



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

Dated this 23rd day of July 2026

**:: PRESENT ::
SRI. GANESHA.N
M.A., L.L.B.,
Prl. Civil Judge & J.M.F.C,
Gowribidanur**

CC No.824/2017

Complainant: State by Gowribidanur Town
Police Station, Gowribidanur

**(Rep. by learned Asst. Public
Prosecutor)**

-Vs-

- Accused :**
- 1.** Sri. Narasimhamurthi.M
S/o Late. Hanumanthappa,
Aged about 51 years,
R/at Utakuru Village,
Paragi Mandalam,
Hindupura Taluk,
Anantapur District,
Andhra Pradesh.
 - 2.** Sri. Sriramulu.S
S/o Hanumanthappa,
Aged about 35 years,
R/at Subbarayanapalli Village,
Kodigenahalli Post,
Paragi Mandalam,
Hindupura Taluk,



Anantapur District,
Andhra Pradesh.

(Rep. by learned counsel Sri. B.L)

Date of institution of Case	06.10.2017
Nature of Offence	U/s.279, 338 and 304(A) of IPC, 1860 and Sec.146 r/w 196 of IMV Act, 1988
Date of commencement of recording of evidence	19.11.2018
Date on which the judgment was pronounced	23.07.2026
Opinion of the Judge	Accused Nos.1 and 2 found not guilty.

(GANESHA.N)
Prl. Civil Judge & J.M.F.C.
Gowribidanur

J U D G M E N T

The present criminal case has been registered against the accused Nos.1 and 2 on the fulcrum of final report/charge sheet being submitted by the PW-6/Investigating Officer for the offences punishable U/s.279, 338 and 304(A) of IPC and Sec.146 r/w 196



of I.M.V Act, 1988 in relation to Crime No.190/2016 on the file of Gowribidanur Town Police Station.

2. Case of the prosecution in gist:

On 25.10.2016 at about 9.00 p.m., deceased Ravikumar and PW-1 Smt. Vanajakshi were proceeding towards Sonaganahalli on motorcycle bearing Registration No. KA-06-EF-7805. When they reached the road situated in front of Anjaneyaswamy Temple at Maruthi Nagar, Uppara Colony, within the limits of Gauribidanur Town Police Station, the accused No.1 drove lorry bearing Registration No.AP-21-X-2038 from the opposite direction in a rash and negligent manner and dashed against the motorcycle. Due to the impact of the accident, the motorcycle was extensively damaged and the Ravikumar sustained severe injuries to his head, left cheek and other parts of the body, suffered bleeding from his nose and ears and succumbed to the injuries at the spot itself. PW-1 Smt. Vanajakshi is stated to have sustained grievous injuries to her leg and other parts of the body. The accused No.2 being the registered owner of the lorry, had permitted the accused No.1 to drive the vehicle though it was not covered by a valid policy of insurance. On completion



of investigation, the Investigating Officer filed the charge sheet against both the accused.

3. On the basis of the charge sheet and the accompanying materials, this Court took cognizance of the alleged offences on 14.10.2017. In response to the summons, the accused Nos.1 and 2 appeared before the Court on 02.02.2018 and were enlarged on bail on the same day. Copies of the charge sheet and other prosecution papers were furnished to them as required under Section 207 of the Code of Criminal Procedure.

4. On finding prima facie materials, the substance of accusation was recorded against the accused on 04.04.2018. The same was read over and explained to them in the language known to them. Both the accused pleaded not guilty and claimed to be tried.

5. In order to establish its case, the prosecution examined seven witnesses as P.Ws-1 to 7 and got marked seventeen documents as Ex.P1 to Ex.P17. After completion of the prosecution evidence, accused Nos.1 and 2 were examined under Section 313 of the Code of Criminal Procedure on 20.02.2026.



They denied all the incriminating circumstances appearing against them in the evidence of the prosecution witnesses. They did not choose to lead any defence evidence.

6. Heard the learned Assistant Public Prosecutor and the learned counsel appearing for accused Nos.1 and 2. Perused the entire oral and documentary evidence on record.

7. Having heard arguments and having perusal of entire materials on record, the following points would arise for determination of this Court.

POINTS

1. Whether the prosecution proves beyond reasonable doubt that on 25.10.2016 at about 9.00 p.m., the accused No.1 drove lorry bearing Registration No. AP-21-X-2038 on the road near Anjaneyaswamy Temple, Maruthi Nagar, Uppara Colony, Gauribidanur, in a rash and negligent manner so as to endanger human life and thereby committed an offence punishable under Section 279 of IPC?



