



CNR: KAHC010272262026

NC: 2026:KHC:49367
CRL.A No. 699 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 10TH DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE G BASAVARAJA
CRIMINAL APPEAL NO. 699 OF 2026 (U/S 14(A)(1) of
SC/ST Act.-)

BETWEEN:

1. SRI AVIJNAGOWDA D A
AGED ABOUT 27 YEARS,
S/O D.B. ASHOK GOWDA,
R/AT KITHALEGANDI VILLAGE,
MUDIGERE TALUK,
CHIKKAMAGALURU - 577132.

...APPELLANT

(BY SRI. KRISHNA S VYAS., ADVOCATE)

AND:

1. STATE BY MUDIGERE POLICE STATION,
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS,
BENGALURU-560001.
2. MR. KRISHNAMURTHY,
AGED ABOUT 45 YEARS,
S/O. MENASAYYA,
R/O. DARADAHALLI VILLAGE,
KASABA HOBLI, MUDIGERE,
CHIKMAGALURU - 577132.

...RESPONDENTS

(BY SMT. RASHMI JADHAV, ADLL. SPP FOR R1,
R2 IS SERVED AND UNREPRESENTED.)

CRL.A. FILED U/S.14(A) (1) OF SC/ST (POA) ACT, 2015
BY THE ADVOCATE FOR THE APPELLANT/S PRAYING THAT THIS



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HONBLE COURT MAY BE PLEASED TO SET ASIDE THE IMPUGNED ORDER DATED 09.02.2026 PASSED IN SPL.C.C.NO.136/2023 BY THE COURT OF THE I ADDL SESSION AND SPECIAL JUDGE, CHIKKAMAGALURU PRODUCED AS ANNEXURE H AND ETC.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

1. The appellant has preferred this appeal against the order dated 09.02.2026, passed in Spl.C.No.136/2023 by the I Addl. Sessions & Special Judge, Chikkamagaluru, on the application filed by the accused under Section 227 of Cr.P.C.

2. For the sake of convenience, the parties herein are referred to as per their rank before the Trial Court.

3. Brief facts leading to this appeal are that, Mudigere Police have submitted the charge sheet against the appellant for the commission of offence under Sections 323, 504, 506 IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Amendment Act, 2015.



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4. The appellant had filed application under Section 227 of Cr.P.C seeking discharge of the alleged commission of offences. The prosecution has filed objection to this IA. On hearing the argument, the Trial Court has dismissed the application on 09.02.2026. Being aggrieved by this order, the appellant has preferred this appeal. It is sought to allow the appeal on the following grounds:

"9. The impugned order is contrary to law, facts and the material available on record and is liable to be set aside. The learned Special Court has failed to exercise the jurisdiction under Section 227 of the Code of Criminal Procedure in its true legal sense and has rejected the discharge application in a mechanical manner without examining whether the charge-sheet material, even if accepted at face value, discloses the essential ingredients of the offences alleged against the appellant.

10. The learned Special Court has failed to appreciate that the prosecution case itself arises in the admitted background of a subsisting civil dispute concerning the very same land on which the alleged incident is said to have taken place. The existence of the civil litigation between CW4 and the father of



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the appellant with respect to the said property was not a collateral or irrelevant circumstance, but a foundational fact going to the root of the prosecution case. The learned Judge ought to have examined whether the alleged occurrence was a genuine atrocity or merely an offshoot of a pending land dispute.

11. The learned Special Court has further failed to appreciate that, as specifically urged by the appellant, an order of temporary injunction was operating against CW4 in respect of the very same land as on the date of the alleged occurrence. When such an order was subsisting, the presence of CW4 and persons acting under or at his instance on the said land, including the complainant and CW5, was itself a highly suspicious and mischievous circumstance. The said circumstance materially affected the genesis and credibility of the prosecution story and ought to have been considered by the learned Judge while deciding whether sufficient ground existed to proceed against the appellant.

