



CNR: KAHC010477692015

NC: 2026:KHC:54698
CRL.A No. 1428 of 2015

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 1428 OF 2015 (A)

BETWEEN:

1. THE STATE OF KARNATAKA
THROUGH
TERAKANAMBI POLICE - 571 313.

...APPELLANT

(BY SRI. K.NAGESHWARAPPA, HCGP)

AND:

1. SRI. PARAMESHA
S/O BELLAPPA
AGED ABOUT 25 YEARS
2. SRI. PARASHIVA
S/O BASAPPA @ MOOGAPPA
AGED ABOUT 36 YEARS
3. SRI. MAHADEVAPPA
S/O BASAPPA @ MOOGAPPA
AGED ABOUT 40 YEARS
4. SRI. MALLIKA
S/O BELLAPPA
AGED ABOUT 28 YEARS
5. SRI. ANGADI NANDISHA
S/O BASAVANNA

Digitally
signed by
GEETHA P G
Location:
HIGH
COURT OF
KARNATAKA



CNR: KAHC010477692015

NC: 2026:KHC:54698
CRL.A No. 1428 of 2015

AGED ABOUT 32 YEARS

6. SRI. MALLU
S/O BASAPPA
AGED ABOUT 26 YEARS
7. SRI. BASAPPA
S/O NINGAPPA
AGED ABOUT 55 YEARS
8. SRI. MANJU
S/O GURUSWAMAPPA
AGED ABOUT 23 YEARS
9. SRI. SWAMY
S/O MALLAPPA
AGED ABOUT 20 YEARS
10. SRI. PRASAD
S/O MARADAGULI BASAPPA
AGED ABOUT 21 YEARS
11. SRI. MAHESHA
S/O BHADRAPPA
AGED ABOUT 28 YEARS
12. SRI. MAHESHA
S/O BASAVARAJAPPA
AGED ABOUT 23 YEARS
13. SRI. PUTTAPPA
S/O BELLAPPA
AGED ABOUT 28 YEARS
14. SRI. MAHESHA
S/O MAHADEVAPPA
AGED ABOUT 26 YEARS
15. SRI. BASAVARAJU



CNR: KAHC010477692015

NC: 2026:KHC:54698
CRL.A No. 1428 of 2015

S/O MALLAPPA
AGED ABOUT 26 YEARS

16. SRI. KARIYAPPA
S/O GURUMALLAPPA
AGED ABOUT 40 YEARS

17. SRI. SHANKARAPPA
S/O GURUMALLAPPA
AGED ABOUT 36 YEARS

18. SRI. SURESH
S/O MAHADEVAPPA
AGED ABOUT 30 YEARS

19. SRI. RAJESH
S/O MAHADEVAPPA
AGED ABOUT 23 YEARS

20. SRI. VRUSHABENDRA
S/O MRUTHYUNJAIAH
AGED ABOUT 30 YEARS

21. SRI. MAHADEVAPPA
S/O GURUBASAPPA
AGED ABOUT 45 YEARS

22. SRI. RAVI
S/O BELLAPPA
AGED ABOUT 25 YEARS

23. SRI. SWAMY
S/O PUTTAMALLAPA
AGED ABOUT 26 YEARS

24. SRI. KARIYAPPA
S/O BASAVARAJAPPA
AGED ABOUT 55 YEARS



NC: 2026:KHC:54698
CRL.A No. 1428 of 2015

CNR: KAHC010477692015

25. CANTEEN BASAVANNA
S/O MALLAPPA
AGED ABOUT 60 YEARS

26. SHIVAKUMAR
S/O MAHADEVAPPA
AGED ABOUT 26 YEARS

ALL ARE R/AT
BOMMANAHALLI VILLAGE
GUNDLUPET TALUK - 571 111.

...RESPONDENTS

(BY SRI. MANJUNATH N.D., ADVOCATE)

THIS CRL.A. IS FILED U/S.378(1) AND (3) OF CR.P.C. BY THE S.P.P. FOR THE APPELLANT/STATE PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED TO GRANT LEAVE TO APPEAL AGAINST THE JUDGMENT AND ORDER OF ACQUITTAL DATED 20.08.2015 PASSED IN SPL.C.NO.165/2009 ON THE FILE OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE AT CHAMARAJANAGARA THEREBY ACQUITTING THE RESPONDENTS/ACCUSED FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 143, 147, 148, 341, 323, 324, 506, 427 AND 295(A) OF IPC AND SECTION 3(I)(x) AND (xi) OF SC/ST (POA) ACT, 1989 AND SET ASIDE THE JUDGMENT AND ORDER OF ACQUITTAL DATED 20.08.2015 PASSED IN SPECIAL CASE NO.165/2009 ON THE FILE OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, CHAMARAJANAGAR BY ALLOWING THIS APPEAL AND ETC.



CNR: KAHC010477692015

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

The State has preferred the appeal against Judgment of acquittal dated 20th August 2015 passed in Special case No.165 of 2009 by the Principal District and Sessions Judge at Chamarajanagar.

