



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.539/2023

Dated this the 10th day of June 2026

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

V/s

Accused : 1. Chethan Kumar @ Chethan,
S/o Late Ramakrishna,
Aged about 35 years,

2. Sowmyashree,
W/o Chethan,
Aged about 27 years.

Both are residing at
Chowdanakuppe village,
Hulyurudurga Hobli,
Kunigal Taluk.

(By Sri.P.M, Advocate)



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

1	Date of offence	11.06.2023
2	Date of FIR	12.06.2023
3	Date of Charge sheet	27.07.2023
4	Date of framing of charges	05.10.2024
5	Date of commencement of evidence	18.03.2025
6	Date on which judgment is reserved	10.06.2026
7	Date of judgment	10.06.2026
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 No.1 & 2.	Chethan Kumar @ Chethan, and Sowmyashree	13.06.2023 -----	A.1 released on 16.06.2023 and A2 released on anticipatory bail order dt: 21.06.2023 in Crl.Miss. No. 814/2023	Secs. 323,324, R/w Sec.34 of IPC and Sec 3(1)(c) & 3(2) (va) of SC/ST (POA) Act.	Acquitted	---	---

(Nagireddy.A)

III ADDL. DIST. & SESSIONS JUDGE,
TUMAKURU



JUDGMENT

The Dy.S.P of Kunigal sub-division, Kunigal filed charge sheet against the accused No.1 and 2 for the offences punishable under Sections 323, 324 R/w Sec.34 of IPC and Sec 3(1)(c) & 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 on June 11, 2023 at 10:30 p.m, on the public tar road leading from Chowdanakuppe circle to Thavarekere in front of Shivajirao Hotel in Chowdanakuppe Village, Huliurudurga Hobli, Kunigal Taluk, CW.1 Bettaswamy was standing when accused No.1 and 2 both belonging to Vakkaliga caste approached him. Accused No.2 demanded CW.1 immediately return a loan of Rs.3,000/- that accused No.2 claimed to have been given him earlier. He replied that he did not have money at that movement and requested her to give some time to repay stating that if it was given as a favour, he would return it



soon. Both accused aware that CW.1 is belong to Schedule Caste. Despite this, accused No.1 suddenly attacked him and stabbed him above his left eye with a steel key he was holding then hit CW.1 with his hands. Immediately after, accused No.2 picked up Eucalyptus club lying there and beat him on his body and back caused severe pain and serious injury to back of right shoulder. After assaulting CW.1, both accused threw the steel key and club at the spot and left.

3. Based on the first information statement of CW.1, a case came to be registered and submitted FIR to this court for the offences punishable under Secs.323 and 324 R/w Sec.34 of IPC and Secs 3(1)(c) and 3(2)(va) of SC & ST (POA) Act. Thereafter, investigation officer conducted a thorough investigation which includes drawing of spot mahazar, seizure of material objects, recording of statements of material witnesses and collection of documents. Upon completion of investigation, he filed charge



sheet against the accused persons for the aforementioned offences.

4. The accused No.1 and 2 are on bail. The copy of charge sheet was furnished to them through their counsel. This court has framed charges for the offences against the accused persons punishable under Secs. 323 and 324 R/w Sec.34 of IPC and Sec 3(2)(va) of SC & ST (POA) Act. The charges were read out and explained to the accused 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 nine witnesses, as PW-1 to 9 and got marked fourteen documents, as Ex-P1 to Ex-P17 and four material objects at MO.1 and 2.

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 arise for my determination:

1. Did the prosecution prove that on June 11, 2023, at 10:30 p.m., on public tar road leading from Chowdanakuppe circle to Thavarekere in front of Shivajirao hotel in Chowdanakuppe village, accused No.1 and 2 in furtherance of their common intention picked up quarrel with CW.1, Bettaswamy, accused No.1 voluntarily caused simple hurt above the left eye with steel key he was holding and accused No.2 voluntarily caused simple hurt to the back of his right shoulder with a club and thus committed an offense punishable under Section 324 read with Section 34 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 No.1 and 2 in furtherance of their common intention voluntarily caused simple hurt to the CW.1 by committing assault on him with their hand and thus committed



an offense punishable under Sections 323 read with Section 34 of IPC and Sec.3(2)(va) 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 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.9, as well as documentary evidence at Ex.P1 to Ex.P17 and two material objects at MO.1 and 2. Among the nine witnesses, PW.1 is the victim as well as first informant, PW.2 to 4 are the eye witness, PW.5 is the spot mahazar witness, PW.6 is the doctor who has treated PW.1, PW.7 is the owner of Bankers and Jewelers shop, PW.8 and 9 are the Investigation Officers.



