment Act and they were read over and explained to accused persons in the language known to them to which the accused persons pleaded not guilty and claimed to be tried.

5. The prosecution, in order to bring home the guilt of the accused people, out of 16 witnesses cited in the charge sheet, in all examined 9 witnesses as PW1 to PW9 and got marked 22 documents as Ex. 1 to P22 and closed evidence on its side.

6. After the evidence of the prosecution, the statement of the accused people under Section 313 of Cr.P.C was recorded by explaining the incriminatory circumstances appearing against them in the prosecution evidence. The accused people

have denied the entire evidence of the prosecution. However, the accused people have not chosen to lead any evidence and have not produced any documents on their behalf.

7. Heard the arguments of learned S.P.P and counsel for accused persons.

8. Now the points that arise for my consideration are:

1. Whether the prosecution proves that beyond all reasonable doubt that on 16.06.2021 when the CW.1 and 2 were cultivating the property bearing Sy.No.41/P2 situated at Attiganahalli Village, Melukote Hobli, Pandavapura Taluk, Mandya District through CW.3 tractor, the accused persons at 12.00 P.M came there with common intention and restrained the tractor and abused the CW.1 and 2 by using filthy language so as to provoke the breach of public peace and thereby the accused persons have committed an offence punishable U/s.504 R/w Sec.34 of IPC?

2. Whether the prosecution proves beyond all reasonable doubt that on the above said date, time, place, the accused persons in furtherance of their common intention the accused No.2 dragged the saree of CW.1, the accused No.1 assaulted the CW.1 on her back and also assaulted

the CW.2 to his cheek and voluntarily caused hurt and thereby the accused persons have committed an offence punishable U/s.323 R/w 34 of IPC?

3. Whether the prosecution proves beyond all reasonable doubt that on the above said date, time, place, the accused persons in furtherance of their common intention the accused No.1 has dragged the saree of CW.1 and assaulted over her back with an intention to outrage her modesty as such, the accused persons have committed an offence punishable U/s.354 R/w Sec.34 of IPC?

4. Whether the prosecution proves beyond all reasonable doubt that on the above said date, time, place, the accused persons in furtherance of their common intention threatened CW.1 and 2 with dire consequences, and thereby the accused persons have committed an offence punishable U/s.506 R/w Sec.34 of IPC?

5. Whether the prosecution further proves beyond reasonable doubt that on the above said date, time and place, you accused persons not being members of SC & ST Community and knowing fully well that CW1 and 2 belong to Scheduled Caste, intentionally insulted them by abusing with filthy language and humiliated them by raising caste within public view, thereby committed an offence punishable u/sec.3(1) (r) (s) of SC and ST (PoA) Amendment Act, 2015?

6. Whether the prosecution further proves beyond reasonable doubt that on the above said date, time and place, you accused persons not being members of SC & ST Community and knowing fully CW.1 belong to schedule caste, the accused No.2 intentionally touching the CW.1 and dragged her saree without her consent, thereby committed an offence punishable u/sec.3(1)(w) of SC and ST (PoA) Amendment Act, 2015?

7. What Order?

9. On hearing both and perusal of all the materials on record, this court answers the above points are as follows.

Point No.1	: In the NEGATIVE
Point No.2	: In the NEGATIVE
Point No.3	: In the NEGATIVE
Point No.4	: In the NEGATIVE
Point No.5	: In the NEGATIVE
Point No.6	: In the NEGATIVE
Point No.7	: As per final order

for the following.

R E A S O N S

10. **Point No.5 and 6-** As these points are interconnected with each and require common discussion and consideration, in order to avoid repetition, and for clarity and brevity, they are taken together for discussion and consideration.

