



Date Of Institution	16-06-2025		
Date Of Registration	16-06-2025		
Date Of Disposal	08-04-2026		
Time	00	09	22
	YY	MM	DD

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**IN THE COURT OF PRINCIPAL SENIOR CIVIL JUDGE
AND ADDITIONAL CHIEF JUDICIAL MAGISTRATE
BARDOLI @ SURAT**

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CC NO. 1199-2025

Exh._____

FIR No.	11214008250031/2025
Police Station	Bardoli Town Police Station
Offences	Under Sections 281 and 125(b) of the BNS along with Sections 177 and 184 of Motor Vehicles Act, 1988.

Complainant:-

1. State of Gujarat

VERSUS

Accused:-

1. Raviraj Chetanbhai Parekh

Age: 35 yrs,

Add.: H/N-13, Shree Nagar Society, Ta-Bardoli, Dist-Surat

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Appearances:-

Mr. V.L.PARMAR, Learned Counsel for the State.

Mr. K.U.MISTRY, learned advocate for the accused.

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-:: J U D G M E N T ::-

(1) Briefly, the facts of the prosecution in this case are that the incident is of such a nature that on 15.01.2025, 22.00 hours, near Shri Rang Avdhut Temple on Bardoli-Kadod road, the injured witness, Ankurbhai Amratbhai Surti, was riding his Unicorn Motorcycle bearing Registration No. GJ-19-BH-5522. At that time, the accused was driving a Hyundai Creta car bearing Registration No. GJ-19-BJ-7005 and suddenly, the car turned and was in a slanted position in the middle of the road, and at that time, the said motorcycle collided with the said car, inflicting injuries to the rider and both the vehicles were damaged due to that collision. The accused was apprehended and is alleged to have committed the aforesaid offence. Hence, by such rash and negligent driving, the accused has committed the offence of causing an accident. The driver has been charged with the crime. A charge sheet has been filed under Sections 281 and 125(b) of BNS and as per Sections 177 and 184 of the Motor Vehicles Act, 1988.

(2) After the filing of the present charge sheet by the investigating officer, summons were issued to the accused in this case. The charge was framed vide exh. 2. The accused appeared and was provided with a copy of the police papers. In this case, the accused's statement has been recorded vide Exh. 03. The

accused has denied the allegations, placing the case on the evidence presented by the prosecution.

- (3) In this case, the prosecution has presented the following oral and documentary evidence in support of its case.

ORAL EVIDENCE

Sr.No.	Details	Exh.
1	Amratbhai Chimanbhai Surti	05
2	Ankurbhai Amratbhai Surti	07
3	Alpaben Ankurbhai Surti	08
4	Nileshbhai Amratbhai Surti	09
5	Pravinbhai Chimanbhai Surti	17
6	Kirankumar Amratbhai Surti	18
7	Hemantbhai Ramanbhai Parmar	19
8	Kartikkumar Ishwarbhai Sailor	20

DOCUMENTARY EVIDENCE

Sr.No.	Details	Exh.
1	Complaint	06
2	Panchnama	10-11
3	Medical Certificate	12-13

- (4) In this case, the prosecution has presented the evidence as stated above. Upon evaluation of the prosecution evidence, the accused's statement was recorded under Section 351 of the Bharatiya Nagarik Suraksha Sanhita. In his statement, the accused denied all the incriminating circumstances appearing against him in the prosecution evidence and asserted that he was falsely implicated in the case. He did not lead any defence evidence in support of his denial.

- (5) The following issues have been framed for the final judicial decision in this matter:

:: ISSUES ::

1. Whether on the said date, time and place, the accused drove the vehicle in a rash and negligent manner to endanger human life and whether the prosecution has been able to prove that the accused was driving the vehicle at the relevant time?
2. What orders?

- (6) After hearing both the parties as well as materials on records and evidence, my findings in view of above Issues are as under:

[1] In negative.

[2] As Per Final Order.

- (7) The reasons for the decisions on the above issues are as follows:

:: REASONS ::

Discussion on Issue No.1:

- (8) As per the cardinal principle of criminal jurisprudence — the presumption of innocence — the prosecution bears the burden of proving the guilt of the accused beyond all reasonable doubt

- (9) I have carefully examined the entire oral and documentary evidence on record. It is an admitted position that on the date and time of the incident, a collision occurred between a hyundai creta car and unicorn motorcycle, resulting in injuries to the witness, Ankurbhai Amratbhai Surti.

- (10) To bring home the guilt of the accused for the offences alleged, the prosecution is required to prove beyond reasonable doubt that the accused was driving car on a public way in a rash and negligent manner to endanger human life and that such rash and negligent act resulted in injuries to the victim.
- (11) In order to prove its case, the prosecution examined eight witnesses and produced the relevant documentary evidence.
- (12) The complainant was examined at Exhibit-5. However, during his deposition, he categorically stated that he learned of the incident through a phone call. He was declared hostile as he did not support the prosecution's case. He further admitted that he had not seen the accident happen and also he could not state whose fault it was. He further admitted there was a curved road and a breaker, but this did not establish whose fault they were.
- (13) Ankurbhai Amratbhai Surti, injured witness, Exh.07 failed to identify the accused. As the accident happened, the said witness immediately became unconscious. He was declared hostile as he did not support the prosecution case. Therefore, it cannot be established by whose fault accident occurred. Though he was an injured witness, his testimony does not advance the prosecution case on the aspect of rash or negligent driving by the accused.
- (14) The prosecution examined three witnesses vide exh. nos. 8, 9 and 18 relatives of the complainant. And also examined other witnesses vide exh. 17 and 19. They all stated that they came to

learned about the incident from the complainant and therefore did not see it at the relevant time. Their evidence does not shed any light on the manner of the accident's occurrence. Thus, their testimonies are entirely derivative and hearsay, as none of them is an eyewitness; therefore, they did not assist the prosecution in establishing that the accused was driving in a rash and negligent manner.

