

KAKL020050292018



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

DATED THIS 9TH DAY OF JULY, 2026

: PRESENT :

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

CRIMINAL CASE No.1957/2018

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

(By Asst. Public Prosecutor,)

ACCUSED **Vs**
: A1. Sri. Musheer Ahmed
S/o late Mahamed Haneef ,
Aged about 46 years,
R/at # 269, Darga Mohalla,
Clock Tower, Kolar Town.

(By Shri. **L.M.**,
Advocate)

* * * *

Date of Commence of alleged offence	27.08.2017
Date of report of offence	28.08.2017
Appearance of the accused before the Court.	01.07.2022
Date of released on bail	01.07.2022
Name of the Informant	Sri.Sadashivaiah NR
Date of recording of evidence	08.09.2025
Date of closing of evidence	03.12.2025
Offense complained of	279, 304(A) of IPC
Opinion of the Judge	Acquittal
Date of Judgment	09.07.2026

J U D G M E N T

The PI of Kolar Rural Police Station has filed charge-sheet against accused No.1 & 2 for the offenses punishable under Section 279, 304(A) of *Indian Penal Code* and Section 196 of Motor Vehicle Act.

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

That, on 27.08.2017 Munichandra was proceeding on two wheeler bearing Reg.No.KA-07-R-5009 from Nernahalli to Malur for his own work, at about 7.30 pm after completing his work when he was returning to Nernahalli and he went near Bettabenajenahalli gate Kolar-Malur road, at that time the accused No.1 drove Tata Indica Car bearing Reg.No.KA-34-M-5657 in a rash and negligent manner endangering human life dashed to the two wheeler of Munichandra. Due to which Munichandra sustained grievous injuries and shifted to Manipal Hospital, Bengaluru. On 04.09.2017 at 6.40 am he succumbed to injuries. Thereby the accused No.1 has committed the alleged offenses punishable under sections 279, 304A of *Indian Penal Code*. The accused No.2 being the owner of KA-34-M-5657 did not insure his vehicle and permitted the accused No.1 to drive said vehicle. Hence, the accused No.2 has committed the alleged offense punishable under sections 196 of MV Act.

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, 304(A) of *Indian Penal Code* and Section 196 of Motor Vehicle Act.

3. After taking cognizance, summons issued to the accused. The accused No.1 appeared through counsel and he is on bail. The charge sheet copy was furnished to the accused in compliance under Section 207 of Cr.P.C. As the accused No.2 was not secured, the case against him was split up. Substance of accusation was read over and explained to the accused No.1 for the alleged offenses. The accused No.1 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 PW4 and got marked the documents at Ex.P1 to Ex.P7. The statement of the accused No.1 was recorded under Section 313 of Cr.P.C. He denied the incriminating materials available against him. 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 27.08.2017 Munichandra was proceeding on two wheeler bearing Reg.No.KA-07-R-5009 from Nernahalli to Malur for his own work, at about 7.30 pm after completing his work when he was returning to Nernahalli and he went near Bettabenajenahalli gate Kolar-Malur road, at that time the accused No.1 drove Tata Indica Car bearing Reg.No.KA-34-M-5657 in a rash and negligent manner endangering human life dashed to the two wheeler of Munichandra. and thereby the accused No.1 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 the said accident Munichandra sustained grievous injuries and shifted to Manipal Hospital, Bengaluru, on 04.09.2017 at 6.40 am he succumbed to injuries, thereby accused No.1 has committed an offence punishable under Section 304(A) of *Indian Penal Code* ?**
- 3. What order or sentence?**

7. The above points are answered as follows;

Point No.1 & 2 : In the Negative

Point No.3 : As per final order,
for the following;

REASONS

8. POINT NO.1 AND 2:

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 accused No.1 drove vehicle in a rash and negligent manner and dashed to the vehicle of Munichandra and caused accident. Due to the said accident, Munichandra sustained injuries and succumbed to the injuries while taking treatment.

10. The criminal law was set into motion by CW1 by lodging FIS as per Ex.P6. But he is reported dead. PW4 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. PW2 has deposed that he conducted inquest mahazar in the presence of witnesses. He gave requisition for conducting post mortem. He secured report. PW1

has stated that he gave requisition for inspection of the vehicle. He secured IMV report. He secured the necessary documents and filed charge-sheet after completion of investigation.

11. PW1 to PW4 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. They have deposed regarding their official acts after receipt of FIS from CW1. But he is reported dead. As per the version of IO the mahazars were conducted in the presence of witnesses and the statements were also recorded. But the said witnesses are also not secured to speak about the alleged acts committed by the accused.

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 and 2 are answered in the Negative.**

13. Point No.3 :

In view of aforesaid discussion, the following ;

ORDER

By exercising power conferred under Section 255(1) of Cr.P.C, the accused No.1 is hereby acquitted of the offences punishable under Section 279, 304(A) of *Indian Penal Code*.

The bail bonds and surety bonds of accused shall stand cancelled.

Office to retain the records in split-up case.

*(Directly dictated to the stenographer on computer, typed by him, corrected and then signed and pronounced by me in the open Court on this **9th 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. Rajanna B
PW2	:	Sri. Puttaobalareddy
PW3	:	Sri. Shivaraj S
PW4	:	Sri. CS Nagaraj

LIST OF THE DOCUMENTS EXHIBITED FOR THE PROSECUTION:

Ex.P1	:	Spot panchanama
Ex.P1(a)	:	Signature of PW3
Ex.P2	:	Sketch
Ex.P2(a)	:	Signature of PW3
Ex.P3	:	Inquest panchanama
Ex.P3(a)	:	Signature of PW2
Ex.P4	:	PM Report
Ex.P4(a)	:	Signature of PW2
Ex.P5	:	Motor Vehicles Accident Report
Ex.P5(a)	:	Signature of PW1
Ex.P6	:	FIS
Ex.P6(a)	:	Signature of PW4
Ex.P7	:	FIR
Ex.P7(a)	:	Signature of PW4

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.