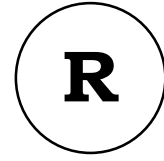


Reserved on : 07.08.2026
Pronounced on : 14.08.2026



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

CRIMINAL PETITION No.8882 OF 2024

BETWEEN:

MR.SIRAJUDDIN @ SIRAJ SHEIKH
S/O KHASIM SAB,
AGED ABOUT 68 YEARS,
OCC: AGRICULTURIST,
RESIDING AT "ASHIYANA",
14TH WARD, KHB COLONY,
SANDUR TOWN AND TALUK,
VIJAYANAGARA - 583 119.

...PETITIONER

(BY SRI. SANDESH J. CHOUTA, SENIOR ADVOCATE FOR
SRI. ISMAIL M. MUSBA, ADVOCATE)



AND:

1 . STATE OF KARNATAKA
BY HAGARIBOMMANAHALLI POLICE,
VIJAYANAGARA DISTRICT,
REPRESENTED BY ITS
PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.

2 . MANJUNATH. S. L.
S/O. SHETU NAIK,
AGED ABOUT 32 YEARS,
OCCUPATION,
R/O. KALLAHALLI VILLAGE,
HOSPETE TALUKA,
VIJAYANAGARA - 583 201.

...RESPONDENTS

(BY SRI ANOOP KUMAR, ADDL. SPP FOR R1;
SRI K.B.K. SWAMY, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C., PRAYING TO ALLOW THIS PETITION AND QUASH THE ORDER DATED 03.08.2024 PASSED BY THE LXXXI ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-82) IN SPL.C.NO.2146/2023 ON THE APPLICATION FILED BY THE PETITIONER UNDER SEC.227 OF THE CRIMINAL PROCEDURE CODE SEEKING FOR DISCHARGE FOR ALLEGED COMMISSION OF OFFENCE P/U/S 504 OF IPC AND UNDER SEC.3(1)(r) OF THE SC/ST (POA) ACT, 1989, FURTHER QUASH THE ARTICLES OF CHARGE FRAMED AGAINST THE PETITIONER AND BE FURTHER PLEASED TO DISCHARGE THE PETITIONER FROM ALL FURTHER PROCEEDINGS IN SPL.C.NO.2146/2023.

THIS CRIMINAL PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 07.08.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: **THE HON'BLE MR JUSTICE M.NAGAPRASANNA**

CAV ORDER

The petitioner-sole accused now stands before this Court calling in question an order dated 03.08.2024, passed by the LXXXI Additional City Civil and Sessions Judge, Bengaluru, which turns down the application of the petitioner seeking his discharge from the array of accused in Spl.C.No.2146/2023, registered for the offences under Section 504 of the IPC and Section 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Heard Sri. Sandesh J Chouta, learned Senior Counsel appearing for the petitioner, Sri Anoop Kumar, learned Additional State Public Prosecutor appearing for respondent No.1-State and Sri. K.B.K.Swamy, learned counsel appearing for respondent No.2 – complainant.

3. The facts enumerated, are as follows:

3.1. An incident that happens on 12.08.2023 is complained of on 15.08.2023 by the respondent No.2 - complainant, which

becomes a crime in Crime No.162/2023 for the offences punishable under Sections 109, 506, 509, 341, 504, 120B, 143, 147, 149, 307 and 354 of the IPC and Sections 3(2)(v), 3(1)(w)(i)(ii), 3(1)(r) and 3(1)(s) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the Act' for short).

3.2. The police conduct investigation and file a charge sheet, which is now pending as special case in Spl.C.No.2146/2023, for the offences under Section 504 of the IPC and Section 3(1)(r) of the Act. The petitioner files an application seeking discharge from the array of accused, under Section 227 of the Cr.P.C., on the score that none of the ingredients of the offences that are alleged against the petitioner would be met with in the facts obtaining in the case at hand. The concerned Court in terms of the order impugned, rejects the application for discharge, which has now driven the petitioner to this Court in the subject petition.

4. Sri Sandesh J. Chouta, learned Senior Counsel appearing for the petitioner submits that the complaint itself could not have been entertained in the light of the fact that the complainant is not the victim, but is the nephew of the victim and

whatever the complainant has heard is only from his nephew and therefore, it becomes hearsay and not a direct act of hurling of abuses against the victim. The learned Senior Counsel further submits that the concerned Court at the time of answering the application seeking discharge is required to consider every facet and every aspect of the matter and then arrive at a conclusion as to whether charges are required to be framed against the petitioner. The learned Senior Counsel submits that the order of rejection of the application seeking discharge, would run foul of the judgments rendered by the Apex Court on the issue. He would seek to place reliance upon plethora of judgments, all of which would again bear consideration *qua* their relevance in the journey of the judgment.

4.1. The learned Senior Counsel would further contend that there is no doubt that the squabble did take place on a particular aspect between the petitioner and the victim. But at the time of hurling of abuses or when the abuses were hurled, the victim was not present. Therefore, the ingredients of Section 3(1)(r) of the Act are not met even to its resemblance in the case at hand, is the Learned Senior Counsel's submission.

4.2. With all the aforesaid submissions, learned Senior Counsel would seek to set the order aside and discharge the petitioner from the array of accused in the charge sheet.

5. *Per contra*, Sri K.B.K. Swamy, the learned counsel appearing for respondent No.2-complainant would vehemently refute the submissions in contending that the abuses are admittedly hurled not at one place, but at three places and all of which, are public places. It is not a case where place was of public view or otherwise, it is a public place itself and when people were present, the abuses have been hurled.

5.1. Sri. Swamy, learned counsel for respondent No.2 submits that the concerned Court while answering the application seeking discharge has appropriately considered the parameters of discharge and has noted the abuses that are hurled, which were in a public place. Therefore, he would submit that there is no warrant of interference with the order that is passed by the concerned Court, dismissing the application seeking discharge. He would also seek to place reliance upon a plethora of judgments, all of which

would again bear consideration, *qua* their relevance in the journey of the judgment.

6. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

7. The afore-narrated facts, dates, link in the chain of events are all a matter of record. They would not require any reiteration. Suffice, that the narration would commence from the date on which, the incident triggers the hurling of abuses, *i.e.*, on 12.08.2023. This results in registration of a crime in Crime No.162/2023. The registration of the crime is preceded by registration of a complaint. The complaint reads as follows:

“ಇವರಿಗೆ,

ರಾಣಾಧಿಕಾರಿಗಳು

ಹಗರಿಬೊಮ್ಮನಹಳ್ಳಿ ಪೊಲೀಸ್ ಠಾಣೆ,

ಹಗರಿಬೊಮ್ಮನಹಳ್ಳಿ ತಾ.

ವಿಜಯನಗರ ಜಿಲ್ಲೆ.

ಮಾನ್ಯರೇ,

ವಿಷಯ:- ನಮ್ಮ ಮಾಮನಾದ ಶ್ರೀ. ಎಸ್ ಭೀಮ ನಾಯ್ಕ ಮಾಜಿ ಶಾಸಕರು,
ಹ.ಬೊ.ಹಳ್ಳಿ ಕ್ಷೇತ್ರ ಇವರ ರಾಜಕೀಯ ಬೆಳವಣಿಗೆಯನ್ನು ಹಾಳು

ಮಾಡುವ ದುರುದ್ದೇಶದಿಂದ ಮೊದಲೇ ಪೂರ್ವನಿಯೋಜಿತನಾಗಿ ನಮ್ಮ ಹಾಗೂ ನಮ್ಮ ಮನೆಯ ಹೆಣ್ಣುಮಕ್ಕಳ ಮಾನಹಾನಿ ಆಗುವ ರೀತಿಯಲ್ಲಿ ಜಾತಿ ಸೂಚಕವಾಗಿ, ಅವಾಚ್ಯ ಮತ್ತು ಅವಹೇಳನಕಾರಿ ಪದಗಳನ್ನು ಬಳಿಸಿ ಜಾತಿ ನಿಂದನೆ ಮಾಡಿ ಬೈದಾಡಿ, ಅಕ್ರಮ ತಡೆ ಉಂಟು ಮಾಡಿ ನನಗೆ ಕೊಲೆ ಪ್ರಯತ್ನ ಮಾಡಿ, ಜೀವ ಬೆದರಿಕೆ ಹಾಕಿರುವ ವಿಜಯನಗರ ಜಿಲ್ಲೆ, ಹ.ಬೊ.ಹಳ್ಳಿಯ ಕಾಂಗ್ರೆಸ್ ಮುಖಂಡರಾದ ಶಿರಾಜ್‌ಶೇಖರ್, ಹಾಗೂ ಇತರರ ವಿರುದ್ಧ ಕಾನೂನು ಪ್ರಕಾರ ಕ್ರಮ ಕೈಗೊಳ್ಳುವ ಬಗ್ಗೆ ದೂರು.

ನಾನು ಎಲ್ ಎಸ್ ಮಂಜುನಾಥ ತಂದೆ ಶೇಖರನಾಯ್ಕ ಎಲ್. ವ:32ವರ್ಷ, ಲಂಬಾಣಿ ಜನಾಂಗ, ಕಾಂಗ್ರೆಸ್ ಕಾರ್ಯಕರ್ತ, ಸಾ:ಕಲ್ಲಹಳ್ಳಿ ಗ್ರಾಮ, ಹೊಸಪೇಟೆ ತಾ. ವಿಜಯನಗರ ಜಿಲ್ಲೆ, ಆದ ನಾನು ತಮ್ಮಲ್ಲಿ ದೂರು ಸಲ್ಲಿಸುವುದೇನೆಂದರೆ, ನಾನು ನಮ್ಮ ಸೋದರ ಮಾಮನವರಾದ ಶ್ರೀ.ಭೀಮನಾಯ್ಕ ರವರು ಶಾಸಕರು ಆದಾಗಿನಿಂದಲೂ ಅವರ ಜೊತೆಯಲ್ಲಿ ಓಡಾಡಿ ಅವರ ಕೆಲಸಕಾರ್ಯಗಳನ್ನು ನೋಡಿಕೊಂಡಿರುತ್ತೇನೆ.

ದಿನಾಂಕ: 11-08-2023 ರಂದು ಮಾನ್ಯ ಜಿಲ್ಲಾ ಉಸ್ತುವಾರಿ ಸಚಿವರಾದ ಶ್ರೀ ಬಿ ಜಡ್ ಜಮೀರ್ ಅಹಮ್ಮದ್ ಖಾನ್ ರವರು ಹೂವಿನ ಹಡಗಲಿಗೆ ಭೇಟಿ ನೀಡಿರುವ ಪ್ರಯುಕ್ತ ಹಗರಿಬೊಮ್ಮನಹಳ್ಳಿ ಪಟ್ಟಣದಲ್ಲಿ ನಮ್ಮ ಸೋದರ ಮಾಮನವರಾದ ಶ್ರೀ ಎಸ್ ಭೀಮನಾಯ್ಕ, ಮಾಜಿ ಶಾಸಕರು, ಹಗರಿಬೊಮ್ಮನಹಳ್ಳಿ ವಿಧಾನಸಭಾ ಕ್ಷೇತ್ರ ರವರು ಹಗರಿಬೊಮ್ಮನಹಳ್ಳಿ ಪಟ್ಟಣದಲ್ಲಿ ಮಂಡಕ್ಕಿಭಟ್ಟಿ ಎರಿಯಾದಿಂದ-ತಂಬ್ರಹಳ್ಳಿಗೆ ಹೋಗುವ ರಸ್ತೆಯ ಪಕ್ಕದಲ್ಲಿ ಮಾನ್ಯ ಸಚಿವರು ಮತ್ತು ನಮ್ಮ ಮಾಮನವರ ಭಾವಚಿತ್ರ ಇರುವ ಸ್ಥಾಗತ ಕೊರುವ ಪ್ಲೆಕ್ಸ್ ಬ್ಯಾನರ್‌ಗಳನ್ನು ಕಾಂಗ್ರೆಸ್ ಕಾರ್ಯಕರ್ತರು ಹಾಕಿಸಿದ್ದರು. ಅದೇ ದಿನ ಮಾನ್ಯ ಸಚಿವರು ಹೂವಿನ ಹಡಗಲಿಗೆ ಭೇಟಿ ನೀಡಿ ವಾಪಾಸ್ಸು ಬರುವಾಗ ಹಗರಿಬೊಮ್ಮನಹಳ್ಳಿ ಮುಖ್ಯ ರಸ್ತೆಯಲ್ಲಿ ಜಿಲ್ಲಾ ಕಾಂಗ್ರೆಸ್ ಘಟಕದ ಜಿಲ್ಲಾ ಅಧಕ್ಷರಾದ ಶಿರಾಜ್ ಶೇಖರ್ ರವರ ಬೆಂಬಲಿಗರು ಸಚಿವರ ಕಾರನ್ನು ತಡೆದು ನಿಲ್ಲಿಸಿ, ಬ್ಯಾನರ್‌ನಲ್ಲಿ ಶಿರಾಜ್ ಶೇಖರ್ ರವರ ಫೋಟೋ ಇಲ್ಲದಿರುವ ಬಗ್ಗೆ ಅಕ್ಷೇಪ ವ್ಯಕ್ತಪಡಿಸಿದ್ದರು. ಆಗಿನಿಂದ ಶಿರಾಜ್ ಶೇಖರ್ ರವರು ನಮ್ಮ ಮಾಮನವರ ಮೇಲೆ ರಾಜಕೀಯವಾಗಿ ದ್ವೇಶಭಾವನೆ ಇಟ್ಟುಕೊಂಡಿದ್ದರು.

