



Form 10(a)
(See Rule 17A(a)(i))

IN THE COURT OF III ADDL. DISTRICT AND SESSIONS
JUDGE AT TUMAKURU

PRESENT :

Nagireddy.A, BA.L., LL.B, LL.M.,
III Addl. District and Sessions Judge,
Tumakuru

Spl.C.No.242/2024

Dated this the 1st day of August 2026

Complainant : State by Kyathsandra Police Station,
(By learned Public Prosecutor)

V/s

Accused : 1. Poorvik Gowda @ Poorvik @ Manja K.C.,
S/o Chandrappa,
Aged about 25 years,
R/at Kallahalli Village,
Urdigere Hobli, Tumakuru Taluk,
Tumakuru.

2. Shivaramu M.R. @ Swamy,
S/o Late Rajanna,
Aged about 44 years,
R/at Janani Nivasa, 11th Cross,
Mahalakshmi Nagara, Batavadi,
Tumakuru Town.

(By Sri.S.R.R., Advocate)



Form 10(b)
(See rule 17(a)(ii))

1	Date of offence	21.02.2024
2	Date of FIR	22.02.2024
3	Date of Charge sheet	04.04.2024
4	Date of framing of charges	31.07.2025
5	Date of commencement of evidence	08.06.2026
6	Date on which judgment is reserved	01.08.2026
7	Date of judgment	01.08.2026
8	Date of 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 trail for purpose of section 428 of Cr.P.C.
Accused No.1 & 2.	Poorvik Gowda @ Poorvik @ Manja K.C., Shivaramu M.R. @ Swamy,	----	A1 & 2 are on anticipatory bail in CrI. Mis.367/2024 dated 05.03.2024	Secs.504, 354B, 323 & 506 R/w Sec. 34 of IPC & 3(1)(r)(s), 3(1)(w)(i) & 3(2)(va) of SC/ST(POA) Act.	Acquitted	---	---

(Nagireddy.A)

III ADDL. DIST. & SESSIONS JUDGE,
TUMAKURU.



JUDGMENT

The Dy.S.P of Tumakuru Sub-division, Tumakuru filed charge sheet against the accused No.1 and 2 for the offences punishable under Secs.354B, 504 & 506 R/w Sec.34 of IPC & 3(1)(r) (s), 3(1)(w)(i) & 3(2)(va) of Schedule Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989 (for short herein after referred as **SC & ST (POA) Act**).

2. The prosecution's case is that CW.1, Pushpalatha, belongs to the Adi-Dravida caste, which is classified as a Scheduled Caste, while the accused persons are not members of a Scheduled Caste or Scheduled Tribe. On February 21, 2024, at around 09:00 a.m., on land bearing Sy.No.5/1 situated at Kallahalli Village, Urdigere Hobli, Tumakuru Taluk, accused No.1 and 2 were loosening the soil to load it onto a lorry using a JCB vehicle. At that point, CW.1 raised an objection, stating that a civil dispute pertaining to the land was pending in court and that they should not remove the soil until the civil dispute was resolved. Enraged by this, accused No.1 and 2, knowing that CW.1 belongs to a



Scheduled Caste, intentionally insulted her by abusing her with filthy language and by referring to her caste name, and threatened her with dire consequences. Thereafter, they dragged her nighty, inappropriately touched her body, slapped her on the cheek, and kicked her with their legs.

3. Based on the her complaint, a case came to be registered and submitted FIR to this court for the offences punishable under Sections 354B, 504 & 506 R/w Sec.34 of IPC & 3(1)(r), 3(1)(w)(i) & 3(2)(va) of SC/ST(POA) Act. Thereafter, investigation officer conducted investigation which includes drawing of spot mahazar, recording of statements of witnesses and on collecting the relevant documents, he filed charge sheet against the accused persons for the aforementioned offences.

4. The accused persons are on bail. The charge sheet materials were supplied to them through their counsel. This court has framed charges for the offences against the accused persons punishable under Sections 504, 354B, 323 & 506 R/w Sec.34 of IPC



& 3(1)(r)(s), 3(1)(w)(i) & 3(2)(va) of SC/ST(POA) Act. The charges were read out and explained to the accused persons in a language they understand, to which they pleaded not guilty and claimed trial. Hence, trial was taken up.

5. During the course of trial, the prosecution examined six witnesses, as PW-1 to 6 and got marked 12 documents, as Ex-P1 to Ex-P12.

6. The statement of accused persons as required U/Sec.313 of Cr.P.C. was recorded, wherein they denied all the incriminating circumstances appearing against them in the evidence of the prosecution witnesses. Accused persons did not choose to adduce their defence evidence.

7. I have heard and perused the material placed on record.

8. The following points that arises for my determination;

1. Did the prosecution proves that on February 21, 2024 at 09:00 a.m, in the land bearing Sy.No.5/1 situated at Kallahalli Village Urdigere Hobli, Tumakuru Taluk, accused No.1 and 2 in furtherance



of their common intention intentionally insulted CW.1 in filthy language and thus committed committed an offense punishable under Section 504 R/w Sec.34 of IPC ?