2. Whether the prosecution further proves beyond reasonable doubt that on the above mentioned date, time and place, the accused No.1 by such rash and negligent driving, caused grievous injuries to PW-1 and thereby committed an offence punishable under Section 338 of IPC?
3. Whether the prosecution further proves beyond reasonable doubt that on the above mentioned date, time and place, the accused No.1 by such rash and negligent driving, caused the death of one Ravikumar, not amounting to culpable homicide, and thereby committed an offence punishable under Section 304A of IPC?
4. Whether the prosecution proves beyond reasonable doubt that on the above mentioned date, time and place, the accused No.2 permitted the accused No.1 to drove lorry bearing Registration No.AP-21-X-2038 without a valid policy of insurance and thereby committed an offence punishable under Section 146 read with



Section 196 of the Motor Vehicles Act?

5.What order?

8. Having regard to the entire materials on record and having heard arguments, this Court answered point Nos.1 to 4 in the **Negative** and Point No.5 as per final order, for the following:

REASONS

9. **POINT NOS.1 TO 4:-** These points are interconnected with each other and hence they are taken together for common discussion. Before advertng to the facts and circumstances of the case, it is profitable to refer to the judgment of Hon'ble Supreme Court in **State of UP V/s Krishna Gopal and another reported in AIR 1988 SC 2154** wherein it is held that “while the protection given by the criminal process to the accused person he is not to be eroded, at the same time, uniformed legitimization of trivialities would make a mockery of administration of criminal justice” and in **Shivaji Sahabrao Bobade and others V/s State of Maharashtra reported in AIR 1973 SC 2622** held that “in an anxiety to apply the jurisprudential



presumption of innocence of an accused court should not forget to moderate the same by a pragmatic need to make criminal justice potent and realistic". Therefore the principle "proof beyond all reasonable doubt" is the mile stone in penal side and requires higher degree of proof in criminal cases. Therefore in order to come to the conclusion that a person has committed an offence either under IPC or under any other criminal, it is boundan duty of the prosecution to prove charges leveled against the accused persons beyond all reasonable doubt without giving any room for doubt. Otherwise the accused persons should be given benefit of doubt.

10. The principal question that arises for consideration is whether the prosecution has proved beyond reasonable doubt that accused No.1 was driving lorry bearing Registration No. AP-21-X-2038 on on 25.10.2016 at about 9.00 p.m., near Anjaneyaswamy Temple, Maruthi Nagar, Uppara Colony, Gauribidanur, in a rash and negligent manner so as to endanger human life, and that such driving resulted in grievous injuries to PW-1 and caused the death of Ravikumar. The further question is whether the prosecution has proved that accused



No.2 permitted accused No.1 to drive the said lorry in contravention of the provisions of the Motor Vehicles Act and permitted the use of the vehicle without a valid policy of insurance.

11. PW-1 is the wife of deceased Ravikumar and the injured witness in the case. In her examination-in-chief, she deposed that on 25.10.2016, she and her husband were proceeding from Gauribidanur towards the Sonaganahalli fair on a motorcycle belonging to her brother-in-law. According to her, at about 9.00 to 9.15 p.m., when they were proceeding on the left side of the road near the KEB office, a lorry came from the Madhugiri side at a high speed and dashed against their motorcycle while attempting to overtake another vehicle. She stated that due to the impact, she and her husband fell down, her husband died at the spot and she sustained injuries to her right leg and head. She further stated that she lost consciousness and regained consciousness only four days after undergoing surgery.

12. PW-1 admitted that she did not know who shifted her to the hospital. She further stated that the



name of the driver and the particulars of the lorry were disclosed to her at the police station. She identified accused No.1 before the Court and also identified the lorry shown in the photographs marked as Ex.P1 to Ex.P4. The compact disc was marked as Ex.P5.

13. In the course of cross-examination, PW-1 admitted that deceased Ravikumar did not possess a driving licence. She also admitted that the motorcycle belonged to her brother-in-law Shivakumar. She further admitted that there was a road hump near the Anjaneyaswamy Temple at the KEB junction. However, she denied the suggestion that the accident occurred because Ravikumar, being inexperienced, lost control of the motorcycle while riding over the road hump and fell down. She also admitted that it was dark at the time of the accident, though she claimed that there was sufficient light. She denied the defence suggestion that a false case had been registered for the purpose of claiming compensation.

