

**IN THE COURT OF THE PRINCIPAL SESSIONS  
JUDGE/ PRESIDING OFFICER, SPECIAL  
COURT, UDUPI DISTRICT AT UDUPI**

**SPECIAL CASE No.78/2022**

The State: by Dy.S.P.,  
Udupi Sub-Division,  
Udupi. ..COMPLAINANT

Vs.

Harsha & Others ... ACCUSED

**CHARGE**

I, **Shantaveer Shivappa, B.A., LL.B.**  
**(Spl.)**, Principal Sessions Judge/P.O., Special  
Court at Udupi hereby charge you,

1. Harsha,  
S/o. Bhoju Marakala,  
Aged about      years,  
R/at.Radha Nilaya,  
Kokkarne Post, Sooralu,  
Salekattu, Pejamangoor Village,  
Brahmavara Taluk, Udupi.
2. Balakrishna @ Balu,  
S/o. Bhaskar Devadiga,  
Aged about      years,  
R/at. Deepa Nilaya, Sooralu,  
Kokkarne Post, Pejamangoor Village,  
Brahmavara Taluk, Udupi.

3. Suresh Mogaveera,  
S/o. Narasimha Marakala,  
Aged about        years,  
R/at. Sri Laxmi Nilaya,  
Sooralu, Salekattu,  
Pejamangoor Village,  
Brahmavara Taluk, Udupi.
4. Charan Achar,  
S/o. Bhaskar Achar,  
Aged about        years,  
R/at. Sri Laxmi Nilaya,  
Kokkarne Post, Pejamangoor Village,  
Brahmavara Taluk, Udupi.
5. Arun Achary,  
S/o. Vishwanatha Achary,  
Aged about        years,  
R/at. Guddeyangadi, Nukkur,  
Baidabettu, Kenjoor Village,  
Brahmavara Taluk, Udupi.
6. Karthik,  
S/o. Krishna Naik,  
Aged about        years,  
R/at. Anugraha Nilaya,  
Baidabettu, 34 Kudi Village,  
Brahmavara Taluk,  
Udupi District.

as follows:-

**FIRSTLY:** That, you Accused No.1 to 6 on 14.05.2022 at about 9:15 p.m. at Vishweshwara Temple, Pademata, Kenjooru Village, Brahmavara Taluk you Accused No.1 to 6 with your common object of causing hurt to CW.1 Sandesh, CW.2 Krishna and CW.3 Suresh formed an unlawful assembly with

regard to your previous grudge and thereby committed an offence punishable U/Sec.143 of the Indian Penal Code, within the cognizance of this Court.

**SECONDLY:** That, you Accused No.1 to 6 on the above said date, time and place, being the members of an unlawful assembly formed in prosecution of your common object committed the offence of rioting and thereby committed an offence punishable U/Sec.147 of the Indian Penal Code, within the cognizance of this Court.

**THIRDLY:** That, you Accused No.1 to 6 on the above said date, time and place, being members of an unlawful assembly formed in prosecution of your common object while CW.1 to CW.3 having ice cream in the fair of Vishweshwara Temple pushed CW.1 to 3, at that time CW.1 to 3 informed that they belongs to scheduled caste and CW.3 is Secretary to DSS Group and requested not to give any trouble, in reply to that you Accused No.1 to 6 intentionally insulted and abused the CW.1 to 3 by taking the name of their caste that “ ನಿಮ್ಮ ಕೂಸಾಳು ಜಾತಿ ಎಂತ ಶಾಂಟಿ ಹಕೋಂತಿಯ ಕಾಂತೆ, ನಿನ್ನ ಜನ ಕರ್ನು ರಂಡೇ ಮಗನೇ” in public view and thereby provoked CW.1 to 3 intending or knowing it to be likely that such provocation would cause said CW.1 to 3 to commit

any other offences and thereby committed an offence punishable U/Sec.504 R/w. Sec.149 of Indian Penal Code and U/Sec.3(1)(s) of Scheduled Caste/Scheduled Tribe (Prevention of Atrocity) Act, 1989, within the cognizance of this Court.

**FOURTHLY:-** That, you Accused No.1 to 6 on the above said date, time and place, being the members of an unlawful assembly formed in prosecution of your common object dragged the CW.1 Sandesh by holding his hairs, voluntarily assaulted him by hands and kicked on his right eye when he came to rescue CW.2 Krisha, caused grievous injuries to his right eye and thereby committed an offence punishable U/Sec.325 r/w Sec.149 of Indian Penal Code within the cognizance of this Court.

