



**IN THE COURT OF III ADDITIONAL CIVIL JUDGE AND
J.M.F.C., AT KADUR.**

Dated : This 4th Day of June 2026.

:PRESENT:

Sri. THAHAKALEEL K.A., B.A. LL.B.,
III Addl. Civil Judge and J.M.F.C.,
Kadur.

CC. No. 808/2023

Complainant : The State of Karnataka
Rep. Birur Police Station,
Chikkamagaluru.
Rep. by learned APP.
V/s.

Accused : Sri. Vasanthakumar,
S/o. Chandrappa,
Aged about 33 years,
R/o. Gaduganahalli Village,
Mudigere Post, Kadur
Rep. by Sri. SNG Advocate.

TABULATION OF EVENTS

- | | | |
|----|--|--------------------------|
| 1. | Date of commission of offence. | 24.10.2022 |
| 2. | Date of report of offence. | 24.10.2022. |
| 3. | Date of arrest of accused. | Not arrested |
| 4. | Date of release of Accused. | --- |
| 5. | Name of the Complainant | Sri. Shekarappa |
| 6. | Offences for which the accused
has been charged | Section 279, 304(A) IPC. |
| 7. | Date of registration of the case | 04.03.2023 |
| 8. | Date of commencement of
recording evidence | 08.08.2024. |
| 9. | Date of closing of recording
evidence. | 24.03.2026 |



10. Date of judgment.	04.06.2026
11. Opinion of the Judge.	Charges against accused not proved.
12. Duration of the case	Year/s. Month/s Day/s
	03 03 00

(THAHAKALEEL K A)

III Addl. Civil Judge and JMFC
Kadur.

JUDGMENT

The Circle Inspector of Police, Birur Circle, has filed the charge sheet against the accused alleging commission of offences punishable under Sections 279 and 304-A of the Indian Penal Code.

2. The brief facts of the prosecution case are that:

On 24.10.2022 at about 1.45 p.m., the accused, being the rider of Motorcycle bearing Registration No. KA-66-J-3496, was proceeding on NH-173 in front of Shuddaganga Water Plant situated at Kamanakere Village within the jurisdiction of Birur Police Station. It is alleged that the accused rode the motorcycle in a rash and negligent manner and dashed against Motorcycle bearing Registration No. KA-66-L-0895, which was being ridden by



the deceased from Kadur towards Hirenallur. As a result of the impact, both the motorcycles sustained damages and the riders suffered injuries. CW2 shifted the injured persons to the hospital, the rider of Motorcycle No. KA-66-L-0895 succumbed to the injuries sustained in the accident on the way to hospital. On the basis of the complaint lodged by CW1, a case came to be registered in Crime No.144/2022 for the offences punishable under Sections 279 and 304-A of the Indian Penal Code. Upon completion of the investigation, the Investigating Officer filed the charge sheet against the accused.

3. After receipt of the charge sheet, this Court took cognizance of the offences punishable under Sections 279 and 304-A of the Indian Penal Code and issued process against the accused. In response to the summons, the accused appeared before the Court and was enlarged on bail. Copies of the charge sheet and other prosecution papers were furnished to the accused in compliance with Section 207 of the Code of Criminal Procedure. The substance of accusation was read over and explained to the accused, to which he pleaded not guilty and claimed to be tried. Accordingly, the matter was posted for prosecution evidence.



4. In order to bring home the guilt of the accused, the prosecution examined seven witnesses out of the seventeen witnesses cited in the charge sheet. The prosecution gave up the examination of CWs.6 to 14 and 16. CW2, the alleged eye-witness, was examined as PW1. CW3, a panch witness to the spot mahazar, was examined as PW2. CW5, a panch witness to the seizure mahazar, was examined as PW3. CW1, the complainant, was examined as PW4. CW17, the Investigating Officer, was examined as PW5. CW15, the Station House Officer who registered the FIR, was examined as PW6. CW4, another witness to the spot mahazar and seizure mahazar, was examined as PW7. The prosecution got marked twenty-one documents as Exhibits P1 to P21.

5. After closure of the prosecution evidence, the statement of the accused under Section 313 of the Code of Criminal Procedure was recorded by putting to him all the incriminating circumstances appearing in the evidence of the prosecution witnesses. The accused denied all such incriminating circumstances as false and contended that the accident did not occur due to any rash or negligent act on his part. The accused did not choose to adduce any defence evidence.



6. The accused has complied with the provisions of Section 437-A of the Code of Criminal Procedure by executing the requisite bond and furnishing surety.

7. Heard the arguments advanced by the learned Assistant Public Prosecutor and the learned counsel for the accused. Perused the oral and documentary evidence available on record.