11. The specific case of the prosecution is that, on 16.06.2021 at about 12.00pm when CW.1 and 2 were cultivating their property, the accused persons went there with common intention and stopped the tractor and abused CW.1 and 2 in filthy language and by referring their caste. The accused No.2 dragged the saree of CW.1, the accused No.1 assaulted CW.1 on her back. He also assaulted CW.2 on his cheek and threatened Cw1 and 2 with dire consequences to take away their lives and thereby the accused persons have committed the offenses alleged above.

12. CW.1/PW.1 is the first informant/injured and a witness to the spot mahazar. CW.2/PW.2 is also injured eyewitness. CW.3/PW.4 is an independent eyewitness. The CW.4/PW.5 is the person who took the injured to the hospital. CW.5/PW.6 is the witness to the spot mahazar. CW.8/PW.3 is an Assistant Engineer, PWD to draw the spot sketch. The CW.10/PW.7 is the Doctor, who treated the CW.2 and issued medical certificate. CW.15/PW.9 is the police official, who received the first information and registered the case. The CW.16/PW.8 is the Dy.SP of Srirangapattana Sub-division, who has completed the investigation and filed final charge-sheet.

13. It is to be noted that in this case, the basic and primary allegation/accusation against the present accused person is that CW1 and 2 belong to Schedule caste and accused No.1 to 4 belong to Namadari caste. Such being the case, when Cw1 and 2 were cultivating their land bearing No. 41/P2, the accused persons came there and abused them by taking their caste as “ಹೊಲೆಯ ನನ್ನ ಮಕ್ಕಳ, ಎಷ್ಟು ಬಾರಿ ನಿಮಗೆ

ಹೇಳುವುದು, ಈ ಜಮೀನು ನಮಗೆ ಸೇರಬೇಕೆಂದು, ಬೋಳಿಮಗನೇ, ಸೊಳೇಮಗನೇ" and dragged saree of CW.1 and thereby all the accused persons have committed the offences punishable under the section 3(1)(r)(s) and 3(1)(w) of SC and ST (POA) Amendment Act. Of course, though not in exact words, Pw1 and 2 have stated as if that the accused people have abused them by taking their caste and dragged Cw1 by holding her sari. But the question is whether, just because the accused people have abused them by taking their caste, the ingredients of the offences are attracted. Therefore, for clarity and brevity and convenient, section 3 (1) (r) (s) and 3(1) (w) of the SC and ST (POA) Amendment Act is extracted here under:

Section-3: Punishments for the offences:

1. Whoever, not being a member of Schedule caste or scheduled tribe: -

(a) Puts

(r) intentionally insults or intimidates with intent to humiliate a member of SC or a ST in any place within public view:

(s) abuses any ember of a SC and ST by caste name in any place within public view:

(w) intentionally touches a woman belonging to schedule caste or a scheduled tribe, knowing that she belongs to a SC or a ST, when

such act of touching is of a sexual nature and is without the recipients' consent.

14. From a careful reading of above provisions of the act, it is very clear that to attract the offence under the above provisions, the accused persons must abuse the victim only because he or she belongs to SC or ST community. In this regard, 3 bench Judges of the Hon'ble Apex Court rendered in case of **Hitesh Verma V/s State of Uttakhand, (2020) 10 SCC 710** is worth to be mentioning. It is held in this case that **"The basic ingredients of the offence under Section 3(1)(r) of the Act can be classified as "1) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe and 2) in any place within public view"**. It is further held that **the offence under Section 3(1)(r) of the Act would indicate the ingredient of intentional insult and intimidation with an intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe. All insults or intimidations to a person will not be an offence under**

the Act unless such insult or intimidation is on account of victim belonging to Scheduled Caste or Scheduled Tribe.

15. Similarly, in the decision rendered in the case of **Khuman Singh V/s State of M.P**, reported in **(2020) 18 SCC 763**, the Hon'ble Supreme Court has held that, **"to attract the provision of SC and ST (Prevention of Atrocities) Amendment Act, the offence must have been committed against the person on the grounds that such person is a member of SC and ST community"**. Very recent judgment in this regard is the decision in **Keshaw Matho @ Keshaw Kumar Matho Vs State of Bihar**, reported in **2026 Live Law (SC) 62**. Observation of Hon'ble Supreme court in para 12 to 17 of the judgments are very much relevant and has great bearing on this case.

