

KAKLO20017102017



IN THE COURT OF I ADDL. SENIOR CIVIL JUDGE & CJM, AT
KOLAR

DATED THIS 10TH DAY OF JULY, 2026

: PRESENT :

SMT. ARATI B.KAMATE, B.A, LL.B. (SPL).
I ADDL. SENIOR CIVIL JUDGE & CJM, KOLAR.

CRIMINAL CASE No.627/2017

COMPLAINANT : The State by **KOLAR**
RURAL Police Station,
Kolar.

(By Asst. Public Prosecutor,)

Vs

ACCUSED : A1. Sri. Nepolian S/o Sampath,
Aged about 28 years,
R/at No.17/35 Big street,
Chinnasamudram Valaja Taluk,
Vellore District,
Tamil Nadu. **(Pleaded Guilty)**

A2. Sri. Muniraju S S/o late Sriramappa,
Aged about 29 years,
R/at Kadudevandahalli Village,
Srinivasapura Taluk,
Kolar District.

(A2 By Shri. **P.N.S.**,
Advocate)

* * * *

Date of Commence of alleged offence	31.10.2015
Date of report of offence	01.11.2015
Appearance of the accused before the Court.	18.07.2018
Date of released on bail	18.07.2018
Name of the Informant	Sri. Venugopala P
Date of recording of evidence	24.03.2025
Date of closing of evidence	09.02.2026
Offense complained of	279, 337, 338 of IPC.
Opinion of the Judge	Acquittal
Date of Judgment	08.07.2026

J U D G M E N T

The PSI of Kolar Rural Police Station has filed charge-sheet against accused No.1 and 2 for the offenses punishable under Section 279, 337, 338 of *Indian Penal Code*.

2. THE CASE OF THE PROSECUTION IN BRIEF IS AS UNDER :

That, on 31.10.2015 at about 12.30 am, CW3 was proceeding towards his village by driving tractor and trailer bearing No.KA-03-T-7601 and AP-03-AH-5945 along with inmates CW1 and CW2 on Chennai-Bengaluru road near R.L.Jalappa hospital, at that time the accused No.1 drove the Lorry bearing No.TN-23-AZ-7039 in a rash and negligent manner endangering human life and dashed to the Lorry driven by CW3. Due to which CW1 sustained simple injuries to forehead, nose and bleeding injuries near right eye and fracture of back bone, elbow. CW2 sustained injury to head, left eye and hands. At the same time the accused No.2 drove the vehicle bearing No.AP-16-TD-9677 in a rash and negligent manner endangering human life and dashed to the Lorry from back side. Due to which CW4 sustained simple injury to forehead. The accused No.2 sustained grievous injuries to right thigh, little finger of right hand and simple injuries to right eyebrow, right thumb, Elbow and ring finger. Thereby it is alleged that the accused have committed the alleged offences.

The informant has lodged FIS against the accused alleging the commission of offenses. After investigation, the IO has filed charge sheet against the accused alleging the commission of offenses under Section 279, 337, 338 of *Indian Penal Code*.

3. After taking cognizance, summons issued to the accused. The accused persons appeared through their counsel. The charge sheet copy was furnished to the accused in compliance under Section 207 of Cr.P.C. The accused No.2 is on bail. Substance of accusation was read over and explained to the accused for the alleged offenses. The accused No.1 pleaded guilty and is convicted. The accused No.2 pleaded not guilty and claimed to be tried.

4. In order to establish the guilt of accused, the prosecution has examined the witnesses as PW1 to PW3 and got marked the documents at Ex.P1 to Ex.P11. The statement of the accused No.2 was recorded under Section 313 of Cr.P.C. He denied the incriminating materials available against them. He did not lead evidence.

5. Heard the arguments of both side and perused the records.

6. The following points arise for determination:

- 1. Whether the prosecution proves beyond reasonable doubt that, on 31-10-2015 at about 12.30 am, on Chennai-Bengaluru road, Usha Textile factory near R.L.Jalappa hospital, accused No.2 drove the vehicle bearing No.AP-16/TD-9677 in a rash and negligent manner endangering human life and dashed to the Lorry bearing No.TN-23/AZ-7039 driven by the accused No.1 and caused accident and thereby the accused No.2 has committed an offence punishable under Section 279 of *Indian Penal Code* ?**
- 2. Whether the prosecution proves beyond reasonable doubt that, on the above said date, place and time, due to said accident CW4 sustained simple injury to forehead. The accused No.2 sustained simple injuries to right eyebrow, right thumb, elbow and ring finger and thereby accused No.2 has committed an offence punishable under Section 337 of *Indian Penal Code* ?**
- 3. Whether the prosecution proves beyond reasonable doubt that, on the above said date, place and time, due to the said accident the accused No.2 sustained grievous injuries to right thigh, little finger of right hand and simple injuries to right eyebrow, right thumb, elbow and ring finger and thereby accused No.2 has committed an offence punishable under Section 338 of *Indian Penal Code* ?**
- 4. What order ?**

7. The above points are answered as follows;

Point No.1 to 3 : In the Negative

Point No.4 : As per final order,
for the following;

REASONS

8. POINT NO.1 TO 3:

These points are interlinked with each other and hence, in order avoid repetition of facts and circumstances, these points taken for common discussion.

