



Presented on : 29-06-2022
 Registered on : 29-06-2022
 Decided on : 06-08-2022
 Duration : **04Y 01M 08D**

IN THE COURT OF CIVIL JUDGE & JMFC,
AT: SHAHABAD

PRESENT
SRI. NAGARAJ BARKI,
B.A.LL.B.,
 Civil Judge & J.M.F.C.,
 Shahabad

C. C. NO.717/2022

Dated this the 06th day of August,2026

COMPLAINANT:

The State through Shahabad Town P.S.,

(By Ld.Asst. Public Prosecutor)

//Versus//

ACCUSED:

Anilkumar S/o Ramu Chavan,
 Age: 27 years, Occ: Mining work,
 R/o. Ingalagi, Tq. Chittapur,

(BY SRI. C.S.P, ADVOCATE)

1.	Date of commission of offence.	29.11.2021
2.	Date of report of offence.	30.11.2021
3.	Name of the Complainant	Prakash S/o Basavantraya Makashi



4.	Date of commencement of recording evidence.	17.01.2023
5.	Date of closing of evidence.	26.11.2025
6.	Offences complained of	Sections 279 and 304(A) of IPC R/w Section 187 of IMV Act.
7.	Opinion of the Judge.	As per final order.

J U D G M E N T

The charge sheet filed by Police Inspector, Shahabad Town P.S against the accused for the offences punishable U/ Sec.279 and 304(A) of IPC R/w Sec.187 of IMV Act.

2. Brief facts of the prosecution case are as follows;

It is the case of the prosecution that, on 29.11.2021 at about 6.00 P.M., on Kalaburagi-Yadgir NH-150, near the road of the land of C.W1, the mother of CW.1-Prakash, who was proceeding by walk to her home, at that time the accused being the rider of motorcycle bearing Reg.No.KA-32/HA-5032 drove it in a rash and negligent manner with high speed so as to endanger human life and personal safety of others and dashed to the mother of CW.1, due to which deceased fell down and sustained grievous injuries and after the accident she was shifted to Government hospital, Kalaburagi and



thereafter she was shifted to Basaveshwar Hospital Kalaburagi and she died while during the treatment on 30.11.2021. After causing the accident, the accused ran away from the spot without providing medical aid to the injured nor intimate about the accident to the nearest police station. Hence, the complainant lodged the complaint.

3. On the basis of first information statement of CW1, Shahabad Town P.S. registered a case against the accused in Crime No.158/2021 for the offences punishable U/Secs.279 and 304(A) of IPC. After completion of the investigation, charge sheet filed against the accused for the offences punishable U/Sec.279 and 304(A) of IPC R/w Sec.187 of IMV Act.

4. After filing of the charge sheet this court took cognizance and issued summons to the accused. Accused appeared before the Court and enlarged himself on bail. Copies of the prosecution papers have been furnished to the accused as required Section 207 Cr.P.C., and thereafter on hearing accused and prosecution accusation was recorded for the offences punishable U/Secs.279 and 304(A) of IPC R/w Sec.187 of IMV Act and same was explained to the accused, he pleaded not guilty and claimed to be tried.



5. The prosecution in order to prove its case, got examined 9 witnesses as PW.1 to PW.9 and got marked 14 documents as Ex.P.1 to Ex.P.14 with sub-markings and closed its side.

6. After the closer of the prosecution evidence, the statement of accused was recorded as required U/sec 313 of Cr.P.C., the accused denied the incriminating evidence appearing against him and he has not chosen to lead any defence evidence on his behalf.

7. Heard the arguments of both sides and perused the material placed before the Court.

8. The following points that would arise for consideration.

1. Whether the prosecution proves beyond all reasonable doubts that, on Kalaburagi-Yadgir NH-150, near the road of the land of C.W1, the mother of CW.1-Prakash, who was proceeding by walk to her home, at that time the accused being the rider of motorcycle bearing Reg.No.KA-32/HA-5032 drove it in a rash and negligent manner with



high speed so as to endanger human life and personal safety of others and dashed to the mother of CW.1 and caused the accident and thereby committed an offence punishable U/ Sec.279 of IPC?

