

KABR320019292017



**IN THE COURT OF II ADDITIONAL CIVIL JUDGE & JUDICIAL
MAGISTRATE OF THE FIRST CLASS, DEVANAHALLI.**

Dated this the 03rd day of July, 2026

Present

Smt. Chandrika. K. T. BCA,LL.B.,
II Addl Civil Judge & JMFC
Devanahalli.

CC No.1488/2017

Complainant : The State by Pl.
Chikkajala Police Station.
(By Learned A.P.P.)

V/s

Accused : 1. Satish @ Shekar s/o Chowdappa,
Aged about 28 years,
KA-36-T-1538 Tractor driver,
R/o Marenahalli bande,Bagaluru,
Bengaluru North taluk.

2. Nagaraju S/o Doddaramaiah,
Aged about 40 years,
KA-36-T-1538 Tractor and numberless
Trailor owner,
R/o Muddanayakana halli,kundana hobli
Devanahalli taluk.

(By Sri. GM – Advocate)

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1. Name of the Informant : Mayiga
2. Offences complained of : U/Sec. 279, 304(A) of IPC
U/sec 180,181,187,146,196
of IMV act
3. Date of offence : 17.12.2016
4. Date of report of offence : 18.12.2016
5. Arrest of the accused : --
6. Date of release on bail : 14.11.2017
7. Period undergone in custody : --
8. Date of recording evidence : 05.02.2019
9. Date of closing of evidence : 20.02.2026
10. Date of pronouncing judgment : 03.07.2026
11. Opinion of the judge : Accused Nos.1 & 2 found
not guilty

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J U D G M E N T

This is the charge sheet filed by the PI of Chikkajala Traffic Police Station against accused No.1 for the offence punishable U/Sec.50 r/w Sec.177 of IMV Act, U/sec.304(A) of IPC, U/sec 181, 187 of IMV act and against accused No.2 for the offence punishable U/Sec.180,196,146 of IMV Act.

2. Brief facts of the prosecution case:- That on 17.12.2016 at 8:30 pm within the jurisdiction of Chikkajala traffic police station, accused No.1 being a driver of tractor No.KA-36-T-1538 along with a numberless trailer loaded with

slab stone, drove the said tractor and parked the said tractor along with the trailer loaded with slab stone near Kannur Village Panchayath board, without displaying any sign board or without putting any barricades around the tractor and trailer and without giving any signal by showcasing a red tape around the parked tractor and trailer, has parked the said tractor and trailer in a negligent manner so as to endanger the human life. At that time, one Yoginder Singh, rode his motorcycle bearing No.KA-53-S-5061 and hit the tractor trailer which has been parked negligently in the middle of the road and sustained accident. Due to this accident, he has sustained injuries on his head, hands, legs and other parts of the body and has died on the spot. Accused No.1, after learning about this accident, without taking the injured to the hospital and informing about the accident to the nearest police station, flee away from the spot. Accused No.1 on the alleged day of the accident did not had a driving licence to drive the tractor trailer. Accused No.2 being the RC owner of the offending vehicle knowing that the tractor was not insured, gave it to the accused No.1 to drive it on a public way. Thereby, accused No.1 has committed an offence punishable U/sec.50 r/w Sec. 77 of IMV Act, U/sec.304A of IPC, r/w Sec.187, 181 of IMV Act. Accused No.2 has committed an offence punishable U/sec.180 of IMV Act, r/w Sec.146 with 196 of IMV Act. On the information given by CW.1, case has been registered at the complainant police station. Thereafter, investigation has been taken and finally charge sheet has been submitted against the accused persons for

the offences noted Supra.

3. After filing the charge-sheet, cognizance was taken for the aforesaid offences. Accused persons appeared before the court in pursuance of summons issued to them and were released on bail. Copy of the charge-sheet was furnished to the accused persons as contemplated U/sec.207 of Cr.P.C. Thereafter, substance of accusation was framed, read over and explained to accused persons, to which they pleaded not guilty and claimed trial.

