



**IN THE COURT OF THE ADDITIONAL CIVIL JUDGE AND
J.M.F.C AT GOWRIBIDANUR**

Dated this 2nd day of June, 2026

:: PRESENT ::
Smt. PUSHPA .D
B.Com, L.L.B.,

Addl. Civil Judge & J.M.F.C,
Gowribidanur

CC No.114/2021

Complainant: Gowribidanur Rural Police

(State by Asst. Public Prosecutor)

// Versus //

Accused: Sri. Srinatha.T
 S/o Thippareddy,
 Aged about 30 years,
 R/at Muddalodu Gollahalli Village,
 Nagaragere Hobli,
 Gowribidanur Taluk,
 Chickballapur District.

(Represented by Sri.V.V.K.,
Advocate)

1) Date of Incident	27.12.2020
2) Date of First Information	27.12.2020



3) Date Registration of the Case	20.01.2021
4) Date of release of accused	15.09.2021
5) Name of the Complainant	Sri. Ramakrishnappa
6) Offences alleged	Sections 279 & 304(A) of IPC.
7) Opinion of the Judge	Acquitted
8) Total Duration	Year/s Month/s Day/s 05 04 12

(PUSHPA D.)
ADDL. CIVIL JUDGE & JMFC
GOWRIBIDANURU

J U D G M E N T

The CPI of Gowribidanruru Rural Police Station has filed the present charge sheet against the accused person for the offences punishable under Sections 279 and 304A of the Indian Penal Code.

2. The brief case of the prosecution is as under:-

The brief case of the prosecution is that the deceased, Narasima Murthy @ Narasimha Swamy, was working in a shop at Gowribidanur under the name "Mittal Tailor." On 27.12.2020



at about 11:00 a.m., he had gone to his shop on his two-wheeler bearing Registration No. KA-06 EM-6926. On the same day, while returning from the shop at about 07:45 p.m., when he reached near Bychapura Cross, between Huduguru Village on Gudibande–Gowribidanur Road, the accused, being the driver of a car bearing Registration No. KA-01 ME-6550, drove the said vehicle in a rash and negligent manner and dashed against the deceased's two-wheeler. Due to the said accident, the deceased sustained grievous injuries. He was immediately shifted to the hospital, where he succumbed to the injuries at about 08:15 p.m. Based on the information given by the informant, the jurisdictional police registered a case against the accused.

3. After Completion of Investigation, I.O. has filed charge sheet against the accused. Thereafter, cognizance was taken, as required u/s.190 of Cr.P.C. and summons were issued to the accused. Accused has appeared through his counsel in pursuance of summons and got enlarged on bail.



4. Charge Sheet copies were furnished to the accused 1 and 2 in compliance of Section 207 of Cr.P.C.

5. Thereafter, framed substance of accusation, read over and explained to the accused, to which he pleaded not guilty and submitted that he has no defence to make. Hence, the case is posted for Prosecution evidence.

6. In order to prove the guilt of the accused, Prosecution has examined as many as 06 witnesses as PW1 to 08 and got marked documents at Exs.P1 to P16.

7. Thereafter, statement of the accused as required u/s.313 of Cr.P.C. was recorded, read over and explained the incriminating evidence appearing against him and he denied the same and did not prefer to lead evidence on his behalf.

8. Heard Learned APP and Learned Counsel appearing for the accused at length.

9. Upon hearing arguments and on perusal of materials placed on records, following points arises for consideration.

10. The points that arise for consideration of this Court are as follows



POINTS FOR CONSIDERATION

1. *Whether the prosecution proves beyond reasonable doubt that on 27.12.2020 at about 07:45 p.m., near Bychapura Cross, between Huduguru Village on Gudibande-Gowribidanur Road, the accused, being the driver of a car bearing Registration No. KA-01 ME-6550, drove the said vehicle in a rash and negligent manner, so as to endanger human life, thereby committing an offence punishable under Section 279 of the Indian Penal Code?*

2. *Whether the prosecution proves beyond reasonable doubt that due to the said rash and negligent act, the accused caused the death of Narasimha Murthy @ Narasimha Swamy not amounting to culpable homicide, thereby committing an offence punishable under Section 304-A of the Indian Penal Code?*

3. *What order?*



10. Upon appreciation of evidence on record in the background of arguments, my findings on the above points are as follows:-

- Point No. 1** :- In the **Negative**
- Point No. 2** :- In the **Negative**
- Point No. 3** :- As per the **final order, for the following:**

:: R E A S O N S ::

11. **Point Nos.1 and 2:-** As these points involve common discussion and in-order to avoid repetition of facts and for brevity, these points are taken together for consideration.

