HC-KAR

NC: 2026:KHC:63505
CRL.A No. 1808 of 2016

CNR: KAHC010427112016

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 1808 OF 2016 (A)

BETWEEN:

THE STATE OF KARNATAKA
BY HONNALI POLICE,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
BENGALURU - 560 001.

...APPELLANT

(BY SRI. K. NAGESHWARAPPA., HCGP)

AND:

1. BELURA
   S/O NAGAPPA,
   AGED ABOUT 36 YEARS,

2. SEENA
   S/O RAMAPPA,
   AGED ABOUT 35 YEARS,

3. GULLESHA
   S/O REVANAPPA,
   AGE ABOUT 31 YEARS,

4. VAGGARA SHIVU
   S/O MADAPPA,
   AGED ABOUT 31 YEARS,

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LAKSHMINARAYAN N
Location: High Court of
Karnataka

5. CHANNAKKARA PRAKASH
S/O RAMAPPA,
AGED ABOUT 27 YEARS,

ALL ARE R/O KULAGATTE VILLAGE,
HONNALI TALUK - 577 217.

…RESPONDENTS

(BY SRI. M RUDRAIAH.,ADVOCATE FOR R1, R3 TO R5 (PH);
V/O DATED 17.11.2026 APPEAL AGAINST R2 STANDS ABATED)

THIS CRL.A. IS FILED U/S.378(1) AND (3) CR.P.C PRAYING TO GRANT LEAVE TO APPEAL AGAINST THE JUDGEMENT AND ORDER DATED 26.05.2016 PASSED BY THE II ADDL. DIST. AND S.J., AND SPL. JUDGE UNDER SC/ST (PA) ACT, DAVANAGERE IN SPL.C.NO.18/2015, ACQUITTING THE RESPONDENTS/ACCUSED FOR THE OFFENCE P/U/S 143,323,504,506 R/W 149 OF IPC AND SEC.3(1)(x) OF SC/ST (POA) 1989.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

The State has preferred this appeal against the judgment of acquittal dated 26.05.2016 passed in Spl.(SC/ST).Case.No.18/2015, by the II Additional District and Sessions Judge and Special Judge, Davangere (for short, 'the trial Court').

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

3. The brief facts of the case leading to this appeal are that the Dy.S.P., Davanagere Rural Sub-Division, filed charge sheet against the accused for the commission of offence under Sections 323, 504 and 506 R/w Section 149 IPC and Section 3(1)(X) of SC/ST (POA) Act.

4. It is alleged by the prosecution that on 29.03.2015 at about 05:30 p.m., the accused, in furtherance of their common object, picked up a quarrel with the complainant-Ganesha on public road near Anjaneya Temple of Kulagatte Village, Honalli Taluk, as he refused to leave the place at the time of arrival of God Anjaneya procession during "Thorn Procession". Further

the accused have abused the complainant in filthy language by calling him in the name of his caste with an intention to humiliate him in the view of public and voluntarily assaulted on his body with their hands and thorn branches, caused bodily injury to him. Further, they threatened him with dire consequences. Thus, the accused have committed the aforesaid offences.

5. After appearance of the accused, they were enlarged on bail. On hearing the arguments, trial Court has framed the charges for the alleged offences, same were read over and explained to the accused. Having understood the same, accused pleaded not guilty and claimed to be tried.

6. To prove the guilt of the accused, prosecution examined 9 witnesses PWs.1 to 9. 19 documents were marked as Exs.P1 to P19. On closure of prosecution side evidence, statements under Section 313 of Cr.P.C. were recorded. Accused has totally denied the evidence of prosecution witnesses. However, he did not choose to lead any defence evidence on his behalf. During the course of cross-examination

of prosecution witnesses, three documents were marked as Exs.D1 to D3.

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

8. Learned HCGP would submit that the impugned judgment and order of acquittal passed by the trial Court is contrary to the facts of the case and evidence on record. The reasons assigned by the trial Court, while passing the impugned judgment and order of acquittal is erroneous and improper. Hence, it has reached wrong conclusion resulting in substantial miscarriage of justice. The trial Court has failed to appreciate the evidence that the Investigating officer has investigated the matter and collected prima-facie material against the accused and prepared spot sketch and Mahazar. His evidence corroborated with the evidence of PW1, who is an injured complainant. Further his evidence corroborated with the evidence of PWs.4 and 5 who are the material witnesses to the case of the prosecution. His evidence also corroborated with the evidence of PW7-Dr. Chandrappa, who treated the PW1.

The injured complainant has categorically deposed that accused herein abused him in filthy language with reference to his caste and threatened with dire consequences. Hence, he submits that the trial court has failed to appreciate the evidence on record and sought for allowing this appeal.

9. As against this, learned counsel for the respondents would submit that trial Court has properly appreciated the evidence on record in accordance with law. There is absolutely no material to interfere with the impugned judgment and order of acquittal, and sought for dismissal of this appeal.

10. Having heard the arguments on both sides and perusal of the materials placed before this Court, the following points would arise for my consideration:

i. Whether the trial Court is justified in acquitting the accused/respondents?

ii. What order?

11. My answer to the above points are as under:

Point No.1 - Affirmative

Point No.2 - As per final order

Regarding Point No.1:-

12. I have examined the materials placed before this Court. To prove the guilt of the accused, prosecution has examined 9 witnesses as PWs.1 to 9.

13. PW1 has admitted in his cross-examination that Suresha, Siddheesha, Rangappa and Pakirappa are his relatives. PWs2 and 3 are the panchas to the Mahazar-Ex.P2. PWs.4 and 5 are the eye witnesses.

14. There is a delay of one day in filing the complaint. Delay is not properly explained. During the course of cross-examination of PW1, he has stated that the complaint was prepared by him along with other eight persons. Ex.P16 is the wound certificate of the complainant issued by PW7-Dr. Chandrappa, Medical Officer in which, only the name of Sri. Seena son of Hanumanthappa is seen and name of other accused is not disclosed. Sri. Seena son of Hanumanthappa is not an accused in this case. The wound certificate does not reveal as to the name of the accused. PW7-Dr. Chandrappa has also not deposed anything against the accused. Further, he

has not registered the case as MLC, though the injured was admitted to the hospital with history of assault.

15. The trial Court has observed that there is no mention either in the complaint or in the evidence of PWs1, 4 and 5 about the specific act of each accused during the alleged incident. During the course of cross-examination of prosecution witnesses, Exs.D1 to D3 are marked. As per Ex.P1, PW1 has given statement to the police that none of the accused persons have assaulted him with thorn stick and while climbing, a thorny stick struck him in the chest, resulting in a bleeding injury. Accordingly, Rangappa and Suresh have also given statement before the police as per Ex.D2 and Ex.D3.

16. On careful examination of the entire material placed on record, I do not find any cogent, consistent, corroborative trustworthy legal evidence to prove the guilt of the accused.

17. The trial Court has rightly appreciated the evidence on record in accordance 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 affirmative.

Regarding Point No.2:-

18. For the aforesaid reasons and discussions, I proceed to pass the following:

ORDER

The appeal is ***dismissed***.

Sd/-
(G BASAVARAJA)
JUDGE

RL
List No.: 1 Sl No.: 5