12. Of the documentary evidence, Ex.P1 is the complaint, Ex.P2 is the seizure mahazar, Ex.P3 to 5 are the photographs, Ex.P6 is the statement of PW.2, Ex.P7 is the notice, Ex.P8 is the caste certificate, Ex.P9 is the report of PDO, with respect to scene of occurrence, Ex.P10 is the sketch of scene of occurrence, Ex.P11 is the wound certificate, Ex.P12 is the FIR, Ex.P13 is the copy of Order passed by the Superintendent of Police, Tumakuru appointing PW.9 as Investigation Officer of this case, Ex.P14 is the report of ASI, Kempahonnaiah with regard to arrest of accused No.1, Ex.P15 is the report of Assistant Executive Engineer, BESCOM, regarding power supply in Chowdanakuppe Village, Ex.P16 is the DVD which contains photographs, audio and video of statement of witness, Ex.P17 is the Certificate under Sec.65B of the Indian Evidence Act. MO.1 is the steel key and MO.2 is club.

13. It is undisputed fact that PW.1 belong to Adi-Dravida Caste which classified as Schedule Caste, while accused No.1 and 2 belonging to Vakkaliga caste. In that regard the prosecution



relies upon the caste certificates issued by Tahsildar, Kunigal Taluk at Ex.P.8. This document was marked with the consent of learned counsel for the accused. Therefore in the light of this document it becomes abundantly clear that PW.1 is the member of Schedule Caste while accused persons are not.

14. PW.1, Bettaswamy, is the first informant and also an injured witness. He testified that in 2022, accused No.2 handed him her 8 grams of gold ornaments and requested him to pledge them at Huliurudurga in order to obtain Rs.22,000. Following her request, he pledged the ornaments and secured Rs.22,000, which he then gave to her. Out of that amount, he received Rs.3,000 as a loan. On June 11, 2023, accused No.2 approached him again and asked him to retrieve her ornaments. At that time, he informed her that he didn't have the money and promised to get them released the following day. However, accused No.2 insisted that she wanted her ornaments that same day. He assured her that he would arrange for their release the next morning. In that



moment, accused No.1 struck him above the right eye with a steel key. Subsequently, accused No.2 hit him on the back of his shoulder with a club. After the assault, the accused persons threw the key and the club at the scene before leaving. After the incident, he and his friend Madeva went to the Government Hospital in Huliurudurga for treatment. Following that, he went to the police station to lodge a complaint, but the police advised him to return the next day. Thus, he went back to the police station the following day and filed the complaint, as per Ex.P.1.

15. PW.1 testified that on June 12, 2023, the police arrived at the scene, prepared a spot mahazar in his presence, and also in the presence of CW.2 and CW.3, as per Ex.P.2. During this process, they seized a key and a club, at MO.1 and MO.2. He recognized the photograph taken during the spot mahazar, at Ex.P.3. Additionally, he stated that the Deputy Superintendent of Police summoned him to his office and recorded his statement. The learned Public Prosecutor treated this witness as partly hostile



and conducted a cross-examination. During cross-examination, PW.1 admitted that accused Nos.1 and 2 pressured him to pay Rs.3,000/- immediately. He also admitted that the accused were aware of his caste and conceded that they physically assaulted him by trampling him with their legs. Furthermore, he recognized that the accused verbally abused him using his caste name.

16. PW.2, Ammubai, is an eyewitness. She testified that about one year prior to the date of her testimony, at 10:30 p.m., while she was standing in front of her house, CW.1 was passing by. At that time, accused No.1 and 2 assaulted him. She stated that accused No.2 struck CW.1 on the right shoulder with a stick. She also mentioned that accused No.1 hit CW.1 above the left eye with a key, while both accused were abusing him and demanding repayment of money. Ammubai further stated that she attempted to intervene and break up the fight. According to her, the accused threw the stick and the key at the scene before leaving. She noted that one Maruthi Mohan intervened to separate the quarrel and



that no one else was present during the incident. In court, she identified the key and the club as exhibits MO.1 and MO.2. The learned Public Prosecutor treated this witness as partly hostile and proceeded to cross-examine her. During cross-examination, she denied that CW.3 to CW.7 had witnessed the incident and also denied having made a statement to the police regarding that matter, as per Ex.P6.

