

FORM-A**IN THE COURT OF SUB-DIVISIONAL JUDICIAL
MAGISTRATE; BONAI, DISTRICT-SUNDARGARH**

Present: Shri Abhinandan Nanda, BBA, LLB (HONS),
S.D.J.M., Bonai

JO CODE: OD00678

[Dated this 19th May 2026]

G.R. Case No.30 of 2012

TR. No.275 of 2012

Regd. No.739/2022

(Bonai PS Case No.12 Dtd.22.01.2012 U/s.279/338/304 (A) of I.P.C.,
1860)

Complainant	STATE OF ORISSA
REPRESENTED BY	Sri. Tahasildar Patra, Ld.APP, Bonai.
ACCUSED PERSONS	i)Tribeni Kanta Pradhan, aged about 44 years, S/o- Purandar Pradhan, R/o-Gargadabahal, PS- Barkote, Dist-Deogarh, ii)Domnic Kindo, aged about 45 years, S/o- Emil Kindo, R/o- Terabeda, PS- Rairkhol, Dist- Sambalpur.
REPRESENTED BY	Sri T. B. Sahu & Associates, Advocate, Bonai for the Accused No.1 Sri B.K. Das & Associates, Advocate, Bonai for the Accused No.2

FORM-B

Date of Offence	22.01.2012
Date of FIR	22.01.2012
Date of Charge sheet	15.06.2012
Date of Framing of Charges	03.10.2012
Date of Commencement of evidence	21.03.2013
Date on which judgment is reserved	19.05.2026
Date of the Judgment	19.05.2026
Date of the Sentencing Order, if any	NA
Accused Details	

Rank of the Accused	Name of the Accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether Acquitted or Convicted	Sentence Imposed	Period of Detention undergone during Trail for purpose of section 428, Cr.P.C.
1	Tribeni Kanta Pradhan	23.01.2012	23.01.2012	U/s.279/338/304A of IPC, 1860	Acquitted	NA	NA
2	Domnic Kindo	22.01.2012	-do-	-do-	-do-	-do-	-do-

J U D G M E N T

The above named accused persons stand prosecuted U/s.279/338/304A of the Indian Penal Code, 1860 for commission of offences of rash or negligent driving, causing grievous hurt and culpable homicide to the victims by driving rashly and negligently.

2. BRIEF FACTS

(a) The case of the prosecution as reported by the informant namely Ranjit Patra, S/o-Gopi Patra of Vill-Dareikela, PS-Bonai, Dist-Sundargarh may be stated in a nutshell as that while he was engaged as Gram Rakhi, on 22.01.2012 at about 07:00 AM he received information about one accident which had occurred at Dareikela crossroad. He went to the spot and found out that one “Sarala” passenger bus bearing registration No. OR14S-3074 was coming from Sarsara towards Bonai at about 07:00 AM followed by one car of make Maruti Omni bearing registration No.OR-23-1922. At that time one truck of make TATA 909 bearing registration No.OR15P-3672 was coming

from Narendra side and going towards Kendrikela side. When the Omni car was overtaking the Sarala Bus, the truck dashed to the said Omni car and as a result the Omni car crashed into the Sarala Bus causing spot death of two passengers and grievous injury to another of the Omni car. Hence the informant reported the matter to the police.

(b) On receipt of the written report of the informant, the then Officer-In-Charge, Bonai PS registered the FIR vide Bonai P.S. Case No.12 of 2012 dtd.22.01.2012 for the alleged commission of the offences punishable u/s.279/338/304A of IPC, 1860 and had directed one S. Majhi, S.I. of police to take up the investigation. The investigation was subsequently taken over by J. M. Bhukta, IIC of Bonai PS. During the course of investigation, the I.O. had visited the spot and prepared the spot map, examined the informant and other witnesses, recorded their statements U/s.161 of Cr.P.C.,1973, sent the injured to SDH, Bonai, conducted inquest over the dead bodies of the deceased and send the dead bodies to the SDH, Bonai for PM examination and received the PM report and injury report from MO, SDH, Bonai, seized the offending Sarala Bus bearing Regd. No.OR14S-3074, one Omni Car bearing Regd. No.OR-23-1922 and one TATA 909 vehicle bearing Regd. No.OR15P-3672 along with its documents and prepared separate seizure lists and released the vehicles in favour of the registered owners by executing a proper zimanamas, arrested the accused persons who were the drivers of the truck and bus and forwarded them to the Court. After completion of the investigation of this case, he had submitted a charge-sheet vide C.S No.34 dtd.15.06.2012 for the

alleged of commission of offences punishable U/s.279/338/304A of IPC, 1860 against the accused persons. Hence this trial.

3. The plea of defence is one of *denial simplicitor* and false implication.

4. **POINTS FOR DETERMINATION**

The points that arise for consideration in this case are as follows-

Whether on 22.01.2012 at about 07:00 A.M. at NH 143 near Dareikela Chhak, the accused persons had:

- i) driven the offending vehicles i.e. one TATA 909 truck bearing Regd. No.OR15P-3672 and one Sarala Bus bearing Regd. No.OR14S-3074 in a rash and negligent manner so as to endanger the life of others ?
- ii) had caused grievous hurt to the victims by driving their Truck and Bus in a rash and negligent so as to endanger human life or the personal safety of others ?
- iii) had caused death of the deceased due to their rash and negligent act ?