14. PW-2 is the younger brother of deceased Ravikumar. He was admittedly not an eyewitness to



the accident. According to him, he was at Alipur village on the date of the accident and received information through a telephone call from persons residing at Uppara Colony. He stated that he thereafter went to the accident spot between 9.30 and 9.45 p.m. and found Ravikumar dead at the spot. He further stated that PW-1 had sustained a fracture injury. According to PW-2, local residents informed him that a lorry coming from the Madhugiri side had caused the accident. He stated that the lorry number was 2038 and that he had seen the lorry at the spot.

15. PW-2 lodged the complaint on the following morning. The complaint was marked as Ex.P6 and his signature was marked as Ex.P6(a). In cross-examination, PW-2 admitted that he had not witnessed the accident. He also admitted that there was a road hump at the accident spot and that there was a depression between the tar road and the pedestrian pathway. He admitted that deceased Ravikumar did not possess a driving licence. However, he denied the suggestion that Ravikumar lost control of the motorcycle after crossing the road hump and suffered a self-accident.



16. PW-3 is one of the alleged mahazar witnesses. He identified his signature appearing in the spot mahazar marked as Ex.P7. He stated that the document was prepared in connection with the accident and that a lorry and motorcycle were seized in his presence. However, his evidence regarding the place where he signed Ex.P7 is not consistent. In his examination-in-chief, he stated that he signed the document at the Government Hospital. During cross-examination, a different version emerged regarding the place where his signature was obtained.

17. PW-4 is another mahazar witness. He identified his signature in Ex.P7 as Ex.P7(b). He stated that the police prepared the mahazar between 9.00 and 10.00 a.m. and seized the motorcycle and lorry in his presence. However, in cross-examination, he admitted that he had not witnessed the accident. He stated that he was at Gauribidanur at the time of the accident and that the information regarding the accident had been given to him by persons near the Nandini booth situated close to the KEB office. He admitted that he knew deceased Ravikumar and PW-1. He also admitted that there were potholes near the



road hump, though according to him they were not very large.

18. PW-5 is another alleged mahazar witness. He did not support the prosecution case. He categorically stated that the police had not conducted any mahazar in his presence and that he did not know the contents of Ex.P7. Though he was treated as hostile and cross-examined by the learned Assistant Public Prosecutor, nothing material was elicited from him in support of the prosecution version.

19. PW-6 is the Police Inspector who conducted further investigation. He deposed that he received the case file on 26.10.2016 and continued the investigation. He stated that accused No.1 was arrested on 03.11.2016 and released on bail. On the same day, the lorry was released to accused No.2 on execution of an indemnity bond. PW-6 further stated that he received the motor vehicle inspection report, wound certificate and postmortem report and, after completing the investigation, filed the charge sheet. In cross-examination, PW-6 admitted that he had not enquired with the local residents regarding the



accident. He denied the suggestion that he had not properly inspected the accident spot.

20. PW-7 is the Police Sub-Inspector who registered the case. He stated that PW-2 appeared before the police station at about 6.30 a.m. on 26.10.2016 and lodged Ex.P6 complaint. He registered the FIR marked as Ex.P14 and forwarded it to the Court and to his superior officer. He thereafter conducted the inquest over the dead body and prepared the inquest mahazar marked as Ex.P15. According to him, he later visited the alleged accident spot, prepared the spot mahazar as per Ex.P7 and the rough sketch as per Ex.P16, and seized lorry bearing No. AP-21-X-2038 and motorcycle bearing No. KA-06-EF-7805. The property form was marked as Ex.P17.

21. In cross-examination, PW-7 admitted that he had no information about the occurrence from 9.00 p.m. on 25.10.2016 until 6.30 a.m. on the following morning. He admitted the existence of large trees on both sides of the road. He stated that he did not know whether there was a road hump, potholes or electric streetlights at the spot. He also admitted



that the motorcycle did not have a functional headlight at the time of inspection, though he volunteered that the headlight was damaged in the accident.