17. PW.3, Maruthi Mohan, is an eyewitness. He testified that on June 11, 2023, at 10:30 p.m., he was walking home after closing his shop. At that time, CW.1 was standing in front of his shop when suddenly, accused No.1 and 2 demanded that CW.1 return Rs.3,000, which he owed them. CW.1 informed them that he did not have the money and promised to repay it later. Despite this, the accused began to insult him using derogatory terms related to his caste. Subsequently, accused No.1 struck CW.1 on the left eyebrow with a bunch of keys, while accused No.2 attacked CW.1 on the back of his right shoulder. At that moment, CW.2 arrived at



the scene and intervened to separate the fighting parties. PW.3 mentioned that CW.4 to CW.7 were also present during the incident, and the accused threw a club at the location. However, the key bunch was in the possession of accused No.1. He identified both the key bunch and the club as MO.1 and MO.2 before the court. The learned Public Prosecutor regarded this witness as partially hostile and proceeded to cross-examine him. During cross-examination, he admitted that he had previously stated that accused No.2 threw the key at the scene.

18. PW.4, Kumar Rao, is an eyewitness. He testified that on June 11, 2023, at 10:30 p.m., while he was at the bus stop in his village, Keshav and others were also present with him. At that time, CW.1 was also standing there. According to him, accused No.1 approached and suddenly started a quarrel with CW.1, assaulting him above his left eye. Then, accused No.2 intervened, demanded that CW.1 return the money, and attacked him on his right shoulder with a club. At that moment, CW.2 and CW.3



intervened and separated the two parties. He also advised both sides to calm down. He identified the key and the club for the court as MO.1 and MO.2.

19. PW.5, Puneeth Gowda C.S. @ Puneeth is the spot mahazar witness. He has testified that on June 13, 2023 the police have drawn spot mahazar in his presence at Ex.P2 and seized the key and club at MO.1 and 2.

20. PW.6, Dr.Akshay.S, who is working as Medical Officer, P.H.C, Huliuruduraga, Kunigal Taluk. He has deposed that on June 12, 2023 at 1:00 p.m, CW.1 Bettaswamy accompanied by one Puneeth had appeared before him with the history of assault on June 11, 2023 at 10:30 p.m, in Chowdanakuppe circle, near Maruthi shop with key, hand and club by Chethan and Sowmya. He deposed that upon examination of CW.1, he found the following injuries;

- i) Abrasion present over left eyebrow the lateral margin measuring 1x1 c.m.
- ii) Tenderness in left upper lip on the lateral aspect of mouth.



iii) Tenderness in right shoulder back.

It is his evidence that the said injuries are simple in nature and in that regard he has issued wound certificate at Ex.P.11. He has stated that injury No.1 can be caused by assault with key like MO.1. According to him, injury No.2 and 3 can be caused by assault with a weapon like MO.2.

21. PW.7, Manjunatha H.V, is the owner of Manjunatha Bankers and Jewelers shop at Huliurudurga, he testified that on August 19, 2022 CW.1 and his mother visited his shop pledged the gold ornaments and obtained Rs.22,000/-. He has stated that still the said gold ornaments are in his shop only and 8 months after the pledge the said ornaments, he became aware that they are not belong to CW.1 and his mother. Accordingly, he gave statement before the Dy.S.P.

22. PW.8, Kempahonnaiah the then ASI, of Huliurudurga police station. He testified that on June 12, 2023 at 3:30 p.m, he received complaint from CW.1 at Ex.P.1. Thereafter, he registered



FIR and submitted the same to this court at EX.P.12. Then, he handed over the case file to CW.18 for further investigation.