12. The learned Special Court ought to have appreciated that once an injunction order was operating against CW4, the alleged presence of the complainant and CW5 on the land at the instance of



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CW4 could not have been treated as an innocuous circumstance. On the contrary, it prima facie indicated that the complainant and CW5 were present on the land as persons aligned to a party restrained by a competent Civil Court, thereby lending substantial force to the appellant's contention that the entire incident has been projected in a mischievous manner in continuation of the civil dispute, The impugned order is completely silent on this vital aspect.

13. The learned Special Court has failed to appreciate that the appellant's contention was not merely that the witnesses were interested, but that the very presence of the complainant and CW5 on the land was traceable to CW4, against whom the injunction order was operating. Therefore, the conduct of CW4 and the persons acting under him was required to be judicially examined as part of the surrounding circumstances to ascertain whether the criminal case was being used as an instrument to overreach the civil process. The non-consideration of this aspect has vitiated the impugned order.

14. The learned Special Court has erred in not noticing that though several witnesses are cited in the charge-sheet, apart from the complainant/CW1 only CW4 and CW5 are shown as eyewitnesses to



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the alleged occurrence. CW4 is the civil adversary of the appellant's father in respect of the same property, and the complainant and CW5 are shown to have been acting under or at the instance of CW4. Thus, the entire prosecution version rests only on the complainant and persons aligned to the very party who was litigating over the property and was operating in the teeth of an injunction order. This witness structure itself called for a far more careful scrutiny at the stage of discharge.

15. The learned Special Court has failed to correctly appreciate that the offences under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act cannot be permitted to proceed unless the prosecution material prima facie discloses the distinct statutory ingredients required thereunder. The impugned order does not show any ingredient-wise examination as to whether the alleged words were used with the intent to humiliate the complainant on account of caste, whether the alleged abuse was by caste name, and whether the alleged occurrence took place in a place within public view. In the absence of such examination, the rejection of discharge is unsustainable.

16. The learned Special Court has failed to appreciate that the element of "public view", which is essential for the offences alleged under Sections



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3(1)(r) and 3(1)(s), is not satisfied merely because some persons were present at the spot. In the present case, the prosecution itself discloses that apart from the complainant, only CW4 and CW5 are projected as eyewitnesses, both of whom are admittedly aligned with the civil dispute. Their presence, particularly when traced to CW4 who was operating in the face of an injunction order, could not have been mechanically treated as satisfying the statutory requirement of public view.

17. The learned Special Court has also failed to appreciate that the alleged occurrence, as projected by the prosecution, is inseparably intertwined with a dispute over possession and enjoyment of the land. In such circumstances, the Court was bound to examine whether the prosecution had shown that the alleged insult or intimidation was directed against the complainant because of his caste, and not merely in the context of a confrontation arising from disputed possession. The impugned order does not undertake this essential legal exercise.

18. The learned Special Court has further failed to consider the material inconsistency in the prosecution case with respect to the alleged caste expression. While the charge-sheet describes the complainant as belonging to Adi Karnataka caste,



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the allegation is that the appellant used the expression "Holaya". The Court was required to examine whether the prosecution had prima facie shown that the alleged abuse was by reference to the complainant's caste name so as to attract Section 3(1)(s) The omission to consider this aspect has caused serious prejudice to the appellant.

19. The charge under Section 3(2)(va) of the SC/ST Act has also been mechanically retained without any separate judicial consideration. Once the prosecution case itself is clouded by the admitted civil dispute, the injunction operating against CW4, the suspicious presence of the complainant and CW5 on the land at the instance of CW4, the absence of independent witnesses, and the failure to clearly satisfy the foundational ingredients of Sections 3(1)(r) and 3(1)(s) the continuation of the charge under Section 3(2)(va) becomes wholly untenable.

20. The learned Special Court has misdirected itself by treating the defence put forth by the appellant as though it were a matter to be postponed entirely to trial. The appellant had specifically pointed out circumstances emerging from the prosecution material itself, namely the pending civil dispute, the order of injunction, the status of CW4 as the civil adversary, the fact that the complainant and CW5



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were present on the land at the instance of CW4, and the absence of independent material supporting the alleged occurrence. These were not matters requiring a full-fledged appreciation of defence evidence, but matters going to the very existence of sufficient ground to proceed. The learned Judge has failed to appreciate this distinction.