22. Ex.P1 to Ex.P4 are the photographs of lorry bearing Registration No. AP-21-X-2038 and Ex.P5 is the compact disc. Ex.P6 is the complaint dated 26.10.2016 lodged by PW-2. Ex.P7 is the spot mahazar dated 26.10.2016. Ex.P8 is the motor vehicle accident inspection report dated 03.11.2016 issued by the Inspector of Motor Vehicles, Regional Transport Office, Chikkaballapur. Ex.P8 shows that the rear right-side mudguard of the lorry was damaged. It further shows that the motorcycle had damage to its front headlamp assembly, both front indicators, front shock-absorbing forks, speedometer assembly, steering handlebar and both rear-view mirrors. Ex.P9 is the postmortem report of deceased Ravikumar and Ex.P10 is the wound certificate relating to the injuries sustained by PW-1. Ex.P11 is the indemnity bond executed for release of the lorry. Ex.P12 and Ex.P13 are the statements recorded during investigation. Ex.P14 is the FIR registered in Crime No.190/2016. Ex.P15 is the inquest mahazar, Ex.P16 is the rough



sketch of the alleged accident spot and Ex.P17 is the property form. The prosecution has principally relied upon the testimony of PW-1 to establish that accused No.1 was driving the offending lorry in a rash and negligent manner. There can be no dispute that PW-1 is an injured witness and that her presence at the place of occurrence cannot ordinarily be doubted. The testimony of an injured witness undoubtedly carries considerable evidentiary value because such a witness is a victim of the same occurrence. However, the settled principle of criminal jurisprudence is that the evidence of an injured witness, like that of every other witness, has to be examined with reference to the surrounding circumstances, intrinsic probabilities, corroborative evidence and the overall reliability of the prosecution case. Merely because a witness has sustained injuries, the Court cannot dispense with the requirement of scrutinising the testimony carefully, particularly where serious inconsistencies and omissions appear from the record.

23. PW-1 has stated that the offending lorry came from the opposite direction while overtaking another vehicle and dashed against the motorcycle.



This version undoubtedly constitutes the foundation of the prosecution case. However, it is significant that PW-1 herself admitted during cross-examination that she lost consciousness immediately after the accident and regained consciousness only after four days of surgery. She further admitted that she did not know who shifted her to the hospital. More importantly, she admitted that the name of the driver and the particulars of the offending vehicle were disclosed to her subsequently at the police station. This admission assumes considerable importance because it demonstrates that her knowledge regarding the identity of the driver was not based entirely upon her own observation at the time of the occurrence.

24. It is also not the case of the prosecution that PW-1 was previously acquainted with accused No.1. No material has been produced to show that she knew accused No.1 before the accident. The investigating agency has also not conducted any Test Identification Parade during the course of investigation. The first identification of accused No.1 has therefore taken place in Court after a considerable lapse of time. It is a settled proposition



of law that dock identification, in the absence of prior acquaintance or a Test Identification Parade, is inherently weak unless it receives independent corroboration. In the present case, no such corroboration is forthcoming.

25. The prosecution has not examined a single independent eyewitness to the accident. According to the evidence of PW-2, several residents of Uppara Colony had gathered at the place of occurrence immediately after the accident. PW-4 has also admitted that persons near the Nandini Booth situated close to the KEB office informed him regarding the occurrence. The prosecution has not examined any of those persons. The accident admittedly occurred near a temple, residential houses and commercial establishments situated along a public road. The evidence further indicates that vehicles were moving on the road at the relevant time. Despite the availability of natural witnesses, the investigating agency has chosen not to examine even one independent person who had actually witnessed the collision. The absence of such evidence assumes considerable significance because



the prosecution seeks conviction primarily on the basis of the testimony of PW-1 alone.

26. The evidence of PW-2 does not materially advance the prosecution case. PW-2 has categorically admitted that he was not present at the place of occurrence. According to him, he was at Alipur village and came to know about the accident through a telephone call. His evidence regarding the manner in which the accident occurred is admittedly based upon what local residents allegedly informed him after he reached the spot. Such evidence is purely hearsay and cannot be treated as substantive evidence to establish either the identity of the driver or the rashness and negligence attributed to accused No.1. While PW-2 has proved that he lodged the complaint on the following morning, his testimony does not provide any direct evidence regarding the actual occurrence.

