

KAMD010003952025



Presented on : 22-01-2025

Registered on : 22-01-2025

**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 **24th** day of **August, 2026**

Spl.C.No:16/2025

COMPLAINANT:

The State by

Maddur Police Station,
Malavalli Sub-Division,
Mandya District.

(Represented by

Special Public Prosecutor, Mandya)

Vs.

ACCUSED:

1. Vijaya Lakshmi C.R @ Rajeshwari,
W/o Raju D @ Rajanna,
Aged about 28 years,

2. Raju .D @ Rajanna, S/o Devarajegowda,
Aged about 51 years,
3. Manoj Kumar C.M,
S/o Manchegowda @ Manchigaiah,
Aged about 38 years,
4. Rajesh C.M, S/o Late Manju,
Aged about 34 years,
5. Vishnu, S/o Late Kumara,
Aged about 28 years,
6. Bharath, S/o Ramu,
Aged about 27 years,
7. Raghu C.S @ Gooli, S/o Late Sathya,
Aged about 27 years,
8. Uday Kumar C.R,
S/o Raju D @ Rajanna,
Aged about 28 years,
9. Manjesh Kumar @ Rajesh @ Moti,
S/o Rajanna .K,
Aged about 33 years,
All are R/o Chamanahalli Village,
Maddur Taluk,
Mandya District.

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

1.	Date of offence	13-12-2024
2.	Date of lodging first Information	14-12-2024

4.	Offence alleged against the accused persons	Offences punishable U/s. 115(2), 189(2), 191(2), 351(2), 352, 238 R/w Sec.190 of BNS and Sec.3(1)(r)(s) and 3(2) (va) of SC and ST (Prevention of Atrocities) Amendment Act, 2015.
5.	Name of the informant	Sri.Kiran Kumar .C.K
6.	Date of recording of Evidence	23-06-2026
7.	Date of closure of Evidence	11-08-2026
8.	Date of Judgment	24-08-2026
9.	Result	As per final order

J U D G M E N T

The Deputy Superintendent of Police, Malavalli Sub-division, Mandya District has filed present charge-sheet against accused persons alleging that they have committed the offences punishable under Sec. 115(2), 189(2), 191(2), 351(2), 352, 238 R/w Sec.190 of BNS and Sec.3(1)(r)(s) and 3(2) (va) of SC and ST (Prevention of Atrocities) Amendment Act, 2015.

2. Case of the prosecution in nutshell is that Cw1 and 2 belong Schedule caste and accused persons belong the Vokkaliga caste. On 13/12/24, at about 8-30pm, Cw1 and 2 had been to shop of accused No.1 situate opposite to Shanishawra temple, Chamanahalli village, Maddur Taluk for taking provisions. At that time, all the accused persons by forming unlawful assembly, abused them/Cw1 and 2 in filthy language and by taking their caste, assaulted them by hand and caused grievous injuries, threatened them to take away their lives and thereby all the accused persons have committed the offences alleged above.

3. Based on first information lodged by CW.1-Smt. Kiran Kumar a case was registered against the accused persons in Cr.No.268/2024 of Maddur Police Station. Cw21 registered the case and handed over the further investigation to Cw 23 investigation officer. Cw23 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 Sec. 115(2), 189(2), 191(2), 351(2), 352, 238 R/w Sec.190 of BNS and Sec.3(1)(r)(s) and 3(2) (va) of SC and ST (Prevention of Atrocities) Amendment Act, 2015 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, in all examined 7 witnesses as PW1 to PW7 and got marked 19 documents as Ex. 1 to P19 and closed evidence on its side.

6. After the evidence of the prosecution, the statement of the accused persons 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 13.12.2024 at 8.30 PM., at Mahadeshwara Provision Store situated at Chamanahalli Village, abused CW1 and CW2 in filthy language raising their caste name and when CW1 and CW2 questioned, A1 about unnecessarily abusing them, then A2-Raju D@ Rajanna came from inside the house and abused CW1 and CW2 in filthy language and later A3-Manjo kumar, A4-Rajesh, A5-Vishnu, A6-Bharath, A7-Raghu @ Gooli, A8-Uday Kumar and A9-Manjesh Kumar C.R @ Rajesh @ Moti joined A1 and formed an unlawful assembly and abused CW1 and CW2 in filthy language with an intention to insult CW1 and CW2 and

thereby accused persons have committed offence punishable U/Secs. 189(2), 191(2) and 352 R/w Sec. 190 of Bharatiya Nyaya Sanhita and offence punishable under Section 3(1)(r) and 3(1)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act?

