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Spl.C.No.86/2019

Presented on : 04.09.2019

Registered on : 04.09.2019

Decided on : 30.06.2026

Duration : 06 Y 09 M 26 D

**IN THE COURT OF THE PRL DISTRICT AND SESSIONS
JUDGE, YADGIR**

Dated this the **30th day of June, 2026**

PRESENT

Sri.Marulasiddaradhya H.J.

B.A, LL.B.,LL.M

PrI District and Sessions Judge,
Yadgir.

Spl.C.No.86/2019

Complainant:

The State of Karnataka
through Yadgir Rural Police Station.

(By Special Public Prosecutor)

Vs.

Accused:

1. Amul S/o Jeevaraj Pille
Age: 28 years, Occ:-
R/o Sy No. 14 Jaijavan Nagar,
Eravada, Pune, Maharashtra
2. Rakesh @ Sonukanth S/o Dadan Pande
Age: 20 years, Occ:-
R/o Barakatte, Dist: Bupal,
Near Ganganagar Shankar Mandir

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Madya Pradesh,
Now R/at near Railway station, Pune

3. Ravishankar S/o Ramadash Pande, **(Split Up)**
Age: 20 years, Occ: -
R/o Khadar, Dist: Simariya, Riva Madya Pradesh,
Now R/at Gulbarga near Railway station.

(By Sri.GBK, Advocate)

* * * * *

1)	Date of offence	19-05-2015
2)	Date of report of offence	21-05-2012
3)	Name of the complainant	Veeranna S.Magi, PSI Yadgir (R) PS
4)	Date of commencement of recording of evidence	05.01.2024
5)	Date of closing of evidence	27.03.2024
6)	Offences complained of	Sec.143, 147, 148, 302, 201 R/w Section 149 of IPC and Sec.3(1)(10), 2(5) of SC/ST PA Act, 1989.
7)	Opinion of the Judge	Accused No.3 & 5 are found not guilty.

J U D G M E N T

Accused No.3, 5 and split up accused No.6 are charged
and prosecuted for the offences punishable under Sections



Secs.143, 147, 148, 302, 201 R/w Section 149 of IPC and Secs.3(1)(10), 2(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2) The brief facts of prosecution case is that, the accused No.3 & 5 along with split up accused No.6 were with a hobby of pick pocketing. Even the deceased Amar Kamble was also doing pick pocketing. On 22.05.2012 when deceased Amar Kamble came to District Hospital, Yadgiri to see CW-13 taking treatment in the hospital in connection with accident, the accused No.3, 5 & 6 obstructed him near the main gate of the hospital by forming unlawful assembly along with other accused for not sharing pick pocket money of Rs.50,000/- with them and used force or violence with dangerous weapons like iron rod and bamboo sticks. Subsequently the accused took him to Thanagundi in a passenger auto. The accused No.1 assaulted him with hands and stabbed him with deer-horn over his chest and also assaulted him with iron rod and bamboo stick. The other accused have also assaulted deceased Amar causing



fatal injuries. After a while, the deceased Amar breathed his last at the spot. Subsequently all the accused with an intention to screen the commission of offences and to destroy the evidence took the dead body to the neighbouring land belongs to accused No.1 and by digging the soil buried the body. Thereafter, accused No.1 called accused No.8 over phone and again with an intention to completely destroy the dead body with its evidence exhumed the body in the midnight on 23.05.2012 and cut the body into pieces and burnt it to ash by putting sticks and pouring petrol. The accused have killed deceased Amar and destroyed the evidence knowing that he belongs to SC community. Accordingly complaint has been lodged before Yadgiri Rural PS which is registered as Crime No.116/2015.

3) The investigating officer after due investigation submitted charge sheet against the accused for the offences P/U/secs.143, 147, 148, 302, 201 R/w Section 149 of IPC and secs.3(1)(x), 3(v) of SC/ST (P.A.) Act, 1989. In view of absconding nature of accused No.3, 5 & 6, split up



charge sheet has been filed by separating these accused from the main case. During pendency of split up case, accused No.3 & 5 are secured and charges framed against them. The same are read over and explained to them. They pleaded not guilty and claimed to be tried.

4) The investigating officer in his charge sheet submitted list of 37 witnesses.

5) My learned predecessor in office has recorded the evidence of PW-1 to 5 and the learned public prosecutor with the consent of defence counsel has adopted the evidence of other witnesses recorded in original Special Case No.40/2015.

6) After conclusion of trial, statement of the accused was recorded under Sec.351 of BNSS, both the accused denied the prosecution evidence as false and submitted to have no defence evidence.