23. PW.9, Lakshmikanth R., who was the then Dy.S.P of the Kunigal Sub-division, testified that on June 12, 2023, the Superintendent of Police, Tumakuru, appointed him as the Investigation Officer, by means of his order at Ex.P.13. He received the case from CW.17 on June 13, 2023. Following this, he visited the scene and prepared a spot mahazar in the presence of CW.9 and CW.10, at Ex.P.2. During this visit, he seized a bunch of keys and an Eucalyptus club that were produced by CW.1 as per MO.1 and MO.2. Additionally, he took photographs, as per Ex.P.3. On the same day, CW.17 arrested accused No.1 and presented him along with a report at Ex.P.17. Subsequently, he produced accused No.1 before the court to seek judicial remand. That same day, he recorded further statements from CW.1 and CW.9. He testified that on June 15, 2023, he recorded statements from CW.2 and CW.3. On June 16, 2023, he obtained a report from CW.12 at



Ex.P.9. On July 7, 2023, accused No.2 appeared before him after obtaining anticipatory bail. After securing the necessary surety, he released her. On that same day, he received a caste certificate from CW.15 at Ex.P.8. He recorded the statements of CW.6 and CW.7 on July 15, 2023, followed by the statements from CW.4 and CW.5 on July 18, 2023. He further testified that on July 20, 2023, he received a report from CW.13 regarding the supply of power and the existence of streetlights at the scene. On July 27, he received a sketch of the scene of occurrence from CW.14. He then copied the photographs, audio, and video onto a DVD at Ex.P.15. He prepared a certificate in accordance with Section 65B of the Indian Evidence Act, at Ex.P.17. After completing the investigation, he filed a charge sheet against the accused persons.

24. With the evidence presented, I shall now assess whether the prosecution has proved its case beyond a reasonable doubt. According to the complaint found at Ex.P.1, accused No.1 struck PW.1 above the left eye with a steel key, while accused No.2



assaulted PW.1 on the back of the right shoulder with a club. It is important to note that, based on the testimony of PW.6 and the wound certificate issued by him, PW.1 sustained three injuries. The wound certificate indicates tenderness in the left upper lip on the lateral aspect of PW.1's mouth; however, PW.1 did not mention this injury during his testimony. This inconsistency raises a lack of corroboration between PW.1's statement and injury No. 2 mentioned in the wound certificate.

25. Additionally, it is noteworthy that the alleged incident occurred on June 11, 2023, at 10:30 p.m., while PW.1 sought medical treatment on June 12, 2023, at 1 p.m. If PW.1 had indeed sustained injuries during the alleged incident, one would expect him to seek immediate medical attention. The considerable delay in PW.1's treatment raises significant doubts about the credibility of his testimony regarding the injuries he claims to have sustained.



26. Furthermore, it is noted that during cross-examination, PW.1 stated that his clothes were blood-stained, yet he did not surrender them to the police. He mentioned that he showed the blood-stained clothes to the police, but they did not recover them. He denied the suggestion that the police did not seize the clothes because there were no blood stains on them. At this point, it is important to consider that if PW.1 had sustained bleeding injuries and blood had soaked his clothes, it is reasonable to expect that he would have sought medical attention immediately. However, as previously observed, there was a delay in PW.1 receiving treatment, which he did not adequately explain.

27. Additionally, if PW.1 had indeed shown the blood-stained clothes to the police, it is likely that the investigating officer would have seized them as evidence. Hence, it must be concluded that since there were no blood stains on PW.1's clothes, the police did not seize them.



28. During the cross-examination of PW.1 by the learned Public Prosecutor, it was suggested that the accused persons had abused him using his caste name, to which he conceded. However, it is important to note that no charges have been framed against the accused persons for having committed the offences under Section 3(1)(r)(s) of the SC/ST (POA) Act. The statement under section 161 of Cr.P.C and the chief-examination of PW.1 do not indicate that the accused persons used his caste name in any derogatory manner.

29. Furthermore, during the cross-examination by the Public Prosecutor, there was an attempt to enhance the prosecution's case by claiming that the accused persons had indeed abused PW.1 by his caste name, a claim that lacks corroboration from the previous statement. Additionally, it seems there is an existing animosity between PW.1 and the accused persons related to a loan payment, and there is an unexplained delay of more than one day in filing the complaint. In his chief-



examination, PW.1 stated that immediately following the incident, his friend Madeva took him to the Government Hospital in Huliurudurga for treatment. After receiving care, he went to the Huliurudurga police station to lodge his complaint. However, there is no evidence to corroborate that PW.1 received treatment at the Government Hospital or that he lodged the complaint at the police station on the same day. Thus, the delay in filing the complaint also weakens the prosecution's case.

