

PBHOA10005412023



Presented on : 10-03-2023  
Registered on : 10-03-2023  
Decided on : 02-07-2026  
Duration : 3 years, 3 months, 23 days

**IN THE COURT OF  
Judicial Magistrate - Ist Class  
AT Dasuya, Hoshiarpur  
(Presided Over by Sh. Manpreet Sohi)**

**CHI/44/2023**

STATE

Versus

Akash son of Naveen Kumar, resident of Jhawan, Police Station Dasuya,  
District Hoshiarpur.

.....Accused

FIR No. 334 dated 28.12.2022  
Under Sections 279, 337, 338 of IPC  
Police Station, Tanda.

Present      Shri Subham Bhagat Ld. APP for the State  
                 Accused Akash on bail represented by Shri Prabhdeep Singh  
                 Advocate.

**J U D G M E N T**

1.            The accused named above has been sent to this court by SHO  
Police Station, Tanda to face trial for commission of offence punishable  
under Section 279, 337, 338 of Indian Penal Code, 1860 (hereinafter referred  
as IPC).

(Manpreet Sohi), PCS  
JMJC, Dasuya 02.07.2026

### **BRIEF FACTS**

2. The brief facts of the case of the prosecution are that the present FIR was registered on the statement of complainant Yakooob Ali alleging that on 20.12.2022 he and other persons cutting the branches of the trees with the cutting machine and Tractor Marka Mahindra-555 on the Habra road. Then, at about 06:30 PM, he went to take the branches to the road side, when he reached near the cutting machine, a Car came from the town side and its driver was driving the car in very high speed and directly hit him and collided with the cutting machine and he struck with the cutting machine and car and due to which his right arm cut off and caused injuries. Thereafter, his family members admitted him in IVY Hospital Hoshiarpur for his treatment. Later on he came to know that the alleged Car bearing No.PB-10-DV-1140 Marka Verna was driven by Akash son of Naveen Kumar resident of village Jhanwa, Police Station Tanda, District Hoshiarpur. The said accident was took place due to rash and negligent driving of accused Akash. Accused was arrested. Investigation was conducted. After completion of all other necessary formalities, challan against the accused was prepared and presented before the court.

### **COMPLIANCE OF SECTION 207 Cr.P.C**

3. On appearance before the Court the accused was supplied the copies of all the documents relied upon by the prosecution as per the mandate of section 207 Cr.P.C.

**CHARGE**

4. After, the conjoint reading of the report u/s 173 Cr.P.C and all other documents relied upon the prosecution, a prima facie offence punishable under Section 279, 337, 338 of IPC was made out against the accused for which the accused was charge sheeted. The charge against the accused was read out to the accused in simple Punjabi language and after understanding the same the accused pleaded not guilty and claimed trial.

5. To substantiate its case, the prosecution has examined following witnesses: -

**PW-1 ASI Jagjit Singh** deposed that on 28.12.2022 he alongwith ASI Madan Singh went to CH Tanda and recorded the statement of Yakub Ali. He has also proved on record recovery memo of car bearing No.PB10-DV-1140 Ex.PW1/A

**PW2 Amandeep Singh DEO RTO Office, Hoshiarpur** who brought on record the screening report of driving license of accused as Ex.PW2/A and certificate u/s 65 B of Indian Evidence Act Ex.PW2/B.

**PW 3 ASI Madan Singh** deposed that on 21.12.2022 ASI Rajesh Kumar received a chit from MHC with regard to the accident of Yakub Ali and went to the IVY hospital where he moved an application Ex.PW3/A to doctor for recording his statement but the doctor disclosed him that the patient is in operation theater. Thereafter, on 28.12.2022 he moved an

application Ex.PW3/B to doctor for recording statement of Yakub Ali and recorded the same as Ex.PW3/C. He has also proved on record ruqa Ex.PW3/D, FIR Ex.PW3/E, endorsement Ex.PW3/F, site plan Ex.PW3/G, recovery memo Ex.PW1/A, recovery Ex.PW3/H, original license Ex.PW3/I, identification memo Ex.PW3/J, arrest memo Ex.PW3/K, screen report Ex.PW3/L.