4. In-order to prove the guilt of accused, the prosecution has examined 5 witnesses out of 19 witnesses listed in the charge-sheet as PW.1 to PW.5 and got marked 20 documents as Ex.P.1 to Ex.P.20 and closed its side. CW.7 to CW.18 were given up at the request of learned APP. CW.5 & CW.6 were dropped from the proceedings. Ex.D.1 was marked by counsel for the accused persons during the cross examination of CW.19/PW.5

5. Thereafter, statement of accused persons as required u/s.313 of Cr.P.C. is recorded, read over and explained the incriminating evidence appearing against them and they denied the same and did not prefer to lead evidence on their behalf.

6. Heard arguments of learned APP and the counsel for accuse persons. Perused the materials placed before the court.

7. The points that arise for consideration are:

1. *Whether the prosecution proves beyond all reasonable doubt that on 17.12.2016 at 8.30 pm within the jurisdiction of Chikkajala Traffic Police Station on Bagaluru Kannur Main Road has parked tractor bearing No.KA-36-T-1538 along with number less trailer loaded with stone slabs without following the safety measures by putting barricades around the vehicles, without giving any signal by displaying singe boards in a negligent way in the middle of the road, thereby, committed an offences punishable U/sec.50 r/w Sec.177 of IMV Act?*
2. *Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place, when the accused No.1 has parked his tractor and trailer in a negligent manner, the rider of KA-53-S-5061 by name Yogindra Signe road the said motorcycle and hit the tractor from behind and sustained accident, due to this accident Yoginder Signe sustained injuries on his head, hands and legs and died on spot due to the injuries sustained by him in the accident and thereby the accused no.1 caused a death of Yoginder Signe not amounting to culpable homicide and thereby accused no.1 committed the offence punishable U/Sec. 304(A) of IPC?*

3. *Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place, after causing the accident, accused No.1 flew away from the place of accident without taking the injured to the hospital and without informing about the accident to the nearest police station, thereby accused no.1 has committed the offence punishable U/Sec. 187 of IMV?*
4. *Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place, accused No.1 did not had valid driving liscence to drive the tractor on a public way, thereby accused no.1 has committed the offence punishable U/Sec.3(1) r/w Sec.181 of IMV?*
5. *Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place, accused No.2 being aware about the fact that, accused No.1 did not had valid driving liscence to drive the tractor on a public way, has given the tractor belonging to him to accused No.1 to drive it public way thereby accused no.2 has committed the offence punishable U/Sec. 5(1), r/w Sec.180 of IMV?*
6. *Whether the prosecution proves beyond all reasonable doubt that on the above said date,*

time and place, accused No.2 being the RC owners of the tractor bearing No.KA-36-T-1538 being aware about the fact that, the said tractor was not insured, has given the tractor belonging to accused No.1 to drive it public way thereby accused no.2 has committed the offence punishable U/Sec. 146 r/w Sec.196 of IMV?

7. What order?

8. My findings on the above points are as follows:

Point No.1 to 6 : In the **Negative**.

Point No.7 : As per the final order,
for the following:

REASONS

9. **Point Nos.1 to 6:-** These points are taken together for the discussion as they are interlinked and the reasons that are to be assigned are one and the same. Ex.P.1 is the first information statement which is the first document in this case. Ex.P.1 is lodged by CW.1. It is stated in Ex.P.1 that on 17.12.2016 in the evening when CW.1 was at house he received a call from L&T Co-ordinate Mr. Ganesh and he informed him about the accident. That has been caused to Yogendra Singh at around 06.30 p.m. on the said date. He was informed that Yogendra Singh was riding a motorcycle bearing No.KA-53-S-5061 on Bagalur Kannur Main Road from L&T side to his home at Mahadevapura. When he was in between Hosurbande and Bagalur, A tractor bearing No.KA-36-

T-1538 loaded with a slab stone was standing near the road in a breakdown condition which did not have any precautionary measures like barricade or warning signs. As such Yogendra Singh who was riding his bike could not see the parked tractor and trailer loaded with the slab stones and hit the same to the back side of the tractor and sustained accident. As a result, Yogendra Singh fell down and got severe injuries to his head and died on the spot. After learning about the accident, CW.1 went to the spot and learnt that Yogendra Singh was shifted to Yalanka Hospital. He saw the accident place, motorcycle and a tractor at that place.

