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Consent matter

ಪತ್ರಿಕೆಯ ಹೆಸರು : NAME OF THE NEWS PAPER: Times of India

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## Ex-MLA acquitted in bar brawl case

TIMES NEWS NETWORK  
16/4/21

**Bengaluru:** A special court for people's representatives on Thursday acquitted former Congress MLA Vijaynanda Kashappanavar and his associate Somegowda of charges of attacking an on-duty police constable inside a city bar in July 2014.

According to police, on the night of July 7, 2014, Kashappanavar, Somegowda and others were partying in the bar located on the 7th floor of UB City. Two police constables from Cubbon Park station, who were on night rounds, entered the bar around 1am and objected to liquor being served beyond the stipulated time (11.30pm).

Saying the men in khaki were spoiling their party, Somegowda and Kashappanavar allegedly manhandled the duo. The next morning, based on the statement made by one constable, an FIR was registered against Somegowda and Kashappanavar. The case was later transferred to the Central Crime Branch and a chargesheet was filed.

The chargesheet, running into about 400 pages, recorded statements of 42 witnesses, including staff from the bar. The accused duo were booked under IPC sections 143 (unlawful assembly), 504 (causing intentional insult), 323 (voluntarily causing hurt) and 353 (assault or criminal force to deter a public servant from discharging his duty).

### THREE LOOPHOLES HIGHLIGHTED

● Gap of at least seven hours between the incident and filing of FIR



● Constable who entered the bar belonged to beat number 5, while the bar was under beat number 3

● Mobile phone in which complainant constable recorded the episode wasn't seized by investigating officer for further probe

The acquittal was secured on the basis of benefit of doubt based on three points. "The defence argued that there was a delay in filing a police complaint. There was a gap of at least seven hours between the incident and filing of the FIR. Secondly, the constable who entered the bar belonged to beat number 5. The bar was under beat number 3. The defence advocate raised the point as to why police from another beat should enter the bar," the public prosecutor said.

"Finally, the mobile phone in which the complainant constable had recorded the accused sitting inside the bar beyond the stipulated time, liquor being served to them and abusing the cops was not seized by the investigating officer for further probe. These three loopholes helped the defence advocate," the public prosecutor added.