2. Did the prosecution proves that on the above said date, time and place accused No.1 and 2 in furtherance of their common intention committed assault on CW.1 with intent to disrobed her and thus committed an offence punishable under Section 354B R/w Sec.34 of IPC & Sec.3(1)(w)(i) of SC & ST(POA) Act?

3. Did the prosecution proves that on the above said date, time and place accused No.1 and 2 in furtherance of their common intention voluntarily caused simple hurt to CW.1 by slapping on her cheek and kicked her with their legs and thus committed an offence punishable under Section 323 R/w Sec.34 of IPC and Sec.3(2)(va) of SC/ST(POA) Act?

4. Did the prosecution proves that on the above said date, time and place accused No.1 and 2 in furtherance of their common intention committed criminal intimidation by threaten CW.1 with dire consequences and thus committed an offence



punishable under Section 506 R/w Sec.34 of IPC and Sec.3(2)(va) of SC/ST(POA) Act?

5. Did the prosecution proves that on the above said date, time and place, the accused No.1 and 2 who are not the members of Schedule Caste or Schedule Tribe knowing that CW.1 belong to schedule caste intentionally insulted her in filthy language and by her caste name within public view and thus committed an offence punishable under Sec.3(1)(r)(s) of SC/ST(POA) Act?

6. What Order or sentence?

9. My answer to the above points are as under:

Point No.1 to 5 : In the **Negative**

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

REASONS

10. **Point No.1 to 5:-** As these points are interconnected with each other, they are taken together for common discussion to avoid repetition of facts.



11. In order to substantiate its case, the prosecution is relying upon the oral evidence of PW.1 to 6 and documentary evidence at Ex.P1 to 12. PW.1 is the victim as well as first informant, PW.2 is the Investigation Officer, PW.3 is the doctor, PW.4 to 6 are the eye witnesses.

12. Of the documentary evidence, Ex.P1 is the Complaint, Ex.P2 is the spot mahazar, Ex.P3 is the sketch of scene of occurrence, Ex.P4 is the statement of PW.1 recorded U/Sec.164 of Cr.P.C., Ex.P5 is the photograph, Ex.P6 is the further statement of PW.1, Ex.P7 is the FIR, Ex.P8 is the wound certificate, Ex.P9 is the MLC Register Extract, Ex.P10 to 12 are the statements of PW.4 to 6.

13. PW.1, Pushpalatha, is both the first informant and the victim. She testified that the accused persons never attempted to outrage her modesty, did not abuse her with foul language, and did not commit criminal intimidation against her. She stated that no one witnessed the alleged incident and that she did not seek



any medical treatment. However, she acknowledged her signatures on the complaint, the spot mahazar, the sketch, and her statement recorded under Section 164 of the Cr.P.C., marked as Ex.P.1 to Ex.P.4. Consequently, the learned Public Prosecutor treated PW.1 as a hostile witness and proceeded with cross-examination. During cross-examination, the contents of Ex.P.1 and the further statements were confronted to PW.1. However, she categorically denied having given such a complaint or the further statement (Ex.P.1 and Ex.P.6). She also denied having given her statement under Section 164 of the Cr.P.C. at Ex.P.4 and having participated in the panchanama proceedings at Ex.P.2. Thus, her evidence is of no avail to the prosecution's case.

14. PW.4, Siddagangamma; PW.5, Krishnamurthy; and PW.6, Nataraju are the eyewitnesses to the alleged incident. However, they have stated that they did not witness any incident between the accused persons and PW.1. They further claimed that they did not give any statements to the police. The learned Public



Prosecutor treated all these witnesses as hostile and cross-examined them. During cross-examination, they were confronted with their previous statements given to the Investigation Officer, but they denied having made those statements, which were marked as Ex.P10 to Ex.P12. Thus, the testimonies of PW.4 to PW.6 are of no assistance to the prosecution's case.

15. PW.3, Dr. Kamakshi, who is working as Medical Officer, District Hospital, Tumakuru, testified that on February 21, 2024 PW.1 had appeared before her with the history of assault on the same day at 09:20 a.m. On examination of PW.1, she found no external injuries. However, PW.1 has complained of pain in chest and abdomen. According to her said injury is simple in nature. Accordingly, she had issued wound certificate at Ex.P8. The witness has produced MLC Register Extract at Ex.P9.

16. PW.2, Naveen Kumar, who is working as Head Constable, Kathsandra police station, testified that on February 22, 2014 at 11:00 a.m, he received a complaint from PW.1 at Ex.P1



and registered FIR at Ex.P7 and submitted the same to this court. Thereafter, he handed over the case file to CW.16 for further investigation.

17. No doubt, PW.2 and 3 have supported the prosecution's case. However, in view of the fact that PW.1, 4 to 6 have completely turned hostile and did not support the case of prosecution, evidence of PW.2 and 3 will not improve the case of prosecution.

18. Further on July 24, 2026, this court has passed the following order;

" Accused No.1 and 2 are present. CW-16 is absent.

Despite repeated issuance of summons and bailable warrant, the concerned police have failed to secure the presence of CW-16 who is presently working as Dy.S.P, Tumkur Sub Division by executing bailable warrant. The concerned police are not showing courage to execute the bailable warrant issued by this court.

