



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.128/2020

Dated this the 7th day of August 2026

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

V/s

Accused : Rajesha S. S/o Srinivas,
Aged about 23 years,
R/at 2nd Cross, Govinapura,
Shankarappa Layout,
Tipturu Town, Tumakuru District.
Permanent Address;
Behind Anjaneyaswamy Temple,
Nitavalli, Chittanahalli New Extension,
Davanagere.
(By Sri.T.S.H., Advocate)

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

1	Date of offence	21.01.2020
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2	Date of FIR	21.01.2020
3	Date of Charge sheet	06.06.2020
4	Date of framing of charges	07.03.2025
5	Date of commencement of evidence	25.06.2026
6	Date on which judgment is reserved	07.08.2026
7	Date of judgment	07.08.2026
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 trial for purpose of section 428 of Cr.P.C.
Accused	Rajesh S.	22.01.2020	Released in Crl.Misc. 86/2020 dated 01.02.2020	Sec. 324 of IPC and Sec 3(1)(r)(s) & 3(2)(va) of SC/ST (POA) Act.	Acquitted	---	---

(Nagireddy.A)

III ADDL. DIST. & SESSIONS JUDGE,
TUMAKURU.

JUDGMENT

The Dy.S.P of Tipturu sub-division filed charge sheet against the accused for the offences punishable under Section 324 of IPC and Sec.3(1)(r)(s) and 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, Srinivas, belongs to the Adi-Dravida caste, which is classified as a Scheduled Caste, while the accused is not a member of a Scheduled Caste or Scheduled Tribe. On January 21, 2020, at 06:00 p.m., on the footpath in front of CW.3's Eggrice and Kabab shop, situated beside the BCM Hostel compound on Halkurike Road, IB Circle, Tiptur Town, the accused parked his canter vehicle. When CW.3 questioned him, the accused picked up a quarrel with CW.3. At that point, CW.1 intervened to separate the quarrel. The accused then abused him in filthy language, using his caste name, and voluntarily caused simple hurt to the left forehead of CW.1 with a glass bottle.

3. Based on the complaint of CW.1, a case came to be registered and submitted FIR to this court for the offences punishable under Sec. 324 of IPC and Sec 3(1)(r)(s) & 3(2)(va) of SC



& ST (POA) Act. Thereafter, investigation officer conducted a thorough investigation which includes drawing of spot mahazar, seizure of material object, recording of statements of material witnesses and collection of documents. Upon completion of investigation, he filed charge sheet against the accused for the aforementioned offences.

4. The accused is on bail. The copy of charge sheet was furnished to him through his counsel. This court has framed charges against the accused for the offences punishable under Section 324 of IPC and Sections 3(1)(r)(s) & 3(2)(va) of SC & ST (POA) Act. The charges were read out and explained to the accused in a language he understand, to which he pleaded not guilty and claimed trial. Hence, trial was taken up.

5. During the course of trial, the prosecution examined five witnesses, as PW-1 to 5 and got marked eight documents, as Ex-P1 to Ex-P8 and one material object at MO.1.



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

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

8. The following points that arise for my determination:

1. Did the prosecution prove that on January 21, 2020 at 06:00 p.m, on the footpath located in front of Eggrice and Kabab shop of CW.3 situated beside BCM Hostel compound, Halkurike Road, IB Circle Tipturu Town, the accused voluntarily caused simple hurt on the left forehead of CW.1 with a glass bottle and thus committed an offense punishable under Section 324 of the IPC and Section 3(2)(va) of the SC/ST (POA) Act?

2. Did the prosecution prove that, on the above said date, time, and place, accused who is not a member of Schedule Caste or Schedule Tribe knowing that CW.1 is the member of Schedule Caste intentionally insulted him by his caste name within public view and



thus committed an offense punishable under Sections 3(1)(r)(s) of SC/ST(POA) Act ?

3. What Order or sentence?

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

Point No.1 and 2 : In the **Negative**

Point No.3 : As per final order, for the following;

REASONS

10. **Point No.1 and 2:-** As these two points are interconnected with each other, they are taken together for common discussion to avoid repetition of facts.

11. To substantiate its case, the prosecution relies on the oral testimonies of witnesses PW.1 to PW.5, as well as documentary evidence at Ex.P1 to Ex.P8 and one material objects at MO.1. Among the nine witnesses, PW.1 is the spot mahazar witness, PW.2 is the eye witnesses, PW.3 is the hearsay witnesses, PW.4 and 5 are the Investigation Officers.

12. Of the documentary evidence, Ex.P1 is the spot mahazar, Ex.P2 and 3 are statements of PW.2 and 3, Ex.P.4 is the



DVD which contains audio and video statements of witnesses, Ex.P.5 is the certificate issued U/Sec.65B of Indian Evidence Act, Ex.P.6 is the opinion of Doctor, Ex.P.7 is the complaint and Ex.P.8 is the FIR. MO.1 is the beer bottle pieces.

13. It is relevant to note that, unfortunately, in this case, CW1 Srinivas, the complainant, and CW3 Manjunatha @ Heggade, the eyewitness, passed away before they could be examined in court.

14. PW.1, Shivashankar K.T., is the spot mahazar witness. Although he acknowledged his signature on the spot mahazar at Ex.P.1, he stated that he was unaware of its contents and that no material objects were seized by the police in his presence. Consequently, the learned Public Prosecutor declared the witness hostile and cross-examined him. During cross-examination, he denied having participated in the panchanama proceedings conducted by the Investigation Officer on January 22, 2020, between 9:30 a.m. and 10:30 a.m., at the place pointed out by



CW.1 as per Ex.P.1. Thus, his testimony is of no avail to the prosecution's case.