ಶಿರಾಜ್ ಶೇಖರ್ ರವರು ಅದೇ ದ್ವೇಶವನ್ನು ವೈಯಕ್ತಿಕವಾಗಿ ತೆಗೆದುಕೊಂಡು, ನಮ್ಮ ಮಾಮನ ರಾಜಕೀಯ ಬೆಳವಣಿಗೆಯನ್ನು ಹಾಳು ಮಾಡುವ ದುರುದ್ದೇಶದಿಂದ ಮೊದಲೇ ಪೂರ್ವನಿಯೋಜಿತನಾಗಿ, ಇತರರೊಂದಿಗೆ ಬಂದು ದಿನಾಂಕ: 12-08-2023 ರಂದು ಜಿಲ್ಲಾ ಮಂತ್ರಿಗಳು ಹಗರಿಬೊಮ್ಮನಹಳ್ಳಿ ನಗರಕ್ಕೆ ಭೇಟಿ ನೀಡುತ್ತಿರುವ ಪ್ರಯುಕ್ತ, ಮಾನ್ಯ ಸಚಿವರಿಗೆ ಸ್ಥಾಗತ ಕೋರಲು ನಾನು ಮತ್ತು ನಮ್ಮ ಮಾಮನವರಾದ ಶ್ರೀ ಎಸ್ ಭೀಮನಾಯ್ಕ ಮಾಜಿ ಶಾಸಕರು ಹಾಗೂ ಹಗರಿಬೊಮ್ಮನಹಳ್ಳಿ ಪುರಸಭೆ

ಸದಸ್ಯರಾದ ಶ್ರೀಮತಿ ಮಂಜುಳಬಾಯಿ ಕೃಷ್ಣನಾಯ್ಕ ಹಾಗೂ ಕಾಂಗ್ರೆಸ್ ಪಕ್ಷದ ಕಾರ್ಯಕರ್ತರು ಮತ್ತು ಪದಾಧಿಕಾರಿಗಳು ಶ್ರೀಮತಿ ಸರಸ್ವತಿ ಹನುಮಂತಪ್ಪ, ಶ್ರೀಮತಿ ಅಂಬಿಕಾ ದೇವೇಂದ್ರಪ್ಪ, ಶ್ರೀಮತಿ ಖಾಜಾಬನ್ನಿ ಅಲ್ಲಾಭಕ್ಷಿ, ಶಾಹಿರಾಬಾನು, ಶ್ರೀಮತಿ ಯಶೋಧ ಮಂಜುನಾಥ ಹಾಗೂ ಕಾಂಗ್ರೆಸ್ ಕಾರ್ಯಕರ್ತರಾದ ಅಕ್ಕಿ ತೋಟೇಶ್, ಪವಾಡಿ ಹನುಮಂತಪ್ಪ, ತಾಲೂಕು ಬ್ಲಾಕ್ ಕಾಂಗ್ರೆಸ್ ಅಧ್ಯಕ್ಷರಾದ ಕೋರಿ ಗೋಣಿಬಸಪ್ಪ, ಮರಿರಾಮಪ್ಪ, ಪ್ರೇಮ್, ತುರಾಯಿನಾಯ್ಕ, ಶ್ರೀನಿವಾಸ, ಚಿತ್ರಪಳ್ಳಿ ದೇವೇಂದ್ರಪ್ಪ, ಡಿಶ್ ಮಂಜುನಾಥ, ಜಿ.ಸೋಮಣ್ಣ ಇತರೆ ಕಾಂಗ್ರೆಸ್ ಕಾರ್ಯಕರ್ತರು ಹೊಸಪೇಟೆಯಿಂದ- ಹಗರಿಬೊಮ್ಮನಹಳ್ಳಿ ಪಟ್ಟಣಕ್ಕೆ ಬರುವ ದಾರಿಯಲ್ಲಿ ರೈಲ್ವೆಗೇಟಿನ ಹತ್ತಿರದಲ್ಲಿ ರಾಮಣ್ಣ ಡಾಬ ಸಮೀಪ ನಿಂತಿದ್ದೇವು. ನಂತರ ಬೆಳಿಗ್ಗೆ 11-00 ಗಂಟೆ ಸುಮಾರಿಗೆ, ಹೊಸಪೇಟೆ ಕಡೆಯಿಂದ ಸಚಿವರ ವಾಹನ ಬಂದಿದ್ದು, ಆಗ ಮುಂದಿನ ಸೀಟಿನಲ್ಲಿ ಸಚಿವರು ಹಿಂದಿನ ಸೀಟಿನಲ್ಲಿ ಶಿರಾಜ್ ಶೇಕ್ ರವರು ಕುಳಿತು ಕೊಂಡಿದ್ದರು. ಸಚಿವರು ಬಂದ ನಂತರ ನಾವೆಲ್ಲರೂ ಅವರಿಗೆ ಹೂವಿನಹಾರ ಹಾಕಿ ಸನ್ಮಾನ ಮಾಡಿದೆವು.

ನಂತರ ಮಹಿಳಾ ಘಟಕದ ಜಿಲ್ಲಾಧ್ಯಕ್ಷಿಣಿ ಶ್ರೀಮತಿ ಶಾಹಿರಾಬಾನು ರವರು ಸಚಿವರನ್ನು ಉದ್ದೇಶಿಸಿ ನನ್ನ ತಮ್ಮನಾದ ಎಸ್ ಭೀಮನಾಯ್ಕ ಇವರಿಗೆ ತಮ್ಮ ವಾಹನದಲ್ಲಿ ಕೂಡಿಸಿಕೊಳ್ಳುವಂತೆ ಕೇಳಿಕೊಂಡಿದ್ದರಿಂದ ಇದನ್ನು ಸೋದರ ಕೇಳಿದ ಶಿರಾಜ್ ಶೇಕ್ ಕೋಪಗೊಂಡು ಬೈಯ್ಯುತ್ತಾ ವಾಹನದಿಂದ ಕೆಳಗೆ ಇಳಿದರು. ನಂತರ ಸಚಿವರು ನಮ್ಮ ಸೋದರ ಮಾಮನಾದ ಶ್ರೀ ಎಸ್ ಭೀಮನಾಯ್ಕ ರವರಿಗೆ ತಮ್ಮ ವಾಹನದಲ್ಲಿ ಹತ್ತಿಸಿಕೊಂಡು ಹಗರಿಬೊಮ್ಮನಹಳ್ಳಿ ಕಡೆಗೆ ಹೊರಟರು. ನಾವೆಲ್ಲರೂ ಅಲ್ಲಿ ಇದ್ದೆವು. **ನಂತರ ಶಿರಾಜ್‌ಶೇಕ್ ರವರು ಏಕಾಏಕಿ ಅಲ್ಲಿದ್ದ ಜಿಲ್ಲಾ ಮಹಿಳಾ ಘಟಕದ ಅಧ್ಯಕ್ಷಿಣಿ ಶ್ರೀಮತಿ ಶಾಹಿರಾಬಾನು ರವರಿಗೆ ನೀನು ಅವನಿಗೆ ಸಚಿವರ ಗಾಡಿ ಹತ್ತಿಸುತ್ತೀಯಾ ಎಂದು ಹೇಳಿ ನಂತರ ತಾಲೂಕಾ ಬ್ಲಾಕ್ ಕಾಂಗ್ರೆಸ್ ಮಹಿಳಾ ಘಟಕದ ಅಧ್ಯಕ್ಷಿಣಿ ಶ್ರೀಮತಿ ಯಶೋಧ ಮಂಜುನಾಥ ಹಾಗೂ ಪುರಸಭೆ ಸದಸ್ಯರುಗಳಾದ ಮಂಜುಳಬಾಯಿ ಕೃಷ್ಣನಾಯ್ಕ, ಸರಸ್ವತಿ ಹನುಮಂತಪ್ಪ ಮತ್ತು ಅಂಬಿಕಾ ದೇವೇಂದ್ರಪ್ಪ ಖಾಜಾಬನ್ನಿ ಅಲ್ಲಾಭಕ್ಷಿ ರವರುಗಳಿಗೆ ಈ ತುಡುಗು ಸೂಳೆಯರೆಲ್ಲಾ ಬಂದಿದ್ದೀರಾ ಎಂದು ಅವಾಚ್ಯ ಪದಬಳಿಸಿ. ಕೆಟ್ಟದಾಗಿ ಕೈ ಸನ್ನೆ ಮಾಡಿ, ಸಾರ್ವಜನಿಕವಾಗಿ ಮಹಿಳೆಯರ ಮಾನಕ್ಕೆ ದಕ್ಕ ಆಗುವಂತೆ ಬೈದನು.**

ನಂತರ ನಮ್ಮನ್ನು ಮತ್ತು ಅಲ್ಲಿಂದ ಹೊರಟು ಹೋದ ನಮ್ಮ ಮಾಮನವರನ್ನು ಉದ್ದೇಶಿಸಿ, ಅವಾಚ್ಯ ಪದಗಳಿಂದ ಬೈದಾಡಲು ಪ್ರಾರಂಭಿಸಿದನು. ಮಿಂತ್ರಿಗುಟ್ಟಿದವನವನು ತಾಯ್ನುಹಡ ಎಂದು ಬೈದಾಡುತ್ತಾ, ಹಗರಿಬೊಮ್ಮನಹಳ್ಳಿಯಲ್ಲಿ ಕೆರಾಲೇ ಹೊಡೆಯುವವರು ಯಾರು ಇಲ್ಲ ಇವನಿಗೆ, ಇವನು ಗಾಂಡು, ಗಾಂಡು ಸೂಳೆಮಗ ಇವನು, ಬಾರ ನಿಮ್ಮಮ್ಮನ, ಗಾಂಡು ಸೂಳೆಮಗನೆ ಎಂದು ಸಾರ್ವಜನಿಕವಾಗಿ ಅವಹೇಳನಕಾರಿ ಪದಗಳನ್ನು ಬಳಸಿ ನಮ್ಮನ್ನು ಬೈದು, ಬರ್ಯಲೇ ಎಂದು ಕೈ ಸನ್ನೆ ಮಾಡಿ, ನಮಗೆ ಅಡ್ಡಗಟ್ಟಿ ಬೈದಾಡಿದನು. ಆ ಸಮಯದಲ್ಲಿ ಮೇಲ್ಕಂಡ ಕಾಂಗ್ರೆಸ್ ಕಾರ್ಯಕರ್ತರು, ಮತ್ತು ಬಂದೋಬಸ್ತ್ ಕರ್ತವ್ಯಕ್ಕೆ ನಿಯೋಜನೆ ಗೊಂಡಿದ್ದ ಡಿವೈ.ಎಸ್.ವಿ ಕೂಡ್ಲಿಗಿ, ಸಿ.ಪಿ.ಐ ಹ.ಬೊ.ಹಳ್ಳಿ ಮತ್ತು ಪೊಲೀಸ್ ಸಿಬ್ಬಂದಿ ವರ್ಗದವರು ಸ್ಥಳದಲ್ಲಿ ಹಾಜರಿದ್ದರು. ಈ ಮೇಲ್ಕಂಡ ಘಟನೆಯನ್ನು ದೃಢಪಡಿಸುವಂತೆ

ವೈರಲ್ ಆಗಿರುವ ವಿಡಿಯೋ ದೃಶ್ಯಾವಳಿ ಇರುವ ಸಿಡಿಯನ್ನು ಹಾಜರು ಮಾಡಿದ್ದು, ಇದನ್ನು **Annexure:-01** ಎಂದು ಸೂಚಿಸಿ, ದೂರಿನೊಂದಿಗೆ ಲಗತ್ತಿಸಿರುತ್ತೇನೆ.

