

CNR No.APWG060012382022

CC/363/2022



**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE (JUNIOR DIVISION)
-CUM-
JUDICIAL MAGISTRATE OF FIRST CLASS, BHIMAVARAM**

Present:- Sri G.Suresh Babu,

Principal Civil Judge(JD)-cum-Judicial Magistrate of First Class, Bhimavaram

Friday, this the 02nd day of January, 2026

Calender Case No.363 of 2022

Between :

State :: Represented by the Sub-Inspector of Police,
Akividu Police Station.

... Complainant

And

Abbindhi Pandu Ranga Rao, S/o. Picchayya (late), Age 52
years, Near Chinna Anjaneya Swamy Temple, Kalaparru
Village, Pedapadu Mandal, Driver of APSRTC Bus bearing
No.AP 29 Z 0028.

... Accused

This case came up on 03.12.2025 before me for final hearing in the presence of Smt.K.Sujatha, learned Assistant Public Prosecutor and of Sri Bokka Srinivasa Rao, Sri P.Seetarama Kumar and Smt. M. Krishna Chaithanya, Counsels for the accused, and having heard both sides and having stood over for consideration till this day, this Court delivered the following :

J U D G M E N T

The Sub-Inspector of Police, Akividu Police Station has filed charge-sheet against the accused in Cr.No.263/2022 of Akividu Police Station for the offence punishable U/Sec.304(A) of Indian Penal Code (hereinafter referred as "IPC")

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2. The gist of the prosecution case is that ...

a) On 29.10.2022 at about 5:00 p.m., the deceased No.1 (hereinafter referred as D1) Thula Hanuman and deceased No.2 (hereinafter referred as D2) Arugula Vinod together started on KTM Duke motorcycle bearing No.AP 04 AX 3999 and went to Akividu Village to see the pregnant wife of their friend and after seeing his friend's wife, D1/Thula Hanuman and D2/Arugula Vinod returned to their village and at about 10:00 p.m., when they reached to near Venkateswara Swamy temple in Akividu Village, the accused being the driver of APSRTC Bus bearing No.AP 29 Z 0028 drove the same in a rash and negligence manner without blowing horn and hit the motorcycle of the deceased from rear side, resulting in which, D1/Thula Hanuman who was driver and D2/Arugula Vinod who was pillion rider fell down on the road and sustained severe bleeding injuries and D1/Thula Hanuman died on the spot and D2/Arugula Vinod was shifted to Government Hospital, Bhimavaram, there the doctor examined and declared him as dead. Hence, LW.1/Thula Pullayya presented a report to Akividu Police Station.

b) Based on the report of LW.1/Thula Pullayya, LW.23/K. Raja Reddy, Sub-Inspector of Police registered the same as case in Cr.No.263/2022 for the offence U/s.304(A) of IPC and took up investigation. During the course of investigation, he examined the witnesses who drafted the scene observation report and visited the scene of offence and prepared rough sketch and held the inquest over the dead bodies of D1/Thula Hanuman and D2/Arugula Vinod through inquest panchayatdars (LW.17/Thota Jayaraju, VRO, LW.19/Kuppala Nageswara Rao) and drafted inquest report to that effect. After inquest, the dead bodies of D1/Thula Hanuman and D2/Arugula Vinod sent to Government Hospital, Bhimavaram for postmortem examination.

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c) On 29.04.2022, the accused turned up to the Police Station and surrendered before LW.23/K.Raja Reddy, Sub-Inspector of Police and later LW.23 issued notice under Sec.41-A Cr.P.C., on accused, explanation has been obtained from accused, he released him.

d) Subsequently on 08.11.2022, LW.23/K.Raja Reddy, Sub-Inspector of Police obtained accident report and examined M.V.Inspector/LW.15/ M.V.Ravi Kumar, Assistant Motor Vehicle Inspector who inspected the crime vehicle in this case and issued MVI Report with an opinion that the above accident was not due to any mechanical defects of the vehicle involved in accident.

e) On 15.11.2022, LW.23/K.Raja Reddy, Sub-Inspector of Police obtained postmortem certificate of D1/Thula Hanuman and D2/Arugula Vinod from Government Hospital, Bhimavaram and examined the medical officer/ LW.16/Dr.N.Harika, Civil Assistant Surgeon who held autopsy over the dead bodies of the D1 and D2 and issued Postmortem Certificate with an opinion that D1/Thula Hanuman would appear to have died of triple fractures leading to Cardio Respiratory arrest and D2/Arugula Vinod would appear to have died of head injury leading to Cardio Respiratory arrest. Therefore, accused is liable for punishment under Sec.304-A of IPC. After completion of investigation charge-sheet has been filed against the accused.

3. Upon perusal of material placed by the Sub-Inspector of Police, Akividu Police Station, this court took cognizance for the offence U/s.304-A of IPC and numbered as C.C.No.363/2022. On appearance of accused, copies were furnished to them as contemplated U/Sec.207 of Criminal Procedure Code (*hereinafter referred as "the Code"*).