7) Heard the arguments on both sides. Perused the oral and documentary evidence on record.



8) The following points arise for my determination are:

- 1)** Whether the prosecution proved beyond reasonable doubt that, on 22.05.2012 when deceased Anil Kamble came to District Hospital at Yadgiri to see CW-13 taking treatment in the hospital, all the accused have formed unlawful assembly along with accused No.3 & 5 in this case by holding dangerous weapons like iron rod and bamboo sticks and thereby committed offences punishable U/Secs. 143, 147, 148 R/w sec.149 of IPC?
- 2)** Whether the prosecution proved beyond reasonable doubt that all the accused forcefully took the deceased Amar Kamble in a passenger auto to Thanagundi and accused No1 assaulted him with deer horn, iron rod and bamboo stick causing fatal injuries, while accused No.2 to 7 including accused No.3 & 5 in this case have assaulted him with hands and caused his death at the spot without falling under any exceptions and thereby committed the



offence of murder punishable U/Sec.302
R/w sec.149 of IPC?

- 3)** Whether the prosecution proved beyond reasonable doubt that all the accused with an intention to screen themselves from legal punishment and to destroy the prosecution evidence related to commission of offences took away the body of deceased Amar Kamble to the land of accused No.1 and buried it in a dig and again by calling accused No.8 over phone on 23.05.2015 in the midnight, the accused No.1, 7 & 8 in prosecution of common object of these accused No.3 & 5 exhumed the dead body and cut it into pieces and then by putting sticks and pouring petrol put fire to the body and thereby completely destroyed the evidence and thereby committed an offence punishable under Sec.201 R/w sec.149 of IPC?
- 4)** Whether the prosecution further proved beyond reasonable doubt that all the accused have assaulted and killed the deceased knowing that he belongs to



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Madara SC community and thereby committed the offence punishable under Sec.3(1)(10), 3(2)(5) of SC/ST (P.A.) Act, 1989?

5) What order or sentence?

9) My findings on 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;

REASONS

10) **Point No.1 to 4:** These points are taken up together for discussion as they are related to each other and to avoid repetition in the discussion.

11) The case of the prosecution clearly reveals from the charge sheet material that the accused No.3 & 5 along with split up accused No.6 were with a hobby of pick pocketing. Even the deceased Amar Kamble was also doing pick pocketing. On 22.05.2012 when deceased Amar Kamble came to District Hospital, Yadgiri to see CW-13 taking treatment in the hospital in connection with accident,



the accused No.3, 5 & 6 obstructed him near the main gate of the hospital by forming unlawful assembly along with other accused for not sharing pick pocket money of Rs.50,000/- with them and used force or violence with dangerous weapons like iron rod and bamboo sticks. Subsequently the accused took him to Thanagundi in a passenger auto. The accused No.1 assaulted him with hands and stabbed him with deer-horn over his chest and also assaulted him with iron rod and bamboo stick. The other accused have also assaulted deceased Amar causing fatal injuries. After a while, the deceased Amar breathed his last at the spot. Subsequently all the accused with an intention to screen the commission of offences and to destroy the evidence took the dead body to the neighbouring land belongs to accused No.1 and by digging the soil buried the body. Thereafter, accused No.1 called accused No.8 over phone and again with an intention to completely destroy the dead body with its evidence exhumed the body in the midnight on 23.05.2012 and cut



the body into pieces and burnt it to ash by putting sticks and pouring petrol. The accused have killed deceased Amar and destroyed the evidence knowing that he belongs to SC community. Accordingly complaint has been lodged before Yadgiri Rural PS which is registered as Crime No.116/2015

12) The prosecution towards establishing its case examined 16 witnesses and got marked 15 exhibits along with MO-1 to 8. The learned public prosecutor examined PW1 to 5 in this case and adopted the evidence of PW-6 to 16 from the original Special case No.40/2015.

13) CW.3 examined as PW.1, CW.2 examined as PW.2 related to the contents of 3 spot panchanamas as per Ex.P1, P.2 and 5 but both of them deposed to have not drawn any such panchanama in their presence and they did not know their contents. They further pleaded ignorance about taking photographs as per Ex.P3 and P.4. Even though both of them have been subjected to cross-examination by the learned Public Prosecutor. They denied his suggestions as false.



