



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

Dated this 30th day of June, 2026

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

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

CC No.840/2017

Complainant : Gowribidanur Rural Police
(State by Asst. Public Prosecutor)

// Versus //

Accused : Sri. Anandappa
S/o. Chikkanna,
Aged about 40 years,
R/at. Chandanaduru Village,
Kasaba Hobli,
Gowribidanur Taluk,
Chikkaballapur District.

**(Represented by Sri. V.G.N.,
Advocate)**



1) Date of Incident	09.10.2016
2) Date of First Information	09.10.2016
3) Date Registration of the Case	09.02.2017
4) Date of release of accused	20.02.2018
5) Name of the Complainant	Smt. Shilpa
6) Offences alleged	Sections 279, 338 and 304(A) of IPC r/w Section 181(3) of IMV Act.
7) Opinion of the Judge	Acquitted
8) Total Duration	Year/s Month/s Day/s 09 04 21

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

:: J U D G M E N T ::

The C.P.I of Gowribidanuru Circle has filed this final report against the accused for the offences punishable under Section 279, 338, 304(A) of I.P.C r/w Section 181(3) of IMV Act.

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

It is the case of the prosecution that on 09.10.2016 at about 7:30 p.m., within the jurisdiction of Gowribidanur Rural



Police Station, near Vidhurashwath Cross, one Sri Anjinappa @ Guddi Anji was proceeding towards H. Nagasandra Village on a two-wheeler. By that time, the accused, without possessing a valid driving licence, drove a new two-wheeler bearing Chassis No.MBLHA10BSGHH23430 and Engine No.HA10EVGHH26191, which had not been assigned any registration number, in a rash and negligent manner so as to endanger human life and personal safety. The accused allegedly dashed against the two-wheeler ridden by Anjinappa and thereafter hit CW-2 while proceeding on the road. As a result of the said accident, Anjinappa sustained grievous injuries and died on the spot. On the complaint given by CW-1, case has been registered at the complainant police station. Thereafter, investigation was taken up and finally charge-sheet has been submitted against the accused for the aforesaid offences.

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 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 09 witnesses as PW1 to 09 and got marked documents at Exs.P1 to P08.

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:

POINTS FOR CONSIDERATION

- 1) *Whether the prosecution proves beyond all reasonable doubt that on 09.10.2016 at about 7:30 p.m., within the jurisdiction of Gowribidanur Rural Police Station, near Vidhurashwath Cross, one Sri Anjinappa @ Guddi Anji was proceeding towards H. Nagasandra Village on a two-wheeler bearing registration No.KA 40-W 2316, the accused, without possessing a valid driving licence, drove a new two-wheeler bearing Chassis No. MBLHA10BSGHH23430 and Engine No. HA10EVGHH26191, which had not been assigned any registration number, in a rash and negligent manner so as to endanger human life and personal safety and thereby committed an offence punishable U/s.279 of IPC?*



- 2) *Whether the prosecution proves beyond all reasonable doubt that on the aforesaid date, time and above circumstances, drove the above said vehicle in a rash and negligent manner, hit Sri Anjinappa @ Guddi Anji was proceeding towards H. Nagasandra Village on a two-wheeler bearing registration No.KA 40-W 2316, and also CW2, while proceeding towards on the road and sustained greivous injuries and thereby committed an offence punishable U/s.338 of IPC?*
- 3) *Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place, due to rash or negligent driving of the accused, one Anjinappa @ Guddi Anji, sustained grievous injuries and died due to the accident thereby committed an offence punishable U/s.304(A) of IPC?*
- 4) *Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place, accused without*



holding any licence, drove the above said vehicle and thereby committed an offence punishable u/s.181(3) of IMV Act?

5) *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 :- In the **Negative;**

Point No.4 :- In the **Negative;**

Point No.5 :- As per **the final order,**
for the following:

:: R E A S O N S ::

11. **Point Nos.1 to 4 :-** 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 PWs.1 to 09 and got marked documents as Exhibits P1 to P14. Ex P.1 is the complaint, Ex.P1(a) is the signature, Exs.P2 to 6 are the Photos, Ex.P7 is the Spot Mahazar, Ex.P7(a) to (c) are the signatures, Ex.P8 is the Inquest report, Ex.P8(a) to (c) are the signatures, Ex.P9 is the FIR, Ex.P9(a) is the signature, Ex.P10 is the PM report, Ex.P10(a) is the signature, Ex.P11 is the Rough Sketch, Ex.P12 is the Wound Certificate, Ex.P13 is the IMV report, Ex.P14 is the Indemnity Bond, Ex.P14(a) is the signature.