ಅನಂತರ ನಾವು ಅಲ್ಲಿಂದ ಹೊರಟು ಕೆ.ಡಿ.ಪಿ ಮಿಟಿಂಗ್ ನಡೆಯುವ ಹಗರಿಬೊಮ್ಮನಹಳ್ಳಿ ಜೂನಿಯರ್ ಕಾಲೇಜ್ ಆವರಣಕ್ಕೆ ಬಂದೆವು. ಆಗ ನಮ್ಮ ಸೋದರ ಮಾಮನಾದ ಶ್ರೀ ಎಸ್ ಭೀಮನಾಯ್ಕ ಹಾಗೂ ಅವರ ಬೆಂಬಲಿಗರು ಅಲ್ಲಿಂದ ತಮ್ಮ ವಾಹನದಲ್ಲಿ ಮನೆಯ ಕಡೆಗೆ ಹೊರಟು ಹೊದರು. ಅವರು ಹೋದ ನಂತರ ನಾನು ಹಾಗೂ ನನಗೆ ಪರಿಚಯಸ್ತನಾದ ರಮೇಶ ರವರು ಜೂನಿಯರ್ ಕಾಲೇಜ್ ಆವರಣದಲ್ಲಿ ಇದ್ದೆವು. ಸ್ವಲ್ಪ ಸಮಯದ ನಂತರ ಶಿರಾಜ್ ಶೇಕ್ ಈತನು ಜೂನಿಯರ್ ಕಾಲೇಜ್ ಆವರಣಕ್ಕೆ ಬಂದರು. ನಾನು ನನ್ನ ನಾನು ನನ್ನ ಮೊಬೈಲನ್ನು ಮನೆಯಲ್ಲಿ ಚಾರ್ಜ್ ಗೆ ಇಟ್ಟು ಬಂದಿದ್ದರಿಂದ ನನಗೆ ಪರಿಚಯಸ್ತನಾದ ರಮೇಶ, ಹಗರಿಬೊಮ್ಮನಹಳ್ಳಿ ರವರು ಜೂನಿಯರ್ ಕಾಲೇಜು ಆವರಣದಲ್ಲಿ ಇದ್ದರು. ನಾನು ರಮೇಶ ರವರಿಂದ ಅವರ ವಿವರ ಕಂಪನಿಯ ಮೊಬೈಲ್‌ನಲ್ಲಿ ವಿಡಿಯೋ ಮಾಡಿಸಿದೆನು. ಸದರಿ ಘಟನೆಯನ್ನು ದೃಢಪಡಿಸುವಂತೆ ವಿಡಿಯೋ ದೃಶ್ಯಾವಳಿ ಇರುವ ಸಿಡಿಯನ್ನು **Annexure:-02** ಎಂದು ಸೂಚಿಸಿ, ದೂರಿನೊಂದಿಗೆ ಲಗತ್ತಿಸಿರುತ್ತೇನೆ.

ನಂತರ ಶಿರಾಜ್ ಶೇಕ್ ರವರು ಅಲ್ಲಿದ್ದವರಿಗೆ ಉದ್ದೇಶಿಸಿ, ಇವನು 125 ಓಟ್‌ನಿಂದ ಗೆದ್ದಾಗ, ಇವನ ಹೆಂಡತಿ ಮಕ್ಕಳಿಗೆ ನನ್ನ ಹತ್ತಿರ ಕೂಡಿಸಿದ್ದ, ಲೇ ಬಂಜಾರ ಸಮಾಜದವರು ಯಾರಿದ್ದೀರಿ, 18-19 ತಾಂಡದಲ್ಲಿ ಎಷ್ಟು ತಾಂಡದಲ್ಲಿ ಲೀಡ್ ಆಗಿದೆಯೋ ಆ ಸೂಳೆ ಮಗನಿಗೆ, ಎರಡು ತಾಂಡ, 17 ತಾಂಡಗಳಲ್ಲಿ ಬಂಜಾರ ಸಮಾಜದವರು ಅವನಿಗೆ ಓಟ್ ಹಾಕಿಲ್ಲ ಎಂದು ನಮ್ಮ ಮಾಮನಿಗೆ ಬೈದನ್ನು ಹಾಗೂ ಐ.ಪಿ.ಎಲ್ ಆಡಿಸೋ ಮಿಂಡ್ರಿಗುಟ್ಟಿದವನೆ ಎಂದು ಬೈದು ಬಂಜಾರ ಜಾತಿ ನಿಂದನೆಯಾಗುವ ಜಾತಿ ಸೂಚಕ ಪದಬಳಕೆ ಮಾಡಿ ಬಂಜಾರ ಸಮಾಜದ ಘನತೆಗೆ ದಕ್ಕೆ ಆಗುವಂತೆ ಬೈದಾಡಿರುತ್ತಾನೆ. ಈ ಘಟನೆಯನ್ನು ನನ್ನ ಜೊತೆಯಲ್ಲಿದ್ದ ರಮೇಶನಿಂದ ಅವನ ವೀವೊ ಕಂಪನಿಯ ಮೊಬೈಲ್‌ನಲ್ಲಿ ವಿಡಿಯೋ ಮಾಡಿಸಿದೆನು. ಸದರಿ ಘಟನೆಯನ್ನು ದೃಢಪಡಿಸುವಂತೆ ವಿಡಿಯೋ ದೃಶ್ಯಾವಳಿ ಇರುವ ಸಿಡಿಯನ್ನು **Annexure:-03** ಎಂದು ಸೂಚಿಸಿ, ದೂರಿನೊಂದಿಗೆ ಲಗತ್ತಿಸಿರುತ್ತೇನೆ.

ಶಿರಾಜ್ ಶೇಕ್ ನು ತನ್ನ ಮಾತನ್ನು ಮುಂದುವರೆಸುತ್ತಾ, ಆಕಿ ಮಗ ಏನಾಕೀ ಹೆಸರು ಎಂದು ಕೇಳಿದಾಗ ಸಾರ್ವಜನಿಕರಲ್ಲಿ ಒಬ್ಬರು ಜಮೀರಾಬಾನು ಎಂದು ಹೇಳಿದಾಗ, ತಾನು ಹೂಂ ಎಂದು ಏಳು ಜನ ಸತ್ತಾರ ಇಲ್ಲಿ, ಏಳು ಜನ ಸತ್ತಿಲ್ಲ ಐ.ಪಿ.ಎಲ್ ಆಡಿ, ಆವರೆಲ್ಲರನ್ನು ಕರೆದುಕೊಂಡು ಬಂದು ಇವನ ಮನೆ ಮುಂದೆ ಕೂಡಿಸಿರಿ, ಅವನಮ್ಮನ ಸೂಳೆ ಮಗ, ಮಿಂಡ್ರಿಗುಟ್ಟಿದ ಸೂಳೆಮಗ, ತಲೆ ಹಿಡುಕ್ಕೊಂತ, ಎಲ್ಲಿಬೇಕಲ್ಲಿ ಹಾಸಿಗೆ ಹಾಕ್ಕೊಂತ, ನನ್ನ ಸುದ್ದಿಗೆ ಬಂದ್ರೆ ಕೆರಾ, ನನ್ನ ಸುದ್ದಿಗೆ ಬಂದ್ರೆ ಬರೆ ಕೆರಾ, ಇಂತಿಂಥ ಭೀಮನಾಯ್ಕರವರಿಗೆ ರಾತ್ನೋರಾತ್ರಿ ಸೃಷ್ಟಿ ಮಾಡಿದವನೆ ನಾನು, ಎರಡಬಿಲ್ಲಿ ಸೂಳೆಮಗ, ಬ್ಯಾನರ್‌ಗಳು ಹಾಕ್ಯಾನ ಇವರಮ್ಮನ್ ಮನೆತಾಗ ಮಿಂಡ್ರಿಗುಟ್ಟಿದವನು ಕೆರಾ, ಕೆರಾ ತಗೊಂಡು ಹೊಡೆದರು ಬಳ್ಳಾರಿ ಜಿಲ್ಲಾ ಪಂಚಾಯಿತಿಯಲ್ಲಿ ಸೂಳೆಮಗನಿಗೆ, ಬರೆ ಕೆರಲೇ ಎಂದು ಸಾರ್ವಜನಿಕವಾಗಿ ಅವಹೇಳನಕಾರಿ ಪದಗಳನ್ನು ಬಳಕೆ ಮಾಡಿ, ನಮ್ಮ ಮನೆಯ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ ಮಾನಹಾನಿ ಮಾಡಿ ಅವಾಚ್ಛ ಪದಗಳಿಂದ ಬೈದಾಡಿರುತ್ತಾನೆ.

ಈ ಘಟನೆಯನ್ನು ನನ್ನ ಜೊತೆಯಲ್ಲಿದ್ದ ರಮೇಶನಿಂದ ಅವನ ವೀವೊ ಕಂಪನಿಯ ಮೊಬೈಲ್‌ನಲ್ಲಿ ವಿಡಿಯೋ ಮಾಡಿಸಿದೆನು. ಸದರಿ ಘಟನೆಯನ್ನು ದೃಢಪಡಿಸುವಂತೆ ವಿಡಿಯೋ ದೃಶ್ಯಾವಳಿ ಇರುವ ಸಿಡಿಯನ್ನು **Annexure:-04** ಎಂದು ಸೂಚಿಸಿ, ದೂರಿನೊಂದಿಗೆ ಲಗತ್ತಿಸಿರುತ್ತೇನೆ.