**PW-4 HC Jasvir Singh** who proved on record the mechanical test report of offending vehicle as Ex.PW4/A

**PW-5 ASI Ravinder Singh** who proved on record copy of entry regarding deposit of offending vehicle in police malkhana Ex.PW5/A.

**PW-6 Tarlok Singh RTO Office, Hoshiarpur** who brought on record screening report of car bearing No.PB10-DV-1140 Ex.PW6/A and certificate u/s 63 of BSA Ex.PW6/B.

**PW-7 Dr. Anmol Sharda** who proved on record endorsement regarding fitness of complainant Ex.PW3/B.

**PW-8 Dr. Atul Rai Sharma** who proved on record injury report of complainant Ex.PW8/A and discharge summary Ex.PW3/A.

Thereafter, prosecution evidence was closed by order.

6. Statement of the accused recorded in terms of section 313 Cr. P.C, so as to apprise him of the incriminating circumstances appearing

against him in evidence led by prosecution to which he pleaded his innocence and claimed false implication.

7. Accused did not examine any witness in his defence evidence. Thereafter, accused closed the defence evidence, vide separate statement.

8. This court has heard the submissions made by Ld. APP for the State and Ld. Defence counsel and has gone through the prosecution evidence. From the entire case, the following points for determination emerge out of the case.

- 1. Whether on 20.12.2022 at about 06:30 PM in the area of village Hambra, accused drove Car Verna bearing registration No.PB-10-DV-1140 in rash and negligent manner as to endanger to human life and safety of others on a public way?**
- 2. Whether on the same date, time and place, accused while driving the Car in a rash and negligent manner caused simple hurt to complainant Yakoob Ali?**
- 3. Whether on the same date, time and place, accused while driving the Car in a rash and negligent manner caused grievous hurt to complainant Yakoob Ali?**
- 4. Whether the evidence of the prosecution led on the file is sufficient to hold the accused guilty and to convict and sentence him under Section 279, 337, 338 of IPC.**

**POINTS NO.1 TO 4 FOR DETERMINATION:-**

9. All the points for determination have been taken up together for the sake of brevity and to avoid repetition. learned APP for the State has argued that prosecution witnesses have deposed on the lines of prosecution story and proved on record documents such as recovery memo of car bearing No.PB10-DV-1140 Ex.PW1/A, screening report of driving license of

accused Ex.PW2/A and certificate u/s 65 B of Indian Evidence Act Ex.PW2/B, application moved to doctor Ex.PW3/B, statement of Yakub Ali Ex.PW3/C, ruqa Ex.PW3/D, FIR Ex.PW3/E, endorsement Ex.PW3/F, site plan Ex.PW3/G, recovery memo Ex.PW1/A, recovery Ex.PW3/H, original license Ex.PW3/I, identification memo Ex.PW3/J, arrest memo Ex.PW3/K, screen report Ex.PW3/L, mechanical test report of offending vehicle Ex.PW4/A, copy of entry regarding deposit of offending vehicle in police malkhana Ex.PW5/A, screening report of car bearing No.PB10-DV-1140 Ex.PW6/A and certificate u/s 63 of BSA Ex.PW6/B, endorsement regarding fitness of complainant Ex.PW3/B, injury report of complainant Ex.PW8/A and discharge summary Ex.PW3/A. Thus, by placing reliance on the oral testimony of all the witnesses and documentary evidence proved on record by prosecution, learned APP for the State has further contended that the case of prosecution has been established on record beyond the shadow of reasonable doubt, therefore, accused must be convicted and be sentenced with the maximum punishment as provided under law.