15. PW.2, Manjunath @ Ganesh, is an eyewitness as well as a spot mahazar witness. He testified that he did not witness any incident that took place between the accused and CW.1. He stated that the accused did not abuse CW.1 in filthy language or by his caste name. He identified his signature on Ex.P.1, the mahazar. He stated that the police did not seize any material object in his presence and that he did not provide any statement before the police. Therefore, the learned Public Prosecutor treated this witness as hostile and cross-examined him. In the cross-examination, he denied having given a statement before the police at Ex.P.2. He even denied having participated in the panchanama proceedings at Ex.P.1. Thus, his evidence is of no assistance to the prosecution's case.

16. PW.3, Chetan K.S., testified that about five years prior to his testimony, his friend Manjunatha called him and informed him



that CW.1 had been hospitalized. Consequently, he went to the Government Hospital in Tipturu and noticed that his father had sustained injuries to his head. Upon inquiry, his father revealed that a quarrel had taken place near IB Circle, in which he sustained the injury. However, his father did not inform him as to who had quarreled with him. He stated that he had not given any statement before the police. Therefore, the learned Public Prosecutor treated this witness as hostile and cross-examined him. In the cross-examination, each and every averment found in his statement recorded under Section 161 of the Cr.P.C. was confronted to PW.3, but he denied having given such a statement to the Investigating Officer as per Ex.P.3. Thus, the evidence of PW.3 is also of no avail to the prosecution's case.

17. PW.5, D.Rajappa the then PSI, of Tipturu Town police station. He testified that on January 21, 2020 he received an intimation from the Government Hospital, Tipturu with regard to the admission of CW.1 with the history of assault. Therefore, he



went to the hospital and recorded the statement of CW.1 at Ex.P.7. Thereafter, he came back to the police station and registered FIR at Ex.P.8. Then, he handed over the case file to CW.15 for further investigation.

18. PW.4, Chandan Kumar, who was then Dy.S.P., of the Tipturu Sub-division, testified that on March 4, 2020, he received the case file from CW.14 for further investigation. On March 9, 2020, he visited the spot, and on March 18, 2020, he recorded the statements of CW.1, CW.3, and CW.4. On May 21, 2020, he copied the audio and video statements of witnesses onto a DVD at Ex.P.4 with the assistance of his staff, Shanthkumar, PC 491, and prepared the certificate required under Section 65B of the Indian Evidence Act as Ex.P.5. On June 3, 2020, he wrote a letter to CW.7 requesting an opinion regarding the injuries sustained by CW.1. On June 6, 2020, CW.7 provided his opinion and returned the glass pieces in a sealed condition as MO.1. He stated that upon



completion of the investigation, he filed a charge sheet against the accused.

19. Upon considering the evidence on record, it is clear that the sole eyewitness, PW.2, has completely turned hostile and did not support the prosecution's case. Therefore, his testimony offers no assistance in proving the incident. PW.3, who is the son of CW.1, is a hearsay witness who also turned hostile and failed to support the prosecution. Similarly, the spot mahazar witness, PW.1, has completely turned hostile and did not support the case. Thus, the material witnesses PW.1 to 3 did not support the prosecution's case. While PW.4 and PW.5 did support the prosecution, their evidence cannot improve the case since the key witnesses turned hostile. More importantly, the prosecution could not examine CW.1, the victim and complainant, nor CW.3, a material witness, as they passed away before they could be examined. Considering all the oral and documentary evidence produced by the prosecution, I am of the opinion that the



prosecution has failed to prove its case beyond a reasonable doubt. Accordingly, I hold **point No.1 and 2 in the Negative.**

20. **Point No.3:** In view of the reasons while answering point No.1 and 2, I hold that accused is not found guilty of the offences punishable under Sec.324 of IPC and Sec.3(1)(r)(s) and 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 is hereby acquitted of the offences punishable under Sec.324 of IPC and Sec.3(1)(r)(s) and 3(2)(va) of SC & ST (POA) Act.

The bail bond and surety bond executed by the accused under section 437(A) Cr.P.C., shall be in force for a period of six months as stipulated in the said provision.

MO.1 is being worthless; it shall be destroyed after expiry of appeal period.

(Dictated to the Stenographer, after transcription, typed, printout taken by her, corrected, signed and then pronounced on this the 7th 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	Shivashankar K.T.	Spot mahazar witness
PW.2	Manjunath @ Ganesh	Eye witness
PW.3	Chethan K.S.	Hearsay witness
PW.4	Chandan Kumar	Investigation Officer
PW.5	D.Rajappa	Investigation Officer

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	Spot mahazar
	Exhibit P1(a & b)	Signatures of PW.1 & 2
2.	Exhibit P2/PW.2	Statement of PW.2
3.	Exhibit P3/PW.3	Statement of PW.3
4.	Exhibit P4/PW.4	DVD



5.	Exhibit P5/PW.4	Certificate U/Sec.65B of Indian Evidence Act.
	Exhibit P5(a)	Signature of PW.4
6.	Exhibit P6/PW.4	Opinion of CW.7 (Doctor)
	Exhibit P6(a)	Signature of PW.4
7.	Exhibit P7/PW.5	Complaint/ Injured statement
	Exhibit P7(a & b)	Signatures of PW.5 & CW.1
8.	Exhibit P8/PW.5	FIR
	Exhibit P8(a)	Signature of PW.5

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
1.	MO.1	Bear Bottle Pieces

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