ಮುಂದುವರೆದು, ಎಲ್ಲಿ ಹೋದ ಆ ಮಿಂತ್ರಿಗುಟ್ಟಿದವನು ಎಂ.ಎಲ್.ಎ ಅಲ್ಲಿ ಮಾಜಿ ಮಿಂತ್ರಿಗುಟ್ಟಿದವನು ಎಂದು ನಮ್ಮ ಮಾಮನಿಗೆ ಬೈದಿದ್ದು, ಮತ್ತು ಕೆಲವರು ಇದ್ದರಲ್ಲ ಮಿಂತ್ರಿಗುಟ್ಟಿದವರು ಅವನ ಜೊತೆಯಲ್ಲಿ ಇದ್ದವರು ಶಿರಾಜ್ ಶೇಕ್ ದಿಕ್ಕಾರ ಎಂದು ಕೂಗೋ ಗಂಡಸರು ಎಲ್ಲಾ ನನ್ನ ಹತ್ತಿರ ಹುಚ್ಚಿ ಕುಡಿದ ಸೂಳೆಮಕ್ಕಳು ಆಕೆ ಯಾರ್ ಆಕೆ ನಮ್ಮ ಮನೆಯಲ್ಲಿ ಟೀ ಕುಡ್ತೊಂಡು ಬಿದ್ದಿರೋಳು, ಆಕೆ ಲಮಾಣಿಯಾಕಿ, ಇವರಮ್ಮನ್ ಮಿಂತ್ರಿಗುಟ್ಟಿದಾಕಿ ಎಂದು ಲಂಬಾಣಿ ಜಾತಿ. ಎತ್ತಿ ಅವಹೇಳನಕಾರಿಯಾಗಿ ಸಾರ್ವಜನಿಕವಾಗಿ ನಮ್ಮ ಸಮಾಜದ ಗೌರವಕ್ಕೆ ದಕ್ಕ ಆಗುವಂತೆ ಅಲ್ಲದೇ ನಮ್ಮ ಕಾರ್ಯಕರ್ತರಿಗೆ ಬೈದನು. ಅನಂತರ ಮುಂದುವರೆದು, ಮಾನ್ಯ ಜಿಲ್ಲಾ ಉಸ್ತುವಾರಿ ಸಚಿವರಿಗೆ ಆ ಚೀನಾಲಿಕೆ ಜಮೀರ್ ಅಂದರ್ ಹೈ ಕ್ಯಾ, ಎಂದು ಸಾರ್ವಜನಿಕವಾಗಿ ಬೈದಾಡಿ, ಅವನಿಗೆ ಹೇಳಿದಿನಿ ಅವನಿಗೆ, ಈ ಸೂಳೆಮಗನ ಸಹವಾಸ ಮಾಡಬೇಡೋ ನೀನು ಹಾಳಾಗಿ ಹೋಗುತ್ತೀಯಾ ಅಂತಾ ಹೇಳಿನಿ ಆ ಮಿನಿಸ್ಟ್ರಿಗೆ, ಇವನವ್ವನ್ ಮೇಲಿನ ಸಂಪರ್ಕಗಳು ಹಡತ್ತಿವಿ ನಾವು ಹಿಡುಕ್ಕೊಂಡು, ಎಂದು ಸಚಿವರ ಘನತೆ ಮತ್ತು ಗೌರವಕ್ಕೆ ದಕ್ಕ ಆಗುವಂತೆ ಬೈದಾಡಿರುತ್ತಾನೆ. ಈ ಘಟನೆಯನ್ನು ನನ್ನ ಜೊತೆಯಲ್ಲಿದ್ದ ರಮೇಶನಿಂದ ಅವನ ವೀವೊ ಕಂಪನಿಯ ಮೊಬೈಲ್‌ನಲ್ಲಿ ವಿಡಿಯೋ ಮಾಡಿಸಿದೆನು. ಸದರಿ ಘಟನೆಯನ್ನು ದೃಢಪಡಿಸುವಂತೆ ವಿಡಿಯೋ ದೃಶ್ಯಾವಳಿ ಇರುವ ಸಿಡಿಯನ್ನು **Annexure:-05** ಎಂದು ಸೂಚಿಸಿ, ದೂರಿ ನೊಂದಿಗೆ ಲಗತ್ತಿಸಿರುತ್ತೇನೆ.

ಶಿರಾಜ್ ಶೇಕ್‌ನು ತನ್ನ ಬೈಗಳನ್ನು ಮುಂದುವರಿಸುತ್ತಾ, ಕೈಯ್ಯಾಗ ಹೊಡೆಯವರಿಲ್ಲ, ತಲೆ ಹಿಡುಕ, ಹೆಂಡ್ರಿಗೆ ಮಲಗಿಸಿ ಎಂ.ಎಲ್.ಎ ಆದ ಸೂಳೆಮಕ್ಕಳಿಗೆ ಹೆದರುತ್ತೀವ ನಾವು. ಇಂತದು ಮಾಡಿ ಬಿಸಾಕಿರನು ನಾನು, ಚ್ಯುತಿಯಾ ಸೂಳೆಮಗ, ಅವನ ಹಿಂದೆ 4-5 ಜನ ಗಾಂಡುಗಳು ಬಂದಿದ್ದರು ಎಲ್ಲಿ ಓಡು ಹೋಗಿಬಿಟ್ಟನೋ, ತೊಟೇಶ ಎಂಬ ಗಾಂಡುಗೆ ನಾನೇ ಜೆಡ್.ಪಿ ಟಿಕೇಟ್ ಕೊಟ್ಟಿದ್ದು, ಅವರವ್ವನ್ ಹಂಗೆ ಓಡ್ತಾರ್, ಬರೋ ನಿಮ್ಮವನ್ ಮಿಂತ್ರಿಗುಟ್ಟಿದ ಸೂಳೆ ಮಕ್ಕಳ, ಬರೋ ನಿಮ್ಮ ತಾಯಿಗಳನ್ನಹಡ, ಪಕ್ಷ ವಿರೋಧಿ ಚಟುವಟಿಕೆ ಮಾಡಿದವರಿಗೆ ದಿಕ್ಕಾರ ಅಂತಾರ ಸೂಳೆಮಕ್ಕಳು, 50 ಸಾವಿರದಾಗ ಸೊಲುತ್ತಿದ್ದ, 50 ಸಾವಿರದಾಗ ಸೊಲುತ್ತಿದ್ದ ಇವರಮ್ಮನ್ ರೊಕ್ಕ ಸಾವಿರ ರೂಪಾಯಿ ಕೊಟ್ಟಿದ್ದರ ಯಾಕ ಹಾಕಲ್ಲ ಓಟು, ಸಾವಿರ ಕಳ್ಳತನದ ಸಾವಿರ ಸೂಳೆಮಗನ್, ಜಿಲ್ಲಾ ಸೂಳೆಮಗನೆ ಎಂದು ನಮ್ಮ ಮಾಮನಿಗೆ, ಕಾರ್ಯಕರ್ತರಿಗೆ ಮತ್ತು ನಮ್ಮ ಮನೆಯ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ ಮಾನ ಆಗುವಂತೆ ಸಾರ್ವಜನಿಕವಾಗಿ ಅವಾಚ್ಚ ಶಬ್ದಗಳನ್ನು ಬಳಸಿ ಬೈದಾಡಿದನು. ಈ ಘಟನೆಯನ್ನು ನನ್ನ ಜೊತೆಯಲ್ಲಿದ್ದ ರಮೇಶನಿಂದ ಅವನ ವೀವೊ ಕಂಪನಿಯ ಮೊಬೈಲ್‌ನಲ್ಲಿ ವಿಡಿಯೋ ಮಾಡಿಸಿದೆನು. ಸದರಿ ಘಟನೆಯನ್ನು ದೃಢಪಡಿಸುವಂತೆ ವಿಡಿಯೋ ದೃಶ್ಯಾವಳಿ ಇರುವ ಸಿಡಿಯನ್ನು **Annexure:-06** ಎಂದು ಸೂಚಿಸಿ, ದೂರಿ ನೊಂದಿಗೆ ಲಗತ್ತಿಸಿರುತ್ತೇನೆ.

ಶಿರಾಜ್ ಶೇಕ್ ರವರು ತನ್ನ ಬೈಗುಳವನ್ನು ಮುಂದುವರೆಸಿ, ಹೆಂಡರಿಗೆ ಲಕ್ಷಕ್ಕೆ ಮಲಗಿಸಿದರೆ ಸಾವಿರ ರೂಪಾಯಿ ಕೊಡ್ತಾರೆ ಬಿಡು, ಸೂಳೆಮಗ ಎಂದು ಬೈದಾಡುತ್ತಿರುವಾಗ ಅಲ್ಲಿದ್ದವರೊಬ್ಬರು ವೈಯಕ್ತಿಕವಾಗಿ ಬೈದಾಡದಂತೆ ಹೇಳಿದರು. ಆಗ ಅವನು ಉಸಕಿಮಾಕು ಚೊದ್ದು, ಕೈಕು ನಕರನಾ ಜೀ ಚೀನಾಲ್ ಮುಜೆ ದಿಕ್ಕಾರ ಕೇತಾ ಉಸಕಿ ಜಂತಿಕಿ ಉಸಕಿ. ಎಂದು ಬೈದಾಡಿದಾಗ, ಅಲ್ಲಿದ್ದವರೊಬ್ಬರು ಗಲೀಜಾಗಿ ಬೈಬೇಡ ಎಂದು ಹೇಳಿದಕ್ಕೆ ಗಲೀಜಾಗಿ ಬೈಯ್ಯುದಾಗಿ ಹೇಳಿದ್ದು ಈ ರೀತಿ ನಮ್ಮ ಮನೆಯ ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ ಸಾರ್ವಜನಿಕವಾಗಿ ಅವಮಾನ ಆಗುವ ರೀತಿಯಲ್ಲಿ ಮತ್ತು ನಮ್ಮ ಮನೆಯ ಹೆಣ್ಣುಮಕ್ಕಳ ಮಾನಕ್ಕೆ ದಕ್ಕೆ ಆಗುವ ರೀತಿಯಲ್ಲಿ ಬೈದಾಡಿರುತ್ತಾನೆ. ಈ ಮೇಲ್ಕಂಡ ಘಟನೆಯನ್ನು ದೃಢಪಡಿಸುವಂತೆ ವೈರಲ್ ಆಗಿರುವ ವಿಡಿಯೋ ದೃಶ್ಯಾವಳಿ ಇರುವ ಸಿಡಿಯನ್ನು ಹಾಜರು ಮಾಡಿದ್ದು, ಇದನ್ನು **Annexure:-07** ಎಂದು ಸೂಚಿಸಿ, ಇದನ್ನು ದೂರಿನೊಂದಿಗೆ ಲಗತ್ತಿಸಿದೆ.

ಅನಂತರ ನನ್ನ ಜೊತೆಯಲ್ಲಿದ್ದ ರಮೇಶನು ಅಲ್ಲಿಂದ ಹೋದನು. ನಂತರ ನಾನು ಅಲ್ಲಿಂದ ಮನೆಯ ಕಡೆಗೆ ಹೋಗಬೇಕೆಂದು ಜೂನಿಯರ್ ಕಾಲೇಜು ಆವರಣದಲ್ಲಿ ಬರುವಾಗ ಶಿರಾಜ್ ಶೇಕ್ ನು ನನ್ನನ್ನು ನೋಡಿ, ತೂ ಉಸಕಾ ಬಾಂಜಾ, ಚೋರ್ ಮಾರಬೇಟಾ ಇದರ್ ಜಾರಾ ಕ್ಯಾ ಬೇಟಾ ತೂ ಎಂದು ಉರ್ದುವಿನಲ್ಲಿ ಬೈದಾಡಿ, ನನಗೆ ದಿಕ್ಕಾರ ಎಂದು ಕೂಗುತ್ತೀರಾ ಅಂತಾ ಬೈದು ಸಿಟ್ಟಿನಲ್ಲಿ ರೋಷಭರಿತನಾಗಿ ಬಂದು ನನ್ನನ್ನು ಕೊಲೆ ಮಾಡುವ ಉದ್ದೇಶದಿಂದ ನನ್ನ ಕುತ್ತಿಗೆ ಬಿಗಿಯಾಗಿ ಹಿಡಿದು ನನ್ನ ಉಸಿರುಗಟ್ಟಿಸಿ, ಕೊಲೆ ಪ್ರಯತ್ನ ಮಾಡಿದನು. ಆಗ ಅಲ್ಲೆ ಇದ್ದ ಡಿಶ್ ಭೀಮನಾಯ್ಕ ಬಂದು ಬಿಡಿಸಿದನು. ನಂತರ ನನ್ನ ಕುತ್ತಿಗೆ ನೋವು ಬರುತ್ತಿದ್ದರಿಂದ ನಾನು ಡಿಶ್ ಭೀಮನಾಯ್ಕನಿಗೆ ಹೇಳಿ ಮಾತ್ರ ತರಿಸಿ, ತೆಗೆದುಕೊಂಡಿರುತ್ತೇನೆ.