2. Whether the prosecution proves beyond all reasonable doubt that, on the above said date, time and place, accused drove the above said motorcycle in the above stated manner and dashed to deceased by name Sharadhabai W/o Basavantraya who was proceeding by walk to her home, and she sustained fatal injuries, then she shifted to Basaveswar hospital, Kalaburagi and caused death of mother of C.W.1 by his rash and negligent act not amounting to culpable homicide and thereby committed an offence punishable U/s. 304(A) of I.P.C.?
3. Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place, after the accident the accused ran away from the spot without providing first aid to the injured person and without intimating about the factum of accident to the nearest police station and thereby committed an offence punishable under Section 187 of Motor Vehicle Act?



4. What Order?
9. My findings to the above points are as under:
- Point No.1 : In the Negative.
- Point No.2 : In the Negative.
- Point No.3 : In the Negative.
- Point No.4 :As per final order for the following:

REASONS

10. **Points No.1 to 3:-** These points are taken up together for common discussion to avoid repetition of facts, evidence and document.

11. In order to bring the home of the guilt of the accused, the prosecution examined 9 witnesses as PW.1 to 9 wherein CW.1 Prakash S/o Basavantraya who is informant and complainant examined as PW.2, CW.6 Hanamantraya S/o Basavantraya Shankarwadi who is pancha of Ex.P.1 examined as PW.1, CW.7 Ajay S/o Chandra Rathod who is seizure pancha examined as PW.6, CW.8 Dayanand S/o Sayabanna Bannetti who is another seizure panch examined as PW.8, CW.9 Kashiraya S/o Basavaraj Makashi who is eye witness examined as PW.4, CW.10 Shankar S/o Humla Chavan who is another eye witness examined as PW.3, CW.11 Ajay S/o Ramu Rathod who is supporting witness examined as PW.7, CW.17 Venkatesh who is Investigation Officer examined as PW.5 and CW.18 Santosh D Hallur who is



another investigation officer examined as PW.9. In support of oral evidence, the prosecution got marked 14 documents which are spot mahazar, photos, complaint, FIR, Inquest Panchanam, PM report, IMV Report, Property seizure Memo, statement and indemnity bond as Ex.P.1 to 14 with sub-markings. Since PM report and IMV report got marked by the consent on the other side, the prosecution has given up CW.2 to 4, 12 and 14 from their evidence as per the order dated 17.03.2023. The prosecution has given up CW.13, 15 and 16 as per order dated 26.11.2025.

12. On careful perusal of the prosecution evidence, it appears that, PW.2 who is spot panchanama, has deposed in his chief examination that, he identified his signature on Ex.P.1 as Ex.P1(a) and Ex.P.1 has drawn on the road of Kalaburagi-Shahabad and the land of deceased Sharadabai. It is material to note that, PW.1 has not constant to say the incident spot specifically and he deposed divergently as land and road. In the cross examination of PW.1, he has deposed that, 4-5 persons were sitting, but he called for drawing the panchanama as his acquaintance, as per instigation of the police he went to the incident spot. PW.1 has denied other suggestions made by the counsel for accused in his cross examination.



13. PW.2 who is informant and complainant deposed in his chief examination that, he knows CW.2 to 6, 9 and 10 and deceased Sharadhabai was mother of him. He did not know CW.7, 8 and 11. Further he deposed that, when his mother went to their land, and she was returning to home on the right side of the road, the accused dashed to his mother with rash and negligent manner through motorcycle bearing Reg.No.KA-32/HA-5032. Then, she shifted to Basaveshwar Hospital and she died at 2.45 am., on 30.11.2021. CW.9 and 10 were shifted her mother in ambulance and identified the accused and vehicle on Ex.P.3 and 4. During the cross examination of PW.2 by the counsel for accused, he admitted that, CW.5, 6, 9 and 10 are villagers of PW.2 and he was in the house when his mother went to the land. Further, he deposed that, he called CW.9 and 10 for searching her mother and today he came before the Court along with CW.9 and 10. He did not mention in Ex.P.5 that he called CW.6, 9 and 10 and shifted her mother through CW.6, 9 and 10. he denied the suggestion of the counsel for accused that not witnessed to the alleged accident. PW,2 has denied the other suggestions made by the counsel for accused.