8. Now, the following points arise for consideration of this court:

1. Whether the prosecution proves beyond all reasonable doubt that on 24.10.2022 at about 1.45 p.m., in front of Shuddaganga Water Plant situated at Kamanakere Village on NH-173, within the jurisdiction of Birur Police Station, the accused rode Motorcycle bearing Registration No. KA-66-J-3496 in a rash and negligent manner so as to endanger human life and personal safety of others, and thereby committed an offence punishable under Section 279 of the Indian Penal Code?
2. Whether the prosecution further proves beyond all reasonable doubt that the accused, by riding the aforesaid motorcycle in a rash and negligent manner, caused the death of the rider of Motorcycle bearing Registration No. KA-66-L-0895, not amounting to culpable homicide, and thereby committed an offence punishable under Section 304-A of the Indian Penal Code?



3. What order?

9. The answer of this court for the above points are as under :-

Point No.1 : In the Negative,

Point No.2 : In the Negative,

Point No.3 : As per final Orde for the
following ;

:: R E A S O N S ::

10. Point Nos. 1 to 4: As these points are interconnected and relate to incidents alleged to have taken place during the same period of time, they are taken up together for common discussion in order to avoid repetition of facts and evidence.

11. As I have already narrated the brief facts of the case at the inception of this judgment, it is not necessary to reiterate the same herein.

12. PW1, who has been cited by the prosecution as an eye-witness to the incident, has deposed that he does not know the



accused. He has stated that he knows the deceased Sanju and CW1. According to him, on the date of the incident at about 1.45 p.m., while he was standing near the bus stop, an accident had occurred between two motorcycles. However, he has categorically stated that he does not know as to whose fault the accident occurred. He further stated that after noticing the accident, he went near the spot and saw the injured persons. Thereafter, he informed CW1 about the accident over telephone. He has also stated that local residents shifted the injured to the Government Hospital, Kadur.

13. PW1 has further deposed that he does not know the registration numbers of the motorcycles involved in the accident and that he is not aware of the manner in which the accident occurred. Though the learned Assistant Public Prosecutor treated him as partly hostile and subjected him to cross-examination at length after obtaining permission from the Court, nothing worthwhile could be elicited from his mouth in support of the prosecution case.

14. PW2, who has been cited as a panch witness to the spot mahazar, and PW3, who has been cited as a panch witness to the



seizure mahazar, have not supported the case of the prosecution.

Both these witnesses have turned completely hostile and have deposed that they do not know anything about the incident. They have further stated that the police did not conduct any mahazar in their presence nor seize any vehicle in their presence.

15. Though both the witnesses have identified their signatures found on the mahazars and notices, they have specifically stated that they are not aware of the contents thereof. The learned Assistant Public Prosecutor, after obtaining permission from the Court, treated PW2 and PW3 as hostile witnesses and subjected them to detailed cross-examination. However, nothing favourable to the prosecution could be elicited from their evidence. Their testimony does not establish either the drawing of the spot mahazar and seizure mahazar in the manner alleged by the prosecution or any circumstance connecting the accused with the commission of the alleged offences.

16. PW4, who is the complainant in the present case, has deposed that the deceased was his son. According to him, about three years prior to his evidence, CW2 telephoned him and informed that an accident had taken place near Kamanakere and



requested him to come to the Government Hospital, Kadur. Accordingly, he, along with CW11, proceeded to the hospital. On reaching the hospital, he noticed that his son had sustained injuries to his head and that blood was oozing from his nose. The doctors informed him that his son had already succumbed to the injuries.

17. PW4 has further stated that he came to know the name and address of the accused through CW2 and thereafter lodged the complaint before the police as per Exhibit P9. He has also deposed that the police conducted the spot mahazar at the place shown by CW2 in his presence and in the presence of CW3 and CW4 between 6.00 p.m. and 7.00 p.m. as per Exhibit P3 and also took photographs of the scene of occurrence, which are marked as Exhibit P4 series. He has further stated that the police drew the seizure mahazar and seized the vehicles involved in the accident under Exhibit P6 and took photographs of the vehicles as per Exhibits P7 and P8.

18. PW5, the Investigating Officer, has deposed that on 24.10.2022 he received the case file from PW6/CW15, who had registered the case. He further stated that he received the inquest



report prepared by CW16. According to him, on 25.10.2022, he visited the spot along with CW2 to CW4 and conducted the spot mahazar at the place shown by CW2 between 5.00 p.m. and 6.00 p.m. as per Exhibit P3. He also caused photographs of the scene of occurrence to be taken, which are marked as Exhibit P4 series.