27. The evidence of the mahazar witnesses also does not inspire confidence. PW-3 has stated in his examination-in-chief that he signed the spot mahazar at the Government Hospital. On the other hand, the prosecution case is that the spot mahazar



was prepared at the place of occurrence. During cross-examination, different versions have emerged regarding the place where PW-3 affixed his signature. PW-4 has deposed that the mahazar was prepared between 9.00 a.m. and 10.00 a.m., whereas PW-7 has stated that he visited the spot only at about 11.00 a.m. and conducted the mahazar between 11.30 a.m. and 12.00 noon. These inconsistencies regarding the time and place of preparation of Ex.P7 are not trivial in nature. The spot mahazar is one of the principal documents relied upon by the prosecution to establish the scene of occurrence and the relative position of the vehicles. When the witnesses themselves are not consistent regarding the preparation of the mahazar, the Court is required to approach the document with caution.

28. Further, PW-5, who is another mahazar witness, has completely resiled from the prosecution case. He has categorically stated that no mahazar was conducted in his presence and that he was unaware of the contents of Ex.P7. Although he was treated as hostile, nothing useful has been elicited during his cross-examination by the learned Assistant



Public Prosecutor. Consequently, the evidentiary value of Ex.P7 becomes considerably weakened.

29. The rough sketch produced as Ex.P16 also does not satisfactorily establish the prosecution version. The sketch does not indicate the precise point of impact between the two vehicles. There is no reference to skid marks, brake marks, broken vehicle parts or any other scientific indicators from which the manner of the accident could be reconstructed. The prosecution has also failed to produce any photographs of the accident scene showing the position of the vehicles immediately after the collision. Consequently, Ex.P16 does not provide any convincing corroboration to the oral testimony of PW-1.

30. One important aspect emerging from the cross-examination of the prosecution witnesses is the admitted existence of a road hump at or near the place of occurrence. PW-1 herself admitted that there was a road hump near the KEB junction. PW-2 admitted not only the existence of the road hump but also a depression between the tar road and the pedestrian pathway. PW-4 admitted that potholes



existed near the road hump though, according to him, they were not very large. Surprisingly, PW-7, who claims to have prepared the spot mahazar and rough sketch, expressed ignorance regarding the existence of the road hump and potholes. If the investigating officer himself was unaware of these physical features of the road, the investigation cannot be said to have been complete or satisfactory.

31. The defence has consistently suggested that deceased Ravikumar lost control of the motorcycle while negotiating the road hump and potholes and that the accident occurred on account of his own inability to control the vehicle. It is no doubt true that the accused are not required to establish this defence beyond reasonable doubt. It is sufficient if the defence succeeds in creating a reasonable doubt regarding the prosecution version. The admissions elicited regarding the existence of the road hump, potholes, darkness and the absence of any detailed investigation into these aspects certainly create a doubt which cannot be lightly ignored.



32. Another significant circumstance brought on record is that deceased Ravikumar admittedly did not possess a driving licence. PW-1 as well as PW-2 have admitted this fact. It is well settled that mere absence of a driving licence does not establish negligence. However, in the present case, this circumstance assumes relevance because the defence has suggested that the deceased was not an experienced rider and that he lost control of the motorcycle while crossing the road hump. The investigating officer has made no attempt to ascertain the actual driving experience of the deceased or to investigate whether the condition of the road contributed to the accident. The investigation has therefore ignored an important aspect which could have thrown light upon the true cause of the occurrence.

33. The prosecution has also failed to investigate the allegation made by PW-1 that the lorry was attempting to overtake another vehicle. If such another vehicle was actually present, its driver or occupants would have been the most natural witnesses to the occurrence. The investigating officer has neither identified that vehicle nor examined its



driver. No explanation has been offered for this serious omission. This lapse assumes significance because the allegation regarding overtaking constitutes the very basis upon which rashness and negligence are sought to be inferred.

34. The evidence further discloses that the accident occurred at about 9.00 p.m. during nighttime. PW-1 admitted that it was dark, though she asserted that there was light. PW-7 admitted that he did not know whether streetlights existed at the place of occurrence. He further admitted that there were large trees on both sides of the road. The prosecution has produced no material showing the nature or intensity of lighting available at the place of occurrence. No electrical department records, photographs or other evidence have been produced to establish visibility at the relevant time. These circumstances create further doubt regarding the ability of PW-1 to observe the driver of the lorry with sufficient clarity, particularly when she herself admitted that she lost consciousness immediately after the collision.



35. The postmortem report and wound certificate undoubtedly establish that Ravikumar died on account of injuries sustained in the accident and that PW-1 suffered injuries. However, medical evidence merely establishes the factum of death and injuries. It does not establish the manner in which the accident occurred or identify the person responsible for causing it.

