

GJDH050000232026



Exhibit - _____

Received on			
Registered on			
Decided on	30/05/2026		
Duration	Year	Months	Days

IN THE COURT OF ADDL. CHIEF JUDICIAL MAGISTRATE AT
JHALOD, DAHOD

Criminal Case No. 3/2026

FIR No. 1135/2025
Police Station:
LIMDI
U/S: 281 of BNS

State

.....Prosecution

Versus

Akshbhai Sursinghbhai Adh
R/o, Taluka Jhalod Dist. Dahod

.....Accused

JUDGMENT

1. The prosecution case in brief is that, the accused, on 29/06/2025, at Limdi-Chakaliya Road, was driving his motorcycle bearing no. GJ-06-HB-8779, in a rash and negligent manner which may likely to cause hurt or injury to any other person. Thus, complainant filed the complaint at the limdi Police Station, which was

registered vide FIR No. 11821033251135/2025. On completion of investigation, chargesheet was filed u/s 281 of IPC.

2. After completion of investigation, the chargesheet was filed. Process was issued to accused but whereabouts of accused were not known thus it was ordered to proceed the matter in absence of accused as per section 335 of BNSS.

3. In order to prove the charge against the accused, prosecution examined 02 witnesses and brought 02 documentary evidence on record.

PW1 Sheleshbhai Ramsubhai is the complainant of the case he was examined Vide Ex. 3 and he in his examination-in-chief stated that on 29/06/2025, at Limdi-Chakaliya Road, was driving his motorcycle bearing no. GJ-06-HB-8779, in a rash and negligent manner which may likely to cause hurt or injury to any other person. He was then stopped and two panch was called and name of accused was asked and he replied that his name is Akshbhai Sursinghbhai Adh. Thus, complainant filed the complaint at the limdi Police Station. Complaint was produced vide Ex. 4

PW2 Anilbhai Somsinghbhai Adh is the panch witness. He was examined vide Ex. 5. He in his examination-in-chief stated that approx one year ago police called him at police station and took his signature at a ready panchnama, other than that he don't know anything. Panchnama was produced vide Ex.6

Considering the guidelines given by the Hon'ble supreme court in **Satish Mehra Vs Delhi Administration and others 1996(3) Crimes(85)SC**

"When the Judge is fairly certain that there is no prospect of the case ending in conviction the valuable time of the Court should not be wasted for holding a trial only for the purpose of formally completing the procedure to pronounce the conclusion on a future date."

In the present case there is no prospect of proving the guilt of accused beyond reasonable doubt. It is almost certain that the trial would only be an exercise in futility or a sheer waste of time. Thus no other witness are examined in this present case

4. In absence of anything incriminating against the accused on the record, the further statement of the accused under section 313 of Cr.p.c. was not recorded.

5. In the given circumstances following point of determination emerged:

1) "Whether the prosecution proves beyond reasonable doubt that the on 29/06/2025, at Limdi-Chakaliya Road, was driving his motorcycle bearing no. GJ-06-HB-8779, in a rash and negligent manner which may likely to cause hurt or injury to any other person. Thereby accused have committed the offence punishable under Section 281 of BNS?"

2) What order?

6. My finding to the above points of determination are as following:

- a) In Negative
- b) As per final order

7. My reasons for the above finding are as following:

7.1 Before moving to appreciation of the facts, the core ingredients of the provision for which the accused has been tried needs to be looked into. The accused has been tried under Section 281 of BNS. In section 281 of BNS, the two essential things required to be proved are, firstly, that the accused was himself driving the vehicle on a public way, and, secondly, the accused was driving the vehicle in rashly and negligently.

7.2 Taking into consideration the evidence left by the prosecution, PW1 vide Ex.3. He has stated he in his examination-in-chief stated that on 29/06/2025, at Limdi-Chakaliya Road, was driving his motorcycle bearing no. GJ-06-HB-8779, in a rash and negligent manner which may likely to cause hurt or injury to any other person. But when the panch witnesses i.e Pw2 was examined he has stated that police took his signature in a ready panchmana and thus has give the evidence contrary to the evidence of Pw2. Thus, panchnama is not proved. Thus, this creates doubt about the story of prosecution.

7.8 Therefore, in absence of any evidence against the accused, the case against the accused could not be considered as proved beyond reasonable doubt. None of the ingredients laid down in Section 281 of BNS has been proved by the prosecution. It has been held in plethora of cases by the Hon'ble Supreme Court of India that the prosecution must prove his case beyond reasonable doubt and it is also a fundamental principle of criminal jurisprudence, too. The prosecution for most subtle reasons has failed in proving their case beyond

reasonable doubt. Therefore, this Court is inclined to pass the following order:

FINAL ORDER

- I. The accused is hereby ordered to be acquitted under Section 278 of Bhartiya Nagrik Suraksha Sahita, 2023, from the alleged offences punishable under Section 281 of The Bharatiya Nyaya Sanhita as the prosecution has failed to prove its case beyond reasonable doubt.
- II. The bail bonds given by accused to be continue till appeal period in compliance of Section 481, BNSS.

Signed, pronounced and declared in the open court on 30/05/2026.

Date: 30/05/2026

Place: Jhalod`

(Inderjeet Singh Bhati)

Addl.Chief Judicial Magistrate

Jhalod

GJ01334