5. In order to bring home the charges leveled against the accused persons, the prosecution has examined as many as 13 numbers of witnesses out of whom P.W.2 is the informant, P.W.3, P.W.4, P.W.7, P.W.8, P.W.9 and P.W.12 are the seizure witnesses, P.W.5 is the occurrence witness and P.W.6 is the inquest witness, P.W.11, P.W.13 and P.W.10 are the MOs and P.W.1 is the independent witness. By applying the latin maxim *testimonio debt esse qualitattem, non quantitatis*, “Evidence must be qualitative, not quantitative”, the Ld. APP has preferred not to examine the rest of the witnesses. The prosecution has relied

upon as many as eleven documents marked as Ext-1/PW2 to Ext-11/PW13 respectively. The details of the witnesses examined and the exhibits marked have been appended at the foot of this judgment. The accused persons have not adduced any defence evidence but have denied all the allegations in their statements recorded u/s 313 CrPC, 1973.

6. **DISCUSSION, DECISION & REASONS THEREOF**

For the sake of brevity and convenience all the points for determination are taken together for analysis and findings as follows:

Considering the deposition of all the witnesses examined on behalf of the prosecution, it becomes clear that the prosecution has miserably failed to prove the allegations and has not presented any cogent evidence before the Court on which conviction can be based upon under any of the alleged offences. None of the witnesses examined by the prosecution has seen the occurrence rendering their evidence hearsay. There is not an iota of evidence to infer that the accused persons were actually driving the TATA 909 truck and the bus at the time of accident in the first place, let alone driving it rashly or negligently. Even the relatives of the deceased examined by the prosecution have not stated anything to aid its cause in this aspect. In the case of *Mulla & Anr. v. State of Uttar Pradesh*: [(2010) 3 SCC 508] and *Amit v. State of Uttar Pradesh*: [(2012) 4 SCC 107], the Hon'ble Supreme Court held that "When none of the witnesses had actually seen the accused driving the vehicle and, therefore, in absence of the test identification parade, it has to be held that the accused persons were not driving the vehicle and that they were not identified". As such, the available evidence of record fails to

satisfy this Court as to the guilt of the accused persons. Further, the prosecution has not examined any occurrence witnesses or other material witnesses like the IO for reasons best known to itself. As such, the evidence adduced on behalf of the prosecution does not constitute a firm basis to warrant conviction of the accused persons u/s.279/338/304A IPC, 1860. Therefore, the accused persons are entitled for acquitted in this case. May justice, tempered with mercy, ever prevail.

7. Resultantly, the accused persons are found not guilty for the commission of offences U/s.279/338/304A of I.P.C, 1860 and they be acquitted hereby U/s.255(1) of Cr. P.C., 1973. They be set at liberty forthwith. They are presently on bail and their bail bond stands extended for a period of six months hence in compliance U/s.437-A of Cr.P.C., 1973 and thereafter the bail bond be canceled and sureties be discharged.

DISPOSAL OF PROPERTY:-

The zimanama shall be cancelled four months after the expiry of the appeal period in case of no appeal and in case of appeal, be dealt with as per the order of the Ld. Appellate Court.

Enter the case as “Mistake of fact” for statistical purposes.

Sd/-

S.D.J.M., Bonai

This judgment has been transcribed at my dictation, corrected and pronounced by me in the open court today on this 19th day of May, 2026 under my hand and seal of this Court.

Sd/-

S.D.J.M., Bonai

FORM-C

LIST OF PROSECUTION/ DEFENCE/ COURT WITNESSES

A. Prosecution Witnesses

Rank	Name	Nature of Evidence
P.W.1	Chinmaya Kumar Tripathy	Independent
P.W.2	Ranjit Patra	Informant
P.W.3	Bharat Chandar Pradhan	Seizure
P.W.4	Lingaraj Kishan	Seizure
P.W.5	Sachitananda Pradhan	Occurrence
P.W.6	Mohanlal Agrawal	Inquest/Related
P.W.7	Deepak ku Agrawal	Seizure/Related
P.W.8	Mangulu Sahu	Seizure
P.W.9	Chintamani Patra	Seizure
P.W.10	Dr. Niranjan Bhoj	MO
P.W.11	Dr. Amit Kumar Mohapatra	MO
P.W.12	Dileswar Sahu	Seizure
P.W.13	Dr. Bibek Mahanta	MO

B. Defence Witness, if any

Rank	Name	Nature of Evidence
NIL		

C. Court Witness, if any

Rank	Name	Nature of Evidence
NIL		

LIST OF PROSECUTION/ DEFENCE/ COURT EXHIBITS

A. Prosecution Exhibits

Sl. No.	Exhibit Number	Description
1	Ext.1/PW2	FIR
2	Ext.1/1/PW2	Signature of the PW2 on FIR
3	Ext.2/PW3	Seizure List
4	Ext.2/1/PW3	Signature of the PW3 on Seizure List
5	Ext.2/2/PW4	Signature of the PW4 on Seizure List
6	Ext.3/PW6	Inquest report
7	Ext.3/1/PW6	Signature of the PW6 on Inquest report
8	Ext.4/PW6	Inquest report
9	Ext.4/1/PW6	Signature of the PW6 on Inquest report

10	Ext.5/PW7	Signature of the PW7 on Seizure List
11	Ext.6/PW8	Signature of the PW8 on Seizure List
12	Ext.7/PW9	Seizure list
13	Ext.7/1/PW9	Signature of the PW9 on Seizure List
14	Ext.8/PW10	Injury report
15	Ext.8/1/PW10	Signature of the PW10 on Injury report
16	Ext.9/PW11	Injury report
17	Ext.9/1/PW11	Signature of the PW11 on Injury report
18	Ext.10/PW12	Signature of the PW12 on Injury report
19	Ext.11/PW13	Injury report
20	Ext.11/1/PW13	Signature of the PW13 on Injury report

B. Defence Exhibits, if any

Sl. No.	Exhibit Number	Description
Nil		

C. Court Exhibits, if any

Sl. No.	Exhibit Number	Description
Nil		

D. Material Objects:

Sl. No.	Material Object Number	Description
Nil		

Sd/-

S.D.J.M., Bonai