ವಿಜಯನಗರ ಜಿಲ್ಲೆಯ ಕಾಂಗ್ರೆಸ್ ಮುಖಂಡರಾದ ಶಿರಾಜ್ ಶೇಕ್ ರವರು ನಾನು ಹಾಗೂ ನಮ್ಮ ಸೋದರ ಮಾಮವರಾದ ಶ್ರೀ ಎಸ್ ಭೀಮನಾಯ್ಕ ಲಂಬಾಣಿ ಜಾತಿಗೆ ಸೇರಿದವರೆಂದು ಗೊತ್ತಿದ್ದು, ತನ್ನ ರಾಜಕೀಯ ದುರುದ್ದೇಶದಿಂದ ಸಾರ್ವಜನಿಕವಾಗಿ, ನಮ್ಮ ಬಗ್ಗೆ ಅವಹೇಳನಕಾರಿಯಾಗಿ ಮಾತನಾಡಿ, ನಮ್ಮ ಮನೆಯ ಹೆಣ್ಣುಮಕ್ಕಳ ಮಾನ ಹಾನಿಯಾಗುವಂತೆ ಅವಾಚ್ಯವಾಗಿ ಮತ್ತು ಅವಹೇಳನಕಾರಿ ಪದಗಳನ್ನು ಬಳಸಿ, ಜಾತಿ ನಿಂದನೆ ಮಾಡಿ ಬೈದಾಡಿ, ನಮ್ಮ ಮತ್ತು ನಮ್ಮ ಮಾವನವರ ಘನತೆ ಮತ್ತು ಗೌರವಕ್ಕೆ ದಕ್ಕೆ ಆಗುವ ರೀತಿಯಲ್ಲಿ ಹಾಗೂ ನಮ್ಮ ಜಾತಿಗೆ ನಿಂದನೆ ಆಗುವ ರೀತಿಯಲ್ಲಿ ಬೈದಾಡಿ, ನನಗೆ ಕೊಲೆ ಪ್ರಯತ್ನ ಮಾಡಿದ್ದು ಹಾಗೂ ನಮ್ಮ ಮನತನದ ಗೌರವಕ್ಕೆ ದಕ್ಕೆ ತರುವ ದುರುದ್ದೇಶದಿಂದ ವಿಡಿಯೋ ವೈರಲ್ ಮಾಡಿಸಿರುತ್ತಾನೆ. ಹಾಗೂ ತನ್ನ ಮಾತಿನ ಮೂಲಕ ಜನರನ್ನು ನಮ್ಮ ವಿರುದ್ಧ ಪ್ರಚೋದನೆಗೊಳಿಸಿರುತ್ತಾನೆ. ಆದ್ದರಿಂದ ಶಿರಾಜ್ ಶೇಕ್ ಮತ್ತು ಪ್ರಚೋದನೆಗೊಳಿಸಿದ ಇತರರ ಮೇಲೆ ಕಾನೂನು ಅಡಿಯಲ್ಲಿ ಕ್ರಮಕೈಗೊಳ್ಳುವಂತೆ ತಮ್ಮಲ್ಲಿ ಈ ದೂರನ್ನು ಸಲ್ಲಿಸಿರುತ್ತೇನೆ. ಮೇಲಿನಂತೆ ಬೈದಾಡಿರುವ ವಿಡಿಯೋ ಸಾರ್ವಜನಿಕವಾಗಿ ಮೊಬೈಲ್‌ಗಳಲ್ಲಿ ವೈರಲ್ ಆಗಿದ್ದು, ಇದರಿಂದ ನಾವು ಸಾರ್ವಜನಿಕವಾಗಿ ತಲೆ ಎತ್ತಿ ಓಡಾಡದಂತೆ ನಮಗೆ ಅವಮಾನ ಆಗಿರುತ್ತದೆ. ಈ ಮೇಲಿನ ಘಟನೆಯನ್ನು ದೃಢಪಡಿಸುವಂತೆ ದೃಶ್ಯಾವಳಿ

ಇರುವ Annexure:-01 ರಿಂದ Annexure:-07 ರವರೆಗೆ ಇರುವ ಸಿದ್ಧಿಯನ್ನು ದೂರಿನೊಂದಿಗೆ ಮುಂದಿನ ಕ್ರಮಕ್ಕಾಗಿ ತಮಗೆ ಹಾಜರು ಮಾಡಿರುತ್ತೇನೆ.

ಈ ಮೇಲ್ಕಂಡ ಘಟನೆಯ ಬಗ್ಗೆ ನಮ್ಮ ಸಂಬಂಧಿಕರು ಮತ್ತು ಬಂಧು ಬಳಗದವರನ್ನು ಒಂದೆಡೆ ಸೇರಿಸಿ, ವಿಡಿಯೋ ತೋರಿಸಿ, ಅವರೊಂದಿಗೆ ಚರ್ಚಿಸಿದ ನಂತರ ಅವರ ಅಭಿಪ್ರಾಯ ಪಡೆದು, ಈ ದಿನ ತಡವಾಗಿ ಪೊಲೀಸ್ ಠಾಣೆಗೆ ಬಂದು ದೂರು ಕೊಟ್ಟಿರುತ್ತೇನೆ.

ತಮ್ಮ ವಿಶ್ವಾಸಿ

ನೆಹಿ/-

(ಎಲ್ ಎಸ್ ಮಂಜುನಾಥ)"

(Emphasis added)

The police then conduct investigation and file their final report before the concerned Court. The final report draws the petitioner as accused No.1 and the summary of the final report *i.e.*, the charge sheet so filed before the concerned Court reads as follows:

“ಈ ದೋಷಾರೋಪಣ ಪತ್ರದ ಕಾಲಂ ನಂಬರ್:14 ರಲ್ಲಿ ನಮೂದಿಸಿದ ಸಾಕ್ಷಿ-06 ರವರು ಪರಿಶಿಷ್ಟ ಜಾತಿಯ ಲಂಬಾಣಿ ಜನಾಂಗಕ್ಕೆ ಸೇರಿದ್ದು, ಸದರಿ, ಸಾಕ್ಷಿ-06 ರವರು ಹಗರಿಬೊಮ್ಮನಹಳ್ಳಿ ಮೀಸಲು ವಿಧಾನಸಭಾ ಕ್ಷೇತ್ರದ ಮಾಜಿ ಶಾಸಕರು ಹಾಗೂ ಹಾಲಿ ಕೆ.ಎಂ.ಎಫ್ ಅಧ್ಯಕ್ಷರು ಆಗಿರುತ್ತಾರೆ ದೋಷಾರೋಪಣ ಪತ್ರದ ಕಾಲಂ ನಂಬರ್:12 ರಲ್ಲಿ ನಮೂದಿಸಿದ ಆರೋಪಿಯು ಮುಸ್ಲಿಂ ಜನಾಂಗಕ್ಕೆ ಸೇರಿದ್ದು, ಹಾಗೂ ಹಗರಿಬೊಮ್ಮನಹಳ್ಳಿ ವಿಧಾನಸಭಾ ಕ್ಷೇತ್ರದ ಮಾಜಿ ಶಾಸಕರು ಹಾಗೂ ಹಾಲಿ ವಿಜಯನಗರ ಜಿಲ್ಲಾ ಕಾಂಗ್ರೆಸ್ ಅಧ್ಯಕ್ಷರು ಆಗಿರುತ್ತಾರೆ.

ದಿನಾಂಕ:12-08-2023 ರಂದು ವಿಜಯನಗರ ಜಿಲ್ಲಾ, ಉಸ್ತುವಾರಿ ಸಚಿವರಾದ ಶ್ರೀ ಬಿ.ಜಡ್. ಜಮೀರ್ ಅಹಮ್ಮದ್ ಖಾನ್ ರವರು ಹಗರಿಬೊಮ್ಮನಹಳ್ಳಿ ಪಟ್ಟಣಕ್ಕೆ, ಆಗಮಿಸುವ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಜಿಲ್ಲಾ ಉಸ್ತುವಾರಿ ಸಚಿವರಿಗೆ ಸ್ವಾಗತ ಕೋರಲು ಹಗರಿಬೊಮ್ಮನಹಳ್ಳಿ ಪಟ್ಟಣಕ್ಕೆ ಬರುವ ದಾರಿಯ ಮಧ್ಯದ ರಾಮಣ್ಣ ಡಾಬ ರೈಲ್ವೆ ಗೇಟ್ ಹತ್ತಿರ ಸಾಕ್ಷಿ-06 ರಿಂದ ಸಾಕ್ಷಿ-22

ರವರು ಹಾಗೂ ಇತರೇ ಕಾಂಗ್ರೆಸ್ ಕಾರ್ಯಕರ್ತರು ಕಾಯುತ್ತಿರುವಾಗ ಜಿಲ್ಲಾ ಉಸ್ತುವಾರಿ ಸಚಿವರು ವಿಜಯನಗರ ಜಿಲ್ಲಾ ಕಾಂಗ್ರೆಸ್ ಅಧ್ಯಕ್ಷ ಸೀರಾಜ್ ಶೇಕ್ ರವರನ್ನು ತಮ್ಮ ಕಾರಿನ ಹಿಂದಿನ ಸೀಟಿನಲ್ಲಿ ಕುರಿಸಿಕೊಂಡು ಬೆಳಿಗ್ಗೆ 11-00 ಗಂಟೆಗೆ ಮೇಲ್ಕಂಡ ಸ್ಥಳಕ್ಕೆ ಬಂದಾಗ, ಜಿಲ್ಲಾ ಉಸ್ತುವಾರಿ ಸಚಿವರಿಗೆ ಸಾಕ್ಷಿ-06 ರಿಂದ ಸಾಕ್ಷಿ-22 ಹಾಗೂ ಇತರೇ ಕಾಂಗ್ರೆಸ್ ಕಾರ್ಯಕರ್ತರು ಸ್ವಾಗತ ಕೋರಿದ ನಂತರ ಸಾಕ್ಷಿ-18 ರವರು ಜಿಲ್ಲಾ ಉಸ್ತುವಾರಿ ಸಚಿವರಿಗೆ ಸಾಕ್ಷಿ-06 ರವರನ್ನು ತಮ್ಮ ಕಾರಿನಲ್ಲಿ ಹತ್ತಿಸಿಕೊಳ್ಳಿ, ಅಂತ ಕೋರಿದ್ದರಿಂದ, ಜಿಲ್ಲಾ ಉಸ್ತುವಾರಿ ಸಚಿವರು ಸಾಕ್ಷಿ-06 ರವರಿಗೆ ತಮ್ಮ ಕಾರಿನಲ್ಲಿ ಹತ್ತಿಕೊಳ್ಳುವಂತೆ ಹೇಳಿದ್ದಕ್ಕೆ ಸಾಕ್ಷಿ-06 ರವರು ಜಿಲ್ಲಾ ಉಸ್ತುವಾರಿ ಸಚಿವರ ಕಾರ್ನ ಹಿಂದಿನ ಸೀಟಿನಲ್ಲಿ ಕುಳಿತುಕೊಂಡಿದ್ದಕ್ಕೆ, ಸದರಿ ಕಾರಿನಲ್ಲಿದ್ದ ಸೀರಾಜ್ ಶೇಖ್ ರವರು ಕೋಪಗೊಂಡು ಸಚಿವರ ಕಾರಿನಿಂದ ಕೆಳಗೆ ಇಳಿದಾಗ ಸಚಿವರ ಕಾರಿನಲ್ಲಿ ಸಾಕ್ಷಿ-06 ರವರು ಹಗರಿಬೊಮ್ಮನಹಳ್ಳಿ ಪಟ್ಟಣದೊಳಗೆ ಹೋದಾಗ, ಆರೋಪಿ ಸೀರಾಜ್ ಶೇಖ್ ರವರು ಸಾಕ್ಷಿ-06 ರವರಿಗೆ ಬ್ಯಾನರ್ ಗಳಲ್ಲಿ, ನನ್ನ ಪೋಷಣೆ ಹಾಕಿಲ್ಲ ಗಾಂಧಿ ಸೂಳೆ ಮಗ ಮಿಂಡ್ರಿಗುಟ್ಟಿದನು. ಅವನ ಅಮ್ಮನತುಲ್ಲಾಡ ಅಂತ ಇನ್ನೂ ಮುಂತಾದ ಅವಾಚ್ಚ ಶಬ್ದಗಳಿಂದ ಸಾರ್ವಜನಿಕರ ಎದುರಿಗೆ ಕಾಣಿಸುವಂತೆ ಬೈದಾಡಿರುತ್ತಾರೆ.