14. PW.3 is eye witness he deposed in his chief examination that, the accident caused on 20.11.2021 at



6.00pm. to 6.30 pm., on the road of Devategnoor and the land of CW.1, at the time of accident, he was sitting in a hotel. The accident vehicle is KA-32/HA-5032, deceased Sharadhabai was shifted to the hospital through CW.1. When he and CW.1 and 9 went to the police station, they identified the accused person in the station and he did not know who the driver of the said vehicle. PW.3 has partly turned as hostile witness. During the cross examination of PW.3 he admitted that, CW.1 is friend, hotels and shops were situated in the cross of Tegnoor village and many peoples were sitting in the hotels. Further, he admitted that there was dark at 6.00pm and many vehicles were proceeded on the road of Gulbaraga-Shahabad. It is important to note that, even PW.3 is a eye witness in this case, he deposed that, after the accident he went to the spot and the police recorded the statement of PW.3 in many accident cases except this case also.

15. PW.4 who is another eye witness, he has deposed in his chief examination that, the accident was caused on 29.11.2021 at 6.00pm., in the side road of Devategnoor and near to the land of CW.1. When CW.1, 9 and 10 were proceeding, the accident was caused, the CW.1 called them for went to the accident spot as accident caused to mother of CW.1, they found motorcycle in the spot. The accused dashed



to Sharadhabai through motorcycle and identified the accused person in the police station on 11.12.2021. During the cross examination of PW.4, he specifically admitted that, he did not know the contents of statement of PW.4, CW.1 is familiar to PW.4, there was dark in 6.00pm., many vehicles were proceeding near to the incident spot, when CW.1 called PW.4, he was sitting in the hotel.

16. PW.5 who is part Investigation Officer has deposed in his chief examination that, on 30.11.2021 at 7.00 am., he received the MLC report from Basaveshwar Hospital, Kalaburagi and he went to the said hospital and recorded the statement of CW.1, then he registered the case in Crime.No.158/2021 and submitted FIR before the Court, on the same day he visited to the spot and drawn the panchanama in the presence of CW.2 to 4. Thereafter, he handed over the case file to CW.18 for further investigation. PW.5 has admitted in the cross examination that, he was registered the case on the statement of CW.1 and he denied other suggestions made by the counsel for accused.

17. PW.6 to 8 are supporting witness and seizure panchas, they have not supported to prosecution case and they turned hostile witness completely. Even learned APP cross examined



them in length, they have not supported to prosecution case. Hence, the evidence of PW.6 to 8 are not helpful to the case of prosecution.

18. PW.9 who is Investigation Officer deposed in his chief examination that, he get the case file from CW.17 for further investigation on 30.11.2021., On the same day he drawn Ex.P.1 in the presence of CW.5 and 6 and recorded the statement of CW.9 and 10, he seized the vehicle on 11.12.2021 and recorded further statement of CW.1, 9, 10 and 11 and he obtained IMV report and indemnity bond, map of the incident and PM report, then he filed the charge sheet against the accused person. During the cross examination of PW.9 by the counsel for accused he denied that, he drawn inquest panchanama and took the photos as per Ex.P.3 and seized the vehicle through seizure panchanama and prepared incident spot map. PW.9 has denied the other suggestions made by the counsel for accused.