21. The impugned order has thus resulted in grave miscarriage of justice. The learned Special Court ought to have appreciated that where the prosecution story itself is rooted in a civil property dispute and the alleged occurrence is said to have taken place in circumstances suggesting a deliberate and mischievous presence of CW4 and his men on the land despite an injunction order, compelling the appellant to face trial under the stringent provisions of the SC/ST Act amounts to abuse of process of law.

22. Without prejudice to the above, even assuming that some altercation had taken place, the material on record does not prima facie justify continuation of the proceedings under the special enactment. At the very highest, the allegations disclose a confrontation arising out of a property dispute. The retention of the charges under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST Act, in the



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absence of strict prima facie satisfaction of their ingredients, is wholly unsustainable.

23. The appellant therefore submits that the impugned order rejecting the application for discharge is liable to be set aside and the appellant is entitled to be discharged from the offences alleged against him, more particularly the offences under the provisions of the SC/ST Act, in the interest of justice and equity.

24. Viewed from any angle, the impugned order of the trial court is unsustainable and the same is liable to be set aside. The impugned judgment of the trial court has resulted in miscarriage of justice."

5. The learned counsel for the appellant has relied on the decision of the Hon'ble Supreme Court in the case of **HITESH VERMA vs. STATE OF UTTARAKHAND** reported in **(2020) 10 SCC 710**.

6. I have heard the arguments of the learned Addl. SPP Smt. Rashmi Jadhav and examined the materials placed before this Court. In Column No.17 of the Charge sheet, it is alleged as under:



