



CNR: KAHC010529422016

NC: 2026:KHC:53261
CRL.A No. 987 of 2016

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 24TH DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE G BASAVARAJA
CRIMINAL APPEAL NO. 987 OF 2016 (A)

BETWEEN:

1. STATE OF KARNATAKA
YALANDUR POLICE,
CHAMARAJANAGAR DISTRICT,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-571 441.

...APPELLANT

(BY SRI. K. NAGESHWARAPPA, HCGP)

AND:

1. NATARAJU
S/O. BASAVEGOWDA,
AGED ABOUT 49 YEARS,
2. REVANNA
S/O. M.N. MARISWAMY,
AGED ABOUT 37 YEARS,
3. UMESH
S/O. PUTTEGOWDA,
AGED ABOUT 39 YEARS,
4. C. ANANDAKUMAR
S/O. CHAMEGOWDA,
AGED ABOUT 64 YEARS,
5. RAMEGOWDA
S/O. BASAVEGOWDA,



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AGED ABOUT 66 YEARS,

6. SATISH
S/O. RAMANNA @ V.N. RAMEGOWDA,
AGED ABOUT 42 YEARS,
7. SURESH
S/O. VENKATARANGEGOWDA,
AGED ABOUT 44 YEARS,
8. JAYAPALA
S/O. LATE MUDDEGOWDA,
AGED ABOUT 49 YEARS,
9. CHINNASWAMY
S/O. LATE THOFEOWDA,
AGED ABOUT 49 YEARS,
10. A. PRASANNAKUMAR
S/O. ANANDAKUMAR,
AGED ABOUT 31 YEARS,
11. R. NAGARAJU
S/O. RAMEGOWDA,
AGED ABOUT 32 YEARS,
12. LOKESHA
S/O. LATE RANGEGOWDA,
AGED ABOUT 47 YEARS,
13. RAMEGOWDA
S/O. LATE MUDDEGOWDA,
AGED ABOUT 44 YEARS,
14. SIDDEGOWDA
S/O. LATE MUDDEGOWDA,
AGED ABOUT 59 YEARS,
15. CHAMEGOWDA @ KYAKOTHI
S/O. CHAMEGOWDA,



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AGED ABOUT 66 YEARS,

16. SUNDER
S/O. LATE RAMEGOWDA,
AGED ABOUT 40 YEARS,
17. SIDDEGOWDA
S/O. LATE BANGARGOWDA,
AGED ABOUT 36 YEARS,
18. RAMESHA
S/O. LATE PONNEGOWDA,
AGED ABOUT 59 YEARS,
19. NANDA
S/O. LATE BANGAREGOWDA,
AGED ABOUT 44 YEARS,
20. SOMANNA
S/O. CHAMEGOWDA,
AGED ABOUT 46 YEARS,
21. RUDREGOWDA @ RAGHU
S/O. RANGEOWDA,
AGED ABOUT 30 YEARS,
22. BASAVARAJU (MILK DAIRY)
S/O. MADEGOWDA,
AGED ABOUT 34 YEARS,
23. JAYARAMEGOWDA
S/O. LATE THIBBEGOWDA,
AGED ABOUT 62 YEARS,
24. CHAMEGOWDA
S/O. NINGEGOWDA,
AGED ABOUT 70 YEARS,
25. CHELUVAPPA @ POOJARI CHELUVAPPA
S/O. LATE RAMAPPA @ HALASINGAPPA,



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AGED ABOUT 39 YEARS,

ALL ARE RESIDENTS OF VADAGERE VILLAGE,
YELANADUR TALUK,
CHAMARAJANAGARA DISTRICT-571 441.

...RESPONDENTS

(BY SRI. MANJUNATH N. D., ADV. FOR R1-R25 (ABSENT),
V/O DTD: 24.09.2026 SRI. PRUTHVEEN KATTIMANI IS
APPOINTED AS AMICUS CURIAE FOR R1 TO R25.)

CRL.A. FILED U/S.378(1) AND (3) CR.P.C BY THE S.P.P.
FOR THE STATE/APPELLANT PRAYING THAT THIS HON'BLE
COURT MAY BE PLEASED TO GRANT LEAVE TO FILE AN APPEAL
AGAINST THE JUDGEMENT AND ORDER DATED 01.01.2016
PASSED IN SPL.C.NO.31/2012 ON THE FILE OF PRL. DIST. AND
S.J., CHAMARAJANAGARA ACQUITTING THE
RESPONDENTS/ACCUSED NO.1 TO 25 FOR THE OFFENCES
P/U/S 3(1)(x) OF SC/ST (POA) ACT AND SEC. 153(A),506 AND
114 R/W 149 OF IPC.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

1. The State has preferred this appeal against the
judgment of Acquittal dated 01.06.2016 passed in
Spl.C.No.31/2012 by the Principal District and Sessions
Judge, Chamarajanagara (for short, the trial Court).