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

3. Brief facts leading to this appeal are that, on 6th June 2009 at about 7.00pm in Bommanahalli Village, Gundlupet Taluk, Chamarajanagar district, accused 1 to 29 formed an unlawful assembly holding deadly weapons for committing riot and with a common object and the accused pulled down sign board of Samudaya Bhavana and the photo of Dr. Ambedkar with an intention to insult and humiliate the feelings of one community i.e. is Scheduled Caste, deliberately in the public view. Thus the accused committed alleged offences.



CNR: KAHC010477692015

4. After filing chargesheet, cognizance was taken against the accused for alleged efforts and summons was issued to the accused. In response to the summons, all the accused appeared and were enlarged on bail. Accused no.2 did not appear before the Court in spite of issuing NBW. Hence a separate case is registered against accused no.2 in Special Case no.51/2010. Accused no.25 expired and the case was abated against him. On hearing, the trial Court framed charges for the alleged offences. The same were read over and explained to the accused in the language known to them. Having understood the same, accused pleaded not guilty and claimed to be tried.

5. To prove the guilt of the accused, the prosecution has, in all, examined 13 witnesses as PWs.1 to 13, marked 21 documents as Exs.P1 to P21 and marked 25 material objects as MOs.1 to 25.

6. On closure of prosecution side evidence, statement of accused nos.1, 3 to 24 and 26 to 29 has been recorded under section 313 of CRPC. Accused have totally denied the incriminating evidence appearing against them, but they did



CNR: KAHC010477692015

not choose to lead any defence evidence on their behalf. Having heard the arguments on both sides, the trial Court has acquitted accused 1, 3 to 12 and 14 to 24 and 26 to 29. Being aggrieved by the Judgment of acquittal, the State has preferred this appeal.

7. Sri. K.Nageshwarappa, learned HCGP would submit that the Judgment of acquittal passed by the trial court is illegal, invalid and contrary to law, evidence and material placed on record. He would submit that the trial Court has grossly erred in not appreciating the evidence of prosecution witnesses and the material placed on record in its proper perspective which has resulted in miscarriage of justice. He would further submit that the prosecution, to prove the case, has examined PWs.1 to 7 and there was no reason to disbelieve the above witnesses who were the injured witnesses. PWs.1 to 7 have categorically stated that the accused assaulted them with hands, clubs and sickle causing injuries all over their body and also deposed that they were abused by taking their caste name, so also stones were thrown for damaging the signboard of Samudhaya Bhavana having photo and name of Dr B.R.



Ambedkar. It is further submitted that the trial Court failed to see that the offence of committing atrocity against the depressed class is made punishable through special legislation, which is a social objective and as such strict interpretation of the statute could not have been pressed over by the trial Court. On all these grounds, it is sought to allow the appeal.

8. As against this, learned counsel for the respondents would submit that, the trial Court has properly appreciated the evidence on record in accordance with law and facts and absolutely that there are no grounds to interfere with the impugned judgment of acquittal and sought for dismissal of the appeal.

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

10. To substantiate the case of prosecution, the prosecution has examined 13 witnesses as PWs.1 to 13, 21 documents were marked as Exs.P1 to 21 and 25 material objects were marked as MOs.1 to 25. PW.1 to 7 are the injured and eye witnesses. PW.8-Mahesha is the Panch witness to



CNR: KAHC010477692015

NC: 2026:KHC:54698
CRL.A No. 1428 of 2015

Ex.P2. PW.9 has been examined to prove the motive for the offence. PW.10-Dr.Pushpalatha is the medical officer, who gave treatment to the injured and issued wound certificates. PW.11-Shivanna is the Head Constable who received the complaint and registered the case. PWs.12 and 13 are the Investigating Officers who have deposed as to their respective investigation.

11. After careful examination of the entire evidence on record the trial Court has expressed its opinion in paragraph no.30 of the impugned judgment, which reads as under:

"30. As stated supra, PW1 is the complainant and injured, PW2 is the son of complainant and PW3 is the wife of complainant, PW5 is the wife of elder brother of complainant and PW4, 5 to 7 belong to same community. PW4 has turned hostile and PW7 partly turned hostile. It has come in the evidence of all eye witnesses that there was a darkness on the spot and there was no supply of electricity to the village on that date from 6.45 p.m. But no eye witnesses have explained as to how they observed the incident and in which light they observed the incident. There are many material contradictions in the evidence of PW1 to 3 in no evidence of other eye witness PW5 to PW7 which have been pointed



CNR: KAHC010477692015

NC: 2026:KHC:54698
CRL.A No. 1428 of 2015

out supra. The said material contradictions clearly raises doubt with regard to the occurrence of the incident. The said benefit of doubt should go to the Accused. Hence, the prosecution has failed to establish the guilt of the Accused beyond all reasonable doubts. Accordingly the above point No.1 to 10 are answered in Negative."

12. This Court has carefully examined all the materials placed before this Court. On re-appreciation/reconsideration and re-examination of the entire material on record, I do not find any legal or factual error committed by the trial Court. Hence, I proceed to pass the following:

ORDER

The appeal is ***dismissed***.

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

PGG
List No.: 1 Sl No.: 32