12. Section 3(1)(r) is attracted where the reason for the intentional insult or intimidation by the accused is that the person who is subjected to is a

member of a Scheduled Caste or a Scheduled Tribe. In other words, the offence under Section 3(1)(r) cannot stand merely on the fact that the informant/complainant is a member of a Scheduled Caste or a Scheduled Tribe, unless the insult or intimidation is with the intention to humiliate such a member of the community.

13. To put it briefly - first, the fact that the complainant belonged to a Scheduled Caste or a Scheduled Tribe would not be enough. Secondly, any insult or intimidation towards the complainant must be on the account of such person being a member of a Scheduled Caste or a Scheduled Tribe.

14. With a view to dispel any doubt and lend clarity, we deem it appropriate to mention that even mere knowledge of the fact that the complainant is a member of a Scheduled Caste or a Scheduled Tribe is not sufficient to attract Section 3(1)(r).

15. Further, for an offence to be made out under Section 3(1)(s), merely abusing a member of a Scheduled Caste or a Scheduled Tribe would not be

enough. At the same time, saying caste name would also not constitute an offence.

16. In other words, to constitute an offence under Section 3(1)(s) it would be necessary that the accused abuses a member of a Scheduled Caste or a Scheduled Tribe “by the caste name” in any place within public view. Thus, the allegations must reveal that abuses were laced with caste name, or the caste name had been hurled as an abuse.

17. What appears from the aforesaid is the element of humiliation is present in Section 3(1)(s) as well. It has to be gathered from the intentional insult towards the caste, and the content. The content under Section 3(1)(s) are the abuses hurled at a person belonging to a Scheduled Caste or a Scheduled Tribe. However, the intent with which the abuses were hurled must be found to be denigrating towards the caste, resulting into a feeling of caste-based humiliation.

16. It is to be noted that, in the present case also, nowhere it is stated by any of the witnesses to the prosecution that the incident has occurred only because PW.1 and 2 were

belonging to SC community and accused persons have hurled abusive words with an intention to insult their caste. There is nothing to say that alleged insult has resulted into a feeling of caste-based humiliation. To the contrary, it is pertinent to note that the charge-sheet and evidence led by the prosecution itself discloses that the incident has occurred as there is dispute pertaining to a property between the accused persons and PW.1 and 2 ie., the property bearing No. 41/P2 of Attiganahalli village. In the charge, it is clearly stated that the accused persons while abusing CW1 and 2 have claimed that the land belongs to them. The words alleged to have used by the accused that “ಎಪ್ಪು ಬಾರಿ ನಿಮಗೆ ಹೇಳುವುದು, ಈ ಜಮೀನು ನಮಗೆ ಸೇರಬೇಕೆಂದು, clearly indicates that the incident has happened due the property and not because Cw1 and 2 belong to SC community. Therefore, viewed from any angle, the contention of the prosecution that, the accused persons have intentionally caused threat to PW.1 and 2 only because they belonged to SC community and thereby, have committed

the offences punishable under Section 3(1)(r) and (s) of SC and ST Amendment Act is not acceptable.