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



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3. Brief facts leading to this appeal are that, on 06.05.2012, at about 11.00 p.m., when the Anjaneya Swamy pooja was being performed by the villagers of all the community and the procession was taken to all the streets of the community, except the community of Harijanas, where they were living. At about 11.00 p.m. when the procession came near the main road of the Harijana Community People, CW1-Anand Kumar offered pooja to the God and gave plate containing pooja things. Then, the deity refused to touch the plate, as CW1 belongs to Holey Community. Having insulted by the said act of the Poojari, CW1 questioned about the said insult, the upper community people like Nataraju, Revanna & Umesha i.e., accused Nos.1 to 3 have supported accused No.25-Cheluvappa and they said even if they go to jail for 6 months, they are ready to face consequences, but the poojari of Anjaneya Swamy should not touch the plates Harijanas and the procession should not go to the street of the Harijanas. In the meanwhile, the elders of the village



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gathered and pacified the matter that they would go to convene the meeting on the next day.

4. On 07.05.2012 at about 8.00 a.m. the panchayath of all the community was held in the village and the people of Harijana Community and CW1 demanded that the procession of the deity should also come to the Harijana Community Street and priest should take the pooja plate offered by their community and perform the pooja. By then, Ramegowda i.e., Accused No.5, Accused No.1 Nataraju & Accused No.4 Anandkumar did not agree for the same and they refused to fulfill their offer. Accused No.6 Sathish working as a teacher, states that the youths of his community are ready to fight if other people agreed to touch the plates of Harijan and if the deity of Anjaneya Swamy goes to the street of Harijanas and also he said that he would look after all the expenditure whatever incurred to avoid the deity of Anjaneya Swamy to enter in to the street and performing of pooja by Harijana community.



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5. After they heard all these impossibilities, the CW1 and his community members have decided to sit for another round of meeting or panchayath and try to pacify the matter and also to bring peace and harmony with all the communities of the village. But the other community of the villagers were not ready to accept their offer, hence they were forced to lodge a complaint against them for intervention by the Police and District Administration to look into this issue and to sort out the problems. Accordingly, on 20.5.2012 CW1 lodged a complaint before Yalandur Police and sought for intervention to sort out the problem. The said Police have registered case against Accused Nos.1 to 25 for the offence punishable under Section 3(1)(x) of SC & ST (Prevention of Atrocities) Act, 1989 & Sections 153(A), 506 R/w 149 and 114 of IPC in Crime No.37/2012 and handed over the matter to Deputy Superintendent, for further investigation.



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6. After investigation, the Deputy Superintendent of Police filed a Charge Sheet for the said offence against all the accused i.e., Accused Nos.1 to 25.

7. The accused were enlarged on bail. On hearing, the trial Court has framed the charges for the commission of alleged offences. Same were read over and explained to the accused. Having understood the same, the accused pleaded not guilty and claimed to be tried.

8. To prove the guilt of the accused, the prosecution, in all, has examined 11 witnesses as PW1 to PW11. 11 documents were marked as Ex.P1 to Ex.P11. On closure of prosecution side evidence, statement under Section 313 of Cr.P.C was recorded, accused have totally denied the evidence of prosecution witnesses. However, they did not choose to lead any defence evidence on their behalf. But, during the course of evidence of prosecution witnesses, 6 documents were marked as Ex.R1 to R6.



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9. Having heard the arguments on both sides, the trial Court has acquitted the accused. Being aggrieved by the judgment of acquittal, State has preferred this appeal.

10. The learned HCGP would submit that, the impugned sentence passed by the trial Court is illegal, improper and same is liable to be set aside. The trial Court has not properly appreciated the evidence of PW1 to PW4 in proper perspective. It is submitted that the incident took place on 06.05.2012 and complaint lodged on 20.05.2012. Delay has been explained satisfactorily that in order to uphold the decorum, dignity and harmony between the communities in the village, CW1 and his followers were waiting. But when it was not possible, immediately they lodged a complaint. Hence, the delay in lodging the complaint has been satisfied. On all these grounds, it is sought for allowing the appeal.

11. Learned counsel for respondents remained absent. Hence, learned counsel Sri Pruthveen Kattimani is



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appointed as Amicus Curiae to submit arguments on behalf of respondents. Learned counsel has submitted that the Trial Court has properly appreciated the evidence on record in accordance with law. Absolutely that there are no grounds to interfere with the judgment of Acquittal and sought for dismissal of the appeal.