(15) It is thus evident from the testimonies on record, including the admission of the complainant himself, that due to the suddenly turning of car at the curve and was in a slanted position in the middle of the road, which resulted in the collision. The evidence consistently indicates that the car was stationary at the time of the accident.

(16) In these circumstances, the prosecution has failed to establish that the accused was driving the car in a rash or negligent manner so as to endanger human life. Consequently, the essential ingredients of the offences alleged remain unproved.

(17) The evidence of the Investigating Officer, though formally proving the procedural aspects and documentary exhibits, does not bring on record any direct evidence establishing rash or negligent driving by the accused or any eye-witness supporting the prosecution case.

(18) Though the prosecution has produced a panchnama at Exh.10-11, Medical Certificate at Exh.12-13, such documentary evidence, in isolation, is insufficient to conclusively establish that the accused was driving rashly or negligently, or that the incident

occurred in the manner alleged and also Panch were also not examined by the prosecution side. The defence has not raised any objections to these submissions, but they are only exhibiting and not proved as per the law. Therefore, it shows that mere producing evidence and not examining witnesses i.e. panch does not prove that the accused was driving in a rash and negligent manner.

(19) It thus emerges that no substantive evidence has been brought on record to support the prosecution's case. Though certain documents were exhibited without objection from the defence, mere exhibition does not amount to proof in the absence of proper evidentiary support.

(20) In a criminal trial, the burden of proof lies squarely on the prosecution to establish the guilt of the accused beyond a reasonable doubt. In the present case, the prosecution has not produced any cogent, credible, and convincing evidence to establish that the accused was driving the vehicle in a rash or negligent manner, leading to the death of the deceased. The testimony of the witnesses lacks consistency and reliability. In the absence of proof of rash or negligent act on the part of the accused, he is entitled to the benefit of the doubt. Thus, the prosecution has failed to discharge its burden. the entire prosecution case rests solely on hearsay evidence, without any direct witness linking the accused with the alleged incident. Hence, the evidence on record fails to establish the guilt of the accused beyond reasonable doubt.

(21) Under the circumstances discussed above, the prosecution has failed to establish the charges against the accused under Section 281 and 125(b) of the Bharatiya Nyaya Sanhita, 2023, as well as Sections 177 and 184 of the Motor Vehicles Act, 1988. The record reveals that the prosecution has not substantiated its case with credible or cogent evidence. Accordingly, the prosecution has wholly failed to prove the allegations against the accused.

(22) Hence, Issue No. 1 is answered in the negative. The finding on Issue No. 2 shall be reflected in the final order.

:: O R D E R ::

1. The accused, **Raviraj Chetanbhai Parekh** residing at H/N-13, Shree Nagar Society, Ta-Bardoli, Dist-Surat, is acquitted of the charges under Under Sections 281 and 125(b) of the BNS along with Sections 177 and 184 of Motor Vehicles Act, 1988, in accordance with Section 271 of the Bharatiya Nagarik Suraksha Sanhita, 2023.
2. The bail bond previously submitted by the accused shall remain in force for a period of six months as per Section 481 of the BNSS.

Signed and pronounced in the open court on the 08th day of April, 2026.

Place:-Bardoli

Date :-08-04-2026

(Mohitkumar Kirtikumar Shah)

**Principal Senior Civil Judge &
Additional Chief Judicial Magistrate
Bardoli-Surat
UID:- GJ01208**

"In pursuance of Direction No.1 issued by the Hon'ble Supreme Court in Criminal Appeal No.2973 of 2025, Manojbhai Jethabhai Parmar (Rohit) v. State of Gujarat, vide judgment and order dated 15/12/2025,..."

Appendix

Specimen Chart for Witnesses Examined

Prosecution Witness No.	Name of Witness	Description
1	Amratbhai Chimabhai Surti	Complainant
2	Ankurbhai Amratbhai Surti	Witness of last scene circumstance
3	Alpaben Ankurbhai Surti	
4	Nileshbhai Amratbhai Surti	
5	Pravinbhai Chimabhai Surti	
6	Kirankumar Amratbhai Surti	
7	Hemantbhai Ramanbhai Parmar	
8	Kartikkumar Ishwarbhai Sailor	Investigating Officer

Place:-Bardoli
Date :-08-04-2026

(Mohitkumar Kirtikumar Shah)
Principal Senior Civil Judge &
Additional Chief Judicial Magistrate
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Appendix

Specimen chart of Exhibited Documents

Exhibit	Description of exhibit	Proved by/Attested by
06	Complaint	Complainant
10-11	Panchnama	Only exhibited upon the endorsement made by the defence council
12-13	Medical Certificate	

Place:-Bardoli
Date :-08-04-2026

(Mohitkumar Kirtikumar Shah)
Principal Senior Civil Judge &
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Appendix

Specimen chart for Material Objects/Muddamals

Material Object No.	Description of exhibit	Proved by/Attested by
-	-	-
-	-	-

Place:-Bardoli
Date :-08-04-2026

(Mohitkumar Kirtikumar Shah)
Principal Senior Civil Judge &
Additional Chief Judicial Magistrate
Bardoli-Surat
UID:- GJ01208