10. On the other hand, learned defence counsel has raised his counter arguments thereby stating that accused is absolutely innocent and he has been falsely implicated in this case. He has submitted that the identity of the accused is in serious doubt. Accused was not arrested on the spot, as such, there is no direct evidence on record to believe that he had committed alleged offence, to which he has charged. Further, the complainant and alleged eye witness not stepped into the witness-box to identify the accused.

Since, prosecution has miserably failed to prove its case beyond the shadow of reasonable doubt, as such, affording benefit of doubt, accused must be acquitted for want of proper, cogent and convincing prosecution evidence.

11. After giving thoughtful consideration to the rival submissions made by learned APP for the State and those of learned defence counsel, this court has gone through the entire record available on the file and the legal proposition involved in this case. It is well settled that in criminal law, it is the bounden duty of prosecution to prove its case beyond the shadow of reasonable doubt, that too, on the strength of its own evidence. No advantage can be derived by prosecution from the weakness of defence case. Accused has got constitutional right to maintain silence during the trial of the case. If any doubt arises in the case of prosecution, benefit of the same has to be substantiated in favour of accused.

12. It is the version of prosecution that on 20.12.2022 accused was driving his vehicle in a rash and negligent manner and caused accident with complainant, resulting in causing simple and grievous injuries to complainant. Accordingly, he was charge sheeted for the commission of offence punishable u/s 279, 337, 338, IPC, 1860.

13. In order to prove the allegations of commission of **offence u/s 279 IPC**, prime ingredients which are required to be proved is the rash and negligent act on the part of accused, thereby endangering human life and safety of others. It has been well settled that culpable negligence consists in acting without consciousness that illegal and mischievous effects will follow.

Both the circumstances would show that actor has not excersied the caution incumbant upon him. Moreover, it is clear that negligence connotes want to proper care and caution and rashness conveys the idea of recklessness or the doing of an act without due consideration.

14. Yakoob Ali is the complainant/injured in this case and one Rashid is the alleged eye witness of the alleged accident. However, both of them did not appear in the Court to depose against the accused or to identify him and the offending vehicle. Both of them are the star witnesses, but they did not appear in the Court, despite due service by the Court.

15. PW-3 ASI Madan Singh was the Investigating Officer in this case and PW-1 ASI Jagjit Singh was member of Investigating Team. Both of them have deposed about the formal investigation. However, both of them have not witnessed the alleged accident. PW-3 has admitted that he has not conducted the identification parade of the accused from the complainant. He has not recorded the statement of the nearby persons.

16. PW-2 Amandeep Singh, DEO RTO Office, Hoshiarpur has proved the driving license of accused and PW-6 Tarlok Singh RTO Office, Hoshiarpur proved the ownership of alleged offending vehicle. PW-7 and PW-8 the concerned doctors have proved the medical record of complainant. However, the testimonies of above said witnesses are formal in nature as none of the examined witnesses have witnessed the alleged accident. Therefore, their testimonies are not sufficient to prove the guilt of the accused.

17. Accordingly from facts and law as referred, it can be validly concluded that prosecution remained unsuccessful in proving on record the guilt of accused under section 279, 337, 338 of IPC, 1860, beyond the shadows of reasonable doubt by leading cogent and convincing piece of evidence, as such accused Akash is ordered to be acquitted from the charges framed against him. His bail bonds stands discharged. He is directed to furnish personal bonds in the sum of Rs. 30,000/- with one surety in compliance of Section 437-A Criminal Procedure Code, 1973. Personal bonds furnished, which are accepted and attested. Case property, if any, is ordered to be dealt as per law, after the expiry of period of appeal or revision, if any. File be consigned to the record room, Dasuya after due compilation.

**Pronounced in open Court**  
**Dated :- 02.07.2026**

*Sandeep Kumar JW*

**(Manpreet Sohi), PCS,**  
**Judicial Magistrate Ist Class,**  
**Dasuya. UID No. PB0656**

*(Manpreet Sohi), PCS*  
*JMIC, Dasuya 02.07.2026*