36. Another feature which cannot be overlooked is the delay in setting the criminal law in motion. The accident allegedly occurred at about 9.00 p.m. on 25.10.2016, whereas the complaint came to be lodged only at about 6.30 a.m. on the following morning. Although PW-2 has explained that he was engaged in shifting the injured and the deceased to the hospital, the fact remains that no information whatsoever reached the police during the entire night. PW-7 has candidly admitted that he had absolutely no information regarding the occurrence until the complaint was lodged the following morning. The prosecution has not produced any medico-legal intimation, hospital records or contemporaneous documents to explain this delay. While the delay by itself may not be fatal, it nevertheless assumes



importance when viewed in conjunction with the other deficiencies in the prosecution case.

37. The cumulative effect of the evidence discussed above is that several important circumstances remain either unexplained or insufficiently proved. The prosecution has failed to examine natural witnesses, failed to conduct a proper investigation regarding the physical features of the road, failed to establish the identity of accused No.1 through reliable evidence and failed to satisfactorily explain several inconsistencies appearing in the evidence relating to the spot mahazar and the manner of the accident. These deficiencies are not merely procedural irregularities but go to the root of the prosecution case.

38. The question that now falls for consideration is whether the evidence discussed in the preceding part is sufficient to hold accused No.1 guilty of the offences punishable under Sections 279, 338 and 304A of the Indian Penal Code. It is a settled principle of criminal law that every road traffic accident does not ipso facto constitute a criminal offence. To bring home the guilt of an accused under



the aforesaid provisions, the prosecution must establish beyond reasonable doubt that the accident was the direct result of rashness or criminal negligence attributable to the accused. The mere fact that a collision occurred or that one person died and another sustained injuries cannot, by itself, justify a conviction unless the prosecution further proves the essential ingredients of the offence.

39. The expression "rash or negligent driving" has acquired a definite connotation in criminal jurisprudence. Rashness implies doing an act with utter disregard to its probable consequences, while criminal negligence denotes a gross failure to exercise the reasonable care expected of a prudent person. Criminal liability cannot be fastened merely because an accident has taken place. The prosecution must establish by cogent evidence that the accused drove the vehicle in such a manner which was so dangerous that it endangered human life and that such manner of driving alone was responsible for the occurrence.

40. In the present case, the prosecution has repeatedly described the driving of accused No.1 as



"high speed" and "rash and negligent". However, except using those expressions, none of the witnesses has explained the factual basis on which such conclusion is drawn. PW-1 has not stated the approximate speed of the lorry. She has not explained the width of the road, the distance from which she first noticed the lorry, the distance between the two vehicles immediately before the impact or the time available to observe the alleged overtaking manoeuvre. Her evidence merely contains a conclusion that the vehicle was being driven at high speed.

41. It is well settled that "high speed" is a relative expression. A vehicle travelling at a particular speed may be safe on one road and unsafe on another depending upon the surrounding circumstances. Unless the surrounding facts are established, the mere allegation that the vehicle was moving at high speed cannot automatically lead to an inference of criminal rashness.

42. The prosecution has also not produced any scientific evidence to support the allegation of rash driving. There is no evidence regarding skid marks,



tyre impressions, point of impact, braking distance or any mechanical reconstruction of the accident. Neither the Investigating Officer nor the Motor Vehicle Inspector has given any opinion regarding the probable speed of the vehicles or the manner in which the collision occurred. The Court is therefore left only with general allegations unsupported by objective material.

43. The prosecution version that accused No.1 came to the wrong side of the road while overtaking another vehicle also remains unsubstantiated. If another vehicle was in fact being overtaken, it was incumbent upon the Investigating Officer to trace that vehicle and examine its driver or occupants. Such witnesses would have been the most natural and independent witnesses to the occurrence. No explanation whatsoever has been offered for this omission. This lapse assumes greater significance because the alleged overtaking forms the very foundation of the prosecution case regarding rashness.

44. The evidence further shows that the place of occurrence contained a road hump and potholes.



These physical features were admitted by several witnesses. Nevertheless, neither the spot mahazar nor the rough sketch accurately depicts their dimensions or exact location. No measurements were taken and no attempt was made by the Investigating Officer to examine whether these road conditions contributed to the accident. The defence suggestion that the motorcycle lost balance while negotiating the road hump cannot therefore be rejected as wholly improbable. Even if the defence version is not conclusively established, it certainly creates a reasonable doubt which the prosecution has failed to dispel.

