



Exhibit -

Received on	17/01/2026		
Registered on	17/01/2026		
Decided on	14/07/2026		
Duration	Year	Months	Days

IN THE COURT OF ADDITIONAL SENIOR CIVIL JUDGE &
ACJM, AT JHALOD, DAHOD.

Criminal Case No. 374/2026

FIR No. II/1140/2025

Police Station: Limdi

U/S: 281 of BNS Act

State of Gujarat

.....Prosecution

Versus

Sureshbhai Balubhai Devdha

Age: 30; Occupation: Agriculture

R/o Mirakhedi, Vasti Nishal Faliya,

Ta. Jhalod, Dist. Dahod.

.....Accused

JUDGMENT

1. The prosecution case in brief is that, the accused, on **30/06/2025**, at 12:15 hrs, was driving his vehicle bearing Registration No. **GJ.20.AL.6035**, in a rash and negligent manner. Thus, the complaint was filed at the Limdi Police Station, which was registered vide FIR No. II/1140/2025. On completion of investigation, charge-sheet was filed u/s 281 of BNS Act.
2. After completion of investigation, the chargesheet was filed.
3. In order to establish guilt of accused, prosecution examined:-

Sr.No.	Witness name	Exhibit
1.	Kamleshbhai Humlabhai	04
2.	Rahulbhai Lalsingbhai Bhabhor	06
3.	Sakanbhai Lalsingbhai Mavi	08

Documents produced:-

Sr. No.	Document	Exhibit
1.	Complaint	05
2.	Panchnama	07

PW1 i.e. Kamleshbhai Humlabhai is the de facto complainant. He in his examination in chief stated that accused was driving his vehicle in rash and negligent manner and complaint was registered against him. He identified his signature in the complaint produced vide Exh. 05. The cross-examination of the complainant yielded no fruitful results for the defence.

Thereafter, PW2 Rahulbhai Lalsingbhai Bhabhor and PW3 Sakanbhai Lalsingbhai Mavi have deposed vide Exh. 06 and 08 respectively. They are the panchas of the present case. They deposed that police took their signatures in a ready panchnama and other than that, they have no idea about the panchnama. They identified their signatures in the panchnama.

Here in the present case, no independent witnesses have been examined. Further, statements of only panch witnesses and complainant are recorded.

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 351 of BNSS was not recorded.
5. In the given circumstances following point of determination emerged:

1) “Whether the prosecution proves beyond reasonable doubt that the on 30/06/2025, at 12:15 hrs, while driving his vehicle bearing Registration No. GJ.20.AL.6035, in a rash and negligent manner and thereby accused have committed the offence punishable under Section 281 of BNS Act ?”

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 provisions 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 rashly and negligently.

7.2 From the evidence adduced by the prosecution, it is on record that the present accused was driving the offending vehicle. Thus, it cannot be said that the present accused was driving the vehicle negligently. Therefore, negligent driving of accused has not been proved. Even panchnama is not proved. The case against the accused remains not proved, for want of evidence of negligent driving.

7.3 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 its 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 Bharatiya Nagarik Suraksha Sanhita, 2023, from the alleged offences punishable under Section 281 of the Bharatiya Nyaya Sanhita, 2023, 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
14/07/2026.

Date: 14/07/2026
Place: Jhalod.

(Dr. Inderjeet Singh Bhati)
Addl. Sr. Civil Judge & ACJM,
Jhalod.
UID Code No. GJ 01334