12. The prosecution, in order to bring home the guilt of the accused, examined witnesses as PWs.1 to 6 and got marked documents as Exhibits P.1 to P.16. Ex P.1 is the complaint, Ex.P1(a) is the signature, Exs.P2 to 10 are the Photographs, Ex.P11 is the statement of PW2, Ex.P12 is the Spot Mahazar, Ex.P13 is the P.M report, Ex.P14 is the Inquest report, Ex.P15 is the IMV report, Ex.P16 is the indemnity bond.



13. CW1, who is examined as PW1, deposed that the deceased, Narasimha Murthy @ Narasimha Swamy, was his brother's son. He stated that the deceased was working in "Mittal Tailor Shop" and used to return home at about 07:45 p.m. He further deposed that the deceased died in a road accident. However, he stated that he did not remember the occurrence of the accident. The witness voluntarily stated that about one year prior, the accident had occurred near Bychapura Cross, about one kilometer away from the place. PW1 deposed that he came to know about the accident through CW2, namely Naveen. Thereafter, the injured was shifted to the hospital, where the deceased had sustained grievous injuries, and upon examination, the doctor declared him dead. PW1 identified the accused present before the Court and stated that the accused was driving the car and caused the accident. As certain portions of his testimony were inconsistent, the learned APP treated the witness as partly hostile and cross-examined him. During such cross-examination, PW1 admitted that he had signed the complaint marked as Ex.P1 at the time of giving the



statement. He further deposed that the deceased was riding a Splendor Plus motorcycle. He also stated that the car involved in the accident bearing Registration No. KA-01 ME-6550. He admitted that the accident occurred due to the negligent driving of the car, resulting in the death of his brother's son. In the cross-examination by the learned counsel for the accused, PW1 deposed that he is illiterate and that the police had written the complaint (Ex.P1) as per his statement. He admitted that he had provided the information contained in Ex.P1. He further stated that he had handed over the vehicle-related documents to the police and that the deceased was holding a valid driving licence, which was also furnished to the police. He denied all the suggestions put to him by the defence.

14. PW1, who is the uncle of the deceased, is not an eyewitness to the occurrence. His evidence discloses that he had no direct knowledge of the manner in which the accident took place, and he has categorically stated that he came to know about the incident through CW2. Therefore, his testimony, to the extent of the actual occurrence of the accident, is purely



hearsay in nature and cannot be relied upon to establish rashness or negligence on the part of the accused. Though PW1 has identified the accused before the Court and attributed negligence to him, such statement is not based on his personal knowledge. The evidentiary value of does not help the prosecution.

15. It is also pertinent to note that PW1 was treated as partly hostile by the prosecution. In his cross-examination by the learned APP, he admitted certain aspects such as signing of the complaint (Ex.P1) and the involvement of the offending vehicle. In the present case, the evidence of PW1 can be relied upon only to the limited extent of establishing the relationship with the deceased, the factum of death, and that the death occurred in a road traffic accident. His evidence also lends support to the prosecution case regarding the lodging of the complaint and the subsequent steps taken. However, insofar as the crucial aspect of rash and negligent driving by the accused is concerned, PW1's testimony does not help the case of the prosecution, as he is not an eyewitness and his statements in



that regard are not based on direct knowledge. Accordingly, the evidence of PW1 has limited evidentiary value and cannot, by itself, form the basis to fasten criminal liability on the accused for the alleged offences.

16. CW2 is examined as PW2, who is cited as an eyewitness. In his chief-examination, he deposed that the deceased Narasimha Murthy met with an accident near Bychapura Cross at about 07:30 p.m., and he reached the spot while coming on his two-wheeler. He stated that the deceased had sustained grievous injuries and was shifted to the hospital, where he died to the injuries. He further stated that a car caused the accident and that due to the impact, the car glass was broken. He also identified the photographs marked at Exs.P2 to P9. However, PW2 has categorically failed to identify the accused before the Court. He also stated that the driver of the car ran away from the spot. He further deposed that he did not give any statement before the police, thereby denying the prosecution version. Due to these contradictions, the learned APP treated PW2 as hostile and cross-examined him. During



such cross-examination, PW2 admitted certain suggestions regarding the date and time of the incident, i.e., 27.12.2020 at about 07:45 p.m., and the involvement of the car bearing registration No. KA-01-ME-6550, driven in a rash and negligent manner. However, he denied having given any prior statement to the police, and the alleged statement was marked as Ex.P11. In his further cross-examination, PW2 clearly admitted that he reached the spot about 5 minutes after the accident and that he was at a distance of about 2 km from the place of occurrence at the relevant time. He also admitted that he did not witness the accident.