19. PW5 has further deposed that he issued notices under Section 133 of the Motor Vehicles Act to the owners of the vehicles involved in the accident and obtained their replies. He also issued notice under Section 41-A of the Code of Criminal Procedure to the accused. Thereafter, he sent requisition to the Motor Vehicle Inspector for inspection of the vehicles and obtained the Inspection Report. He further obtained a certificate under Section 65-B of the Indian Evidence Act in respect of the photographs taken during the investigation. He released Motorcycle bearing Registration No. KA-66-J-3496 to its owner on interim custody and subsequently handed over Motorcycle bearing Registration No. KA-66-L-0895 to CW1 after obtaining an indemnity bond. He also received the post-mortem report from CW13 and the IMV report and, upon completion of the investigation, filed the charge sheet before this Court on 06.12.2022.



20. During his cross-examination, PW5 has admitted that the accused was riding his motorcycle on the left side of the road and that the accident had occurred on the right side of the road, where the deceased was riding his motorcycle. Except for denying the suggestions put to him by the defence, nothing further has been elicited in his evidence to establish that the accused was riding the motorcycle in a rash or negligent manner.

21. PW6, who was serving as the Station House Officer of Birur Police Station at the relevant point of time, has deposed that on 24.10.2022, while he was discharging his official duties, CW1 appeared before the police station and lodged a written complaint as per Exhibit P9. Upon receipt of the said complaint, he registered a case in Crime No.144/2022 for the offences punishable under Sections 279 and 304-A of the Indian Penal Code and prepared the First Information Report as per Exhibit P1. Thereafter, he forwarded the FIR to the jurisdictional Court and handed over the case file to PW5/CW17 for the purpose of further investigation.

22. PW7 has been examined as a panch witness to the spot mahazar as well as the seizure mahazar. He has deposed that the police issued a notice to him calling upon him to act as a panch



witness in connection with the present case. According to him, the police conducted the spot mahazar between 5.00 p.m. and 6.00 p.m. at the place shown by CW1 and drew the mahazar as per Exhibit P3. He has further stated that photographs of the scene of occurrence were taken, which are marked as Exhibit P4 series.

23. PW7 has also deposed that the police subsequently drew the seizure mahazar in respect of the vehicles involved in the accident as per Exhibit P6 and took photographs of the vehicles, which are marked as Exhibits P7 and P8. He has identified his signature on the aforesaid documents.

24. Upon careful consideration of the oral and documentary evidence placed on record, this Court finds that the prosecution has failed to establish the most crucial ingredient of the offences under Sections 279 and 304-A of the Indian Penal Code, namely, that the accused was riding the motorcycle in a rash or negligent manner.

25. PW1, who has been cited as the sole eye-witness to the occurrence, has not supported the prosecution case. Though he has admitted that an accident had taken place between two



motorcycles, he has categorically stated that he does not know how the accident occurred and as to whose fault the accident took place. He has further stated that he went near the spot only after the accident had already occurred. Despite being treated as partly hostile and subjected to detailed cross-examination by the learned Assistant Public Prosecutor, nothing could be elicited from his evidence to show that the accused was riding the motorcycle in a rash or negligent manner. Thus, the evidence of PW1 is of no assistance to the prosecution in establishing the culpability of the accused.

26. PW2 and PW3, who were cited as panch witnesses to the spot mahazar and seizure mahazar respectively, have completely turned hostile to the prosecution case. They have denied the conduct of the mahazars in their presence and have also denied the seizure of the vehicles in their presence. Though they have admitted their signatures appearing on the mahazars and notices, they have specifically stated that they are unaware of the contents thereof. Even after their cross-examination by the prosecution, nothing favourable could be elicited. Therefore, their evidence does not advance the prosecution case in any manner.



27. PW4 is the complainant and father of the deceased. His evidence discloses that he was not present at the place of occurrence and came to know about the accident only through a telephone call made by PW1. Thereafter, he visited the hospital and found that his son had succumbed to the injuries. The complaint lodged by him is therefore based on information received from others and not on his personal knowledge. Though he has spoken about the conduct of the spot mahazar and seizure mahazar, his evidence does not disclose the manner in which the accident occurred. Hence, his testimony cannot be treated as evidence proving rashness or negligence on the part of the accused.

28. The prosecution has heavily relied upon the evidence of PW5, the Investigating Officer. However, the evidence of the Investigating Officer is essentially formal in nature and pertains to the steps taken during the course of investigation. Significantly, during his cross-examination, PW5 has admitted that the accused was riding his motorcycle on the left side of the road and that the accident occurred on the side where the deceased was proceeding. This admission assumes importance as it probabalises the defence version and creates a serious doubt regarding the prosecution



allegation that the accused alone was responsible for the accident.

Apart from the materials collected during investigation, PW5 has no personal knowledge regarding the actual occurrence of the accident. Therefore, his evidence by itself cannot establish rashness or negligence on the part of the accused.

