

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST CLASS
AT: UTNOOR**

Present:- **Mounika Ponnappalli**
Junior Civil Judge-cum-
Judicial Magistrate of First Class
Utnoor.

(Dated this the 06th day of January, 2026)

C.C. 156 of 2021
(Cr. No. 133 of 2020 of Indervelly P.S)

Between:

The State of Telangana, through,
Sub-Inspector of Police, Indervelly P.S,

...Prosecution

AND

Akonvar @ Akankar Sagar,
S/o. Guravayya @ Guruvaiah,
Age: 44 years, Occ: RTC Driver
R/o. Chilatiguda village,
Asifabad.

...Accused

This case is coming before me for final hearing on 31-12-2025 in the presence of the Learned APPO, for the State and Sri B.Jaiwanth Rao, for the Accused and having stood over for consideration till this day, the Court delivered the following:

-.J U D G M E N T:-

01. The Sub Inspector of Police, Indervelly Police Station had filed the charge sheet against the person who was shown as accused in Crime No. 133 of 2020

for the offence punishable U/Sec. 304-A of Indian Penal Code (herein after referred as IPC) against accused person.

02. The case of the prosecution in brief as per charge sheet is as follows:

It is the case of prosecution that on 24.12.2020 at about 7.30 pm, while the deceased/Kumra Gunvanth Rao along with Lw.5/Girja Bai, were returning from Gouravpur village to Jamda village on a motorcycle bearing number TS-01-EM-4214 and when they reached near Keslapur X road of Muthnoor village, the accused who is the driver of RTC bus bearing number AP-29-X- 3067 drove said bus in a rash and negligent manner and hit motorcycle bearing no.TS-01-EM-4214, resulting which Kumra Gunvanth Rao/deceased fell underneath of rear tire and dragged about 100 feet distance, due to which Kumra Gunvanth Rao sustained fatal multiple head injuries and died instantaneously at the spot and Lw.5 fell down on the road but not sustained any injuries. The Lw.6 who was present there had informed about the said accident to Lw.1 through phone. Immediately the Lw.1 rushed to the spot and shifted the deceased dead body to the hospital at Utnoor. Hence the Report.

Based on the report given by the Complainant, Sub-Inspector of Police, Indervelly had registered a case in Crime No. 133 of 2020 for the offence punishable U/Sec. 304-A of IPC against Accused and after completion of entire investigation, he filed charge sheet against the Accused person.

03. This court took the cognizance for the offence punishable U/Sec. 304-A of IPC against Accused person and issued summons to him. On appearance of the Accused person, copies of case documents are furnished to him as contemplated U/Sec.207 Cr.P.C.

04. The Accused is examined under Section 251 Cr.P.C., for which he denied the charge sheet allegations, thereafter substance of accusation levelled against the Accused person for the offence punishable U/Sec. 304-A of IPC was read over and explained to the Accused person in his vernacular language for which, he pleaded not guilty and claimed to be tried.

05. In support of its case, the prosecution had examined Pws.1 to 13 and got marked Ex.P1 to Ex.P8 during the course of trial.

06. After closing the evidence on prosecution side, the Accused is examined under Section 313 of Cr.P.C., in his vernacular language. They denied the incriminating evidence made against him in the testimonies of the prosecution witnesses and reported no defence evidence. Neither Accused person nor any witness are examined and no documents are marked on behalf of the accused person.

07. Heard the learned APP for the prosecution and the learned counsel for the Accused person and also perused the documents available on record.

POINT :

“Whether the prosecution has been able to establish the guilt of the Accused for the offence punishable U/Sec. 304-A of IPC against Accused, beyond all reasonable doubt?”

08. In order to establish the guilt of the Accused persons, the prosecution had relied upon the evidence of Pw.1 who is the Complainant, Pws.2 and 3 who are the Circumstantial witnesses, Pws.4, 6, 11 who are the Eye witnesses, Pw.5 who is the panch witness for Inquest panchanama, Pws.7 and 8 who are the panch witnesses for Scene of Offence panchanama, Pw.9 who is the Civil Assistant Surgeon, Pw.10 who is the Photographer, Pw.12 who is the Assistant Motor

Vehicle Inspector, Pw.13 who is the Investigation Officer. The Exhibits marked through prosecution during the course of trial are that Ex.P1 is the Report, Ex.P2 is the Inquest panchanama, Ex.P3 is the Sec.161 Cr.P.C statement of Pw.6, Ex.P4 is the signature of Pw.7 on Scene of offence panchanama, Ex.P5 is the Scene of Offence Panchanama, Ex.P6 is the Postmortem Report of Deceased, Ex.P7 is the Assistant Motor Vehicle Inspection Report and Ex.P8 is the First Information Report.