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4. The accused was examined U/Sec.251 of Cr.P.C., and the accusation for the offence punishable U/s.304-A of IPC levelled against the accused and explained to the him in his mother tongue i.e., Telugu, on that he pleaded not guilty and claimed to be tried.

5. To prove the case of prosecution, the Investigation Officer listed as many as L.W.1 to LW.23, of whom the prosecution examined PW.1 to PW.4 and got exhibited Ex.P.1 to Ex.P.11 and given up the evidence of the rest of witnesses, who are L.W.2/Talari Raghu, L.W.3/Chodavarapu Ayyappa, L.W.4/Doradla Aravind, L.W.5/Shaik Asif, LW.6/Thula Pandu Ranga Rao, LW.7/Thula Srinu, LW.8/Kapu Ravi Kumar, LW.9/Dirusumarthi Siva Kumar, LW.11/Arugula Venkateswarlu, LW.12/Arugula Ravi, LW.13/Mangam Narasimhulu, LW.14/Mangam Padmarao, LW.15/M.Ravi Kumar, Assistant Motor Vehicle Inspector, LW.16/Dr.N.Harika, Civil Assistant Surgeon, LW.17/Thota Jayaraju, VRO, LW.18/Kalipatnapu Hanuman Dwarakanadh, LW.19/Kuppala Nageswara Rao, LW.20/Koram Venkateswarlu and LW.21/Gogii Nagaraju by the learned Assistant Public Prosecutor.

6. After completion of prosecution evidence, accused was examined U/Sec.313 Cr.P.C and the incriminating material appeared on prosecution witnesses, explained to him in his vernacular language, for which, he denied and reported no defence evidence. Hence, defence evidence is closed.

7. **Heard the learned Assistant Public Prosecutor, as well as, the learned Counsel for the accused.**

a) It is the contention of the learned Assistant Public Prosecutor that the accused have committed the offence which has been charged against them and the same was proved through prosecution witnesses, as such, accused is liable for conviction for the charged offence.

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b) Per contra, the learned counsel for the accused contended that PW.1 and PW.2 who are the fathers of D1/Thula Hanuman and D2/Arugula Vinod respectively has not supported the case of prosecution and that the prosecution did not examine the remaining witnesses except police personals, for which, the learned counsel for the accused prays to acquit the accused.

8. **Now, the point for determination is...**

“Whether the prosecution has proved the case against accused to say that he committed the offence punishable under Section 304-A of IPC beyond reasonable doubt?”

9. **POINT:**

a) Upon considering the both sides besides perused the material available on record, this Court found from the evidence on record that basing on Ex.P1/report of P.W.1, PW.4 has registered a case case in Crime No. 263/2022 for the offence under Sec.304-A of IPC and issued Ex.5/FIR and took up investigation and examined PW.1 in the Police Station and recorded his detailed statement. Immediately, he along with mediators LW.17/Thota Jayaraju, Village Revenue Officer and LW.18/Kalipatnapu Hanuman Dwarakanadh proceeded to the scene of offence situated near Venkateswara Swamy temple in Akividu situated at NH-165, observed the scene and prepared Ex.P6/rough sketch and Ex.P7/scene observation report. At the scene of offence, he examined L.W.2/Talari Raghu, L.W.3/Chodavarapu Ayyappa, L.W.4/Doradla Aravind and L.W.5/Shaik Asif and recorded their detailed statements. He along with PW.3 and other staff have visited the Ara hospital, Bhimavaram and instructed PW.2 to conduct inquest over D2/ Arugula Vinod. He conducted inquest over D1/Thula Hanuman in the presence of mediators and relatives. Thereafter, he sent the dead bodies of the deceased for autopsy and after completion of postmortem examination,

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PW.3 examined LW.11/Arugula Venkateswarlu, LW.12/Arugula Ravi, LW.13/Mangam Narasimhulu, LW.14/Mangam Padmarao and recorded their detailed statements. On the next day i.e., on 31.10.2022, the accused came to the station along with his vehicle records and surrendered before him. On satisfaction of the records, he served Sec.41-A of Cr.P.C. notice on the accused. On the same day, he forward a requisition to the Motor Vehicle Inspector to inspect the crime vehicle i.e., APSRTC Bus bearing No.AP 29 Z 0028 and accordingly, he received MVI report under Ex.P9 with an opinion that the accident was not caused due to mechanical defect and he examined LW.15/MVI Inspector/M.Ravi Kumar. On 15.11.2022, He received Ex.P10 and Ex.P11/postmortem reports of D1/Thula Hanuman and D2/Arugula Vinod respectively and he examined LW.16/medical officer/ Dr.N.Harika and on completion of investigation, he filed charge-sheet.

