

IN THE COURT OF THE I ADDITIONAL JUDICIAL MAGISTRATE OF FIRST
CLASS :: TADEPALLIGUDEM.

PRESENT: Smt. K. Lalitha Devi,
I Addl Civil Judge (Junior Division) cum
I Addl Judicial Magistrate of I Class,
TADEPALLIGUDEM.

Wednesday, this the 28th day of January, 2026.

CALENDAR CASE No. 1169/2022

Between:

The State represented by the Sub-Inspector of Police, Tadepalligudem Town Police Station.

---Complainant

And

Penneti Koteswara Rao, S/o Mutyala Rao, A: 42 years,
R/o. Ramannagudem Village, Tadepalligudem Mandal,
Driver of Sasi School Bus bearing No.AP 37 TD 0483.

---Accused

This case has come up before me on 20.01.2026 for final hearing in the presence of Sri **A. Ravi Prasad**, Assistant Public Prosecutor for the Prosecution and of Sri **K.Appireddy and R.Haraipriya**, Advocates for Accused; and upon perusing the material papers on record and having stood over for consideration, this Court delivered the following.

J U D G M E N T

1. The Sub-Inspector of Police, Tadepalligudem Town P.S, filed a charge sheet against the sole accused in Crime No.297/2022 for the offence punishable under Section 304-A of Indian Penal Code (hereinafter referred as I.P.C) of Tadepalligudem Town P.S.

2. **The prosecution case in brief, is as, follows:**

a) PW.1 – K.Pandu, is a resident of Kondrupalem Village of Tadepalligudem. T by name Khandelli Charan Tej who was working as Bus cleaner at Sasi School for the Bus bearing No.AP 37 TD 0483 and the accused herein was working as Bus driver. While so, on 24.11.2022 morning at 6.00 A.M, the deceased went to his duty on Route No.2 School Bus bearing No.AP 37 TD 10483 as cleaner

and pick up the students at Ramannagudem and Pedatadepalli Villages and dropped the students at Sasi School at 9.00 A.M and when the accused has taken turn and stopped the bus, the deceased laid beneath the bus between the left front and rear tyres to inspect the common plates and report the bus condition to the owner. But without noticing that the deceased was under the vehicle, the accused negligently started and moved the bus. The left rear tyre ran over the chest of the deceased, causing severe injuries. Witnesses (L.Ws. 6 to 9) immediately shifted him to Area Hospital, Tadepalligudem, where the duty doctor declared him brought dead. PW.1 thereafter lodged the report.

b) Based on the report of PW.1, a case was registered by L.W.15 – Bonagiri Raju, Sub Inspector of Police, Tadepalligudem in Cr.No. 297/2022 under Sec. 304-A of IPC against the accused, who is driver of the crime vehicle. The accused was served a notice under Section 41-A Cr.P.C. Upon completion of investigation, the charge sheet was filed for the offence under Section 304-A IPC against the accused.

3. Based on the material on record, this court took cognizance for the offence under section 304-A of IPC, against the accused.

4. After appearance of accused, copies of documents were furnished to the accused under section 207 Criminal Procedure Code. The accused was examined under Section 251 Criminal Procedure Code, for the offence under section 304-A IPC, for which accused denied as false, pleaded not guilty and claimed to be tried.

5. In the course of trial, prosecution examined P.Ws.1 to P.W.7 and got marked Exs.P.1 to P.14. Learned Assistant Public Prosecutor has given up the evidence of Lws.3 to 5 – Kokkirapati Madhu, Kandelli Santhosh, Kodamanchili, and L.Ws.10 to 14 – S.Rufus, Civil Assistnat Surgeon, Area Hospital, Tadepalligudem, D.Surendra Singh Naikl, Motor Vehicles Inspector, Tadepalligudem, addagarla Avenkata Satya Sai Danamuralikrishna, Borra Durga Savitri and Kankata Rajaratnam.

6. After closing the prosecution evidence, accused was examined under section 313 Cr.P.C. by granting an opportunity to offer his explanation on the incriminating material evidence available against him, for which he denied as false and reported no defence evidence..

7. Heard the learned A.P.P and learned defence counsel. Perused record.

8. **Point for Determination:**

Whether the prosecution has succeeded in proving the guilt of the accused for the offence under Section 304-A IPC beyond reasonable doubt?

POINT:

9. To prove its case, the prosecution has examined PWs 1 to 7. PW 1 is father of the deceased, PW.2 is the blood relative to the deceased. Pws.3 to 6 are said to be eye witnesses and P.W.7 is the Investigating Officer. Pws.1 and 2 consistently deposed that deceased died in a road accident. But they do not know the details of the crime vehicle and its driver. PWs.3 to 6, who are said to be the eye witnesses also did not support the prosecution case stating that they does not know anything about this case.

10. Now the only evidence that remained on record, is the evidence of PW.7-B.Raju, the then Sub-Inspector of Police, he deposed that on 24.11.2020, P.W.1 gave a complaint under Ex.P8. Basing on it, he registered a case in Cr.No.297/2022 under Section 304-A Cr.P.C. During the course of investigation, he visited the scene of offence situated at Sasi College, Tadepalligudem, examined the L.Ws. 1 to 9 and recorded their 161 Cr.P.C. statements, Immediately, he shifed the dead body tp GGH, Tadepalligudem and he examined the scene and prepared scene observation report under Ex.P.10 and Rough Sketch under Ex.P.11. On the same day, he conducted inquest over the deceased body and sent the corpus for Post-Mortem examination.

