



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

:PRESENT:

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

Dated : This 25th Day of June 2026.

C.C.No. 1138/2025

Complainant: **The State of Karnataka,**
Represented by Birur
Police Station
(Rep. by learned APP)

V/s

Accused : **1** Sri. Vijay Kumar S/o Mallikarjunappa,
Aged about 28 years, Agriculturist,
R/o Bettadavarekere, Neralekere Post,
Tarikere Taluk, Chikkamagalur District.

2 Sri. Mallikarjunappa S/o Basappa,
Aged about 50 years, Agriculturist,
R/o Bettadavarekere Village,
Nerralekere Post, Tarikere Taluk,
Chikkamagalur District.

3 Sri. Uddanna S/o Sannanagappa,
Aged about 46 years, Agriculturist,
R/o Udderamanahalli Village,
Naduru Post, Shira Taluk,
Tumkuru District.

(Rep. by Sri. M.S.H. Advocate)



TABULATION OF EVENTS

1.	Date of commission of offence.	29.09.2024
2.	Date of report of offence.	29.09.2024
3.	Date of arrest of accused.	Not arrested
4.	Date of release of Accused.	-
5.	Name of the Complainant	Smt. Gagana Kumari H.R.
6.	Offences for which the accused has been charged	Section 281, 125(A) of B.N.S. R/w 187, 196 of IMV Act
7.	Date of registration of the case	04.04.2025
8.	Date of commencement of recording evidence	07.04.2026
9.	Date of closing of recording evidence.	22.06.2026
10.	Date of judgment.	25.06.2026
11.	Opinion of the Judge.	Charges against accused No.1 to 3 not proved.
12	Duration of the case	Year/s. Month/s Day/s 01 02 21

(THAHAKALEEL K.A.)

III Addl. Civil Judge & JMFC.,
Kadur. Chikkamagalur.



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

The Circle Inspector of Police, Birur Circle, has filed the charge sheet against Accused Nos. 1 to 3 alleging that Accused No. 1 has committed the offences punishable under Sections 281 and 106(1) of the Bharatiya Nyaya Sanhita, 2023 and Section 187 of the Motor Vehicles Act, 1988, and that Accused Nos. 2 and 3 have committed the offence punishable under Section 196 of the Motor Vehicles Act, 1988.

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

On 29.09.2024 at about 6:30 p.m., near Keppa Chowdappa Temple Road situated in the Muddappanna area on the road leading from Birur towards Helavarahatti, the deceased, Sri Akash, was riding his motorcycle bearing Registration No. KA-18-K-6532 from Birur towards Helavarahatti. At that time, Accused No. 1 was driving a uninsured tractor bearing Registration No. KA-66-T-2201



belonging to Accused No. 2, attached to a uninsured trailer bearing Registration No. KA-06-T-1112 belonging to Accused No. 3, from the opposite direction. It is alleged that Accused No. 1 drove the said tractor and trailer in a rash and negligent manner so as to endanger human life and dashed against the motorcycle ridden by the deceased.

3. Due to the impact of the collision, the motorcycle sustained damages and Sri Akash suffered grievous injuries to his head and other parts of the body. He was immediately shifted for treatment; however, despite medical care, he succumbed to the injuries on 01.10.2024. On the basis of the complaint and subsequent investigation, the charge sheet came to be filed against the accused persons for the aforesaid offences.

4. On the basis of the First Information Statement lodged by CW.1, the jurisdictional police registered a case and, after completion of the investigation, filed the charge sheet against the accused persons.



5. After receipt of the charge sheet, this Court, by order dated 19.03.2025, took cognizance of the offences alleged against the accused persons in exercise of the powers conferred under Section 210(1)(b) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), and issued process. In response to the summons, the accused persons appeared before the Court and were enlarged on bail. Copies of the charge sheet and all relied upon documents were furnished to the accused persons in compliance with Section 230 of the BNSS.

6. Thereafter, upon hearing the learned Assistant Public Prosecutor and the learned counsel for the accused persons, and upon finding sufficient grounds to proceed against the accused persons and no grounds to discharge them, this Court framed charges for the aforesaid offences. The contents of the charges were read over and explained to the accused persons in the language known to them. The accused persons pleaded not guilty and claimed to be tried.



7. In order to prove its case, the prosecution examined 8 witnesses out of the 26 witnesses cited in the charge sheet and got marked 35 documents as Exhibits P.1 to P.34. With the consent of the accused persons, the prosecution had given up examination of CW-25 who is the SHO at the relevant point of time and registered FIR. FIR came to be marked as Ex.P35 with the consent of the accused. The prosecution had given up examination of CW-9 to 11, 13 to 24. Further the prosecution prayed to issue summons to CW- 7 and 8, as the eyewitness turned hostile to the case of the prosecution, no purpose would be served by examining the remaining witness, Hence this court rejected the prayer of the prosecution.

8. After completion of the prosecution evidence, the statements of the accused persons were recorded under Section 351 of the Bharatiya Nagarik Suraksha Sanhita, 2023, by putting to them the incriminating circumstances appearing in the evidence adduced by the prosecution. The



accused persons denied all such incriminating circumstances as false. They did not choose to adduce any defence evidence.

9. Heard arguments from both sides, perused materials available on record, the following point would arise for the determination of this court.