**FIFTHLY:-** That, you Accused No.1 to 6 on the above said date, time and place, being the members of an unlawful assembly formed in prosecution of your common object voluntarily assaulted CW.2 Krishna and CW.3 Sukesha by hands and kicked them with legs when they came to rescue of CW.1 Sandesh, caused simple injuries to them and thereby committed the offence punishable U/Sec.323 r/w Sec.149 of Indian Penal Code within the cognizance of this Court.

**SIXTHLY:-** That, you Accused No.1 to 6 being members of an unlawful assembly formed in prosecution of your common object committed criminal intimidation by threatening the CW.1 to 3 with an intention to cause alarm to them and thereby committed the offence punishable U/Sec.506 R/w. Sec.149 of Indian Penal Code, within the cognizance of this Court.

**LASTLY:-** That on the above said date, time and place you Accused No.1 to 6 intentionally insulted or intimidated CW.1 with intent to humiliate the members of a Scheduled Caste in public view and thereby, committed the offence punishable U/Sec.3(1)(r) and 3(2)(v-a) of Scheduled Caste/Scheduled Tribe (Prevention of Atrocity) Act, 1989 and within the cognizance of this Court.

And I hereby direct that you be tried before me on the said charges.

Dated this the 5<sup>th</sup> day of July, 2023

Sd/-  
**(Shantaveer Shivappa)**  
**PRINCIPAL SESSIONS JUDGE**  
**/ P.O., SPECIAL COURT,**  
**UDUPI.**

**IN THE COURT OF THE PRINCIPAL SESSIONS  
JUDGE/ PRESIDING OFFICER, SPECIAL  
COURT, UDUPI DISTRICT AT UDUPI**

**SPL. CASE No.78/2022**

Name of the Accused No.1 ... Harsha,  
Father's name ... Bhoju Marakala,  
Age ...  
Occupation ....  
Residence .... Radha Nilaya,  
Kokkarne Post, Sooralu,  
Salekattu, Pejamangoor Village,  
Brahmavara Taluk, Udupi.

**PLEA**

Q.1: Have you furnished with the copy of charge-sheet?

Ans:

Q.2: Have you heard and understood the charge read over to you?

Ans:

Q.3: Do you plead guilty or claims to be tried?

Ans:

(In the open court above charge is read over and explained to the accused in Kannada/English/Hindi language known to him/her and answer given by her /him are recorded)

Dated this the      day of                      , 2023

Prl. Sessions Judge / P.O., Special Court,  
Udupi.

**IN THE COURT OF THE PRINCIPAL SESSIONS  
JUDGE/ PRESIDING OFFICER, SPECIAL  
COURT, UDUPI DISTRICT AT UDUPI**

**SPL. CASE No.78/2022**

Name of the Accused No.2 ... Balakrishna @ Balu,  
Father's name ... Bhaskar Devadiga,  
Age ...  
Occupation ....  
Residence .... Deepa Nilaya, Sooralu,  
Kokkarne Post, Pejamangoor Village,  
Brahmavara Taluk, Udupi.

**PLEA**

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Ans:

Q.2: Have you heard and understood the charge read over to you?

Ans:

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Ans:

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**SPL. CASE No.78/2022**

Name of the Accused No.3 ... Sukesh Mogaveera,  
Father's name ... Narasimha Marakala,  
Age ...  
Occupation ....  
Residence .... Sri Laxmi Nilaya,  
Sooralu, Salekattu,  
Pejamangoor Village,  
Brahmavara Taluk, Udupi.

**PLEA**

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Ans:

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**SPL. CASE No.78/2022**

Name of the Accused No.4 ... Charan Achar,  
Father's name ... Bhaskar Achar,  
Age ...  
Occupation ....  
Residence .... Sri Laxmi Nilaya, Kokkarne Post,  
Pejamangoor Village,  
Brahmavara Taluk, Udupi.

**PLEA**

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**SPL. CASE No.78/2022**

Name of the Accused No.5 ... Arun Achary,  
Father's name ... Vishwanatha Achary,  
Age ...  
Occupation ....  
Residence .... Guddeyangadi, Nukkur,  
Baidabettu, Kenjoor Village,  
Brahmavara Taluk, Udupi.

**PLEA**

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**SPL. CASE No.78/2022**

Name of the Accused No.6 ... Karthik,  
Father's name ... Krishna Naik,  
Age ...  
Occupation ....  
Residence .... Anugraha Nilaya,  
Baidabettu, 34 Kudi Village,  
Brahmavara Taluk,  
Udupi District.

**PLEA**

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