14) CW.5 and CW.4 examined as PW.3 and 4 to prove the contents of Ex.P6 panchanama drawn at the place of burning dead body also turned completely turned hostile and deposed that no such panchanamas drawn in their presence and they did not know the reason for taking the photographs as per Ex.P8 to 10. They also denied seizure at the spot and the suggestions of learned Public Prosecutor in their cross-examination.

15) One independent witness CW.22 known to the accused examined as PW.10 and he deposed that he did not know the deceased Amar, CW.1 and 8. He did not know deceased and CW.8 belongs to which caste. He further pleaded ignorance about anything related to the case and police have not recorded his statement. Even though he has been subjected to cross-examination by learned Public Prosecutor. He denied to has give any statement as per Ex.P30.

16) Further, the prosecution has examined CW.1 police officer as PW.5. He deposed only about transfer of



records from Akluz P.S. Maharashtra to Yadgir Rural P.S. based on occurrence of the incident within the jurisdiction of Yadgir Rural P.S. and registering complaint translating the records, arresting the accused by apprehending them with proper identification. In his cross-examination by learned defence counsel he admitted that the injured left to his village from Yadgir Govt. Hospital by the time he reached the hospital and he has not attempt to trace him and he came to know about that only based on FIR, panchanama and charge sheet. He denied other suggestions of learned defence counsel as false. The evidence of PW.5 complainant clearly reveal that he has know the personal knowledge and information about the alleged incident occurred in this case. But he only came to know about it by reading the investigation papers.

17) PW.6 is the Asst. Executive Engineer, PWD Yadgir has deposed that he visited all the 3 spots and drawn rough sketch of the spot as per Ex.P16, P.18, P.20 and P.22. He admitted in his cross-examination that he has not taken



the signature of the police officers who have shown the spot of those sketch and he has not written the reason for drawing the sketch of those spots. He denied other suggestions of learned defence counsel.

18) PW.7 deposed about submitting seized articles to RFSL, Kalaburagi for scientific examination. PW.8 deposed about his deputation to apprehend accused Moba Shaikh but did not get any information.

19) PW.11 Police Officer deposed about registering FIR as per the information as per the information given by CW.1 and submitting the same before he concerned court.

20) PW.12 Police Officer deposed about drafting statements of witnesses and drawing panchanamas as per the instruction of Dy.S.P.

21) PW.13 deposed about taking accused No.2 to 6 to police custody and handed over investigation to Dy.S.P.

22) PW.14 deposed about handing over FIR as per Ex.P31 to concerned court.



23) PW.15 is the investigating officer deposed that he investigated the case and recorded voluntary statement of accused as per Ex.P32 and accordingly they took him to the spot and drawn panchanamas as per Ex.P1, P.2 and P.5. He has also obtained rough sketch of the spots and requested to Superintendent of Police to provide CDR of mobile numbers of all the accused. He deposed about collecting caste certificate of accused and the victim as per Ex.P26. Further, he deposed about collecting Ex.P33 RFSL report. He further deposed about producing accused Apsar Mehaboob Shaikh before him and recorded his voluntary statement as per Ex.P34 and by visiting the spot shown by him through the articles at the spot under Ex.P6 panchanama as per M.O.1 to 8. Subsequently, after concluding investigation he submitted charge sheet against all the accused. He denied the suggestions of learned defence counsel as false.

24) PW.9 examined by the prosecution is the Sr. Medical Officer GIMS Hospital, Kalaburagi deposed about



examining one Raju S/o Suryanarayana as brought by one Ladbasha on 22.5.2012 at 11.30 p.m., with the history of falling from motorcycle and found bleeding injuries, abrasions displacement of bone and accordingly he issued MLC extract as per Ex.P28 and 29. He denied the suggestions of learned defence counsel as false.

25) In support of recoveries effected by the IO as per M.O.1 to 8 based on voluntary statement of the accused recorded as per Ex.P34 to establish the nexus between the accused and the alleged incident, the prosecution has examined PW.16. He deposed that after receiving seized articles he subjected the pieces of bone and other articles for chemical examination with serology test but cannot conclude whether those bones belongs to human being as they were burnt sufficiently and accordingly he issued Ex.P33 report.

26) This evidence of PW.16 is not in corroboration with the allegations and charges of prosecution to bring home the guilt against the accused and it has not



established the material link in the chain of circumstances to conclude beyond reasonable doubt that the accused only responsible for the death of victim Amar.

27) Further, along with the oral evidence discussed above the prosecution has also produced and got marked 4 spot panchanamas as per Ex.P1, P.2, P.5 and 6, complaint as per Ex.P11, MLC extracts as per Ex.P28 and 29, voluntary statements of accused as per Ex.P32 and 34, 2 RFSL reports as per Ex.P33 and 35 along with M.O.1 to 8.