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 object, A2 to A9 caught hold of CW1 and CW2, pushed them and assaulted all over their body and pushed down to CW1 and kicked him all over the body causing injuries to his head and chest and thereby accused persons have committed an offence punishable u/s 115(2) R/w Sec.190 of Bharatiya Nyaya Sanhita and offence specified in the Schedule and punishable under Section 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act?

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 object threatened CW1 and CW2 of dire consequences and thereby accused persons have committed an offence punishable u/s 351(2) R/w Sec.190 of Bharatiya Nyaya Sanhita?

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

object object to cause of disappearance of evidence, A2 destroyed the DVR of the CC TV which was installed in the shop by erasing the CCTV footage recorded in the DVR with respect to the act committed by A1 to A9 and thereby accused persons have committed an offence punishable U/s.238 R/w Sec. 190 of BNS?

5. 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	: As per final order

for the following.

R E A S O N S

10. **Point No.1 to 4-** 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 13/12/24, at about 8-30pm, Cw1 and 2 had been to shop of accused No.1 situate opposite to Shanishawra temple, Chamanahalli village Maddur Taluk for taking provisions. At that time, all the accused people by forming unlawful assembly abused them/Cw1 and 2 in filthy language and by taking their caste, assaulted them by hand and caused grievous injuries, threatened them to take away their lives and thereby all the accused persons have committed the offences alleged above.

12. CW.1/PW.1-Kirankmar is the first informant/injured and a witness to the spot mahazar. CW.2/PW.2-Sheshadri is another victim in the alleged incident, Cw3/Pw3-Punith Kumar, Cw4/Pw4-Tejas are eyewitness to the alleged incident, Cw13/Pw5-Yogendra Prasad is the doctor who treated Cw1. Cw21/Pw6-Manjunath is the PSI who registered the case and Cw23/Pw7-Krishnappa is the then Dy.SP of Malavalli Sub-division, Mandya district who has completed the investigation and filed final charge-sheet.

13. But it is to be noted that Pw1-Kiran Kumar being the injured witness, has completely turned hostile to the case of the prosecution. In his evidence has stated that the accused persons have not given any trouble to him. They have not assaulted and abused him in filthy language or by referring to his caste. He has further stated that the accused persons have not threatened him to take away as contended by the prosecution. It is to be noted that though he admitted his signature on the first information placed under Ex. P1, he has denied the contents of the said document. He stated that he has not given any statement to the police and he has not lodged any complaint under Ex. P1. Though he admitted the signature on Ex. P2, he has stated that he does not know the contents of Ex. P2 also. He has stated that he does not have any information about this case. It is significant to note that though the prosecution has treated this witness as hostile and conducted a detailed cross-examination, nothing favorable to the case of the prosecution is elicited. All the suggestions made by the learned SPP have been completely and fully

denied by this witness. Therefore, evidence of this witness is not useful to the case of the prosecution in any manner.

14. Pw2-Sheshadri is also victim eyewitness to the alleged incident. But this witness also has turned hostile to the case of the prosecution. He has stated that the accused people have not given any trouble to him and have not assaulted and abused him in filthy language or by referring to his caste. He has stated that the accused people have not threatened him and he has not given any statement to the police about the alleged incident. It is significant to note that though the prosecution has treated this witness also as hostile and conducted a detailed cross-examination, nothing favorable to the case of the prosecution is elicited. All the suggestions made by the learned SPP have been completely and fully denied by this witness. Therefore, evidence of this witness is not useful to the case of the prosecution in any manner.

15. Pw3-Punith and Pw4-Tejas are all eyewitnesses to alleged incident. But these witnesses also have turned hostile to the case of the prosecution. They have stated that the accused people have not given any trouble to Cw1 and have not assaulted and abused him in filthy language or by referring to his caste. They have stated that the accused people have not threatened him and they have not given any statement to the police about the alleged incident. It is significant to note that though the prosecution has treated these witnesses also as hostile and conducted a detailed cross-examination, nothing favorable to the case of the prosecution is elicited. All the suggestions made by the learned SPP have been completely and fully denied by this witness. Therefore, evidence of these witnesses is not useful to the case of the prosecution in any manner.

