

CALENDAR & JUDGMENT
DISTRICT:: KRISHNA.
CALENDAR CASE TRIED BY THE COURT OF JUDICIAL MAGISTRATE OF
FIRST CLASS AT NUZVID.

Date of Offence : 18.03.2022
Date of Report or Complaint : 19.03.2022
Date of apprehension of accused : 19.03.2022
Date of accused released on bail : Notice U/s.41-A Cr.P.C
Date of commencement of Trial : 23.05.2023
Date of closure of trial : 01.06.2026
Date of Sentence of Order of Court : 02.06.2026
Explanation for delay and remarks : Delay in serving of summons to the witnesses

Calendar Case No. : **C.C.No.1162/2022**

Name and address of Complainant :

The State represented by Sub-Inspector of Police, Veeravalli Police Station.

Name and address of the accused :

Dandugula Hanumanthu, S/o.Vuligaih, aged 51 years, 9-718/3, Railway station Road, Narayanapuram Village, Nadikudi Mandal, Guntur District. Driver of lorry bearing No. TS 36 T 1027.

Offence : Under section 338 I.P.C

Finding of Court : Not guilty

Sentence of Order of Court : In the result, accused is not found guilty for the offence punishable under section 338 IPC and he is acquitted under section 255(1) of Cr.P.C. The bail bonds of the accused if any, shall remain in force for a period of six months from today under section 437-A of Cr.P.C., for his appearance before the Hon'ble Appellate Court as and when directed. No property produced by Veeravalli PS hence no order passed as to the property.

Sd/-M.Siva Parvathi
Judicial Magistrate of First Class,
Nuzvid.

Copy submitted to:

The Hon'ble I Additional District and Sessions Court, Machilipatnam.

IN THE COURT OF JUDICIAL MAGISTRATE OF FIRST CLASS AT NUZVID.

**PRESENT: Smt M.Siva Parvathi,
Judicial Magistrate of First Class, Nuzvid.**

Tuesday, this the 02nd day of June, 2026

C.C. No.1162/2022

Between

The State represented by Sub-Inspector of Police,
Veeravalli Police Station.

... COMPLAINANT

AND

Dandugula Hanumanthu, S/o.Vuligaih, aged 51 years, 9-718/3,
Railway station Road, Narayanapuram Village, Nadikudi Mandal,
Guntur District. Driver of lorry bearing No. TS 36 T 1027.

... ACCUSED

This case came up before me for final hearing on 01.06.2026 in the presence of Learned Assistant Public Prosecutor for the State and Sri V.Sudhakar, Counsel for the accused, upon hearing both sides and considering the material on record, having stood over for consideration till this day, this court delivered the following:-

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

1. LW8/Sub Inspector of Police, Veeravalli Police Station filed charge sheet in crime No.144/2022 for the offence punishable under section 338 of I.P.C against the above noted accused.

2. The case of the prosecution, in a nutshell, is that:

(a) The complainant/Sk.Rahman is a resident of Kinnerasani Sai Street, Khammam, Telangana State. He was married and blessed with 4 children and eking his livelihood by doing mason works. From past 7 years he was working in LIDIPL High way works in Hanuman Junction, Veeravalli. On 18.03.2022 at about 04.30 pm he is pouring water to plants on Eluru to Vijayawada high way road. Then the accused driver of lorry bearing No. TS 36 T 1027 drove lorry in a rash and negligent manner without blowing horn and dashed victim as a

result he received blood injury on his head. Then immediately he was shifted to Pinnamaneni Siddhartha hospital, Chinnavutapalli and for better treatment he was shifted to Vijayawada GGH in ambulance.

(b) On the strength of contents of MLC intimation and statement of LW1, LW6/ASI registered a case in Crime No.144/2022 u/sec. 337 IPC on 18.03.2022 at 6.00 pm and investigated into the case. Then LW6/ASI visited Government Hospital, Vijayawada and examined LW1 and recorded his statement u/s.161 CrPC statement. Later LW6 visited and examined the scene of offence and prepared rough sketch and examined and recorded statements of Lws 2 to 5.

(c) Later LW7/SI of police issued notice u/sec. 41-A CrPC to accused. LW7 obtained wound certificate of injured and examined the medical officers/LW6 and recorded their detailed 161(3) CrPC statements. LW6/Dr.D.Pesaiah, Civil Assistant surgeon of Government General Hospital , Vijayawada/ He rendered treated to injured and issued wound certificate and opined that injury sustained by LW1 is grievous in nature. AS per wound certificate, the section of law was altered from 337 IPC to 338 IPC . Hence after completion of investigation he filed charge sheet. Hence, the charge.