28) It is material to note that none of the contents of above documents produced by the prosecution along with nexus between the seized M.O.s, the accused and the deceased Amar is established by the prosecution by the evidence of PW.1 to 16.

29) Further, it is to be noted that the case of the prosecution is neither proved by the direct evidence of any eyewitnesses to the incident or by establishing each link in the chain of circumstances and thereby the entire case of the prosecution failed under reasonable doubt.



Consequently, the benefit of reasonable doubt that arises in the prosecution case shall be given to the accused as per established principle of criminal jurisprudence.

30) Further the accused No.2, 7 & 8 were acquitted by this court in Spl Case No.40/2015 and the evidence of same case has been adopted by the prosecution and consented by the defence. There is no other additional evidence along with the evidence adopted from Spl Case No.40/2015. Hence, I answer points No.1 to 4 in the Negative.

31) Point No.5:- In view of my negative findings to points No.1 to 4, I proceed to pass the following;

ORDER

Acting U/Sec.235(1) of the Code of Criminal Procedure, the accused No.3 & 5 are hereby acquitted of the offences punishable U/Secs. 143, 147, 148, 302, 201 R/w Section 149 of IPC and Secs.3(1)(x), 2(5) of S.C/S.T (Prevention of Atrocities) Act, 1989.

The bail bonds and surety bonds of accused



shall stand cancelled.

Properties seized if any to be kept intact in the split up cases.

The accused shall execute bail bond with one surety for Rs.1,00,000/- each by undertaking to appear before the higher court as and when such court issue notice in respect of any appeal or petition filed against judgment of this court as required U/sec.481 of BNSS.

(Dictated to the Stenographer Grade-III transcribed, corrected it, taken out print, signed and then pronounced by me in the open Court on 30th **day of June, 2026**)

(Marulasiddaradhy H.J.)

Prl District and Sessions Judge,
Yadgir.

ANNEXURES

List of witnesses examined for Prosecution:

- | | |
|------|--|
| PW-1 | : Hanamanth S/o Ayyappa |
| PW-2 | : Sharanappa S/o Ningappa |
| PW-3 | : Malappa S/o Pradhani |
| PW-4 | : Bhimaraya S/o Hanamanth |
| PW-5 | : Veeranna S/o Shivasharanappa Maggi, CPI,
Byadaralli P.S. Bengaluru Urban. |
| PW-6 | : Gururaj S/o Venkatrao Kulkarni, Rtd., Asst. E.E.
PWD Yadgir. |
| PW-7 | : Narasingarao S/o Mallappa Choudari, ASI
Woman P.S. Yadgir. |



- PW-8 : Mahadevappa S/o Sangappa Babaleshwar,
Rtd., H.C.
- PW-9 : Dr.Basavaswamy S/o Siddaveerayya,
Sr.Technician
- PW-10 : Mahiboob S/o Rasoolsab
- PW-11 : Narasimharao S/o Kalyanrao, Rtd., PSI, Yadgir
- PW-12 : Paramanand S/o Sahadevappa, HC Hunsigi
Circle
- PW-13 : Balchandra S/o Gundappa Lakkam, CPI, Maski.
- PW-14 : Sayabanna S/o Eragappa, ASI Shahapur P.S.
- PW-15 : Ramgond S/o Bairappa Basaragi, Addl.S.P.
Belagavi.
- PW-16 : Radha S, Asst. Director RFSL Mysuru.

List of witnesses examined for Accused persons:-

- Nil -

List of exhibits marked for Prosecution:

- Ex.P1 : Spot panchanama
- Ex.P1(a 7 b): Signatures
- Ex.P2 : Spot panchanama
- Ex.P2(a & b): Signatures
- Ex.P3 & 4 : Photos
- Ex.P5 : Spot panchanama
- Ex.P5(a) & b): Signatures
- Ex.P6 : Spot panchanama

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Ex.P6(a & b): Signatures

Ex.P7 to 10 : 4 Photographs

Ex.P11 : Complaint

Ex.P11(a) : Signature

Ex.P12 : Records of JMFC court

Ex.P13 : Report

Ex.P13(a) : Signature

Ex.P14 : Report

Ex.P14(a) : Signature

Ex.P15 : Report

Ex.P15(a) : Signature

List of exhibits marked for Accused persons:

- Nil -

List of material objects Marked

-Nil

Prl District and Sessions Judge,
Yadgir.