9. The prosecution had relied upon the evidence of Pws.1 to 13 in support of their contentions and each of their evidence has to be scrutinized with careful circumspect.

i. The Pw.6 who is one of the Eye witness to the alleged accident had deposed before the court that he do not know any facts of the case and police neither examined him nor recorded his statement. The Pw.7 who is one of the panch witness for Scene of Offence panchanama had deposed before this court that police neither conducted scene of offence panchanama nor drawn rough sketch in his presence and at the instance of police he had put his signature on some papers. Though the learned Assistant Public Prosecutor had cross examined Pws.6 and 7 under Section 154 of Indian Evidence Act, 1872 and also under Sec.162 Proviso of Cr.P.C, but, nothing worthy is elicited to disprove their evidence.

ii. Further in the evidence of Pw.8 who is other panch witness for Scene of Offence panchanama, though he deposed before this court with regard to the conducting of scene of offence panchanama by police on the alleged date, however, for the reasons best known to Pw.8, he himself categorically admits before this court in his cross examination that he do not know contents of

Ex.P4-Scene of Offence panchanama and police neither read over nor explained the contents of Ex.P4 to him and no rough sketch was drawn by the police, in his presence. Hence, the two different versions of Pw.8 is un-trustworthy.

iii. The Pw.1 who is the Complainant and Pws.2 and 3 who are the Circumstantial witnesses, clearly deposed before this court that there are not eyewitnesses to the alleged accident, which could in-turn goes to show that they do not have specific knowledge with regard to commission of alleged accident by the accused to the deceased on the alleged date of accident. Further the Pw.1 had deposed the bearing number of alleged crime vehicle/RTC bus as 3067 but he failed to testify its complete bearing number in his entire evidence and omitted to depose its complete bearing number before this court. Further, the Pws.2 and 3 not even deposed the bearing number of crime vehicle/RTC bus in their entire evidence, un-like they have stated in their respective section 161 Cr.P.C., statements. Thus, the evidence of Pws.1 to 3 is hardly sufficient to prove the alleged commission of accident by the accused to the deceased with the aforesaid in-complete evidence.

iv. In the evidence of Pw.4 who is pillion rider of the motor cycle of deceased and also one of the eyewitness to the alleged accident, she deposed before the court that on the alleged date, she also received injuries in the alleged accident, but per contra to her evidence, in the contents of charge sheet and Ex.P1 and also section 161 Cr.P.C., statements of witnesses, it was mentioned that the Pw.4, despite being a pillion rider to the motorcycle of the deceased, she received no injuries in the alleged accident on the alleged date. Added to that, for the reasons best known to Pw.4, she neither testified before this court the bearing number of motorcycle of deceased nor as to the bearing number of

alleged RTC bus which allegedly caused accident to the them on the alleged date. Further in her entire evidence, there is no speak evidence with regard to alleged involvement of accused in commission of alleged accident. The Pw.4 neither deposed the name of accused before this court as the person who had committed alleged accident to them on the alleged date nor identified the accused before this court as the driver of crime vehicle/RTC bus on the alleged date of accident. Furthermore, she herself categorically admits before this court that police neither examined her nor recorded her statement. Thus the evidence of Pw.4 (Pillion rider) does not inspire confidence of this court with regard to alleged occurrence of accident to them by the accused as because, she failed to identify the accused before this court and also further failed to state the registration number of the offending RTC bus. In the absence of reliable identification of the accused and the offending vehicle and proof of rash or negligent driving by the accused, no much credibility be given to the evidence of Pw.1 and such lapses strike at the very root of the prosecution case.

v. Keeping aside, the evidence of Pw.4 who is the Pillion rider and also eyewitness as well to the alleged accident, the prosecution in order to establish the accusation levelled against the accused under section 304-A of IPC, examined two eyewitnesses to the occurrence of alleged incident i.e., Pw.6 and Pw.11. Out of them, Pw.6 had turned hostile and did not support the case of the prosecution in any material particulars. The remaining witness Pw.11, though claimed to be an eyewitness, neither identified the accused before this court nor stated the name of the accused and also failed to mention the registration number of the motorcycle driven by the deceased. Further, Pw.11 had testified before this court, the registration number of the alleged offending RTC bus with