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"ಮೂಡಿಗೆರೆ ತಾಲ್ಲೂಕು ಕಸಬಾ ಹೋಬಳಿ, ದಾರದಹಳ್ಳಿ, ಗ್ರಾಮದಲ್ಲರುವ ಸ.ನಂ.41/ಪಿ-2 ರ ತೋಟದಲ್ಲಿ ಸೌದೆಗಳನ್ನು ಒಟ್ಟುಮಾಡುವ ಕೆಲಸ ಮಾಡಿಸುವಂತೆ ಅಧಿಕಾರಾಧಿಕ ಪರಿಶಿಷ್ಟ ಜಾತಿಗೆ ನೇರದ ಸಾಕ್ಷಿ-1 ಕೃಷ್ಣಮೂರ್ತಿರವರಿಗೆ, ಸಾಕ್ಷಿ-04 ಮಂಜು @ ಮಂಜುನಾಥಗೌಡರವರು ಬಾಂಬು ಮಾತಿನಲ್ಲಿ ಹೇಳಿದ್ದು ಅದರಂತೆ, ದಿನಾಂಕ: 09-08-2023 ಬೆಳಿಗ್ಗೆ, ಸುಮಾರು 10-30 ಗಂಟೆಯಲ್ಲಿ, ಸಾಕ್ಷಿ-1 ಕೃಷ್ಣಮೂರ್ತಿ ಇವರು ಸಾಕ್ಷಿ-05 ಪ್ರವೀಣ್ ಇವರೊಂದಿಗೆ ಮೂಡಿಗೆರೆ ತಾಲ್ಲೂಕು, ಕಸಬಾ ಹೋಬಳಿ, ದಾರದಹಳ್ಳಿ, ಗ್ರಾಮದಲ್ಲರುವ ಸ.ನಂ, 41/ಪಿ-2 ರ ತೋಟದಲ್ಲಿ ಕೆಲಸ ಮಾಡುತ್ತಿರುತ್ತಾಗ, ಒಕ್ಕಲಿಗೆ ಜಾತಿಗೆ ನೇರದ ಆರೋಪಿ ಅವಿಷ್ಣು @ ಅವಿಜ್ಞಗೌಡ ರವರು ಸಾಕ್ಷಿ-01 ರವರು ಕೆಲಸ ಮಾಡುತ್ತಿದ್ದ ಸ್ಥಳವಾದ ಮೂಡಿಗೆರೆ ತಾಲ್ಲೂಕು ಕಸಬಾ ಹೋಬಳಿ, ದಾರದಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.41/ಪಿ2 ರ ಜಮೀನಿನ ಬಳಿ ಬಂದು ಸಾಕ್ಷಿ-01 ರವರನ್ನು ಉದ್ದೇಶಿಸಿ, ಏಕಾಏಕಿ ಸೂಚಿಸುವಾಗ, ಬೋಳುಮಗನೆ ಯಾರನ್ನು ಕೇಳಿ ತೋಟಕ್ಕೆ, ಜನರನ್ನು ಕರೆದುಕೊಂಡು ಬಂದು ಕೆಲಸ ಮಾಡುತ್ತಿದ್ದೀಯಾ ಎಂದು ಕೇಳಿದ್ದು, ಅದಕ್ಕೆ ಸಾಕ್ಷಿ-01 ರವರು ಸಾಕ್ಷಿ-04 ಮಂಜು ರವರು ಹೇಳಿದ ಮೇರೆಗೆ ಮಂಜುರವರ ಬಾಬು ದಾರದಹಳ್ಳಿ, ಗ್ರಾಮ ಸರ್ವೆ ನಂ.41/ಪಿ2 ಕೆಲಸ ಮಾಡುತ್ತಿದ್ದೇನೆ ಎಂದು ಹೇಳಿದ್ದು, ಅದಕ್ಕೆ ಆರೋಪಿ ಅವಿಷ್ಣು @ ಅವಿಜ್ಞಗೌಡ ರವರು ಸಾಕ್ಷಿ-01 ರವರನ್ನು ಉದ್ದೇಶಿಸಿ, ಹೊಲೆಯ ಸೂಚಿಸುವಾಗ, ಬೋಳುಮಗನೆ, ನಿನ್ನನ್ನು ಕತ್ತಿಯಿಂದ ಕೊಲೆ ಮಾಡುತ್ತೇನೆ ಎಂದು ಕೊಲೆ ಬೆದಲಿಕೆ ಹಾಕಿ, ಸಾಕ್ಷಿ-01 ರವರನ್ನು ಕೈಯಿಂದ ದೂಡಿದ್ದು, ಇದರ ಪರಿಣಾಮ ಸಾಕ್ಷಿ-01 ರವರು ಕೆಳಗೆ ನೆಲದ ಮೇಲೆ ಬಿದ್ದು, ಸಾಕ್ಷಿ-01 ರವರ ಬಲ ಪಕ್ಕಿಗೆ ಮತ್ತು ಒಳಭಾಗದಲ್ಲಿ, ಸಾಮಾನ್ಯ ಸ್ವರೂಪದ ನೋವುಂಟಾಗಿರುತ್ತದೆ, ಈ ಸಮಯದಲ್ಲಿ, ಸಾಕ್ಷಿ-04 ಮತ್ತು ಸಾಕ್ಷಿ-05 ರವರು ಸಾಕ್ಷಿ-1 ರವರ ಬಳಿ ಬಂದಾಗ, ಆರೋಪಿ ಅವಿಜ್ಞಗೌಡ ಸಾಕ್ಷಿ-01 ರವರನ್ನು ಕುರಿತು ಈ ದಿನ ನೀನು ಉಳಿದುಕೊಂಡಿದ್ದೀಯಾ, ಇನ್ನೊಮ್ಮೆ ಈ ತೋಟದ ಕೆಲಸಕ್ಕೆ ಬಂದರೆ, ಕೊಲೆ ಮಾಡದೇ ಬಿಡುವುದಿಲ್ಲ. ಹೊಲೆಯ ಸೂಚಿಸುವಾಗ ಎಂದು ಕೊಲೆ ಬೆದಲಿಕೆ ಹಾಕಿ, ಜಾತಿನಿಂದನೆ ಮಾಡಿ ಸ್ಥಳದಿಂದ ಹೋಗಿರುತ್ತಾನೆ. ಇದುವರೆಗಿನ ತನಿಖೆಯಿಂದ, ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆಗಳೆಗಳಿಂದ, ದಾಖಲಾತಿಗಳ ಪರಿಶೀಲನೆಯಿಂದ, ಆರೋಪವು ತನಿಖೆಯಲ್ಲಿ ದೃಢಪಟ್ಟಿರುತ್ತದೆ.



