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Sum.Cri.Case.No. 1860/2012
Judgment, (Below Exh.9)

Summary Criminal Case No. 1860/2012
Below Exh. 9

State

Vs.

Amol Vijay shelar

JUDGMENT

(Delivered on : 13/09/2017)

1) On perusal of charge-sheet, documents on record, following points arises for determination along with my findings thereon are as follows;

<u>Sr.</u> <u>No.</u>	<u>Points</u>	<u>Findings</u>
1)	Whether the prosecution proves that, on 13/05/2012, at about 04.00 pm., on Vande Matram Road, Ramtekadi, Hadapsar, Pune, the accused drove his Motorcycle bearing No. MH-12/GM-5183 In a manner so rash or negligent as to endanger the human ?	... No.
2)	Whether the prosecution proves that, on above said date, time and place, the accused caused death of Bicycle rider Dagadu Gnyandev Kamble by driving the above said Motorcycle in rash and negligent manner which not amounting to culpable homicide?	... No.

- 3) Whether the prosecution proves that, on above said date, time and place, the accused drove above said Motorcycle rashly and negligently and recklessly in high speed without having regard to the condition of the road, the traffic and situation on the road ? ... No.
- 4) Whether the prosecution proves that, on above said date, time and place, the accused drove above said Crane rashly and negligently and recklessly and failed to obey the traffic rules? ... No.
- 5) What Order ? ... As per final order.

REASONS

As to Points No. 1 to 4 :

- 2) As these points are interconnected with each other and therefore, in order to avoid repetition, I am discussing them altogether.
- 3) In order to prove the guilt of accused, prosecution has examined only PW-1 Rajendra Dagadu Kamble.
- 4) Before adverting to the facts of the case, let me first discuss the essential principle as incorporated in Section 134 of

The Indian Evidence Act. As per Section 134 of The Indian Evidence Act, the quality of witnesses are much important rather than its quantity, needless to mention that, evidence brought on record needs to be scrutinized.

5) In order to prove the offence punishable under Sections 279 and 304-A of The Indian Penal Code, it must be proved by the prosecution that, accused drove his Motorcycle so rashly and negligently in order to endanger the human life and caused death of Bicycle rider Dagadu Kamble.

6) So also, in order to prove the offence punishable under Section 184 and 119 read with Section 177, it must be proved by the prosecution that, accused drove his Motorcycle negligently and recklessly in high speed without obeying the traffic rules and without having regard to the condition of the road.

7) On perusal of the evidence of PW-1 Rajendra Dagadu Kamble, it appears to me that, he deposed that, died Dagadu Kamble was his father. Accident of his father took place on 13/05/2012. When he came to know about the incident, he rushed towards the spot of incident. At that time, people were gathered there, firstly he took his father at Sane Guruji Hospital and thereafter to Sasoon Hospital. Head injury was caused to his father and due to which his father died in the Sasson Hospital.

But, he stated that, he unable to state who caused the said accident and what was the number of vehicle. Thereafter he lodged complaint Exh. 10 in the police station.

8) The said witness did not support to the case of prosecution, therefore, prosecution declared him hostile and nothing has been elicited in his cross examination by the prosecution.

9) In the cross examination, said witness denied all the contents in the complaint. He deposed that, compromise between himself and accused took place. As, compromise took place between them, accused cannot be punished. Therefore, it cannot be said that, the offence punishable under Section 279 and 304-A of the Indian Penal Code, so also, Section 184 and 119 read with Section 177 of the Motor Vehicles Act are proved.

10) Under such circumstances, accused deserves to be acquitted. Hence, in view of above discussion, I answer points No. 1 to 4 in the negative and I pass following order.

ORDER

- 1) Accused Amol Vijay Shelar is acquitted of the offences punishable under Section 279 and 304-A of The Indian Penal Code, 1860 and Section 184, Section 119 read with 177 of The Motor Vehicles Act, 1988, vide Section 255(1) of The Code of Criminal Procedure, 1973.

- 2) Bail Bonds of the accused stands remains in force for the period of six months as per Section 437(A) of The Code of Criminal Procedure, 1973.

Pune. sd/-xxx
(J. S. Kokate)
Date : 13/09/2017. Jt. Judicial Magistrate First Class,
Cantonment Court, Pune 01

C E R T I F I C A T E

“ I affirm that the contents of this P. D.F. file judgment are same word for word as per original Judgment.

Name of Steno : Shri. D. L. Gudde,
Stenographer (LG)

Court Name : Shri. J. S. Kokate,
Jt. Judicial Magistrate First
Class, Cantonment Court,
Pune.

Date : 13/09/2017

Judgment signed by
presiding officer on : 14/09/2017

Judgment uploaded on : 14/09/2017.”