10. CW.1. CW.1 by name Yeknath was examined before this court as PW.1. PW.1 in his chief examination has deposed about the contents of Ex.P.1 as to how he has learnt about the accident and him going to the place of accident after learning about the accident, seeing the tractor-trailer in repair condition and the vehicle which met with an accident at the spot and also informing the same to the police by lodging the first information statement as per Ex.P.1. He has also identified the photographs of the vehicles which he saw at the place of accident which were marked as Ex.P.2 to Ex.P.10. He has also identified the accused before the court stating that he has seen him at Chikkjala traffic police station on 13.12.2016. He was cross examined by the counsel for the accused at length. In his cross examination he has stated that, he does not know whether Yoginder Singh wore

helmet while riding his motorcycle when the accident took place. He has also admitted that, he could not properly identify the accused before the court as he has only seen him once in police station. CW.19, the Investigating Officer who investigated this case was examined before this court as PW.5. PW.5 has also deposed about receiving of the first information statement as per Ex.P.1 from PW.1. In view of the evidence of PW.1 and PW.5, the factum of the accident that has been caused to Yogenda Singh, and PW.1 learning about the accident and lodging the first information statement about the accident is proved and so the contents of Ex.P.1.

11. CW.3 is another witness who was examined before this court as PW.2. PW.2 in his chief examination has stated that on 18.12.2016 at around 06.00 a.m. CW.11 informed him over a phone that That Yogendra Singh has met with an accident and has been admitted in Yelahanka Hospital. Soon after learning about this information he visited Yelahanka Hospital and learnt that Yogendra Singh has died in the accident. He later learnt that on 17.12.2016 at 08.30 p.m. when Yogendra Singh was riding his motorcycle, as he could not see the negligently parked tractor and trailer loaded with the slab stones, hit the tractor and sustained accident and died on spot due to the injuries sustained by him in the said accident. He was cross examined by the counsel for the accused at length. In his cross examination he admitted that, he has not seen the accident. He has only learnt about the accident

from CW.11. After learning about the accident, he has not seen the place of accident and he does not know by whose mistake the said accident has taken place and denied the other suggestions made to him by the counsel for the accused.

12. CW.2, the eye witness to the accident was examined before this court as PW.4. PW.4 in his chief examination has stated that he does not know anything about this case. He has not seen any accident. He does not know how to read and write in Kannada and he has not given any statement before the police. He was treated as hostile witness and he was cross examined by the prosecution at length, suggesting him that on 17.12.2016 at 08.00 p.m. he and his friend Yoginder Singh after completing their work, returning back to their house in a motorcycle bearing No.KA-53-S-5061, while they were coming on Bagalore-Kannur main road near Kannur Village Panchayath border at around 08.30 p.m. Yogendra Signh was riding the motorcycle and he could not see the tractor No.KA-36-T-1538 with a numberless trailer filled with stone slabs parked negligently without any sign boards, without any barricades, without indicating the parked vehicle in the middle of the road, has hit the tractor from behind and sustained accident, he immediately stopped his motorcycle and went near Yogendra Singh and saw that he has sustained injuries on his head, legs and other parts of the body and died on spot, wherein he denied the same and also his statement before the police as per Ex.P.12.