an in-correct last digit. These omissions and discrepancies goes to the root of the matter and create serious doubt regarding the identity of the accused and both the vehicles involved in the accident. In the absence of identification of the accused by the sole supporting independent eyewitness, the very involvement of the accused in the alleged offence becomes doubtful. Identification of the accused is a foundational requirement in a criminal trial and failure to establish the same is fatal to the prosecution case. Further in his cross examination, Pw.11 Categorically admitted that the deceased motorcyclist had applied sudden brakes immediately before the accident. This admission assumes great significance. The consistent case of the prosecution is that the RTC bus hit the motorcycle from behind. However, it is a settled position of law that a rear-end collision by itself does not lead to an automatic inference of rash or negligent driving. When the evidence of Pw.11, itself discloses that the motorcyclist applied sudden brakes, the possibility that the accident occurred due to the sudden and un-expected act of the deceased cannot be ruled out. In such circumstances, the driver of the RTC bus cannot be held criminally liable merely on presumptions. The prosecution further alleged that after the impact of the accident, the deceased fell underneath the rear tyre of the RTC bus and was dragged for a distance of about 100 feet. Except bald assertion, there is no consistent ocular or corroborative evidence on record to substantiate such allegation. The hostile witness/Pw.6 does not support the version of Pw.11 and in-consistent evidence of the sole supporting independent eye witness does not inspire confidence of this court due to aforesaid material contradictions, omissions and admissions which are adverse to the case of prosecution. Thus the evidence on record neither establishes the identity of the accused nor proves

beyond reasonable doubt that the accused was driving the RTC bus bearing No. AP-29-X-3067 in a rash or negligent manner so as to cause the death of the motorcyclist on the alleged date. On the contrary, the material on record indicates contributory negligence on the part of the deceased motorcyclist. It is a cardinal principle of criminal jurisprudence that the prosecution must prove its case beyond reasonable doubt and that suspicion, however strong, cannot take the place of proof.

vi. From the evidence of Pws.5,9,10,12 and 13 coupled with Exs.P2, P6 to P8, there is no doubt on the alleged date of accident, Deceased/Kumra Gunvanth Rao was succumbed to death in a road accident, however, their evidence did not specifically disclose anything incriminating as against the accused that the accused herein had driven the crime vehicle i.e., RTC bus bearing number AP-29-Z-3067, in a rash and negligent manner and caused accident to the deceased who was riding motor cycle bearing number TS-01-EM-4214, resulting in the death of deceased person on the alleged date of accident and the accused person is responsible for the alleged death of deceased on the alleged date.

vii. There remains the evidence of Pw.13 who is the Investigation officer in this case. In the evidence of Pw.13, he deposed various stages of his investigation in a chronological way. The evidence of Pw.13 is just routine and in casual manner which render no help to the case of prosecution. Further, the Pw.13 had failed to collect any material which could connect the accused persons to the present case on hand. Further the death of Lw.1 who is the Complainant also fatal to the case of prosecution. At this juncture, this court relies upon the judgment reported **in AIR 2014 Supreme Court 3388 in Ramaiah @ Rama Vs State of Karnataka in para No. 30 it is observed by Hon'ble Supreme Court that,**

which is other wise available to an accused under the fundamental principles of criminal jurisprudence that every person shall be presumed to be innocent unless he is proved guilty by a court of law. It is also trite that if two views are possible on the evidence adduced in the case and one favorable to the accused has been taken by the trial court it should not be disturbed. The golden Rule of criminal Law is that when there are two versions possible, the court shall consider the version which goes in favour of the accused. In other words the benefit of doubt shall always in favour of accused.

10. In furtherance to the above, in the entire evidence of prosecution witnesses except deposing that on the alleged date of accident, the driver of crime vehicle/RTC bus bearing number AP-29-X-3067 had dragged the deceased to 100 feet distance, they testified nothing before this court with regard to the actual mode and manner in which the accused person had driven the alleged crime vehicle on the alleged date of accident and their evidence is completely silent with regard to the rashness and negligence on the part of accused. From a holistic reading of the prosecution evidence, nothing has been testified as to whether the alleged crime vehicle being driven by the accused person was at an excessive speed and whether the accused had driven the alleged crime vehicle recklessly or ignored any traffic rules and did the accused failed to take necessary precautions or ignored any safety measures on the alleged date of accident. To Prove the alleged accusation levelled against the accused, the prosecution has to prove the act of accused person must be rash or negligent, indicating a lack of caution or attention to duty and there must be a direct causal link in between the rash and negligent act of the accused and the death of deceased with such alleged rash and negligent driving of the accused persons by

means of the alleged crime vehicle on the alleged date of accident. As the prosecution had utterly failed to establish with convincing evidence before this court that, the Accused had driven the crime vehicle/RTC bus bearing number AP-29-X-3067 in a rash and negligent manner and caused accident to the deceased person, resulting the death of deceased person on the alleged date, as such, no conviction can be recorded against the accused without any substantive evidence.