30. PW.2, the eyewitness, admitted during cross-examination that the accused persons are her tenants. She also admitted that she had demanded they vacate her shop. This suggests that there are existing differences between PW.2 and the accused. Consequently, it cannot be dismissed that this witness may be favoring PW.1. Additionally, she stated that at the time of the incident, only one person, Maruthi Mohan, was present. However, she denied that CW.3 to CW.7 witnessed the incident, as indicated in her statement at Ex.P.6. According to



PW.2, aside from herself, CW.3 to CW.7 were not present during the incident.

31. However, PW.3 and PW.4 testified that they were present at the time of the incident and observed it. If PW.2's account is accepted, then the presence of PW.3 and PW.4 becomes questionable. PW.3, in his chief examination, claimed that the accused persons had insulted PW.1 using his caste name. Notably, he did not mention this detail to the police, suggesting that he made an improvement in his testimony by saying the accused persons abused PW.1 by his caste name. Therefore, his testimony does not instill confidence in the court.

32. It is important to note that on June 13, 2023, the spot mahazar was drawn at the location of the incident, as indicated by PW.1 in Ex.P2, in the presence of CW.9 and CW.10. The alleged incident occurred on June 12, 2023, at 3:30 p.m. The location of the incident is a public tar road. Therefore, it is highly improbable believe that until the spot mahazar was drawn MO.1 and MO.2



were lying at the spot. As a result, the seizure of MO.1 and MO.2 is also doubtful.

33. In light of the discussion above, I conclude that the prosecution's evidence is flawed and there are discrepancies between their testimony and the statements they provided to the police. Their evidence is riddled with contradictions and omissions. Therefore, their evidence does not inspire confidence in the court regarding the guilt of the accused persons for the alleged offenses beyond a reasonable doubt. Accordingly, I hold **point No.1 and 2 in the Negative.**

34. **Point No.3:** In view of the reasons while answering point No.1 and 2, I hold that accused No.1 and 2 are not found guilty of the offences punishable under Secs.323 and 324 R/w Sec.34 of IPC and Sec.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 Secs.323 and 324 R/w Sec.34 of IPC and Sec.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.

MOs.1 and 2 are being worthless, they 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 10th day of June 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	Bettaswamy	First informant/Victim
PW.2	Ammu Bai	Eye witness
PW.3	Maruthi Mohan	Eye witness
PW.4	Kumar Rao	Eye witness
PW.5	Puneeth Gowda	Spot mahazar witness
PW.6	Dr.Akshya.S.	Medical witness



PW.7	Manjunatha H.V.	Owner of Bankers and Jewelers
PW.8	Kempahonnaiah	Investigation Officer
PW.9	Lakshmikanth.R.	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	Complaint
	Exhibit P1(a & b)	Signatures of PW.1 & 8
2.	Exhibit P2/PW.1	Spot Mahazar
	Exhibit P2(a to d)	Signatures of PW.1 & 9
3.	Exhibit P3 to 5/PW.1	Photographs
4.	Exhibit P6/PW.2	Statement of PW.2
5.	Exhibit P7/PW.5	Notice
	Exhibit P7(a & b)	Signatures of PW.5 & 9
6.	Exhibit P8	Caste certificate
	Exhibit P8(a)	Signature of PW.9
7.	Exhibit P9	Report of PDO
	Exhibit P9(a)	Signature of PW.9
8.	Exhibit P10	Sketch



9.	Exhibit P11/PW.6	Wound certificate
	Exhibit P11(a & b)	Signatures of PW.6 & 9
10.	Exhibit P12/PW.8	FIR
	Exhibit P12(a)	Signature of PW.8
11.	Exhibit P13/PW.9	Order of S.P. Tumakuru
	Exhibit P13(a)	Signature of PW.9
12.	Exhibit P14/PW.9	Report of ASI
	Exhibit P14(a)	Signature of PW.9
13.	Exhibit P15/PW.9	Report of Assistant Executive Engineer, BESCOM
	Exhibit P15(a)	Signature of PW.9
14.	Exhibit P16/PW.9	DVD
15.	Exhibit P17/PW.9	65B Certificate
	Exhibit P17(a)	Signature of PW.9

B. Defence:

Sl.No.	Exhibit Number	Description
	Nil	Nil

C. Court Exhibits:

Sr.No.	Exhibit Number	Description
	Nil	Nil

D. Material objects :

Sr.No.	Exhibit Number	Description
1.	MO.1	Key
2.	MO.2	Club

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