13. In present case, PW.1, PW.2 & PW.4 are the prime witnesses to the prosecution. It is through them, the prosecution has to prove the guilt of the accused No.1 by bringing home the ingredients of Sec.177 of IMV Act, 304(A) of IPC. PW.1 & 2 though they have deposed about learning about the accident, they are not the eye witnesses to the accident. They only learnt about the accident and took legal action. Both PW.1 & PW.2 have failed to identify the accused No.1 as the driver of the offending vehicle. PW.1 & PW.2 in their cross examination have stated that, they have not seen the accident. Therefore, the evidence of PW.1 and PW.2 cannot be relied upon to prove the guilt of the accused No.1 for the offence punishable U/sec.177 of IMV Act and 304A of IPC, though they supported the case of the prosecution.

14. The sole eye witness in the present case is PW.4. Who has witnessed the accident as per the prosecution. However, PW.4 has completely acted stranger to the accident. He has not supported the case of the prosecution. He has completely turned hostile towards the prosecution. He has stated that he has not seen any accident and he does not know anything about this case. And he has also denied his statement before the police as per Ex.P.12. Such being the case, there is no direct evidence on record by the prosecution to prove the negligence on the part of accused No.1 which has resulted in the death of Yogendra Singh. Therefore, in view of the evidences of the prime witnesses of the prosecution, the prosecution has failed to prove the guilt of the

accused.

15. Ex.P.11 is the spot/seizure mahazar. As per the prosecution's case, on 18.12.2016, police conducted the spot mahazar in presence of CW.4, CW.5 & CW.6 and seized the vehicles which were involved in the accident from the place of the accident. Despite providing sufficient opportunities the spot merger witnesses CW.5 and CW.6 presence could not be secured. As such they were dropped from the proceedings hence their evidence is not available on record.

16. CW.4 has The spot mahazar witness by name Subodh Kumar was examined before this court as PW.3. PW.3 supported the prosecutions case by identifying his signature on Ex.P.11 and also stating that, he made the said signature at the place of the accident when the police conducted the mahazar on 18.12.2016 and about the seizure of the tractor trailer and the motorcycle from the place of accident. He identified the photographs of the tractor. He was cross examined by the counsel for the accused. In his cross examination he denied the suggestions made to him by the counsel for the accused and admitted the fact that, he does not know the contents of Ex.P.11 as it is written in Kannada language and he has stated that, except CW.6 he does not know who else made signature on Ex.P.11. CW.19 who is the Investigating Officer who was examined before this court as PW.5 has also deposed about the conducting of the spot mahazar and seizure of the vehicle from the place of the accident. With this

evidence on record, the prosecution has proved the contents of Ex.P.11 and also the fact that the mahazar was drawn at the place of the accident and the vehicles involved in the accident were seizure from the place of the accident. However, in the absence of the corroborative testimony of the prime witnesses about identification of offending vehicle, the manner of the accident and not deposing about the presence of accused No.1, a mere proof of the spot mahazar and the seizure of the vehicles alone, will not prove the guilt of the accused beyond reasonable doubt. Hence, this document though proved is of no aid to the prosecution to prove its case. Ex.P.15 is the true inquest report.

17. Ex.P.19 is the P.M. Report of the deceased Yogendra Singh. Ex.P.20 is the Motor Vehicle Accident Report were all marked with the consent of the accused. In essence, the accused persons do not dispute the death of the Yogendra Singh, but they only dispute the fact that such death was caused due to the negligence of accused No.1. Ex.P.15 only shows that the inquest has been conducted on the dead body of the accused which only proves the factum of death of Yogendra Singh. The PM report Ex.P.19 shows that cause of death is due to the hemorrhage shock as a result of injury to the vital organ, brain and multiple bones. But, it does not show how such injuries were caused to the deceased. Ex.P.20 shows the damages seen in both the vehicles involved in the accident.

18. In the present case, as per the prosecution, the tractor

trailer was negligently parked. Even PW.1 in his chief examination has stated that when he went to the place of accident after learning about the accident, the tractor trailer was parked in a breakdown condition. However Ex.P.20, the Motor Vehicle Accident Report does not showcase what was the damage found in the mechanical system of the tractor trailer. Therefore, these contradictions in the prosecution's case also create doubt about the manner and the purpose that the tractor trailer was parked in such a way. It is to be noticed that, as per the prosecution's case the accident took place due to the negligent parking of the tractor trailer. So accused No.1 was not driving the tractor trailer when the accident took place. Therefore, ascertaining the mechanical condition of the tractor trailer does not aid the prosecution to prove the guilt of the accused and moreover the mechanical defects is not seen in the tractor as per IMV report. Therefore, this documents though proved before the court is of no aid to the prosecution to prove its case.