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ಸಾಕ್ಷಿ-01 ರವರಾದ ಕೃಷ್ಣಮೂರ್ತಿ ಇವರು ಅಧಿಕಾರಾಧಾರಿತ ಪರಿಶಿಷ್ಟ ಜಾತಿಗೆ ಸೇರಿದವರು ಎಂದು ಗೊತ್ತಿದ್ದರೂ ಸಹಾ, ಸಾಮಾನ್ಯ ಒಕ್ಕಲಿಗೆ ಜಾತಿಗೆ ಸೇರಿ, ಅರೋಪಿ ಅವಿಷ್ಣು @ ಅವಿಜ್ಞಗೌಡ ಇವರು ಮೂಡಿಗೆರೆ ತಾಲ್ಲೂಕು, ಕಸಬಾ ಹೋಬಳಿ, ದಾರದಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂಬರ್ 41/ಪಿ2 ರ ಜಮೀನಿನಲ್ಲಿ ಕೆಲಸ ಮಾಡುತ್ತಿದ್ದ ಸಾಕ್ಷಿ-01 ರವರಿಗೆ ಅವಾಚ್ಯವಾಗಿ ಬೈಯ್ದು, ಜಾತಿ ನಿಂದನೆ ಮಾಡಿ, ಕೊಲೆ ಬೆದಲಿಕೆ ಹಾಕಿ, ಕೈಯಿಂದ ದೂಡಿ ಜೀಜಿಸಿ, ಸಾಮಾನ್ಯ ಸ್ವರೂಪದ ನೋವುಂಟುಮಾಡಿರುತ್ತಾರೆ. ಅದರಿಂದ ಅರೋಪಿಯ ವಿರುದ್ಧ, ಕಲಂ:323, 504, 506 ಐಪಿಸಿ ಸಹಿತ ಕಲಂ: 3(1)(r),(s), 3(2)(Va) ಎಸ್.ಸಿ/ಎಸ್.ಟಿ(ಪಿ.ಒ.ಎ) ಕಾಯಿದೆ 1989 ತಿದ್ದುಪಡಿ ಕಾಯಿದೆ 2015. ದೋಷಾರೋಪಣ ಪತ್ರ ಸಲ್ಲಿಸಿದೆ."

7. Before appreciation of the materials on record, it is necessary to refer to the observations made by the Hon'ble Supreme Court in the case of **HITESH VERMA** (supra), wherein Para Nos.13 to 16 of the judgment. The same reads thus:

"13. The offence under Section 3(1)(r) of the Act would indicate the ingredient of intentional insult and intimidation with an intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe. All insults or intimidations to a person will not be an offence under the Act unless such insult or intimidation is on account of victim belonging to Scheduled Caste or Scheduled Tribe. The object of the Act is to improve the socio-economic conditions of the Scheduled Castes and the



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Scheduled Tribes as they are denied number of civil rights. Thus, an offence under the Act would be made out when a member of the vulnerable section of the society is subjected to indignities, humiliations and harassment. The assertion of title over the land by either of the parties is not due to either the indignities, humiliations or harassment. Every citizen has a right to avail their remedies in accordance with law. Therefore, if the appellant or his family members have invoked jurisdiction of the civil court, or that Respondent 2 has invoked the jurisdiction of the civil court, then the parties are availing their remedies in accordance with the procedure established by law. Such action is not for the reason that Respondent 2 is a member of Scheduled Caste.

14. Another key ingredient of the provision is insult or intimidation in "any place within public view". What is to be regarded as "place in public view" had come up for consideration before this Court in the judgment reported as Swaran Singh v. State [Swaran Singh v. State, (2008) 8 SCC 435 : (2008) 3 SCC (Cri) 527] . The Court had drawn distinction between the expression "public place" and "in any place within public view". It was held that if an offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary



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wall, then the lawn would certainly be a place within the public view. On the contrary, if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then it would not be an offence since it is not in the public view (sic) [Ed. : This sentence appears to be contrary to what is stated below in the extract from Swaran Singh, (2008) 8 SCC 435, at p. 736d-e, and in the application of this principle in para 15, below:"Also, even if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then also it would be an offence since it is in the public view."]. The Court held as under : (SCC pp. 443-44, para 28)

"28. It has been alleged in the FIR that Vinod Nagar, the first informant, was insulted by Appellants 2 and 3 (by calling him a "chamar") when he stood near the car which was parked at the gate of the premises. In our opinion, this was certainly a place within public view, since the gate of a house is certainly a place within public view. It could have been a different matter had the alleged offence been committed inside a building, and also was not in the public view. However, if the offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary wall, the lawn would certainly be a place within the public view.