17. The evidence of PW2 does not inspire confidence to establish the manner of the accident or the identity of the accused. His testimony is hearsay in nature regarding the actual occurrence, as he admittedly reached the spot after the incident. Though certain portions of his testimony support the prosecution case, the same cannot be relied upon in the absence of corroboration. Accordingly, the evidence of PW2 is of limited evidentiary value and is insufficient to prove rash and



negligent driving or the involvement of the accused beyond reasonable doubt.

18. CW3 is examined as PW3 and deposed that deceased is his son. He states that the accident occurred on 27.12.2020 at about 07:30 p.m. near Bychapura Cross and that a car hit the two-wheeler, he admits that he did not witness the occurrence and is unaware of the registration numbers of either vehicle. PW3 further states that the accused caused the accident, Further, the prosecution treated him as hostile due to inconsistencies, and even in cross-examination by the learned APP, nothing substantial is elicited to establish the involvement of the accused. In the cross-examination by the defence, PW3 admits that his son did not possess a driving licence, though he denies the suggestion that the accident occurred due to his son's own fault.

19. Hence, the testimony of PW3, being hearsay and suffering from material inconsistencies, cannot be relied upon to establish the guilt of the accused. It proves the relationship with the deceased and the fact that an accident occurred, but



not the manner in which it took place or the involvement of the accused beyond reasonable doubt.

20. PW4 is examined as a mahazar witness to Ex.P12. He admits his signature on Ex.P12 and states that he signed the same on 28.12.2020 between 04:00 p.m. and 05:00 p.m. near Bychapura Cross, Huduguru, in the presence of CW5. He further states that the police seized the vehicle in his presence; however, he is unaware of the registration numbers of the said vehicle. In the cross-examination, PW4 admits that he has affixed his signature in two cases, which casts a doubt on the independence and credibility of his testimony. He further deposes that he did not provide any information for the preparation of Ex.P12 and does not remember its contents.

21. These admissions weaken the evidentiary value of PW4's testimony. Being a mahazar witness, his role is to attest the preparation and contents of the mahazar, however, his lack of knowledge regarding the contents, and unable to recall particulars, renders his evidence formal in nature. His testimony does not inspire confidence to establish the seizure or



the contents of Ex.P12. Accordingly, the evidence of PW4 does not help the prosecution.

22. CW5 is examined as PW5 is examined as a mahazar witness to Ex.P12. He admits his signature on Ex.P12 and states that he signed the same on 28.12.2020 between 04:00 p.m. and 05:00 p.m. near Bychapura Cross, Huduguru, in the presence of CW5. He further states that the police has not seized any vehicle in his presence. He did not identify the photographs of the vehicles which were marked as Exs.P2 to P10. Learned APP treats him hostile and cross examined him nothing substantial has been elicited to prove the case of the prosecution.

23. CW-14 was examined as PW-6. He is an official witness and the Investigating Officer in the case. He deposed that on 27.12.2020 he received complaint from CW1 about the Narasima Murthy met with an accident and died and registered as Crime No.338/2020. He further deposed that he submitted the FIR to the Court and identified the FIR along with his signature thereon. During the course of cross examination by



learned counsel for the accused he deposed that at the time of Ex.P1 two or three people came along with CW1.

24. CW-15 was examined as PW-7. He is the Investigating Officer in the case. He deposed regarding the steps taken by him during the course of investigation, including conducting the spot mahazar, preparing the rough sketch, conducting the inquest proceedings, obtaining the IMV report, PM Report and collecting relevant material evidence. He further deposed that on he visited the place of occurrence along with CW-4 and CW-5. During the course of cross examination there was a question posed that the road was in a damaged condition, he state that tar road was damaged. He deposed that the relatives of deceased informed him about the deceased holding licence. He denied that he prepared false sketch as per Ex.P17.

25. On perusal of all the evidence on record the fact that the death of Narasimha Murthy @ Narasimha Swamy y was not in dispute. However, the crucial aspect to be determined is the role of the accused in causing the accident.