13. CW.1, who is examined as PW.1, is the complainant. She deposed that on 09.10.2016 at about 7:00 p.m., near Vidhurashwath Cross, while deceased Anjinappa was proceeding towards Raghavendra Mutt, one Ashwathappa of Chandanuru came riding a vehicle in a rash and negligent manner and dashed against the deceased Anjinappa, as a result of which he sustained grievous injuries and died. She further deposed that she came to know about the incident through



CW.3. She stated that she did not make any effort to ascertain the details of the vehicle or its registration number which caused the accident. As there were certain inconsistencies in her evidence, the learned APP treated her as hostile and cross-examined her. During such cross-examination, she deposed that the name of the accused is Anandappa and not Ashwathappa. She further states that Ashwathappa was the person who was hit by the accused while proceeding on the road, after the accused had first dashed against the deceased Anjinappa. During the course of her cross-examination by the learned counsel for the accused, she deposed that she was seeing the accused for the first time before the Court.

14. On perusal of her evidence, it is seen that PW.1, being the complainant, has deposed that she came to know about the incident through CW.3 and was not an eyewitness to the occurrence. Further, in her evidence, she initially stated that the accused was Ashwathappa; however, during her cross-examination by the learned APP, she deposed that the name of



the accused was Anandappa. A further inconsistency is found when her oral evidence is compared with Ex.P1. In Ex.P1, it is stated that the accused had hit the pillion rider of the deceased's vehicle, whereas in her evidence before the Court, she deposed that the accused had hit Ashwathappa, who was proceeding on the road. These material contradictions create serious doubt regarding the veracity of her testimony. Therefore, the evidence of PW.1 does not inspire confidence and does not advance the case of the prosecution.

15. CW.3, who was examined as PW.2, is cited as an eyewitness to the incident. He deposed that he knew the deceased, Anjinappa. He identified the accused before the Court. He further deposed that about three years prior to his evidence, at about 7:00 p.m., while he was proceeding towards Nagasandra, near Raghavendra Mutt, the incident occurred. He stated that he learnt that the accused drove the vehicle in a rash and negligent manner and hit Anjinappa, and thereafter hit CW.2. During the course of cross-examination by the



learned counsel for the accused, he stated that he was working as a BMTC driver and that on the date of the incident he was on leave. He further deposed that he had come near Vidurashwatha Cross to fill petrol. He stated that he was at a distance of about 70 metres from the place of the incident and that he was able to see the occurrence from that spot. He also admitted that, generally, during the month of October, it becomes dark early in the evening.

16. On perusal of the evidence of PW.2, it is seen that the prosecution has cited him as an eyewitness to the incident. However, he has deposed that he learnt that the accused drove the vehicle in a rash and negligent manner, hit the deceased Anjinappa, and thereafter hit CW.2. Thus, his evidence indicates that he came to know of the incident rather than having directly witnessed it. Further, he has not stated whether CW.2 was travelling as a pillion rider on the motorcycle or was walking by the side of the road at the time of the incident. If he had in fact witnessed the occurrence, he would have spoken



about these material facts. His omission to do so creates doubt regarding his presence at the spot and his claim of being an eyewitness. Hence, his evidence does not advance the case of the prosecution.

17. CW.4, who was examined as PW.3, is cited as an eyewitness to the incident. He deposed that about two years back, at about 4:00 p.m., near Raghavendra Temple, the deceased Anjinappa came on a two-wheeler. He further deposed that the accused came on a Passion-Pro motorcycle and hit Anjinappa. Due to the accident, Anjinappa sustained injuries and later died. He further stated that the ambulance refused to shift Anjinappa to the hospital, and therefore he taken him in an auto-rickshaw. He also deposed that another person sustained injuries in the accident, but he did not know the identity of that person.

18. On perusal of the evidence of PW.3, it is seen that he has deposed that the incident occurred at about 4:00 p.m., whereas, according to the case of the prosecution, the accident



took place at about 7:30 p.m. This material discrepancy regarding the time of the incident casts doubt on his version. Further, he did not depose that the accused was riding the vehicle in a rash or negligent manner. He has also not stated whether any person was travelling as a pillion rider along with the deceased at the time of the accident. These are material facts which an eyewitness would ordinarily be expected to speak about. In the absence of such evidence, his testimony does not assist the prosecution in establishing the case of the prosecution.

19. CW.6, who was examined as PW.4, is cited as a mahazar witness. He deposed that he identified his signature on Ex.P7. He further stated that he had signed the said document in the year 2016 in connection with the accident. He also deposed that he signed the document on the basis of the complaint. Owing to certain inconsistencies in his testimony, the learned APP treated him as hostile and cross-examined him. However, nothing substantial was elicited from his mouth



during such cross-examination to support the case of the prosecution.

20. CW.8 was examined as PW.5 and is cited as an inquest witness. He deposed that about six years back, Anjinappa died in a road traffic accident involving a two-wheeler. He further stated that the inquest proceedings were conducted at about 11:00 a.m., and he identified his signature on Ex.P8. On perusal of his evidence, it is seen that he has spoken about the conduct of the inquest proceedings and identified his signature on Ex.P8. He has not deposed anything regarding the manner in which the accident occurred or the involvement of the accused in the alleged incident. Hence, his evidence does not assist the case of the prosecution.