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Also, even if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then also it would be an offence since it is in the public view. We must, therefore, not confuse the expression "place within public view" with the expression "public place". A place can be a private place but yet within the public view. On the other hand, a public place would ordinarily mean a place which is owned or leased by the Government or the municipality (or other local body) or gaon sabha or an instrumentality of the State, and not by private persons or private bodies."

(emphasis in original)

15. As per the FIR, the allegations of abusing the informant were within the four walls of her building. It is not the case of the informant that there was any member of the public (not merely relatives or friends) at the time of the incident in the house. Therefore, the basic ingredient that the words were uttered "in any place within public view" is not made out. In the list of witnesses appended to the charge-sheet, certain witnesses are named but it could not be said that those were the persons present within the four walls of the building. The offence is alleged to have taken place within the four walls of the building. Therefore, in view of the judgment of this Court in Swaran Singh [Swaran



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Singh v. State, (2008) 8 SCC 435 : (2008) 3 SCC (Cri) 527] , it cannot be said to be a place within public view as none was said to be present within the four walls of the building as per the FIR and/or charge-sheet.

16. There is a dispute about the possession of the land which is the subject-matter of civil dispute between the parties as per Respondent 2 herself. Due to dispute, the appellant and others were not permitting Respondent 2 to cultivate the land for the last six months. Since the matter is regarding possession of property pending before the civil court, any dispute arising on account of possession of the said property would not disclose an offence under the Act unless the victim is abused, intimidated or harassed only for the reason that she belongs to Scheduled Caste or Scheduled Tribe."

8. In view of the above observation, the Hon'ble Supreme Court has held that the charges against the appellant under Section 3(1)(r) of the SC/ST (POA) Act, are not made out. Consequently, charge sheet to that extent was quashed.

9. In the case on hand, on perusal of the materials placed before this Court, it is crystal clear that, the charge



sheet materials itself reveals that there is a civil dispute between the CW4 and accused in respect of Sy.No.41/P2, Daradahalli Village. The victim came to the disputed land, and was working at the instance of CW4, by that time the alleged offence has occurred. The appellant had no intention to insult and intimidate with an intent to humiliate a member of SC/ST. The assertion of title over the land by either of the parties is not either due to indignities, humiliations or harassment.

10. On careful examination of the entire materials on record, I do not find sufficient ingredients to constitute the offence punishable under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Act 1989, Amendment, Act 2015. Accordingly, I find that the charges against the appellant under the penal provisions of the SC/ST (POA) Act, 1989, are not made out. Consequently, the charge sheet to that extent is quashed.



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11. With regard to other alleged offences punishable under Sections 323, 504 and 506 are concerned, at this stage, there are *prima facie* materials to proceed against the accused for the offence punishable under Sections 323, 504 and 506 IPC. Hence, I proceed to pass the following:

ORDER

- (i) Appeal is **partly allowed**;
- (ii) The appellant/accused is discharged of the offence punishable under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Act 1989, Amendment, Act 2015;
- (iii) It is made clear that there are *prima facie* materials to proceed against the accused for the commission of offence under Sections 323, 504 and 506 of IPC;
- (iv) Since the accused is discharged of the offences under Sections 3(1)(r), 3(1)(s) and



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3(2)(va) of SC/ST (POA) Act 1989, Amendment, Act 2015, the Special Court is directed to transfer this case to the concerned jurisdictional Magistrate to proceed against the accused for the offences punishable under Sections 323, 504 and 506 of IPC;

(v) Registry is directed to communicate this order to the Special Court, forthwith.

**Sd/-
(G BASAVARAJA)
JUDGE**

DHA
List No.: 1 Sl No.: 53