16. Next witness examined by the prosecution is Pw5-Dr. Yogendra Prasad. This witness has spoken about the treatment given to Cw1. All that this witness has said is that on physical examination Pw1, he found pain in the back side

head and chest of Pw1. It is to be noted that this witness is not an eyewitness to the incident. His evidence does not have any direct connection with the incident. Whatever he has recorded in the wound certificate produced under Ex.P12 and MLC under Ex. P13 is all based on the alleged information given by Cw1/Pw1. But as mentioned above, Pw1 himself turned hostile in this case and in the cross examination nothing favourable to the prosecution is elicited. Therefore, no importance can be attached to evidence of this witness, in the absence of support by the injured. Hence, the evidence of this witness is not useful to the case of the prosecution.

17. Pw6-Manjunath is PSI who registered the case and Pw7-Krishnappa is the then Dy.SP of Malavahalli sub-division, who completed the investigation and filed the charge sheet. But again, it is pertinent to note that both these witnesses are not eyewitnesses. Their role is only after the incident and that too after lodging the first information. Both have spoken about the registration of the case and process of collection of necessary oral and documentary evidence and recording of

statements of the witness etc.,. But it is to be noted that as mentioned above, very injured and eyewitnesses have completely turned hostile. In the cross examination, nothing favourable and which corroborates with the case of the prosecution is elicited. Therefore, in the absence of support by the injured and eyewitnesses to the incident the evidence of Pw6 and 7 is also not useful to the prosecution case.

18. On over all appreciation of evidence on record, though the prosecution alleged that the accused people abused them/Cw1 and 2 in filthy language and by taking their caste, assaulted them by hand and caused grievous injuries and also threatened them to take their lives and thereby all the accused persons have committed the offences alleged above, same could not be proved and substantiated by the prosecution with necessary oral and documentary evidence. All the material-witnesses, including the victims and eyewitnesses, have turned hostile to the case of the prosecution. Through the prosecution conducted a detailed cross examination, nothing favourable to the case of the

prosecution is elicited. There is no iota of evidence which connects the accused to the alleged incident alleged by the prosecution. Therefore, under these circumstances, this court has no other option except come to the conclusion that the prosecution has failed to prove its case against the accused persons beyond reasonable doubt. Hence, the accused persons are entitled for acquittal at the hands of this court for the alleged offences punishable under section 115(2), 189(2), 191(2), 351(2), 352, 238 R/w Sec.190 of BNS and Sec.3(1)(r) (s) and 3(2) (va) of SC and ST (Prevention of Atrocities) Amendment Act, 2015. Accordingly, this court answering point No.1 to 4 in the **NEGATIVE**.

19. **Point No.5:-** In view of the above findings, I proceed to pass the following:

ORDER

Acting under Section 258(1) of BNSS., accused persons are hereby acquitted of the offences punishable under section 115(2), 189(2), 191(2), 351(2), 352, 238 R/w Sec.190 of BNS and Sec.3(1)(r)(s) and 3(2) (va) 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 **24th 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	: Kiran Kumar
PW-2	: Sheshadri
PW-3	: Punith Kumar
PW-4	: Tejas
PW-5	: Yogendra Prasad
PW-6	: Manjunatha
PW-7	: Krishnappa

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) : Signature
- Ex.P.3 : Photographs
- Ex.P.4 : Statement of PW.1
- Ex.P.5 : Statement of PW.2
- Ex.P.6 : Statement of PW.3
- Ex.P.7 : Statement of PW.4
- Ex.P.8 : Request letter issued by DySP police to
Tahasildar
- Ex.P.8(a) : Signatures
- Ex.P.9 : Reply letter issued by Chamanahalli
grampanchayath PDO to DySP police
- Ex.P.9(a) : Signatures
- Ex.P.10 : Reply letter issued by Engineer to DySP
police
- Ex.P.10(a) : Signatures
- Ex.P.11 : Sketch
- Ex.P.11(a) : Signatures
- Ex.P.12 : Wound certificate
- Ex.P.12(a) : Signature
- Ex.P.13 : General hospital Register book
- Ex.P.13(a) : Signature

- Ex.P.14 : FIR
Ex.P.14(a) : Signature
Ex.P.15 : Order pertaining to Investigation of case
Ex.P.15(a) : Signatures
Ex.P.16 : Certificate Part A
Ex.P.16(a) : Signatures
Ex.P.17 : CD
Ex.P.18 : Request letter issued by DySP police to
Engineer
Ex.P.18(a) : Signature
Ex.P.19 : Report
Ex.P.19(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