17. Similarly, when it comes to the offence under Section 3(1)(w) of SC and ST (POA) Act is concern also, it is to be noted that as per the said section the act of touching SC or ST woman must be of a sexual nature and without the recipient's consent. In other words, the accused of such offence must have touched a woman of SC or ST with sexual intention. But, it is to be noted that none of the witnesses have stated before this court that the accused persons touched Cw1 with sexual intention or the touch of accused was of sexual nature. In fact, in the charge-sheet also there is no allegation to that effect at all. Hence, under these circumstances, this court has no other option except to come to conclusion that, the prosecution has failed to establish to fact that, the accused persons have committed offences under Section 3(1) (r) (s) and (w) of SC and ST (Prevention of Atrocities) Amendment Act. In other words, the prosecution shall deem to have been failed to prove the ingredients of the

offences punishable U/s 3(1)(r)9s) and 3(1)(w) SC and ST Amendment Act. **Accordingly, Point No.5 and 6 are answered in the Negative.**

18. **Point No.1:** Next allegation by the prosecution is that the accused persons with common intention abused CW.1 and 2 using filthy language and thereby the accused persons have committed an offence punishable U/s.504 R/w Sec.34 of IPC. In so far as this allegation is concerned, the evidence of PW.1, 2, 4 and 5 is much importance. The CW.1/PW.1-Sundramma and Cw2/Pw2 Kempaiah have stated in their chief examination that accused persons have abused them in filthy language stating that Bolimagane and Sulemagane. However, it is pertinent to note that Pw4-Sachin being independent eyewitness to the alleged incident, has partially turned hostile and stated that he has not given any statement to the police. This witness though has stated about his presence has not at all stated about alleged abusive words stated by the accused persons. It is to be noted that Pw5-Divya is none other than the daughter of Pw1 and 2. Though,

she has stated that the accused persons have abused their father and mother in filthy language, she has not stated by using what words the accused persons abused her parents. In fact, this witness has clearly admitted in the chief examination itself that she came to know about the incident through her mother ie., Pw1. As such, it is very clear that this witness is not an eyewitness to the incident, and she has not seen the incident, but she is only a hearsay witness and hence, her evidence is not useful to the prosecution in so far as the alleged incident is concerned. It is to be noted that there are no any other eyewitnesses to the alleged incident. Hence, only the evidence of Pw1 and 2 has remained for consideration of this court.

19. No doubt that Pw1 and 2 have stated that the accused persons have abused them in filthy language. But, it is to be noted that as mentioned above, Pw1 and 2 are husband and wife. Admittedly, with regard to property bearing No. 41/p2 there is dispute between the accused and these witnesses. As such, it is very clear that these witnesses are

interested witnesses. It is significant to be noted that to constitute an offence under section 504 of IPC, the abusive word must cause insult to a person. Pw1 and 2 have not stated in their evidence as to whether the words used by the accused persons have caused insult to them or not. It is not forthcoming from the evidence of Pw1 and 2 as to whether such insult is intentional one or not. It is also not coming forth as to whether such insult is severe enough to provoke the victim. It is settled position of law that mere usage of some bad words, abusive words would not constitute an offence automatically. The context and time when such words are used plays important role. It is to be noted that such words should cause victims to break public peace or commit another crime, and those words should carry a real risk of inciting public disorder.

20. In **Ram Chandra Singh Vs Nabrang Rai Barma (reported in 1998 CrI.J 2156)** there was dispute about a boundary wall constructed by the accused. The accused in reply to the complaint by the complainant had abused him in

filthy language. The court held that “Mere abusive words would not amount to an offence under this section. It depends on various factors such as the status of the party, nature of abuse and such other several factors”. This has been reiterated in many cases by the Hon’ble Supreme court and Hon’ble High courts. In the present case, it is to be noted that the incident has occurred in the background of land. It is an admitted fact by Pw1 and 2 in the chief examination itself that they had leased out their land to accused people and received Rs. 35,000/- from the accused No.1. It is admitted that in respect of the same land and on the same land the alleged incident has occurred while CW1 and 2 were making cultivation. This shows that the accused people were not having intention to cause insults to the Pw1 and 2. Admittedly, the incident has not happened in a public place. It has happened in private land belong to CW.1 and 2. Under these circumstances, this court has no other option except to come to the conclusion that the prosecution has failed to prove the offence under section 504 of IPC.

Accordingly, Point No.1 is held in the Negative.