19. CW.19 the Investigating Officer was examined before this court as PW.5. PW.5 has deposed about the investigation that, he conducted from registering the FIR till filing of the charge sheet. Ex.P.13, FIR. Ex.P.14, Rough Sketch. Ex.P.16, Notice U/sec.133 IMPO Act issued to the owner of the offending vehicle tractor trailer. Ex.P.17, reply to the said letter. Ex.P.18, indemnity bond executed by the owner of the offending vehicle to get the vehicle released were marked through him. This documents are

the consequential documents and it is a part of the investigation. This documents only shows that an offending vehicle was with the custody of the police and the same was released to its RC owner after getting the indemnity bond executed by the RC owner and this documents also shows that an information about the accident was received and investigation was conducted to that effect. However, in order to corroborate the evidence of the Investigating Officer, there should be an evidence of an independent eye witness about the accident. But, in the present case as discussed above, PW.1 & PW.2 are not an eye witness and they have only deposed about learning about the accident and taking legal action subsequent to it. PW.1 though deposed that he has witnessed accused an offending vehicle, he has been to the place of accident and saw the offending vehicle parked at the place of accident. He has failed to identify the accused No.1 so as to establish his identity before the court and PW.4, being a sole eye witness has completely turned hostile about the prosecution's case. Therefore, in the absence of this corroborative testimony of the independent eye witnesses, the evidence of Investigating Officer alone will not aid the prosecution to prove its case.

20. Coming to the allegations pertaining to the commission of offence under Motor Vehicles Act by accused No.1, the allegation against the accused No.1 is that he has parked the tractor trailer in the middle of the road in a negligent way which resulted in this accident. However, an accusation with respect to

the commission of offence punishable U/sec.181 of IMV Act & 187 of IMV Act has also been charged with. In order to attract the ingredients of Sec.187, There should be an evidence about the fact that accused No.1 was present at the time of the accident and he has parked the tractor trailer in an negligent way and has caused this accident and after the accident he flee away from the place of accident without informing about the accident to the police or without taking the injured to the hospital. In the first place, the prosecution has failed to establish the identity of the accused No.1 as the driver of the offending vehicle and also his presence at the place of the accident through its eye witnesses. Therefore, the question of him fleeing away from the place of accident does not arise for consideration. Moreover, it is not the allegation of the prosecution that due to the negligent driving of the accused No.1, this accident has taken place. The negligent act of the accused No.1 was parking the tractor trailer in a negligent way and thereby committing an offence punishable U/sec.279 of IPC. Therefore, as he was not driving the tractor trailer at the time of the accident, the question of him having a valid driving licence or not have valid driving licensce at the time of accident is not the subject matter of this case. However, he has been charged with the fact that, he did not have a driving licence when the accident took place. Therefore, when his identity, when his presence at the place of accident and his identity as a driver of the offending vehicle on the alleged day of the accident itself is not established him having a valid driving licence or not does not

arise for consideration and also the same is not explicitly proved by the prosecution.

21. The allegation against the accused No.2 is that he being the owner of the tractor-trailer offending vehicle, knowing that the vehicle was not insured, has given it to the accused No.1 to drive it on a public way who did not have a license to drive the vehicle. Again, the identity of the offending vehicle is also not established through the PW.4 who is the sole eye witness to the prosecution's case. Therefore, the question of the vehicle having insurance at the time of the accident does not arise. Moreover, PW.5 the investigating Officer during the cross-examination was confronted with a document Which shows that the tractor trailer in question i.e., KA-36-D-1538 was in the name of one Timmaya S/o Munishamappa. He has also admitted the form, No.29 and form No.30 sale receipt, delivery note and transfer of insurance pertaining to offending vehicle. Ex.D.1 shows that, the ownership of KA-36-P-1538 was in the name of one Salim Sahib, son of Ramjan Sahib.