21. CW6 and CW7 were examined as PW6 and PW7, they have cited as inquest witnesses and they deposed that deposed that the police asked him to sign Ex.P-7 and that they are not aware of the contents of the said Ex.P7. They do not know anything about the case. As their testimony did not



support the prosecution's version, they were treated as hostile. Despite being cross-examined by the learned Assistant Public Prosecutor, no material evidence was elicited from them that would support the prosecution's case.

22. CW-15 was examined as PW-8. He is an official witness. He deposed that on 09.10.2016 at about 09:30 p.m. he received complaint from CW1 and registered as Crime No.348/2016. 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 before complaint no information was received from the hospital about the incident. He further deposed that after receiving complaint also he did not receive any information from the Hospital.

23. CW.16 was examined as PW.9. He is an official witness. He deposed that on 10.10.2016, he received the case file from CW.15 and conducted the spot mahazar in the presence of CWs.5 and 6. He further deposed that he seized the



vehicles involved in the accident, submitted the property form, and prepared the spot sketch. Thereafter, he conducted the inquest panchanama in the presence of CWs.5, 7, and 8. He further deposed that he recorded the statements of CWs.3 and 14, arrested the accused, completed the necessary formalities, and released him on bail upon execution of the bonds. He also deposed that on 09.02.2017, he received the post-mortem report of the deceased Anjinappa and, on the same day, received the wound certificate of CW.2. He further deposed that the vehicles were released to their respective owners upon execution of indemnity bonds. He also stated that on 30.10.2017, he recorded the statement of CW.2. During the course of cross-examination by the learned counsel for the accused, he admitted that no notice had been issued to the mahazar witnesses. He further deposed that the photographs were taken using his mobile phone and that no certificate under Section 65B of the Indian Evidence Act had been produced in respect of those photographs.



24. On perusal of the order dated 24.07.2018, it is seen that CW.2 was found to be not mentally fit to give evidence before the Court. Accordingly, CW.2 was dropped from the list of witnesses.

25. On perusal of all the evidence on record the fact that the accident occurred and the death of Anjinappa @ Guddi Anji stands established and is 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, but also that the manner of driving was rash or negligent and directly caused the resulting injuries and death.

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 in her evidence that she learnt about the information from CW3. She has also stated in her complaint that a pillion rider was travelling along with the deceased Anjinappa. However, the case of the prosecution is that the accused first hit Anjinappa with his vehicle and thereafter hit CW.2, who was walking on the road. This material contradiction between the complaint and the prosecution case creates a serious doubt regarding the allegations made against the accused. PW.2 and PW3 are cited as eyewitnesses to the incident, have not stated anything about the rashness or negligence of the accused at the relevant point of time and they stated that they are seeing the accused for the



first time before the court. Their 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 PW8 and PW9 being Investigating Officer is 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 Anjinappa @ Guddi Anji. In the absence of any credible, cogent, and trustworthy evidence establishing that the accused was driving the vehicle in a rash or negligent manner,



the essential ingredients of Sections 279 and 304-A of the IPC remain unproved. Further, the prosecution has failed to establish beyond reasonable doubt that the accused was the person responsible for the accident. Similarly, there is no satisfactory evidence to show that the accused was driving the vehicle without holding a valid driving licence. Therefore, the charges against the accused cannot be sustained.

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 to 4 are answered in the Negative, and the accused is entitled to be acquitted.**

30. **Point No.5** :- In view of the negative findings on the above points No.1 to 4, 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 Section 279, 338, 304(A) of I.P.C r/w Section 181(3) of IMV Act.

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

The property seized under PF No.206/2016 dated 10.10.2016 vehicle bearing registration No.KA-40-W-2316 was



already released to the interim custody of its owner under indemnity bond, 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., 30th 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	:	Smt. Shilapa
P.W-2	:	Sri. Anilkumar
P.W-3	:	Sri. Narasimhamurthy
P.W-4	:	Sri. Anandakumar
P.W-5	:	Sri. Manjanna
P.W-6	:	Sri. Venkatesh
P.W-7	:	Sri. Rangappa
P.W-8	:	Sri. Avinasha. B
P.W-9	:	Sri. M.V. Sheshadhri

List of witnesses examined on behalf of the Defence:

NIL

List of documents marked on behalf of the Prosecution:

Ex.P1	:	Complaint
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Ex.P1(a)	:	Signature
Ex.P2 to 6	:	Photos
Ex.P7	:	Spot Mahazar
Ex.P7(a) to (c)	:	Signatures
Ex.P8	:	Inquest report
Ex.P8(a) to (c)	:	Signatures
Ex.P9	:	FIR
Ex.P9(a)	:	Signature
Ex.P10	:	PM report
Ex.P10(a)	:	Signature
Ex.P11	:	Rough Sketch
Ex.P12	:	Wound Certificate
Ex.P13	:	IMV report
Ex.P14	:	Indemnity Bond
Ex.P14(a)	:	Signature

List of documents marked on behalf of the Defence:

NIL

List of seized properties:

NIL

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