21. **Point No.2:** It is further case of the prosecution that accused No.1 voluntarily assaulted CW.1 on her back and CW.2 on his cheek and thereby the accused persons have committed an offence punishable U/s.323 R/w 34 of IPC. Again, it is to be noted that in this regard also except the evidence of Pw1 and 2, there are no eyewitnesses to the alleged incident. No doubt, Pw1 and 2 have given evidence as if they have supported the case of the prosecution. But, it is to be noted that their evidence is not with the medical evidence. Pw7-Dr. Varsha Hugar in her evidence has stated that on examination of Pw2-Kempaiah, she found no external injuries on his body. It is clearly stated by her that though Pw2 complained about the pain, there was no bruise or swelling on his body. Therefore, it is not possible to say that the accused people have caused any injury to Pw2.

22. In addition, it is to be noted that according Pw1 and 2 due to assault, Pw2 lost his 4 teeth. But again, the evidence of these witnesses is not supported by the doctor who treated Pw2. Pw-7 doctor has stated that she referred Pw2 to higher

center of orthopedician and dentist. As per the opinion of the reports of orthopedician after taking Xray and examination by the dentist, there was no abnormality in the body of the Pw2 and there was neither bleeding nor fresh falling of teeth. In fact, it is to be noted that according to the prosecution itself Pw2 had given a further statement and admitted that he had lost the teeth very long back before the alleged incident. But, Pw1 and Pw2 before this court have given evidence that Pw2 has lost his teeth in the alleged incident without any base. This shows that the version of Pw1 and 2 is contrary to the case of the very prosecution and evidence of Pw7 and hence it is nothing but false.

23. Further, it is pertinent to note that, though PW.1 stated that the accused has assaulted her also on her back, she has admittedly not taken any treatment. It is not stated by Pw1 as to why she has not taken any treatment. Similarly, though it is stated by Pw1 that due to assault blood oozed out on the cloths of Pw2, such cloths are not seized and produced before this court. No acceptable reasons are forthcoming

from the prosecution in these aspects. Under these circumstances, this court has no other option except to give the benefit of doubt arising out of these circumstances and come to the conclusion that the prosecution has failed to prove that the accused persons have voluntarily caused hurt to Pw1 and 2 and committed an offence punishable under section 323 of IPC. **Accordingly, Point No.2 is held in the Negative.**

24. **Point No. 3:** It is further case of the prosecution that the accused on that dragged the saree of Pw1 publicly and outraged her modesty and thereby committed an offence under section 354 of IPC. Again, it is pertinent to note that in this regard also the evidence of Pw1 and 2 is relevant and their evidence appears as if they have supported the case of the prosecution. But it is to be noted that as mentioned above admittedly the incident has not occurred in a public place. It has admittedly happened on private land. Therefore, insulting Pw1 publicly would not arise. Secondly it is to be noted the evidence of Pw1 and 2 do not disclose the intention of accused persons to use criminal force against Pw1 with an

intention to outrage the modesty of PW1. It is not culled out from the circumstances of the case as to whether the accused had intention or knowledge to out rage the modesty of Pw2. Admittedly the incident occurred while cultivating the land which was under dispute between Pw1 and 2 and accused persons according to the prosecution and evidence of PW.1 and 2. Such being the case there is nothing on record to say that the accused had an intention or knowledge to outrage the modesty of Pw1.