45. The prosecution has also not satisfactorily established that accused No.1 was the person who was actually driving the offending lorry at the relevant point of time. The identification made by PW-1 in Court loses much of its evidentiary value because she admitted that she came to know the name of the driver only at the police station after the occurrence. There was no prior acquaintance between PW-1 and accused No.1. No Test Identification Parade was conducted. No independent witness has identified accused No.1 as the driver. The



prosecution has also not produced any documentary material such as the trip sheet, driver's register, duty register or any contemporaneous document connecting accused No.1 with the vehicle at the relevant time.

46. The Court is conscious that direct evidence is not always available in road accident cases and that conviction can certainly be based upon circumstantial evidence. However, the circumstances relied upon must form a complete and unbroken chain leading only to the guilt of the accused. In the present case, the circumstances proved by the prosecution are not only incomplete but also admit of more than one possible inference. The evidence leaves open the possibility that the accident may have occurred due to factors other than the rashness attributed to accused No.1. Such doubt must necessarily enure to the benefit of the accused.

47. Likewise, the postmortem report and wound certificate only establish that Ravikumar died on account of injuries sustained in the accident and that PW-1 suffered grievous injuries. These



documents establish the consequence of the occurrence but do not establish the criminal negligence of accused No.1. Medical evidence cannot substitute proof of rashness or negligence where the evidence regarding the occurrence itself is doubtful.

48. The conduct of the investigation also leaves much to be desired. The Investigating Officer admittedly did not examine the local residents who had allegedly witnessed the accident. The officer also admitted that he did not make any enquiry regarding the road hump or surrounding physical conditions. No effort was made to secure CCTV footage, if available, from nearby establishments. No attempt was made to ascertain the vehicle which was allegedly being overtaken. Such omissions assume considerable significance because they relate to the very foundation of the prosecution case.

49. Coming to the allegations against accused No.2, the prosecution has alleged that he permitted accused No.1 to drive the vehicle without insurance and thereby committed offences punishable under Sections 146 read with 196 of the Motor Vehicles Act.



50. With regard to the allegation under Section 146 read with Section 196 of the Motor Vehicles Act, the prosecution has utterly failed to produce any legally admissible evidence showing that the vehicle did not possess a valid insurance policy on the relevant date. No certificate has been obtained from any insurance company. No official from the insurance company has been examined. No communication from the Regional Transport Authority has been produced. The Investigating Officer has merely asserted that the vehicle was uninsured. Such a bald assertion, unsupported by primary documentary evidence, cannot be treated as proof beyond reasonable doubt.

51. It is a cardinal principle of criminal law that suspicion, however strong, can never take the place of proof. The prosecution must stand on its own legs and cannot derive strength from the weakness of the defence. The accused is presumed to be innocent unless the prosecution establishes guilt beyond reasonable doubt. Whenever two views are reasonably possible on the evidence available on record, the one favourable to the accused must necessarily be adopted.



52. After carefully re-appreciating the entire oral and documentary evidence, this Court finds that the prosecution has failed to establish beyond reasonable doubt that accused No.1 drove the offending lorry in a rash and negligent manner or that accused No.2 committed the offences alleged against him under the Motor Vehicles Act, 1988. The deficiencies in investigation, absence of independent eyewitnesses, doubtful identification of accused No.1, inconsistencies relating to the spot mahazar, absence of scientific evidence and failure to produce documentary proof regarding insurance create substantial and reasonable doubt in the prosecution case. Accordingly, this Court holds that the prosecution has failed to prove the guilt of accused Nos.1 and 2 beyond reasonable doubt.

53. The Court is not expected to decide the case on sympathy, emotions or the gravity of the consequences. The criminal justice system proceeds upon the fundamental principle that every accused is presumed innocent until the prosecution proves guilt beyond reasonable doubt. The burden of proving every essential ingredient of the alleged offences



remains throughout upon the prosecution and never shifts to the accused. Where the evidence gives rise to a reasonable doubt, such doubt must necessarily enure to the benefit of the accused. The Hon'ble Supreme Court in **State of Uttar Pradesh V/s Krishna Gopal reported in (1988) 4 SCC 302** held that "a person has, no doubt, a profound right not to be convicted of an offence which is not established by the evidential standard of proof beyond reasonable doubt". As the prosecution failed to prove the guilt of the accused Nos.1 and 2 with cogent evidence, the accused must be given with the benefit of doubt.