3. On receipt of charge sheet, this case was taken on file under section 338 of I.P.C against the accused.

4. On appearance of the accused, copies of documents was furnished to them as contemplated under Section 207 of Criminal Procedure Code, 1973.

5. Accused was examined under Section 239 of Cr.P.C and charge has been framed under section 338 I.P.C and same was read over and explained to him in Telugu, for which he pleaded not guilty and claimed to be tried.

6. During course of trial, on behalf of the prosecution, PW.s 1 to 4 were examined and Exs.P1 to P4 were marked.

7. On closure of the evidence let in by the prosecution, accused was examined under Section 313 of Cr.P.C., with regard to the incriminating material available against him on record, for which, he denied the same and reported no defence evidence.

8. Heard arguments of learned Assistant Public Prosecutor and counsel for the accused.

9. The point germane for determination is :

“Whether the prosecution is succeeded in bringing home the guilt of the accused for the offence punishable under section 338 IPC, beyond all reasonable doubt?”

POINT:-

10. It is the case of the prosecution is that on 18.03.2022 at 04.30 pm, LW1 is working as LIDIPL highway works in Hanuman junction and he is pouring water to plants on Eluru to Vijayawada high way road, then accused drove lorry bearing No. TS 36 T 1027 in a rash and negligent manner and dashed LW1 , as result, he received severe bleeding injury on his head, immediately he was shifted to GGH, Vijayawada.

11. On behalf of the prosecution, LW1 was examined as PW1 and examined in chief. In his chief examination he stated that he is running hotel business by name Venkata Lakshmi Tiffin center beside high way opposite sugar factory SN Palem. He do not know anything about the facts of the case. He did not witnessed any accident in this case. He never saw the accused. Police not examined him. At this stage, learned APP sought permission to cross examine the PW.1 as he resiled from his earlier version. Ex.P1 is marked. PW1 turned hostile and he did not support case of prosecution.

12. In support of the case of prosecution, LW3, LW2 and 4 were examined as Pws.2 to 4. During the course of chief examinations of Pws.2 to 4, they deposed on the same lines that they do not know anything about facts of the case. They did not witness any accident in this case. Police did not examine them. At this stage, learned APP sought permission to cross examine the Pws.2 to 4 as they resiled from their earlier version. Exs.P2 to P4 are marked. Pws.2 to 4 were turned hostile. They did not support the case of the prosecution. Hence evidence of Pws.2 to 4 do not help to the case of the prosecution.

13. In the case in hand, Pws.1 to 4 turned hostile. They did not support the case of the prosecution and there is no evidence to prove guilt of the accused drove lorry in rash and negligent manner and dashed PW1 and sustained bleeding injury on head. Hence this court feels it is just and proper to give benefit of doubt to accused. As such, the prosecution utterly failed to prove guilt of the accused beyond the reasonable doubt and the accused is entitled for acquittal.

14. In the result, accused is not found guilty for the offence punishable under section 338 IPC and he is acquitted under section 255(1) of Cr.P.C. The bail bonds of the accused if any, shall remain in force for a period of six months from today under section 437-A of Cr.P.C., for his appearance before the Hon'ble Appellate Court as and when directed. No property produced by Veeravalli PS hence no order passed as to the property.

Typed to my dictation by the Personal Assistant, corrected and pronounced by me in the open court this the 02nd day of June, 2026.

Sd/-M.Siva Parvathi
Judicial Magistrate of First Class,
Nuzvid.

//APPENDIX OF EVIDENCE//

//Witnesses Examined//

For Prosecution

PW.1/LW.5 : Choragudi Reddi Gopal

PW.2/LW.3 : K.Srinivasa Reddy

PW.3/LW.2 : P.Prasanna

PW.4/LW.4 : K.Venkateswara Reddy

For Defence

.. None ..

//Exhibits Marked//

For Prosecution

Ex.P1/PW.1 : Sec.161 Cr.P.C statement of P.W.1.

Ex.P2/PW.2 : Sec.161 Cr.P.C statement of P.W.2.

Ex.P3/PW.3 : Sec.161 Cr.P.C statement of P.W.3.

Ex.P4/PW.4 : Sec.161 Cr.P.C statement of P.W.4.

For Defence

.. Nil ..

Sd/-M.Siva Parvathi
**Judicial Magistrate of First Class,
Nuzvid.**