22. PW.5 has also stated that, he has not issued Notice to the original owner of the tractor trailer. In the present case accused No.2 by name Nagraj is shown as the owner of the offending vehicle. But, the document that has been confronted to PW.5 shows otherwise. Therefore, this documents that has been brought on record, certainly creates doubt about the ownership of the offending vehicle. Such being the case, it is not possible for

this court to conclude as to who was the owner of the offending vehicle at the time of the accident, as there is no materials that has been brought in by the prosecution to that effect. Therefore, in view of these materials on record, the prosecution has failed to prove the guilt of the accused No.1 & accused No.2 for the offence that, they are charge with which are punishable under IMV Act

23 Hence, this court is of the opinion that, the prosecution has failed to prove beyond all reasonable doubt that, the alleged accident was due to the rash and negligent Act of accused No.1. Hence, benefit of the doubt shall be given in favour of the accused persons. Therefore, accused Nos.1 & 2 deserves acquittal. Accordingly, Point Nos.1 to 6 are answered in the **Negative.**

24. Point No.7:- In view of the above discussion and aforementioned reasons, this court proceeds to pass the following:-

ORDER

Acting U/Sec.255(1) of Cr.P.C.
accused No.1 is acquitted for the
offences punishable U/Sec.50 r/w
Sec.177 of IMV Act, U/sec.304(A) of
IPC and offences punishable
U/sec.3(1), r/w Sec.181, 187 of IMV
Act.

Accused No.2 is acquitted for the offences punishable U/sec.5(1) r/w Sec.180, 146 r/w Sec.196 of IMV Act.

Accused Nos.1 & 2 are hereby set at liberty.

The bail bond of accused persons and that of their surety shall be in force for 6 months in view of the amended provisions U/Sec.437A of Cr.P.C.

*(Dictated to the stenographer, corrected by me and then pronounced in open court, on this the **03rd day of July, 2026**).*

(Chandrika. K. T.)
II Addl Civil Judge & JMFC.,
Devanahalli.

ANNEXURE

List of witnesses examined for prosecution:-

PW.1 : Ekanath
PW.2 : Devakumar
PW.3 : Subooda Kumar
PW.4 : Ganesh Kannan @ Ganesh
PW.5 : Muralidhar. P

List of witnesses examined for defence:-

- Nil -

List of documents marked for prosecution:-

Ex.P.1 : Complaint

Ex.P.1(a)	:	Signature of PW.1
Ex.P.2 to 10	:	Photos
Ex.P.11	:	Statement of PW.3
Ex.P.11(a)	:	Signature of PW.3
Ex.P.11(b)	:	Signature of PW.5
Ex.P.12	:	Witness Statement
Ex.P.13	:	FIR
Ex.P.13(a)	:	Signature of PW.5
Ex.P.14	:	Sketch
Ex.P.14(a)	:	Signature of PW.5
Ex.P.15	:	Statement
Ex.P.16	:	Notice
Ex.P.16(a)	:	Signature of PW.5
Ex.P.17	:	Reply to Notice
Ex.P.17(a)	:	Signature of PW.5
Ex.P.18	:	Indemnity bond
Ex.P.18(a)	:	Signature of PW.5
Ex.P.19	:	Medical Report
Ex.P.18(a)	:	Signature of PW.5
Ex.P.19	:	Medical Report
Ex.P.19(a)	:	Signature of PW.5
Ex.P.20	:	Motor Vehicles Accident Report
Ex.P.20(a)	:	Signature of PW.5

List of documents marked for defence:-

Ex.D.1 : Certificate of Registration

Material objects identified for prosecution:-

-Nil-

(Chandrika. K. T.)
 II Addl Civil Judge & JMFC.,
Devanahalli.