9. As per the case of prosecution the accident was caused due to negligence of accused No.1 and 2. Due to which CW1 to 4 and the accused No.2 sustained simple and grievous injuries. The accused No.1 pleaded guilty and is convicted.

10. The criminal law was set into motion by CW1 by lodging FIS as per Ex.P10. But he is not secured to speak regarding the alleged incident. The prosecution has examined the eye witness and mahazar witness as PW1. As per the case of prosecution he has witnessed the alleged accident and sent the injured to the hospital. He was also present at the time of mahazar. But in his evidence he has stated that he does not know anything about this case. He further stated that he has put signature on

mahazar on the road and does not know for what reason his signature was obtained. He stated that the police have not conducted mahazar and not seized any vehicle in his presence. He was turned hostile by the prosecution. In spite of cross examination nothing was elicited from his mouth in support of prosecution case.

11. PW2 is the investigating officer. He has deposed regarding receipt of FIS from CW1 and registration of FIR. The further investigation is made by PW3. In his evidence PW3 has stated that he visited the spot and conducted mahazar as per Ex.P1 and seized the vehicles in the presence of witnesses. He recorded the statements of witnesses. He secured the necessary documents and filed charge-sheet after completion of investigation. PW2 and PW3 being the official witnesses have deposed regarding the official acts done by them during investigation. During cross examination they denied the suggestions made by the learned counsel for the accused. PW3 has stated that he has conducted mahazar in the presence of witnesses and also recorded the statements of witnesses. The witness examined by the prosecution has not supported the case

of prosecution. As per version of PW1 he has not given statement before the police and also showed ignorance about mahazar.

12. There is no corroboration in the evidence of prosecution witnesses as argued by the learned counsel for the accused. There is no evidence on record with regard to alleged act of rash and negligent riding by the accused. The prosecution has to prove the guilt of the accused beyond reasonable doubt. After considering the materials on record, if two views are possible in such circumstance, the one which is favourable to the accused be considered. If any doubt arises, the benefit of the same should go to the accused. The facts and circumstances revealing from the evidence by itself are sufficient to extend benefit of doubt to the accused. By considering the facts and circumstances, the prosecution is not able to prove the charges leveled against the accused beyond reasonable doubt. The prosecution has utterly failed to prove the necessary ingredients of alleged offenses. **Accordingly, point No.1 to 3 are answered in the Negative.**

13. Point No.4 :

In view of aforesaid discussion, the following ;

ORDER

By exercising power conferred under Section 255(1) of Cr.P.C, the accused No.2 is hereby acquitted of the offences punishable under Section 279, 337, 338 of *Indian Penal Code*.

The bail bonds and surety bonds of accused No.2 shall stand cancelled.

In this case, the police have given interim custody of Tractor bearing Reg.No.AP-03-T-7601 & Trailer bearing Reg.No.AP-03-AH-5945 and lorry bearing Reg.No.TN-23-AZ-7039 and Eicher bearing AP-16-TD-9677 to its owners, the said interim custody are made absolute.

*(Directly dictated to the stenographer on computer, typed by him, corrected and then signed and pronounced by me in the open Court on this **10TH day of July 2026.**)*

(ARATI B.KAMATE)

I ADDL. SENIOR CIVIL JUDGE & CJM,
KOLAR.

ANNEXURES**LIST OF THE WITNESSES EXAMINED BY THE PROSECUTION:**

PW1 : Sri. Ravikumar
 PW2 : Sri. Anand
 PW3 : Sri. Devendrappa KS

LIST OF THE DOCUMENTS EXHIBITED FOR THE PROSECUTION:

Ex.P1 : Spot panchanama
 Ex.P1(a-b) : Signature of PW1, 3
 Ex.P2 : Statement of PW1
 Ex.P3 & 4 : Motor Vehicles Accident Reports
 Ex.P3(a) & 4(a) : Signatures of PW3
 Ex.P5 to 9 : Accident Register Extracts
 Ex.P4(a) to 9(a) : Signatures of PW3
 Ex.P10 : FIS
 Ex.P10(a) : Signature of PW2
 Ex.P11 : FIR
 Ex.P11(a) : Signature of PW2

LIST OF THE MOS MARKED ON BEHALF OF THE PROSECUTION:

- NIL -

LIST OF THE WITNESSES EXAMINED FOR DEFENCE:

- NIL -

LIST OF THE DOCUMENTS EXHIBITED FOR DEFENCE:

- NIL -

LIST OF THE MOS MARKED ON BEHALF OF DEFENCE:

- NIL -

(ARATI B.KAMATE)

I ADDL. SENIOR CIVIL JUDGE & CJM,
KOLAR.