12. Having heard the arguments of learned HCGP and on perusal of the entire materials placed before this Court, the following points would arise for my consideration:

(1) *Whether the State has made out any ground to allow the appeal?*

(2) *What order?*

13. My answer to the above points as under:

(1) *Negative*

(2) *As per final order.*

Regarding Point No.1:

14. Before appreciation of evidence on record, it is necessary to mention as to the judgments of the Hon'ble Apex Court in the case of CONSTABLE 907 SURENDRA



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SINGH AND ANOTHER v. STATE OF UTTARAKHAND reported in (2025)5 SCC 433; BABU SAHEBGOU DA RUDRAGOUDAR AND OTHERS v. STATE OF KARNATAKA reported in (2024)8 SCC 149; CHANDRAPPA v. STATE OF KARNATAKA reported in (2007)4 SCC 415; and H.D. SUNDARA v. STATE OF KARNATAKA reported in (2023)9 SCC 581 relied by the Amicus Curiae. The principles governing exercise of appellate jurisdiction while dealing with an appeal against judgment of acquittal under section 378 of Code of Criminal Procedure are, the acquittal of the accused further strengthens the presumption of innocence; the appellate court, while hearing an appeal against acquittal, is entitled to re-appreciate the oral and documentary evidence; the appellate court, while deciding an appeal against acquittal, after re-appreciating the evidence, is required to consider whether the view taken by the trial court is a possible view which could have been taken on the basis of the evidence on record; if the view taken is a possible view, the appellate court cannot



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overturn the order of acquittal on the ground that another view was also possible; and the appellate court can interfere with the order of acquittal only if it comes to a finding that the only conclusion which can be recorded on the basis of the evidence on record was that the guilt of the accused was proved beyond a reasonable doubt and no other conclusion was possible. The interference by an appellate court for reversing the judgment of acquittal recorded by the trial court in favour of the accused has to be exercised only if the judgment of acquittal suffers from patent perversity; the same is based on a misreading/omission to consider material evidence on record; and that no two reasonable views are possible and only the view consistent with the guilt of the accused is possible from the evidence available on record.

15. I have examined the materials placed before this Court.



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16. To prove the guilt of the accused, prosecution has examined 11 witnesses as PW1 to PW11 and 11 documents were marked as Exs.P1 to P11.

17. PW1-Anand Kumar is complainant and victim. PW2-Nagaraju, PW3-Mahadeva, PW4-Somashekar, PW5-Chikkiraiah, PW6-Madhaya, PW7-Mahadevaiah and PW9-Mahadevu are said to be the eyewitness to the incident. PW8-Rajashekar is the Assistant Engineer, who drew the sketch on spot as per Ex.P10. PW10 and PW11 have deposed as to their respective investigation.

18. The trial Court has observed in Para No. 27, as under:

"27. As stated supra, PW1 to 7 and 9 are eyewitnesses. PW1 is complainant and victim. No doubt PW2 to 5, 7 and 9 supported the versions of PW1 in their examination-in-chief. But during the course of their cross-examination all these witnesses have admitted that on that day PW1 offered pooja plate to accused No.25 and accused No.25 told that he would take only pooja articles and perform pooja and he has not uttered any other words. The admissions of these witnesses during the course of



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*their cross-examination clearly reveal that on 07.05.2012, when panchayath was convened PW1 and others put demand stating that the pooja plate given by them should be received by the priest and pooja should be offered in same plate and procession of deity of Anjaneyaswamy should be brought to the street of Scheduled Caste people and accused did not agree for the same and therefore it appears that in order to insist their demands, these witnesses got filed complaint through PW1. Therefore it is clear that the prosecution has failed to establish that accused abused PW1 by taking his caste name with an intention to insult or humiliate him in public view and they promoted hatredness and prejudice and feeling of enmity in two communities i.e., community of witnesses on one hand and community of accused on other hand and gave threat to the life of PW1. The prosecution has failed to establish that accused No.6 and 7 abetted and instigated other accused to commit the offence. Hence, prosecution has failed to establish the guilt of accused beyond reasonable doubt. **Accordingly, above Points No.1 to 4 are held in the Negative."***

19. On careful examination of the entire evidence on record, this Court has noticed that the trial Court has properly appreciated the evidence on record in accordance



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with law and facts. I do not find any legal or factual error in the impugned judgment of acquittal. Accordingly, I answer point No.1 in the Negative.

Regarding Point No.2:

20. Considering the facts and circumstances of the case and also keeping in mind the aforesaid decisions of the Hon'ble Supreme Court, I proceed to pass the following:

ORDER

Appeal is **dismissed**.

The Registry is directed to pay an amount of Rs.10,000/- to Sri Pruthveen Kattimani, Advocate.

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

DHA
LIST NO.: 1 SL NO.: 67