25. Moreover, admittedly Pw1 and 2 being wife and husband are interested witnesses and there is no corroborative evidence to the evidence of Pw1 and 2. There is a dispute about the land which was given to accused under lease by Pw1 and 2. Though, the teeth of Pw2 was fallen more than 4 months back of the alleged incident itself and both PW.1 and 2 gave statement about it before the IO, again before this court they come and said that, due to assault Pw2 lost his teeth. They also said that due assault blood oozed out and fell on the cloth. All these versions of Pw1 and 2 are

contrary to the case of the prosecution. Under these circumstances, the evidence of Pw1 and 2 does not inspire the confidence of this court and hence without corroborative piece of evidence it is neither safe nor sufficient to rely upon the evidence of Pw1 and 2 come to the conclusion that the accused persons have dragged the saree of Pw1 and outraged her modesty and thereby committed an offence punishable under section 354 of IPC. **Accordingly, Point No. 3 is held in the Negative.**

26. **Point No.4:** It is further case of the prosecution that the accused persons threatened Cw1 and 2 to kill them if they come once again for cultivating the land. But it is to be noted that admittedly Pw1 and 2 being wife and husband are interested witnesses and there is no corroborative evidence to the evidence of Pw1 and 2. There is a dispute about the land which was given to accused under lease by Pw1 and 2. Though the teeth of Pw2 was fallen more than 4 months back of the alleged incident and they gave statement about it before the IO that it was fallen long back again before this

court they come and said that due to assault by the accused persons Pw2, lost his teeth. They also say that due assault blood oozed out and fell on the cloth. But all these versions of Pw1 and 2 are contrary to the case of the prosecution. Under these circumstances, the evidence of Pw1 and 2 does not inspire the confidence of this court and hence without corroborative piece of evidence, it is neither safe nor sufficient to rely upon the evidence of Pw1 and 2 come to the conclusion that the accused persons have threatened PW.1 and 2 to take away their lives and thereby, committed an offence U/s 506 of IPC.

27. Moreover, even for the sake of arguments, it is taken that the accused have uttered that they would take away the lives Pw1 and 2, there is nothing on record to say that the accused person have threatened Pw1 and 2 with an intention to cause alarm/fear in the mind of Pw1 and 2 and they have done the alleged act with deliberate intention. It is not stated by any of the witnesses as to whether such threat has created alarm in Pw1 and 2. Even with regard to reason for causing

the threat also, there are two versions. As per Ex. P1 placed by Pw1, the accused persons are not allowing them to do agriculture in the land under dispute and threatening them to take away their lives. But, as per the oral evidence of Pw1 and 2 before this court, they have threatened to take away their lives if they come once again come for cultivation. This shows that Pw1 and 2 are not sure as to why the accused persons came to their land and caused alleged threat. There is also no mention as to whether the accused persons have an intention to cause alarm and how it has stopped them psychologically to their activities. It is settled law that mere expression of any words without any intention to cause alarm would not be sufficient to bring in the application of section 506 of IPC. Therefore, under these circumstances this court has no other option except to come to the conclusion that the prosecution has failed to prove that the accused have committed an offence punishable under section 506 of IPC.

Accordingly, Point No. 4 is also held in Negative.

28. On overall appreciation of evidence on record, it is to be noted that, though the prosecution contended that, the accused abused Cw1 and 2 in filthy language and by taking their caste, assaulted Cw1 on her back and Cw2 on his cheek and also threatened to take away their lives, same could not be proved and substantiated by the prosecution with necessary oral and documentary and cogent and convincing evidence. Though the evidence of Pw1 and 2 gave their evidence in support of the case of the prosecution, it does not inspire the confidence of this court as this conflict has arisen out a land dispute and also because there is absolutely no independent eye witnesses to the alleged incident. Though the prosecution has examined Pw-6 Divakara as a witness to the spot Mahzer, it is to be noted that this witness is none other than the son in law of Pw1 and 2. In his evidence, he has clearly admitted that at the time of drawing the mahazer, there were many people who doing agriculture in their lands situate around the land of his in laws. But this version is contrary to the version of Pw8-Sandesh Kumar who investigated the case and filed the charge sheet. Because,