29. The evidence of PW6 merely establishes the registration of the First Information Report on the basis of the complaint lodged by PW4. Similarly, PW7 has only spoken about the drawing of the spot mahazar and seizure mahazar. Neither PW6 nor PW7 has any personal knowledge regarding the occurrence of the accident. Their evidence is purely formal in nature and does not throw any light on the manner in which the accident occurred.

30. It is a settled principle of criminal jurisprudence that mere proof of an accident resulting in death is not sufficient to attract the offences punishable under Sections 279 and 304-A of the Indian Penal Code. The prosecution is under a legal obligation to prove beyond reasonable doubt that the accident occurred solely on account of the rash or negligent act of the accused. In the present case, the prosecution has failed to adduce any reliable and cogent evidence to establish the said fact. The sole eye-witness has



not supported the prosecution case, the independent panch witnesses have turned hostile, and the remaining witnesses are either formal witnesses or investigating officials.

31. The evidence on record may create a suspicion that the accused was involved in the accident. However, suspicion, however strong, cannot take the place of legal proof. In the absence of convincing evidence establishing rashness or negligence on the part of the accused, this Court is of the considered opinion that the prosecution has failed to prove the guilt of the accused beyond all reasonable doubt. Consequently, the accused is entitled to the benefit of doubt. The prosecution having failed to prove the guilt of the accused beyond all reasonable doubt, the accused is entitled to the benefit of doubt. Accordingly, Point Nos.1 and 2 are answered in **the Negative**.

32. Point No.3 : In view of above, I proceed to pass following;

ORDER

Acting under Section 255(1) of the Code
of Criminal Procedure, the accused is hereby



acquitted of the offences punishable under Sections 279 and 304-A of the Indian Penal Code.

The bail bond and surety bond executed by the accused shall stand cancelled.

The bond executed by the accused under Section 437-A of the Code of Criminal Procedure shall remain in force for another period of 6 months.

(Judgement transcribed through AI- Adalath software, corrected by me and then pronounced in open court on 4th Day of June 2026.)

(THAHAKALEEL K A)
III Addl. Civil Judge and JMFC
Kadur.

ANENXURE

List of witnesses examined on behalf of the prosecution

PW1	: Sri. Devaraju
PW2	: Sri Pradeep
PW3	: Sri. Kenchappa
PW4	: Sri. Shekarappa
PW5	: Sri. Guruprasad N
PW6	: Sri. Onkaraswmay
PW7	: Sri Shrinivasa



List of documents marked on behalf of the prosecution:

Ex.P1 :	:	161 statement of CW-1
Ex. P2	:	Police Notice
Ex. P2(a)	:	Signature of PW2.
Ex.P2(b)	:	Signature of PW5.
Ex.P2(c)	:	Signature of PW7.
Ex.P3	:	Spot Mahazar
Ex. P3(a)	:	Signature of PW2.
Ex.P3(b)	:	Signature of PW4
Ex.P3(c)	:	Signature of PW5
Ex.P3(d)	:	Signature of PW7.
Ex.P4	:	Photographs
Ex.P5	:	Police Notice,
Ex.P5(a)	:	Signature of PW-3
Ex.P5(b)	:	Signature of PW-5
Ex.P5(c)	:	Signature of PW-7
Ex.P6	:	Seizure Mahazar
Ex.P6(a)	:	Signature of PW-3
Ex.P6(b)	:	Signature of PW-4
Ex.P6(c)	:	Signature of PW-5
Ex.P6(d)	:	Signature of PW-7
Ex.P7 and 8	:	Photographs.
Ex.P9	:	First Information statement.
Ex.P9(a)	:	Signature of PW-4
Ex.P9(b)	:	Signature of PW-6
Ex.P10	:	Inquest
Ex.P11	:	Notice issued under section 41(A) Cr
Ex.P11(a)	:	Signature of PW-5
Ex.P12 and 13	:	Notice issued under section 133 of IMV Act.
Ex.P12(a) and 13(a)	:	Signatures of PW-5.
Ex.P14 and 15	:	Reply given to the notice under section 133 of IMV Act.



Ex.P14(a) and : Signatures of PW-5.
15(a)

Ex.P16 and 17 : Indemnity bonds.

Ex.P16(a) and : Signatures of PW-5.
17(a)

Ex.P18 : Certificate under section 65(B) of IEA.

Ex.P18(a) : Signatures of PW-5.

Ex.P19 : Post Mortem report

Ex.P9(a) : Signature of PW-5

Ex.P20 : IMV Report

Ex.P20(a) : Signatures of PW-5.

Ex.P21 : FIR

Ex.P21(a) : Signatures of PW-6.

List of witnesses examined on behalf of the defence:

-NIL-

List of documents marked on behalf of the defence:

-NIL-

(THAHAKALEEL K A)

III Addl. Civil Judge and JMFC
Kadur.