b) In order to prove the case of prosecution, PW.1 was examined, but he deposed in a hostile attitude and on that the learned Assistant Public Prosecutor sought permission to cross-examine PW.1 and after obtaining permission, the learned Assistant Public Prosecutor cross-examined PW.1 but elicited no iota of evidence to support the prosecution case except marking of Sec.161 Cr.P.C. statement of PW.1 as Ex.P2. Further the prosecution examined PW.2 who deposed that he never witnessed the alleged accident. PW.3 deposed that on the directions of PW.4, he conducted inquest over the D2/Arugula Vinod in the presence of mediators and relatives of deceased and submitted Ex.P3/inquest report to PW.4. None of the eye witnesses to the alleged accident were examined by the prosecution.

c) In order to prove the case of prosecution, it is relevant to prove the offence under Sec.304-A of IPC, the manner of accident i.e., act of

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rashness or negligence on the part of the accused and due to his act, death resulted should be proved. Failing the same, it would be lead to acquittal. From above, it can be seen that though the prosecution has proved the accident was occurred, crime vehicle was said to be APSRTC Bus bearing No.AP 29 Z 0028, none of the witnesses have deposed the manner of the accident and the accused was the person who committed the accident. Hence, except proving the death of D1/Thula Hanuman and D2/Arugula Vinod, nothing material was brought on record by the police to say that the accused has committed the offence as charged beyond reasonable doubt which follows the accused are entitled for benefit of doubt.

10. In the result, accused is found not guilty of the offence punishable U/Sec.304-A of I.P.C. Accordingly, he is acquitted U/Sec.255 (1) of Cr.P.C. The bail bonds of accused shall stands in force for a period of Six (6) months as contemplated U/Sec.437 (A) of Cr.P.C and that he shall appear before the Appellate Court in the event of his receiving summons within six months from today.

Typed to my dictation by the Stenographer Grade-III directly on computer, corrected and pronounced by me in open Court, this the 02nd day of January, 2026.

Sd/- G. Suresh Babu
Principal Civil Judge (JD)-cum-
Judicial Magistrate of First Class
Bhimavaram

APPENDIX OF EVIDENCE

WITNESSES EXAMINED

FOR PROSECUTION :

P.W.1 : Thula Pullayya

FOR DEFENCE:

- None -

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P.W.2 : Arugula Moshe
P.W.3 : D.Sanjeeva Rao, ASI
P.W.4 : K.Raja Reddy

DOCUMENTS MARKED

FOR PROSECUTION :

Ex.P.1/ Dt.30.10.2022 : Signature of PW.1 on report
Ex.P.2/ Dt.30.10.2022 : Sec.161 Cr.P.C. statement of P.W.1
Ex.P.3/ Dt.30.10.2022 : Inquest Report of D2/Arugula Vinod
Ex.P.4/ Dt.30.10.2022 : Written report of PW.1
Ex.P.5/ Dt.30.10.2022 : FIR in Cr.No.263/2022
Ex.P.6/ Dt.-- : Rough Sketch
Ex.P.7/ Dt.30.10.2022 : Scene observation report
Ex.P.8/ Dt.30.10.2022 : Inquest report of D1/Thula Hanuman
Ex.P.9/ Dt.31.10.2022 : MVI report
Ex.P.10/ Dt.30.10.2022 : PME report of D1/Thula Hanuman
Ex.P.11/ Dt.30.10.2022 : PME report of D2/Arugula Vinod

FOR DEFENCE : Nil.

**Sd/- G. Suresh Babu
P.C.J. (J.D.)-cum-J.F.C.M.,
BVRM**

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CALENDAR AND JUDGMENT

Calendar Case No.363/2022 tried by the Principal Civil Judge (Junior Division) -cum- Judicial Magistrate of First Class, Bhimavaram, West Godavari District.

Date of offence	: 29.10.2022
Date of Report	: 30.10.2022
Released on bail	: Served notice of Sec.41A Cr.P.C
Taken on file	: 29.12.2022
Commencement of Trial	: 10.09.2025
Closure of Trial	: 07.11.2025
Date of Judgment	: 02.01.2026
Explanation for delay	: Due to non-production of witnesses delay occurred

Name of the Complainant :

State : Represented by the Sub-Inspector of Police,
Akividu Police Station

Name of the Accused:

Abbindhi Pandu Ranga Rao, S/o. Picchayya (late), Age 52 years, Near Chinna Anjaneya Swamy Temple, Kalaparru Village, Pedapadu Mandal, Driver of APSRTC Bus bearing No.AP 29 Z 0028.

Offence: Sec.304-A of IPC.

Finding : Found not guilty.

Sentence of Order:

In the result, accused is found not guilty of the offence punishable U/Sec.304-A of I.P.C. Accordingly, he is acquitted U/Sec.255 (1) of Cr.P.C. The bail bonds of accused shall stand in force for a period of Six (6)

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months as contemplated U/Sec.437 (A) of Cr.P.C and that he shall appear before the Appellate Court in the event of his receiving summons within six months from today.

Sd/- G. Suresh Babu

**Principal Civil Judge (JD)-cum-
Judicial Magistrate of First Class
Bhimavaram**

Copy submitted to:

The Hon'ble I Additional District Judge, W.G., Eluru (Through Compact Disc).