this witness has stated that there were no any other persons at the spot when they had been to the spot. If at all there were many other people nearby lands of the Pw1, there is no explanation from the investigation officer then why they were not made as witnesses to the incident or mahazer. The prosecution has failed to make out the basic ingredients of the many offences alleged against the accused persons, especially the basic offences alleged under the provisions of SC and ST (POA) Amendment Act. It is to be noted that for conviction of the accused persons specific cogent and convincing evidence supported by documentary evidence is required which is not found in this case as to the alleged offences punishable under section 323, 354, 504 and 506 of IPC. This creates a reasonable doubt in the mind of this court as to the alleged incident. It is well settled position of law that the benefit of such doubt arised in the mind of this court shall be given to the accused people. Therefore, under these circumstances, this court has no other option except to come to the conclusions that the prosecution has failed to prove its case against the accused persons beyond reasonable doubt.

Hence, the accused people are entitled for acquittal at the hands of this court for the alleged offences punishable under Sec. 323, 354, 504 and 506 R/w Sec.34 of IPC and Sec.3(1)(r) (s), Sec.3(1)(w) of SC and ST (Prevention of Atrocities) Amendment Act, 2015. Accordingly, this court answering point No.1 to 7 in the **NEGATIVE**.

29. **Point No.8:-** In view of the above findings, I proceed to pass the following:

ORDER

Acting under Section 235(1) of Cr.P.C. accused persons are hereby acquitted of the offences punishable under Sec. 323, 354, 504 and 506 R/w Sec.34 of IPC and Sec.3(1)(r)(s), Sec.3(1)(w) of SC and ST (Prevention of Atrocities) Amendment Act, 2015.

The Bail bonds and surety bonds of the accused persons shall be cancelled after appeal period is over.

(Dictation Typed by the Stenographer directly in the Computer, Corrected by me and then Pronounced in the Open Court on this the day of **11th day of August 2026**).

(M.C. NANJEGOWDA)
V Addl. District & Sessions Judge,
Mandya

A N N E X U R E

List of witnesses examined on behalf of the prosecution side:

PW-1	: Sundramma
PW-2	: Kempaiah
PW-3	: Chidananda
PW-4	: Sachin
PW-5	: Divya
PW-6	: Divakara
PW-7	: Dr.Varsha Hugar
PW-8	: Sandesh kumar
PW-9	: Ganesh

List of documents marked on behalf of the prosecution side:

Ex.P.1	: Complaint
Ex.P.1(a)(b)	: Signatures
Ex.P.2	: Mahazar
Ex.P.2(a)(b)	: Signatures
Ex.P.3	: Photographs
Ex.P.4	: RTC extract
Ex.P.5	: Mutation register extract
Ex.P.6	: Certificate of caste issued by Tahasildar
Ex.P.7	: Request letter to draw sketch to engineer
Ex.P.8	: Sketch
Ex.P.8(a)	: Signature
Ex.P.9	: Reply letter issued by Engineer to DySP
Ex.P.10	: Statement of PW.4

Ex.P.11	: Wound Certificate
Ex.P.11(a)	: Signature
Ex.P.12	: Certificate
Ex.P.12(a)	: Signature
Ex.P.13	: Doctor report
Ex.P.14	: MLC report
Ex.P.15	: Order pertaining to Investigation of case
Ex.P.15(a)	: Signatures
Ex.P.16	: Crime report
Ex.P.16(a)	: Signatures
Ex.P.17	: Request letter
Ex.P.17(a)	: Signatures
Ex.P.18	: Grant certificate
Ex.P.18(a)	: Signatures
Ex.P.19	: Statement of PW.1
Ex.P.20	: U/s Statement 164 of PW.3
Ex.P.20(a)	: Signature
Ex.P.21	: Acknowledgment
Ex.P.22	: FIR
Ex.P.22(a)	: Signature

List of material objects marked on the prosecution side:

-Nil-

List of witnesses examined on behalf of the accused side:

-Nil-

List of documents marked on behalf of the accused side:

-Nil-

(M.C. NANJEGOWDA)
V Addl. District & Sessions Judge,
Mandya