19. On careful perusal of the evidence of witnesses, it appears that, as per deposition of PW.1 who his pancha of Ex.P.1 he clearly admitted that, on the acquaintance of CW.1 he put signature on Ex.P.1 and the instigation of the police he went to the incident spot to Ex.P.1. Even though PW.2 is



material witness, he has not deposed as per contents of Ex.P.5, apart from he has not deposed about CW.9 and 10 when he went to search her mother along with CW.9 and 10 even though specifically mentioned in Ex.P.5. Further, he deposed contradictions to shifted her mother whether his through or CW.9 and 10. Further, PW.2 has not deposed about escaping of accused from incident place. Another eye witness PW.3 has deposed in contradiction as when he was sitting at hotel the accident was caused and he unable to say the name of driver of the vehicle. As per clear deposition of PW.3 after the accident, they went to the spot. Apart from that, another eye witness i.e PW.4 has deposed divergently that, when they went to incident spot the motorcycle had fallen on the ground. PW.3 and 4 are interested witnesses to PW.2 as per admission as friend and familiar to PW.2. On the said evidence of PW.2 to 4, it creates doubt that, they witnessed to the alleged accident. Apart from that, seizure pancha and other witness i.e PW.6 to 8 have not supported to prosecution case. Moreover, PW.9 who is investigation officer has filed the charge sheet in the official capacity and filed the charge sheet against the accused person. By the consent of the accused side, the prosecution was got marked Ex.P.10 and 11 which are PM report and IMV report, Hence, the prosecution has given up C.W.2 to 4, 12 to 16. In view of lack



of material evidence, I am of the view that the prosecution has failed to establish the guilt of the accused beyond all reasonable doubts. Thus, the accused is entitled for the benefit of acquittal. Accordingly, I answer the **Points No.1 to 3 In the negative.**

20. **Point No.4:-** Finding assigned to the above points resulted in the following:

ORDER

Acting under Section 255 (1) of Cr.P.C., accused is acquitted for the offences punishable U/Secs.279 and 304(A) of IPC R/w Section 187 of IMV Act, as he is not found guilty.

The bail bonds and Surety Bond shall stands canceled after expiry of appeal period.

The interim custody of seized vehicles released by the police is hereby made absolute after appeal period is over.

(Dictated to the Stenographer directly on computer, typed by her, script corrected and then pronounced by me in the Open Court on this the **06th day of August 2026***)

(NAGARAJ BARKI)
CIVIL JUDGE & JMFC,
SHAHABAD.

**: A N N E X U R E :****List of the Witnesses examined by the Prosecution:**

P.W.1	:	Hanmantraya S/o Basavantraya Shankarwadi
P.W.2	:	Prakash S/o Basavantraya
P.W.3	:	Shankar S/o Humla Chavan
P.W.4	:	Kashiraya S/o Basavaraj Makashi
P.W.5	:	Venkatesh S/o Manappa
P.W.6	:	Ajay S/o Chandra
P.W.7	:	Ajay S/o Ramu
P.W.8	:	Dayanand S/o Sayabanna Bannetti
P.W.9	:	Santosh Hallur S/o Dhareppa Hallur

List of the Documents exhibited for the Prosecution:

Ex.P.1	:	Spot Panchanama
Ex.P.1(a)	:	Signature of PW.1
Ex.P.1(b)	:	Signature of PW.9
Ex.P.2 to 4	:	Photos
Ex.P.5	:	First Information Statement
Ex.P.5(a)	:	Signature of PW.1
Ex.P.5(b)	:	Signature of PW.5
Ex.P.5(c)	:	Signature of PW.5
Ex.P.6	:	First Information Report
Ex.P.7	:	Inquest Panchanama
Ex.P.7(a)	:	Sign of P.W.5
Ex.P.8 and 9	:	Photos
Ex.P.10	:	PM Report
Ex.P.10(a)	:	Signature of PW.9
Ex.P.11	:	IMV Report
Ex.P.11(a)	:	Signature of PW.9
Ex.P.12	:	Property Seizure Memo
Ex.P.12(a)	:	Signature of PW.6
Ex.P.12(b)	:	Signature of PW.9
Ex.P.13	:	Indemnity Bond



Ex.P.13(a) : Signature of PW.7
Ex.P.13(b) : Signature of PW.9
Ex.P.14 : Statement of PW.7
Ex.P.14(a) : Signature of PW.9

List of the MO's marked on behalf of the Prosecution:

--Nil--

List of the Witnesses examined for defence:

--Nil--

List of the Documents exhibited for defence:

--Nil--

**CIVIL JUDGE & JMFC,
SHAHABAD.**

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