ನಂತರ ಹದಗಲಿ ಪಟ್ಟಣದ ಜಿ.ವಿ.ಪಿ.ಪಿ ಕಾಲೇಜ್ ನಲ್ಲಿ ಜಿಲ್ಲಾ ಉಸ್ತುವಾರಿ ಸಚಿವರ ಕೆ.ಡಿ.ಪಿ ಮೀಟಿಂಗ್ ನಡೆಯುತ್ತಿದ್ದಾಗ ಆರೋಪಿ ಸೀರಾಜ್ ಶೇಖ್ ರವರು ಅದೇ ದಿನ ಮಧ್ಯಾಹ್ನ 12-00 ಗಂಟೆ ನಮಯದಲ್ಲಿ, ಜಿ.ವಿ.ಪಿ.ಪಿ ಕಾಲೇಜ್ ಆವರಣದಲ್ಲಿ ಸಾಕ್ಷಿ-06 ರವರಿಗೆ ಸಾರ್ವಜನಿಕರ ಎದುರಿಗೆ ಕಾಣಿಸುವಂತೆ ಅವಾಚ್ಚ ಶಬ್ದಗಳಿಂದ ಬೈದಾಡಿರುತ್ತಾರೆ.

ಆರೋಪಿ ಸೀರಾಜ್ ಶೇಖ್ ರವರು ಸಾಕ್ಷಿ-06 ರವರಿಗೆ ಹಗರಿಬೊಮ್ಮನಹಳ್ಳಿ ಪಟ್ಟಣದ ಹೊಸಪೇಟೆ ರಸ್ತೆಯಲ್ಲಿರುವ ರಾಮಣ್ಣನ ಡಾಬಾದ ಹತ್ತಿರ ಹಾಗೂ ಹಗರಿಬೊಮ್ಮನಹಳ್ಳಿ ಪಟ್ಟಣದ ಜಿ.ವಿ.ಪಿ.ಪಿ, ಕಾಲೇಜ್ ಆವರಣದಲ್ಲಿ, ಸಾರ್ವಜನಿಕರ ಎದುರಿಗೆ ಅವಾಚ್ಚ ಶಬ್ದಗಳಿಂದ ಬೈದಾಡಿರುವಾಗ ಸಾಕ್ಷಿ-07 ರವರು ತಮ್ಮ ಈ ದೋಷಾರೋಪಣ ಪತ್ರದ ಕಾಲಂ ನಂಬರ್ 11 ರಲ್ಲಿ ನಮೂದಿಸಿದ ಮೊಬೈಲ್ ನಿಂದ ವಿಡಿಯೋ ಮಾಡಿಕೊಂಡಿರುತ್ತಾರೆ. ಈ ದೋಷಾರೋಪಣ ಪತ್ರದ ಕಾಲಂ ನಂಬರ್ 14 ರಲ್ಲಿ ನಮೂದಿಸಿದ ಸಾಕ್ಷಿ-06 ರವರು ಪರಿಶಿಷ್ಟ ಜಾತಿಯ ಲಂಬಾಣಿ ಜನಾಂಗಕ್ಕೆ ಹಾಗೂ ಹಗರಿಬೊಮ್ಮನಹಳ್ಳಿ, ಮೀಸಲು ವಿಧಾನಸಭಾ ಕ್ಷೇತ್ರದ ಮಾಜಿ ಶಾಸಕರು ಅಂತ ಗೊತ್ತಿದ್ದರು ಸಹ ಉದ್ದೇಶಪೂರಕವಾಗಿ ಸಾಕ್ಷಿ-06 ರವರಿಗೆ ಸಾರ್ವಜನಿಕರಿಗೆ ಕಾಣಿಸುವಂತೆ ಅವಾಚ್ಚ ಶಬ್ದಗಳಿಂದ ಬೈದಾಡಿರುವುದು ಪ್ರಕರಣದ ಪ್ರತ್ಯಕ್ಷ ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆಗಳಿಂದ ಹಾಗೂ ಆರೋಪಿಯು ಬೈದಾಡಿರುವುದನ್ನು ಮೊಬೈಲ್ ನಲ್ಲಿ ವಿಡಿಯೋ ಮಾಡಿರುವುದು ಎಫ್.ಎಸ್.ಎಲ್ ವರದಿಯಿಂದ ಹಾಗೂ ಕೂಲಂಕುಷ ತನಿಖೆಯಿಂದ

**ಆರೋಪಿಯು ಆರೋಪ ಎಸಗಿರುವುದು ದೃಢಪಟ್ಟಿದ್ದರಿಂದ ಸದರಿ ಆರೋಪಿಯ ವಿರುದ್ಧ
ಕಲಂ:504 ಐ.ಪಿ.ಸಿ & ಕಲಂ:3(1), (ಆರ್), ಎಸ್.ಸಿ ಎಸ್.ಟಿ [ಪಿ.ಎ] ಆಕ್ಟ್,
1989 ದೋಷಾರೋಪಣ ಪತ್ರವನ್ನು ಸಲ್ಲಿಸಿರುತ್ತದೆ..**

(Emphasis added)

The concerned Court takes cognizance of the offences and registers a special case in Spl.C.No.2146/2023. The taking of cognizance leads the petitioner to file an application seeking his discharge before the concerned Court invoking Section 227 of Cr.P.C. The concerned court answers the application seeking discharge by the impugned order. The reasons so rendered by the concerned Court reads as follows:

"....

12. **Point No.1:** Eliminating the unnecessary facts, the undisputed facts which could be noticed are that the complainant by name Manjunath S.L. had lodged written information on 15.8.2023 who contends to be the nephew of Sri Bheemanaik, Ex-MLA of Hagaribommanahalli Constituency. He has contended that there were several abusive words being hurled by the accused Siraj Sheik due to some political rivalry between them. It is also alleged in the complaint that the accused had used abusive words and also offended by taking the name of their caste. It is noticed from the entire averments made in the complaint that, initially a squabble had taken place between the complainant and accused due to displaying of a flex board to welcome the District In charge Minister on 12.08.2023. Further it is alleged in the complaint that subsequently on 15.08.2023 when the District Minister had visited, once again verbal altercation had

taken place and in the presence of several public persons the accused had abused the complainant and his maternal uncle in filthy language touching the name of his caste. It is the contention of prosecution that the complainant who is the nephew of Sri Bheemanaik, who was also Ex-MLA of Hagaribommanahalli constituency, was abused by the accused person with offensive words touching the name of his caste once again at Junior College premises where KDP meeting was being conducted.

13. It is relevant to note at this juncture that initially when the FIR was lodged, there were three set of incident that had taken place i.e., one prior to the visit of the District In charge Minister near Ramanna Daba and subsequently on 12.8.2023 a squabble that has taken place in the presence of District In charge Minister and later on an another incident that had taken place in the KDP meeting which was called by the District In charge Minister near the Junior College. The three incidents are required to be read conjointly to ascertain whether any intentional abuses were hurled by the accused person to the complainant. Admittedly, in the instant case, the victim i.e., Sri Bheemanaik was not at all present at the place of incident when the abuses were being hurled near the Junior college. However, it is relevant to note at this juncture that in the initial stage when FIR was filed it is narrated in the complaint that several volley of allegations were being made touching the dignity and modesty of women folk of the family of the complainant. However, at the time of filing the charge sheet, it is noticed from the records that the Investigating officer had reached the conclusion on the basis of the materials which were obtained during the course of investigation that the abuses which were hurled were in the name of the caste attracting the provisions of Sec.3(1)(r) of the Act.

14. On perusal of the entire charge sheet it indicates that at the inception, the party workers of Indian National Congress had intended to welcome the district In-charge Minister Sri Zameer Ahmed Khan who had intended to visit Hagaribommanahalli. It is also noticed from the records and also from the written information filed by CW1 which narrates **the incident that had taken place would reflect that on 11.8.2023 a squabble had taken place between the**

party workers and accused person since he had noticed that his name and photo were not forthcoming in the flex which was being installed near Ramanna Dhaba, Railway Gate, Hagaribommanahalli. However, on 12.8.2023 when the District Incharge Minister Sri B.Z.Zameer Ahmed Khan had visited Hagaribommanahalli, he was stopped near the Railway Gate and he was welcomed by the Party Workers of Indian National Congress. It is further stated in the complaint that several leaders of the Congress Party were present and he had specifically narrated the name of CW8 to CW22 as the persons who were present at that point of time. Further, the complaint indicates that the District-incharge Minister had requested CW6 Bheema Naik to sit in his car for which the accused was enraged who was accompanying the District-in-charge Minister in his car and immediately got down from the car and started to hurl abuses at him. Further, the complaint indicates that the accused had used defamatory words taking the name of his caste and had also stated in vernacular language as follows:

"ನಂತರ ನಮ್ಮನ್ನು ಮತ್ತು ಅಲ್ಲಿಂದ ಹೊರಟು ಹೋದ ನಮ್ಮ ಮಾಮನವರನ್ನು ಉದ್ದೇಶಿಸಿ, ಅವಾಚ್ಯ ಪದಗಳಿಂದ ಬೈದಾಡಲು ಪ್ರಾರಂಭಿಸಿದನು. ಮಿಂಡ್ರಿಗುಟ್ಟಿದವನವನು ತಾಯ್ನಹಡ ಎಂದು ಬೈದಾಡುತ್ತಾ, ಹಗರಿಬೊಮ್ಮನಹಳ್ಳಿಯಲ್ಲಿ ಕೆರಾಲೇ ಹೊಡೆಯುವವರು ಯಾರು ಇಲ್ಲ ಇವನಿಗೆ, ಇವನು ಗಾಂಡು, ಗಾಂಡು ಸೂಳಮಗ ಇವನು, ಬಾರ ನಿಮ್ಮಮ್ಮನ, ಗಾಂಡು ಸೂಳಮಗನೆ ಎಂದು ಸಾರ್ವಜನಿಕವಾಗಿ ಅವಹೇಳನಕಾರಿ ಪದಗಳನ್ನು ಬಳಸಿ ನಮ್ಮನ್ನು ಬೈದು, ಬರ್ಲೇ ಎಂದು ಕೈ ಸನ್ನೆ ಮಾಡಿ, ನಮಗೆ ಅಡ್ಡಗಟ್ಟಿ ಬೈದಾಡಿದನು. ಆ ಸಮಯದಲ್ಲಿ ಮೇಲ್ಕಂಡ ಕಾಂಗ್ರೆಸ್ ಕಾರ್ಯಕರ್ತರು, ಮತ್ತು ಬಂದೋಬಸ್ತ್ ಕರ್ತವ್ಯಕ್ಕೆ ನಿಯೋಜನೆ ಗೊಂಡಿದ್ದ ಡಿವೈ.ಎಸ್.ಪಿ ಕೂಡ್ಲಿಗಿ, ಸಿ.ಪಿ.ಐ ಹ.ಬೊ.ಹಳ್ಳಿ ಮತ್ತು ಪೊಲೀಸ್ ಸಿಬ್ಬಂದಿ ವರ್ಗದವರು ಸ್ಥಳದಲ್ಲಿ ಹಾಜರಿದ್ದರು. ಈ ಮೇಲ್ಕಂಡ ಘಟನೆಯನ್ನು ದೃಢಪಡಿಸುವಂತೆ ವೈರಲ್ ಆಗಿರುವ ವಿಡಿಯೋ ದೃಶ್ಯಾವಳಿ ಇರುವ ಸಿಡಿಯನ್ನು ಹಾಜರು ಮಾಡಿದ್ದು, ಇದನ್ನು Annexure:-01 ಎಂದು ಸೂಚಿಸಿ, ದೂರಿನೊಂದಿಗೆ ಲಗತ್ತಿಸಿರುತ್ತೇನೆ.