11. He further deposed that on 24.11.2020, he served 41- A Cr.P.C. notice to the accused and he sent the crime Vehicle to MVI for inspection. On receipt of PM and MVI reports, he filed charge sheet against the accused.

12. Though the prosecution cited as many as 15 witnesses, only PWs 1 to 7 were examined. Upon careful assessment of the evidence of PWs 1, 2, and 7, along with the documentary evidence marked under Exs. P1 to P14, it can be safely concluded that the prosecution has established that the deceased died in a road accident. However, it has failed to establish the other crucial ingredients of the offence under Section 304-A IPC.

13. From the evidence of PWs 1 to 6, none of them identified the accused as the driver of the offending vehicle. Further, not only with regard to the aspect of rash or negligent driving, but also with respect to collecting material evidence such as the vehicle records and the particulars of the driver at the relevant point of time, the Investigating Officer failed to make any sincere effort. Except for conducting a formal investigation, he did not take steps to secure the records relating to the school bus or to establish who was driving the vehicle at the time of the accident. Considering that the alleged offending vehicle is a school bus and the alleged driver was employed by the said school, the collection of such cogent evidence would have been comparatively easier than in other accident cases. However, no such efforts were made, and there is no evidence on record to prove that the accused was driving the vehicle at the relevant time or that the accident occurred due to his rash or negligent act. Therefore, this Court finds that the prosecution has utterly failed to prove the guilt of the accused for the offence under Section 304-A IPC beyond reasonable doubt. Accordingly, the point is answered in the negative.

14. **IN THE RESULT**, the Accused is found not guilty for the offence under section 304-A of IPC and thereby he is acquitted under section 255 (1) Cr.P.C. The bail bonds of accused shall be in force for a period of six months as per 437 (A) of Cr.P.C.

Typed to my dictation by the Stenographer Grade-III, corrected and pronounced by me in open Court this the 28th day of January, 2026.

Sd/K.Lalitha Devi
I ADDL. JUDICIAL MAGISTRATE OF I CLASS,
TADEPALLIGUDEM.

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

FOR PROSECUTION:

PW1 : K.Pandu
 PW2 : K.Srinu
 PW3 : V.Muthyalu
 PW4 : S.Veera Venkata Peddi Durga Prasad.
 PW5 : M.Giriyya.
 PW6 : Seelu Bodiyya
 PW7 : B.Raju.

FOR DEFENCE:

-- NONE --

EXHIBITS MARKED

FOR PROSECUTION:

Ex.P1 : Signature of PW.1
 Ex.P2 : 161 Cr.P.C. statement of PW1
 Ex.P3 : 161 Cr.P.C. statement of PW2
 Ex.P4 : 161 Cr.P.C. statement of PW3
 Ex.P5 : 161 Cr.P.C. statement of PW4
 Ex.P6 : 161 Cr.P.C. statement of PW5
 Ex.P7 : 161 Cr.P.C. statement of PW.6
 Ex.P8 : Complainant given by P.W.1
 Ex.P9 : FIR
 Ex.P10 : Scene observation report
 Ex.P11 : Rough Sketh
 Ex.P12 : Inquest report
 Ex.P13 : P.M. Report
 Ex.P14 ; A.I.R.Report.

FOR DEFENCE: -- NIL --

MATERIAL OBJECTS MARKED

-- NIL --

Sd/K.Lalitha Devi
I AJFCM, TPG

CALENDAR & JUDGMENT

IN THE COURT OF THE I ADDITIONAL JUDICIAL MAGISTRATE OF FIRST
CLASS :: TADEPALLIGUDEM.

CALENDER CASE No. 1169/2022

1. Date of offence	:	24.11.2022
2. Date of complaint or report	:	24.11.2022
3. Date of apprehension of Accused	:	Section 41-A(1) Cr.P.C. notice served
4. Date of release on bail of Accused	:	--
5. Date of commencement of trial	:	04.12.2025
6. Date of close of trial	:	19.01.2026
7. Date of sentence or Order	:	28.01.2026
8. Explanation of delay if any	:	Due to non-production of witnesses by the prosecution

COMPLAINANT:

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

ACCUSED:

Penneti Koteswara Rao, S/o Mutyala Rao, A: 42 years,
R/o. Ramannagudem Village, Tadepalligudem Mandal,
Driver of Sasi School Bus bearing No.AP 37 TD 0483.

Cr.No.	:	Cr.No.297/2022
Section of Law	:	Under Section 304-A IPC
Plea of the accused	:	Pleaded not guilty
Finding of Court	:	Found not guilty

Sentence/Order:

IN THE RESULT, the sole accused is found not guilty for the offence under section 304-A of IPC and thereby he is acquitted under section 255 (1) Cr.P.C. The bail bonds of accused shall be in force for a period of six months as per Sec 437 (A) of Cr.P.C.

Sd/K.Lalitha Devi

Seal

I ADDL. JUDICIAL MAGISTRATE OF I CLASS,
TADEPALLIGUDEM.

Copy submitted to the Hon'ble I Addl. District & Sessions Judge,
West Godavari District.