11. Taking totality of the facts and circumstances of the case into consideration, the above evidence casts heavy doubt on the prosecution. Thus, there is no convincing evidence on record which could prove alleged commission of offence by the accused beyond reasonable doubt and that the evidence available on record will not help the case of prosecution. Except the unsupportive and uncorroborative evidence there is no other evidence pointing the guilt of the accused persons. As such, this court has no hesitation to hold that the material placed by the prosecution is barely enough to establish the guilt of accused persons for the accusation levelled against them for the offence punishable U/Sec. 304-A of IPC.

In the above facts and circumstances and on considering the evidence on record, it can be safely concluded that the evidence led by prosecution does not create any faith in the mind of this court with regard to commission of alleged accident by the accused persons which resulted in the death of deceased who is the cousin son of Pw.1 on the alleged date of accident. Thus the prosecution had failed to prove the guilt of the accused person beyond reasonable doubt for the offence punishable U/Sec.304-A of IPC Act against Accused, as such, Accused is acquitted and he is set at liberty.

Accordingly, the point is answered in favour of Accused persons and as against the prosecution.

IN THE RESULT : The **Accused person** is found not guilty for the offence punishable U/Sec. 304-A IPC and accordingly, he is acquitted U/Sec.255(1) of Cr.P.C. The bail bonds of the Accused person, if any shall be cancelled after lapse of appeal time as per section 437-A Cr.P.C. There is no case property in this case, as such no order had been passed with regard to case property.

(Typed to my dictation on computer by Stenographer, corrected and pronounced by me in the open court this the 06th day of January, 2026.)

**Judicial Magistrate of First Class,
Utnoor.**

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

For Prosecution:

PW.1 : Kumra Ramu, Complainant

PW.2 : Kumra Maru Bai, Circumstantial witness

PW.3: Thodasam Drupath Bai, Circumstantial witness

PW.4: Chikram Giriya Bai, Eye witness

PW.5: Mesram Durgu, Panch witness for scene of offence panchanama

PW.6: Syed Ali Khan, Eye witness

PW.7: Gantalwar Ramesh, Panch witness for Scene of Offence panchanama

PW.8: Sable Amar Singh, Panch witness for Scene of Offence panchanam

PW.9: Dr.T.Krishna Kumar, Civil Assistant Surgeon

PW.10: Jilapelli Rubin, Photographer

PW.11: Nagargoje Gyaneswar, Eye witness

PW.12: M.Saicharan, Assistant Motor Vehicle Inspector

PW.13: N.Nagnath, Investigation Officer.

For Defence:

-None-

EXHIBITS MARKED**For Prosecution:**

Ex.P1 is the Report

Ex.P2 is the Inquest panchanama

Ex.P3 is the Sec.161 Cr.P.C statement of Pw.6

Ex.P4 is the Signature of Pw.7 on Scene of Offence panchanama

Ex.P5 is the Scene of Offence Panchanama

Ex.P6 is the Postmortem Report of Deceased

Ex.P7 is the Assistant Motor Vehicle Inspection Report

Ex.P8 is the First Information Report.

For Defence:

Nil

MATERIAL OBJECTS

-Nil-

**Judicial Magistrate of First Class,
Utnoor.**

CALENDAR AND JUDGMENT
IN THE COURT OF JUDICIAL MAGISTRATE OF FIRST CLASS: UTNOOR
C.C.NO. 156 OF 2021

1.	Name of the Police Station		Indervelly
2.	Description of the accused		Akonvar @ Akankar Sagar, S/o. Guravayya @ Guruvaiah, Age: 44 years, Occ: RTC Driver R/o. Chilatiguda village, Asifabad.
3.	a)	Date of Occurrence	24.12.2020
	b)	Date of Complaint	25.12.2020
	c)	Date of Apprehension	-
	d)	Date of Release on bail	-
	e)	Date of Commencement of trial	20.02.2025
	f)	Date of Close of trial	20.11.2025
	g)	Date of Judgment	06.01.2026
4.	Offence		U/Sec. 304-A of IPC
5.	Finding		Not guilty
6.	Sentence or order : The Accused person is found not guilty for the offence punishable U/Sec. 304-A of IPC and accordingly, he is acquitted U/Sec.255(1) of Cr.P.C. The bail bonds of the Accused person, if any shall be cancelled after lapse of appeal time as per section 437-A Cr.P.C. There is no case property in this case, as such no order had been passed with regard to case property.		
7.	Explanation for delay		No delay

**Judicial Magistrate of First Class
Utnoor.**