ನಂತರ ಶಿರಾಜ್ ಶೇಖ್ ರವರು ಅಲ್ಲಿದ್ದವರಿಗೆ ಉದ್ದೇಶಿಸಿ, ಇವನು 125 ಓಟ್ ನಿಂದ ಗೆದ್ದಾಗ, ಇವನ ಹೆಂಡತಿ ಮಕ್ಕಳಿಗೆ ನನ್ನ ಹತ್ತಿರ ಕೂಡಿಸಿದ್ದ, ಲೇ ಬಂಜಾರ ಸಮಾಜದವರು ಯಾರಿದ್ದೀರಿ, 18-19 ತಾಂಡದಲ್ಲಿ ಎಷ್ಟು ತಾಂಡದಲ್ಲಿ ಲೀಡ್

ಆಗಿದೆಯೋ ಆ ಸೂಳೆ ಮಗನಿಗೆ, ಎರಡು ತಾಂಡ, 17 ತಾಂಡಗಳಲ್ಲಿ ಬಂಜಾರ ಸಮಾಜದವರು ಅವನಿಗೆ ಓಟ್ ಹಾಕಿಲ್ಲ ಎಂದು ನಮ್ಮ ಮಾಮನಿಗೆ ಬೈದನ್ನು ಹಾಗೂ ಐ.ಪಿ.ಎಲ್ ಅಡಿಸೋ ಮಿಂಡ್ರಿಗುಟ್ಟಿದವನೆ ಎಂದು ಬೈದು ಬಂಜಾರ ಜಾತಿ ನಿಂದನೆಯಾಗುವ ಜಾತಿ ಸೂಚಕ ಪದಬಳಕೆ ಮಾಡಿ ಬಂಜಾರ ಸಮಾಜದ ಘನತೆಗೆ ದಕ್ಕ ಆಗುವಂತೆ ಬೈದಾಡಿರುತ್ತಾನೆ. ಈ ಘಟನೆಯನ್ನು ನನ್ನ ಜೊತೆಯಲ್ಲಿದ್ದ ರಮೇಶನಿಂದ ಅವನ ವೀವೊ ಕಂಪನಿಯ ಮೊಬೈಲ್‌ನಲ್ಲಿ ವಿಡಿಯೋ ಮಾಡಿಸಿದೆನು. ಸದರಿ ಘಟನೆಯನ್ನು ದೃಢಪಡಿಸುವಂತೆ ವಿಡಿಯೋ ದೃಶ್ಯಾವಳಿ ಇರುವ ಸಿಡಿಯನ್ನು **Annexure:-03** ಎಂದು ಸೂಚಿಸಿ, ದೂರಿನೊಂದಿಗೆ ಲಗತ್ತಿಸಿರುತ್ತೇನೆ..”

15. Thereafter, it is also noticed that another squabble has taken place on the very same day at about 12.00 p.m. when KDP meeting was being convened at the college premises of Hagaribommanahalli village. **The aforesaid act clearly indicates of hurling abuses and insults to the complainant and also to his maternal uncle CW-6 Bheemanaik. It would be appropriate to consider whether the aforesaid abuses attract the rigors of the Act.** For the sake of convenience, the provision of Sec.3(1)(r) is required to be considered at this juncture, which reads as follows:

Section 3. Punishments for offences of atrocities:

- (1) Whoever, not being a member of Scheduled Caste or a Scheduled Tribe ---
- (a)*****
 - (b)*****
 - (c)*****
 - (d)*****
 - (e)*****
 - (f)*****
 - (g)*****
 - (h)*****
 - (i)*****
 - (j)*****
 - (k)*****
 - (l)*****
 - (m)*****
 - (n)*****
 - (o)*****
 - (p)*****

(q)*****

(r) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;

16. As per the aforesaid provision, the insult or humiliation which is being hurled at the complainant should have been made with an intention to humiliate him, because he belongs to Scheduled caste or Scheduled tribe and same is required to be made in any place within public view. **In the aforesaid instance, it is noticed that the first incident had taken place near Ramanna Dhaba, Railway Gate, Hagaribommanahalli and also it was committed in the presence of party workers and subsequently the second incident had taken place when the party workers were welcoming the District Incharge Miniseter near Railway Gate and last incident had allegedly taken place near the college premises where KDP meeting was being conveyed, hence all the incidents had taken place at a public place.**

17. I have also bestowed my anxious reading to the statements which have been recorded by the Investigating Agency in particularly with respect to CW7 Ramesh, CW8 Pavadi Hanumanthappa, CW9-Dish Manjunatha, CW10-Turayi Naik, CW11-S.Ramanna, CW12-Smt.Manjula, CW13-Smt.Ambika, CW14-Smt.Saraswathamma, CW15-Mari Ramappa, CW16-B.Devendrappa, CW17-G.Somanatha, CW18-Smt.Shahira Banu, CW19-SmtYashodamma, CW20-Kori Gonibasappa, CW21-Akki Thotesha, and CW22-Dish Bhima Naik. On perusal of their statements, **it indicates that the abuses being hurled by accused person by using filthy language against the caste of the Bheema Naik is forthcoming. No doubt it does not indicate the particular abuses being hurled by the accused person against this complainant. However, the ingredients indicate of insulting the complainant and also his maternal uncle CW6 Bheemanaik. In order to attract the rigors of Sec.3(1)(r) of the Act, the intention plays a very vital role. In the instant case as noticed from the records, the act cannot be termed as the one which had taken place in a spur of a moment. It is noticed that on 11.8.2023 itself a squabble has taken place when the**

photographs and name of the accused person was not forthcoming in the flex banner which was being installed to welcome the District-in-charge Minister. Thereafter, on the very next day i.e., on 12.8.2023 when the District Incharge Minister had come to attend a meeting, he was being welcomed by the party workers at 11.00 a.m. in the morning. It is also noticed that the statement of the witnesses consistently indicates that they had welcomed him and at that time, CW6 Bheemanaika was requested to sit in the back seat of the car in which the District Incharge Minister was traveling. On noticing the same, the accused got enraged and got down from the car and started to hurl abuses. The aforesaid act clearly indicates that the on an earlier instance he had developed political ill-will against the complainant and also against his maternal uncle CW6 Bheemanaik. Further, the complaint also indicates that he had abused him by stating about the community and caste to which he belonged to and also he had abused about the number of votes their community possessed in his constituency. By looking in to the aforesaid aspects, at this juncture, the prima facie materials is produced to cause a grave suspicion in the mind of the court towards commission of offence, which is sufficient for framing of charge.

18.xxx

19.xxx

...When the ratio laid down in the aforesaid judgment is applied to the case on hand, **it indicates that the accused had hurled abuses touching name of the caste and also the chastity of women folk of the complainant.** Further the aforesaid judgment clearly indicates that mere abuse, discourtesy, rudeness or insolence, may not amount to an intentional insult within the meaning of Section 504, IPC if it does not have the necessary element of being likely to incite the person insulted to commit a breach of the peace of an offence and the other element of the accused intending to provoke the person insulted to commit a breach of the peace or knowing that the person insulted is likely to commit a breach of the peace. It is common knowledge that

whenever chastity and character of women folk is assailed in view of general public, obviously, it would lead to a situation which would drive a person to commit any offence or to cause breach of public peace. Under the circumstances, the submissions of the learned senior counsel cannot be accepted at this juncture. Further the behavior of each individual with respect to provocation given is required to be appreciated in the wake of facts and circumstances of the case and further the appropriate stage would be during the course of trial. **The materials which are produced before the court are sufficient to construe existence of a prima facie case for the purpose of framing of charges. Hence, I hold that there are sufficient materials to proceed against the accused at this juncture and to frame necessary charges. Accordingly, I answer Point No.1 in the Negative.**

22. **Point No.2** : In view of above observations on Point No.1, I proceed to pass the following;

ORDER

The application filed U/Sec.227 of Cr.P.C., by the accused Shiraj Sheikh is hereby dismissed by holding that there are materials to frame charges against him."

(Emphasis added)

The concerned Court on the aforesaid reasons, finding *prima facie* material to try the petitioner for the offences under Section 3(1)(r) of the Act and Section 504 of the IPC, rejects the application. The rejection of which, as observed hereinabove, has driven the petitioner to this Court in the subject petition.

8. The learned counsel for respondent No.2 – complainant has also taken this Court through the video footage and the voice analysis by the Forensic Science Laboratory. The extract of the voice analysis and video footage is as follows:

"The Vivo mobile phone marked as D1 was subjected to Forensic acquisition using MSAB XRY ver.10.6.0 and the digital data were analyzed using forensic software MSAB XAMN 7.6.0, and Forevid ver.1.2.1.

The digital data present in the Vivo mobile phone marked as D1 was forensically analyzed for the alleged video files and their genuinity. The generated alleged video files and their details are enclosed in softcopy as Annexure A1 (In a SanDisk pendrive 32GB bearing number BM2306002390WSDCZ48-032G and its MD5 Hash value is "8c444bf5e18073ee54affe8a9c6e4690")

Opinion

1. The Vivo mobile phone marked as D1 contains 06 alleged video files; the video files details are as follows:

Sl. No.	File Name	MD5 Hash Value	Size in MB	Duration
01	VID-20230814-WA0054.mp4	6189B05e7e793353 7950c206ed5072d1	7.82	35s: 861ms
02	Video_ 20230812 _124522mp4	b310516e18a795b aeeb8fdc3bea442b9	111	53s: 461ms

03	Video_20230812_124617.mp4	b41b4011e3b4515d27a8fca1954b9428	105	50s:562ms
04	Video_20230812_124717.mp4	f7ae0f0d5cf1374f15f93fe896a46e7	149	1mn::12s
05	Video_20230812_124858.mp4	15e513e4739f7ac8fa679a03dce4c3e7	224	1mn:48s
06	Video_20230812_125309.mp4	0036fc45a9de728fe638e7347ad20bb5	30.6	14s:765ms

Based on frame analysis and visual observation, the above mentioned video files are continuous and genuine."

(Emphasis added)

9. The issue now is, whether the abuses have been hurled in a public place and whether the abuses were intentional, which would bring in the ingredients of Section 3(1)(r) of the Act and in the presence of the victim. For this it is necessary to notice the provision. Section 3(1)(r) of the Act reads as follows:

3. Punishments for offences of atrocities.—(1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—

...

...

...

(r) intentionally insults or intimidates with intent to humiliate a member of a Scheduled

**Caste or a Scheduled Tribe in any place
within public view;**

(Emphasis supplied)

Section 3(1)(r) of the Act punishes an act of intentionally insulting or intimidating, with intent to humiliate, a member of a Scheduled Caste or Scheduled Tribe in any place within public view. The ingredients of the provision being thus clear, what requires examination is, whether the complaint so registered and the material collected by the Police culminating in the charge sheet would, at least *prima facie*, bring the alleged acts within the four corners of Section 3(1)(r) of the Act. The summary of the charge sheet has already been extracted hereinabove. It is not a case where the accused was oblivious of the caste of the complainant or CW-1. The parties were not strangers; they were political rivals. The material on record, at this stage, would indicate that the accused was well aware that the complainant/CW-1 belonged to a Scheduled Caste. Knowledge of that circumstance, therefore, cannot *prima facie* be brushed aside as either absent or accidental.

10. The next ingredient of the afore-quoted provision of the Act is, whether the alleged insult was hurled at a place "**within**

public view.” Here again, the complaint and the summary of the charge sheet speak with sufficient clarity. The abuses are not alleged to have been uttered in the privacy of four walls, away from the gaze or hearing of others. They are alleged to have been hurled at not one, but **three different places**. The genesis of the episode was a squabble concerning a banner at a political rally. The first volley of abuses is alleged to have been hurled there, followed by two further instances at two other places, all admittedly, in the presence of members of the public.

11. A political rally, by its very nature, is a congregation in the public domain. It is convened to be seen, heard and witnessed by a multitude. **A political dais cannot be converted into a platform for caste humiliation, nor can the din of political rivalry drown the constitutional guarantee of dignity.** Words uttered at such a gathering do not remain confined between the speaker and the person against whom they are directed; they travel to the gathering assembled and acquire a distinctly public character. Therefore, on the allegations as obtaining in the complaint and the charge sheet, the requirement of the act having

occurred “**within public view**” is *prima facie* writ large. The second ingredient of Section 3(1)(r) of the Act is thus met.

12. What then remains is the crucial ingredient - **the intention to insult or intimidate with intent to humiliate**. At the stage of discharge, intention cannot ordinarily be dissected with the precision expected after a full-fledged trial. It has to be gathered *prima facie* from the words allegedly uttered, the circumstances in which they were uttered, the relationship between the parties and the material collected during investigation. Two circumstances assume significance in the case at hand: first, the alleged knowledge of the accused that the victims belonged to a Scheduled Caste; and second, the allegation that, despite such knowledge, the offending abuses were deliberately hurled against them in full public view.