26. In order to establish the guilt of the accused for the offences punishable under Sections 279 and 304A of the Indian Penal Code, the prosecution must establish that, the accused was driving a vehicle on a public road in a rash or negligent manner, endangering human life or the personal safety of others. It must further be proved that for Section 304-A, the death of a deceased person, all arising from the same rash or negligent act of the accused. Thus, the prosecution must prove not only the occurrence of the accident and involvement of the accused.

27. In the present case on hand, the prosecution has not examined any independent eyewitness who could establish that the accused was driving the offending vehicle at the relevant point of time and in a rash or negligent manner. PW-1, being the complainant, has categorically stated did not remember the alleged accident took place and he has categorically stated that he came to know about the incident through CW2. PW.2 being eye witness did not identify the accused present before the court and he denied that he has given any statement before the



police. His evidence, therefore, does not advance the case of the prosecution in any manner. The mahazar witnesses admitted to signing papers at the request of the police but did not provide any corroborative details. No independent or impartial eyewitness has been examined to establish the manner in which the accused was driving the vehicle or to prove that such driving was rash or negligent.

28. The testimonies of PW-6 and PW7 being Investigating Officers, are confined to the procedural aspects of investigation and are based on information allegedly gathered during investigation, which by itself cannot substitute for substantive evidence of rash or negligent driving. Though the prosecution has produced documentary evidence such as the spot mahazar, road sketch, inquest reports, post-mortem reports and the IMV report, these documents only establish the factum of accident and the death of the victim. In the absence of any credible, cogent and trustworthy evidence proving rash or negligent driving on the part of the accused, the essential ingredients of Sections 279 and 304-A IPC remain



unestablished. Similarly, when the prosecution has failed to prove that the accused was the person responsible for the accident.

29. In such circumstances, a reasonable doubt arises as to whether the accident in question was caused due to the rash or negligent driving of the accused. The prosecution has made no effective effort to bring forth any witness to establish that the alleged accident occurred due to the rash or negligent act of the accused. In fact, no one has come forward to claim to have witnessed the accident. This lack of direct or circumstantial evidence casts a serious doubt on the prosecution's case. As such, the prosecution has miserably failed to prove its case beyond reasonable doubt with cogent, convincing and corroborative evidence. In such circumstances, the benefit of doubt must necessarily go to the accused. In view of the above, this Court is of the considered opinion that the prosecution has failed to prove, beyond reasonable doubt, that the accident occurred as a result of the rash or negligent act of the accused. Consequently, the benefit of doubt must go to the



accused. Accordingly, **Point Nos.1 and 2 are answered in the Negative, and the accused is entitled to be acquitted.**

30. **Point No.3** :- In view of the negative findings on the above points No.1 and 2, this court proceed to pass the following:

ORDER

By exercising power conferred under Section 255(1) of Cr.P.C., the accused is found not guilty and hereby acquitted of the offences punishable under Sections 279 and 304(A) of IPC.

The bail bond of accused and that of his surety shall stands cancelled, after lapse of appeal period.

The property seized under PF No.307/2020 dated 28.12.2020 vehicles bearing registration Nos.KA-06-EM-6926 Hero Splendor Plus and KA-01-ME-6550 Hundai Santro Car were already released to the interim custody of its owners under indemnity bonds, the same is hereby made absolute.



(Typed by me on my own computer and fed into the system, corrected, signed and pronounced by me on this day i.e., 2nd June, 2026)

(PUSHPA D.)
ADDL.CIVIL JUDGE & JMFC
GOWRIBIDANURU

:: A N N E X U R E ::

List of witnesses examined on behalf of the Prosecution:

P.W-1	:	Sri. Ramakrishnappa
P.W-2	:	Sri. Naveen Kumar
P.W-3	:	Sri. Sriramappa
P.W-4	:	Sri. Rajagopalareddy
P.W-5	:	Sri. Rangaswamy
P.W-6	:	Sri. V. Muralidhara

List of witnesses examined on behalf of the Defence:

NIL

List of documents marked on behalf of the Prosecution:

Ex.P1	:	Complaint
Ex.P1(a)	:	Signature
Exs.P2 to 10	:	Photographs
Ex.P11	:	Statement of PW2
Ex.P12	:	Spot Mahazar
Ex.P13	:	PM report
Ex.P14	:	Inquest report
Ex.P15	:	IMV report
Ex.P16	:	Indemnity Bond



List of documents marked on behalf of the Defence:

NIL

List of seized properties:

NIL

**(PUSHPA D.)
ADDL.CIVIL JUDGE & JMFC
GOWRIBIDANURU**