54. In the present case, the prosecution evidence leaves several material questions unanswered. The identity of the driver has not been established by reliable independent evidence. The alleged rash and negligent driving has not been proved through convincing ocular, scientific or circumstantial evidence. The investigation has omitted to examine several natural witnesses who were admittedly available at the spot. Material aspects relating to the physical condition of the road and the alleged overtaking manoeuvre have



remained unexplored. Likewise, the prosecution has failed to establish by documentary evidence that the vehicle was being used without a valid policy of insurance or that accused No.2 knowingly permitted accused No.1 to drive the vehicle in violation of the provisions of the Motor Vehicles Act. In these circumstances, this Court has no hesitation in holding that the prosecution has failed to establish the guilt of accused Nos.1 and 2 beyond reasonable doubt. Consequently, both the accused are entitled to the benefit of doubt. Thus this court answered point Nos.1 to 4 in the **Negative**.

55. POINT NO.5:- In view of discussion made on point Nos.1 to 4, this court proceeds to pass the following:

ORDER

Acting under Section 248(1) of the Code of Criminal Procedure, accused No.1 is hereby acquitted of the offences punishable under Sections 279, 338 and 304A of the Indian Penal Code.

Accused No.2 is also acquitted of the offences punishable under Sections 146 read with 196 of the Motor Vehicles Act.



The bail bonds and surety bonds executed by accused Nos.1 and 2 shall stand cancelled.

Bail bonds executed by the accused Nos.1 and 2 under Section 437A of the Code of Criminal Procedure shall be in force for six months.

Office is directed to furnish a free copy of this judgment to accused Nos.1 and 2 forthwith.

(Dictated to the Stenographer, directly to the Computer and corrected and pronounced by me in the open court on this the **23rd day of July 2026**)

(GANESHA.N)
Prl. Civil Judge & J.M.F.C.
Gowribidanur.

ANNEXURE

List of witnesses examined on behalf of the prosecution:

P.W.1	:	Varalakshmi
P.W.2	:	Raju
P.W.3	:	Gangadharappa
P.W.4	:	Ashwathappa
P.W.5	:	Nanjundappa
P.W.6	:	M.V.Sheshadri
P.W.7	:	Nayaz Baig



List of documents marked on behalf of the prosecution:

Exs.P1 to P4	:	Photographs
Ex.P5	:	Compact Disc
Ex.P6	:	Complaint dated 26.10.2016
Ex.P6(a)	:	Signature of P.W.2
Ex.P7	:	Spot Mahazar
Ex.P7(a)	:	Signature of P.W.3
Ex.P7(b)	:	Signature of P.W.4
Ex.P7(c)	:	Signature of P.W.5
Ex.P7(d)	:	Signature of P.W.7
Ex.P8	:	Motor Vehicle Inspection Report
Ex.P8(a)	:	Signature of P.W.6
Ex.P9	:	Post Mortem Report
Ex.P9(a)	:	Signature of P.W.6
Ex.P10	:	Wound Certificate
Ex.P10(a)	:	Signature of P.W.6
Ex.P11	:	Indemnity Bond for release of vehicle
Ex.P11(a)	:	Signature of P.W.6
Ex.P12	:	Statement of PW.2 recorded during investigation
Ex.P12(a)	:	Signature of P.W.6
Ex.P12	:	Statement of PW.1 recorded during investigation



Ex.P13(a) : Signature of P.W.6
Ex.P14 : First Information Report
Ex.P14(a) : Signature of P.W.7
Ex.P15 : Inquest Mahazar
Ex.P15(a) : Signature of P.W.7
Ex.P16 : Rough Sketch
Ex.P16(a) : Signature of P.W.7
Ex.P17 : Property Form
Ex.P17(a) : Signature of P.W.7

List of Material Objects marked on behalf of the prosecution:

- NIL -

List of witnesses examined on behalf of the accused Nos.1 and 2:

- NIL -

List of documents marked on behalf of the accused Nos.1 and 2:

- NIL -

List of Material Objects marked on behalf of the accused Nos.1 and 2:

- Nil -

**(GANESHA.N)
Prl. Civil Judge & J.M.F.C.
Gowribidanur**