13. The two circumstances, read together with the material collected during investigation, are sufficient, at this stage, to require the accused to face trial. The ingredients of Section 3(1)(r) of the Act, therefore, cannot be said to be absent so as to warrant discharge. The other offence alleged is the one punishable under

Section 504 of the IPC. Sections 503 and 504 of the IPC read as follows:

“503. Criminal intimidation.—Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threats, commits criminal intimidation.

Explanation.—A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.

Illustration

A, for the purpose of inducing B to desist from prosecuting a civil suit, threatens to burn B's house. A is guilty of criminal intimidation.

504. Intentional insult with intent to provoke breach of the peace.—Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”

(Emphasis supplied)

Section 504 of the IPC and Section 3(1)(r) of the Act, though operating in their respective statutory fields, have a common thread running through them - the element of **intentional insult**. Section

3(1)(r) of the Act, however, carries an additional and graver statutory complexion, when such intentional insult or intimidation is directed against a member of a Scheduled Caste or Scheduled Tribe with intent to humiliate him or her within public view. Section 503 of the IPC has borne interpretation by the Apex Court in the case of **MOHD WAJID V. STATE OF UTTAR PRADESH**¹, wherein the Apex Court has held as follows:

"....

Sections 503, 504 and 506 IPC

25. Chapter XXII IPC relates to criminal intimidation, insult and annoyance. Section 503 reads thus:

"503. Criminal intimidation.—Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

Explanation.—A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.

Illustration

A, for the purpose of inducing B to desist from prosecuting a civil suit, threatens to burn B's house. A is guilty of criminal intimidation."

26. Section 504 reads thus:

¹ **2023 SCC OnLine SC 951**

"504. *Intentional insult with intent to provoke breach of the peace.*—Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

27. Section 506 reads thus:

"506. *Punishment for criminal intimidation.*—Whoever commits, the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

if threat be to cause death or grievous hurt, etc.—and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both."

28. An offence under Section 503 has the following essentials:

(1) Threatening a person with any injury;

(i) to his person, reputation or property; or

(ii) to the person, or reputation of any one in whom that person is interested.

(2) The threat must be with intent;

(i) to cause alarm to that person; or

(ii) to cause that person to do any act which he is not legally bound to do as the means of avoiding the execution of such threat; or

(iii) to cause that person to omit to do any act which that person is legally entitled to do as the means of avoiding the execution of such threat.

29. Section 504 IPC contemplates intentionally insulting a person and thereby provoking such person insulted to breach the peace or intentionally insulting a person knowing it to be likely that the person insulted may be provoked so as to cause a breach of the public peace or to commit any other offence. Mere abuse may not come within the purview of the section. But, the words of abuse in a particular case might amount to an intentional insult provoking the person insulted to commit a breach of the public peace or to commit any other offence. If abusive language is used intentionally and is of such a nature as would in the ordinary course of events lead the person insulted to break the peace or to commit an offence under the law, the case is not taken away from the purview of the section merely because the insulted person did not actually break the peace or commit any offence having exercised self-control or having been subjected to abject terror by the offender.

30. In judging whether particular abusive language is attracted by Section 504 IPC, the court has to find out what, in the ordinary circumstances, would be the effect of the abusive language used and not what the complainant actually did as a result of his peculiar idiosyncrasy or cool temperament or sense of discipline. It is the ordinary general nature of the abusive language that is the test for considering whether the abusive language is an intentional insult likely to provoke the person insulted to commit a breach of the peace and not the particular conduct or temperament of the complainant.

31. Mere abuse, discourtesy, rudeness or insolence, may not amount to an intentional insult within the meaning of Section 504 IPC if it does not have the necessary element of being likely to incite the person insulted to commit a breach of the peace or an offence and the other element of the accused intending to provoke the person insulted to commit a breach of the peace or knowing that the person insulted is likely to commit a breach of the peace. Each case of abusive language shall have to be decided in the light of the facts

and circumstances of that case and there cannot be a general proposition that no one commits an offence under Section 504 IPC if he merely uses abusive language against the complainant. In *King Emperor v. Chunnibhai Dayabhai* [*King Emperor v. Chunnibhai Dayabhai*, (1902) 4 Bom LR 78], a Division Bench of the Bombay High Court pointed out that:

"To constitute an offence under Section 504 IPC it is sufficient if the insult is of a kind calculated to cause the other party to lose his temper and say or do something violent. Public peace can be broken by angry words as well as deeds."

(emphasis supplied)

32. A bare perusal of Section 506 IPC makes it clear that a part of it relates to criminal intimidation. Before an offence of criminal intimidation is made out, it must be established that the accused had an intention to cause alarm to the complainant.

33. In the facts and circumstances of the case and more particularly, considering the nature of the allegations levelled in the FIR, a prima facie case to constitute the offence punishable under Section 506 IPC may probably could be said to have been disclosed but not under Section 504 IPC. The allegations with respect to the offence punishable under Section 504 IPC can also be looked at from a different perspective. In the FIR, all that the first informant has stated is that abusive language was used by the accused persons. What exactly was uttered in the form of abuses is not stated in the FIR.

34. One of the essential elements, as discussed above, constituting an offence under Section 504 IPC is that there should have been an act or conduct amounting to intentional insult. Where that act is the use of the abusive words, it is necessary to know what those words were in order to decide whether the use of those words amounted to intentional insult. In the absence of these words, it is not possible to decide whether the ingredient of intentional insult is present."

....

37. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc. then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not.

38. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged."

(Emphasis supplied)

If the impugned order rejecting the application for discharge is tested on the anvil of the principles laid down by the Apex Court and the material forming part of the charge sheet, interference becomes wholly unwarranted.

14. **The case does not rest upon the solitary word of one complainant against another.** The prosecution cites about 21 witnesses, of whom CW-7 to CW-21 are projected as eyewitnesses to the alleged abuses hurled against CW-1 and the complainant. The incidents are also alleged to have been captured on the video. The compact disc containing the recording forms part of P.F. No.146 of 2023, and the FSL report is said to have confirmed that the video footage contained therein pertains to the incident in question. Thus, there is ocular material, coupled with electronic material, which the prosecution seeks to prove at trial. Whether that material ultimately withstands the rigour of cross-examination is an altogether different matter; but its evidentiary worth cannot be prematurely annihilated at the stage of discharge. The submission of the learned senior counsel Sri Sandesh J. Chouta, therefore, does not merit acceptance.

15. The learned senior counsel has taken this Court through the chronology of events and the material on record threadbare and has sought an assessment of the statements of the eyewitnesses as though this Court was conducting a trial before the trial could

commence. CW-1 is the nephew of the complainant and CW-2 is a former Member of the Legislative Assembly against whom abuses are also alleged to have been hurled. CW-1 and CW-2 are thus projected as victims of the acts alleged.

16. Much emphasis is laid upon the judgments of the Apex Court and this Court, which have cautioned against misuse of the provisions of the Act. There can be no quarrel with the principles enunciated therein. **But a judgment is not a mantra to be mechanically chanted, divorced from the facts that gave birth to it.** Precedents declaring that the provisions of the Act should not be permitted to become instruments of misuse were rendered in the peculiar factual matrices obtaining therein. They cannot become a universal passport for discharge, wherever an offence under the Act is alleged. Precedent must illuminate the facts before the Court; it cannot eclipse them. A political rally, by its very character, is a congregation in the public domain. It is convened to be seen, heard and witnessed by a multitude. Therefore, when caste-related abuses are hurled from the platform of a political rally, in the presence and hearing of members of the

public, the act cannot be portrayed as one occurring within the confines of a private conversation. **A political rally is perhaps one of the clearest illustrations of an act occurring “within public view”**, for the very purpose of such a gathering is public communication and public participation. Words spoken from a political dais travel beyond the person against whom they are directed; they reverberate through the gathering assembled before it. Thus, if the other statutory ingredients are established—particularly, that the insult or intimidation is **on account of the victim belonging to a Scheduled Caste or Scheduled Tribe**—the requirement of “within public view” under the Act cannot be said to be wanting merely because the offending words were uttered in the course of a political rally.

17. The case at hand presents allegations of repeated caste-related abuses at three public places, beginning at a political rally; a multitude of witnesses are cited to the incidents; and electronic material, supported by an FSL report, is also placed in the prosecutorial fold. Whether the witnesses speak the truth, whether the recordings prove what the prosecution claims they prove,

whether the words were uttered with the requisite statutory intention, and whether the prosecution can ultimately establish every ingredient beyond reasonable doubt are all matters that must pass through the **crucible of trial**.

18. At this juncture it is also apposite to refer to the judgment of the Apex Court rendered in the case of **SWARAN SINGH v. STATE**², wherein, it is held as follows:

"....

24. In our opinion, calling a member of the Scheduled Caste "chamar" with intent to insult or humiliate him in a place within public view is certainly an offence under Section 3(1)(x) of the Act. Whether there was intent to insult or humiliate by using the word "chamar" will of course depend on the context in which it was used.

25. A perusal of the FIR clearly shows that, prima facie, an offence is made out against Appellants 2 and 3. As already stated above, at this stage we have not to see whether the allegations in the FIR are correct or not. We only have to see whether treating the FIR allegations as correct an offence is made out or not. In our opinion, treating the allegations in the FIR to be correct an offence under Section 3(1)(x) of the Act is prima facie made out against Appellants 2 and 3 because it prima facie seems that the intent of the appellants was to insult or humiliate the first informant, and this was done within the public view.

² **2008 SCC OnLine SC 1245**

26. Of course, it will be open to Appellants 2 and 3 to put up their defence at the trial, and the trial court may or may not accept the correctness of the allegations in the FIR. However, at this stage we cannot quash the FIR against them and the trial must proceed.

27. Learned counsel then contended that the alleged act was not committed in a public place and hence does not come within the purview of Section 3(1)(x) of the Act. **In this connection it may be noted that the aforesaid provision does not use the expression "public place", but instead the expression used is "in any place within public view". In our opinion there is a clear distinction between the two expressions.**

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. 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.**

....

34. The High Court in the impugned judgment has observed (in para 16) that the question whether the appellants indeed uttered the offending words with the intention to humiliate the complainant, are matters of evidence. We fully agree with this view. Hence, we find no merit in the appeals of Appellants 2 and 3, and they are accordingly dismissed. However, the appeal of Appellant 1 is allowed, and the proceedings against him are quashed. There will be no order as to costs."

(Emphasis supplied)

The Apex Court in the afore-quoted judgment while interpreting the phrase "in any place within public view" makes a clear distinction from the expression "public place". The Apex Court also holds that the question whether the accused appellants therein uttered the offending words with the intention to humiliate the complainant was a matter of evidence.

19. Therefore this Court, while exercising jurisdiction under Section 482 of the Cr.P.C., cannot convert itself into a trial Court, weigh witness against witness, sift evidence grain by grain, or pronounce upon its ultimate probative worth. Where the defence requires the Court to decipher disputed facts, assess eyewitness testimony and weigh electronic evidence, the answer lies in a trial and not in

premature termination of the prosecution. The petitioner must, therefore, face the trial and establish his defence in the manner known to law. The order declining discharge suffers from no infirmity warranting interference at the hands of this Court.

20. The Constitution has banished untouchability and promised equality, dignity and fraternity; yet, regrettably, the poison of caste sometimes finds expression even in the conduct of those who occupy positions of political power. **When a politician or their legions hurl caste-laden abuses at a member of the Scheduled Castes or Scheduled Tribes in a public place, the indignity assumes a graver dimension.** It is not merely an insult directed at an individual; it is an affront to the constitutional promise of equal citizenship and an attempt to resurrect, through words of humiliation, a social hierarchy that the Constitution emphatically sought to bury. **A democracy cannot permit the public square, meant to be a space of equality, to be converted into an arena of caste humiliation.** Such conduct, when it satisfies the ingredients prescribed by law, must therefore be dealt with firmly, **for dignity is not a concession bestowed**

by the powerful upon the marginalised; it is an inviolable constitutional entitlement of every citizen.

21. Finding no merit in the petition, the petition stands rejected.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

nvj
CT:MJ