When the matter was called at 11.15 a.m., the concerned court police informed the court that CW-16 will be appearing before the court for giving evidence. Therefore, matter was passed over. Thereafter, when the matter was taken up at 1.00 p.m., the court police has informed that the witness will come to the court at 3.00



p.m. Therefore, the matter was passed over. When the matter was called at 3.30 p.m., the concerned court police informed the court that CW-16 is not coming as he has gone to the place where house theft has taken place. When the court has asked the concerned police, he has informed that CW-16 is not investigation officer of that case.

It appears that CW-16 even though he is very much working in Tumkur, he is deliberately avoiding to appear before the court and as such he does not have minimum respect towards the summons and bailable warrants issued by this court.

CW-16 may be under the impression that his duty is only to investigate the matter and submit the charge sheets to the court and he is not required to appear before the court to substantiate the case.

Learned P.P. submits that Bailable Warrant may be reissued through S.P., Tumkur.

Since, CW-16 Sri. Chandrashekar.K.R. Dy.S.P., Tumkur Sub Division is deliberately avoiding the summons and Bailable warrants issued by this court, I am of the view that even if the Bailable warrant is reissued through S.P., it would be a futile exercise as the concerned police are not showing courage to execute the Bailable Warrants issued against CW-16. Hence, prayer of Learned P.P. is denied. Under these circumstances, this court has no option but to drop CW-16....."

19. The said order discloses that CW.16 who is Investigation Officer has failed to appear before the court despite repeated



issuance of summons and warrant. Therefore, this court was constrained to drop CW.16. Thus, in the light of the discussion made above, I hold that the prosecution has failed to prove its case beyond reasonable doubt. Accordingly, I hold **Point No.1 to 5 in the Negative.**

20. **Point No.6:** In view of the reasons while answering Point No.1 to 5, I hold that accused No.1 and 2 are not found guilty of the offences punishable under Section 504, 354B, 323 & 506 R/w Sec.34 of IPC & 3(1)(r)(s), 3(1)(w)(i) & 3(2)(va) of SC/ST (POA) Act. In the result, I proceed to pass the following;

ORDER

Exercising the powers conferred on me under section 235(1) of Cr.P.C. accused No.1 and 2 are hereby acquitted of the offences punishable under Section 504, 354B, 323 & 506 R/w Sec.34 of IPC & 3(1)(r)(s), 3(1)(w)(i) & 3(2)(va) of SC/ST(POA) Act.

The bail bond and surety bond executed by the accused No.1 and 2 under section 437(A) Cr.P.C.,



shall be in force for a period of six months as stipulated in the said provision.

(Dictated to the Stenographer, after transcription, typed, printout taken by her, corrected, signed and then pronounced on this the 1st day of August 2026)

(Nagireddy.A)

III ADDL. DIST. & SESSIONS JUDGE,
TUMAKURU

Form No.10(c)

(See rule 17-A (a)(iii))

List of Prosecution/Defence/Court witness

A. Prosecution :

Rank	Name	Nature of Evidence
PW.1	Pushpalatha	first informant & victim
PW.2	Naveen Kumar	Investigation Officer
PW.3	Dr. Kamakshi	Medical witness
PW.4	Siddagangamma	Eye witness
PW.5	Krishnamurthy	Eye witness
PW.6	Nataraju	Eye witness

B. Defence Witness, if any:

Rank	Name	Nature of Evidence
Nil	Nil	Nil

C. Court Witness, if any:

Rank	Name	Nature of Evidence
Nil	Nil	Nil



List of Prosecution/Defence/Court Exhibits

A. Prosecution

Sl. No.	Exhibit Number	Description
1.	Exhibit P1/PW.1	Complaint
	Exhibit P1(a & b)	Signatures of PW.1 & 2
2.	Exhibit P2/PW.1	Spot Mahazar
	Exhibit P2(a)	Signature of PW.1
3.	Exhibit P3 /PW.1	Sketch
	Exhibit P3(a)	Signature of PW.1
4.	Exhibit P4/PW.1	Statement of PW.1 recorded U/Sec.164 of Cr.P.C.
	Exhibit P4(a & b)	Signatures of PW.1
5.	Exhibit P5/PW.1	Photograph
6.	Exhibit P6/PW.1	Further statement of PW.1
7.	Exhibit P7/PW.2	FIR
	Exhibit P7(a)	Signature of PW.2
8.	Exhibit P8/PW.3	Wound certificate
	Exhibit P8(a)	Signature of PW.3
9.	Exhibit P9/PW.3	MLC Register Extract
10.	Exhibit P10/PW.4	Statement of PW.4
11.	Exhibit P11/PW.5	Statement of PW.5
12.	Exhibit P12/PW.6	Statement of PW.6

B. Defence:

Sl.No.	Exhibit Number	Description
	Nil	Nil

**C. Court Exhibits:**

Sl.No.	Exhibit Number	Description
	Nil	Nil

D. Material objects :

Sl.No.	Exhibit Number	Description
	Nil	Nil

**III Addl. Dist & Sessions Judge,
Tumakuru.**