1. Whether the prosecution proves beyond all reasonable doubt that on 29.09.2024 at about 6:30 p.m., near Keppa Chowdappa Temple Road situated in Muddappanna area on the road leading from Birur towards Helavarahatti, Accused No.1 drove the tractor bearing Registration No. KA-66-T-2201 attached with trailer bearing Registration No. KA-06-T-1112 in a rash and negligent manner so as to endanger human life and dashed against the motorcycle bearing Registration No. KA-18-K-6532 ridden by deceased Akash, thereby causing grievous injuries which resulted in his death on 01.10.2024, and thereby committed the offences punishable under Sections 281 and



106(1) of the Bharatiya Nyaya Sanhita, 2023 and Section 187 of the Motor Vehicles Act, 1988?

2. Whether the prosecution further proves beyond all reasonable doubt that on the said date, time and place, Accused Nos.2 and 3, being the owners of the aforesaid tractor and trailer respectively, permitted the vehicles to be used without a valid policy of insurance and thereby committed the offence punishable under Section 196 of the Motor Vehicles Act, 1988?

3. What order?

10. The answer of this court for 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 NO.1 AND 2: Since both these points are interconnected and arise out of the same set of facts and



evidence, they are taken up together for common discussion in order to avoid repetition of facts and evidence.

12. At the outset, it is pertinent to note that the burden lies entirely upon the prosecution to establish the guilt of the accused persons beyond all reasonable doubt. The prosecution is required to stand on its own legs and cannot derive any benefit from the weakness, if any, in the defence of the accused. Every accused is presumed to be innocent unless the contrary is proved by cogent, reliable and convincing evidence. The presumption of innocence continues throughout the trial and can be displaced only when the prosecution succeeds in proving all the essential ingredients of the offences alleged against the accused beyond reasonable doubt.

13. In the present case, in order to bring home the guilt of Accused No.1 for the offences punishable under Sections 281 and 106(1) of the Bharatiya Nyaya Sanhita, 2023 and Section 187 of the Motor Vehicles Act, the



prosecution is required to establish beyond reasonable doubt that Accused No.1 was driving the offending tractor and trailer at the relevant point of time; that he drove the said vehicle in a rash or negligent manner so as to endanger human life; that such rashness or negligence was the direct and proximate cause for the accident; and that the injuries sustained by deceased Akash in the said accident resulted in his death.

14. Likewise, in order to establish the guilt of Accused Nos.2 and 3 for the offence punishable under Section 196 of the Motor Vehicles Act, the prosecution is required to prove beyond reasonable doubt that the tractor and trailer involved in the accident did not possess a valid insurance policy as on the date of the incident and that Accused Nos.2 and 3, being the respective owners of the said vehicles, permitted their use in contravention of the provisions of the Motor Vehicles Act.



15. Therefore, unless the prosecution succeeds in proving each of the aforesaid ingredients through trustworthy, cogent and convincing evidence, the accused persons would be entitled to the benefit of doubt. Keeping these principles in mind, the oral and documentary evidence placed on record is required to be appreciated.

16. In order to establish the allegations levelled against the accused persons, the prosecution has examined PW.1 to PW.8 and relied upon documentary evidence marked as Exhibits P.1 to P.35.

17. PW.1, Smt. Gaganakumari, who is the sister of the deceased and the complainant in the case, has deposed that she received information regarding the accident from PW.3 over phone. She has further stated that after coming from Bengaluru, she came to know that the deceased had been shifted from the Government Hospital, Birur to Shimogga Max Hospital for higher treatment. She has admitted lodging the complaint as per Exhibit P.1 and giving a further



statement as per Exhibit P.2 after the death of the injured. However, she has categorically stated that she does not know how the accident occurred or who was responsible for the same.

18. Though PW.1 was treated as partly hostile and cross-examined by the learned Assistant Public Prosecutor, nothing substantial has been elicited from her to establish that the accident occurred due to the rash or negligent driving of Accused No.1. On the contrary, she has specifically denied the suggestion that the accident occurred due to the negligence of Accused No.1. During her cross-examination by the defence, she has further admitted that she was not aware of the contents of Exhibits P.1 and P.2 and that she signed the same at the instance of the police officials.

19. PW.2 and PW.4, namely Mallikarjuna and Parameshwarappa, who were cited as panch witnesses to the spot mahazar and motorcycle seizure mahazar, have



merely admitted their signatures on Exhibits P.3, P.4 and P.5. However, both witnesses have denied the contents of the said mahazars and have stated that they do not know the purpose for which their signatures were obtained. Their evidence does not support the prosecution regarding the preparation of the mahazars or the seizure proceedings. Consequently, the evidentiary value of the said mahazars stands seriously weakened.

20. PW.3, Tejukumar, who was cited by the prosecution as an eye-witness to the occurrence, has completely failed to support the prosecution case. He has categorically stated that he did not witness the accident. According to him, while proceeding on the road after completion of his work, he noticed the deceased lying on the road along with the motorcycle and thereafter informed PW.1 about the incident. He has further stated that he does not know how the accident occurred or who was responsible for the same. Thus, the prosecution's star witness and



alleged eye-witness has not supported the prosecution version in any manner.

21. PW.6 and PW.7, namely Rudrappa H.G. and Prasanna K.B., who were cited as panch witnesses to the seizure of the tractor and trailer, have also turned completely hostile to the prosecution case. Though they have admitted their signatures on the seizure mahazar, they have denied the contents thereof and have specifically stated that no mahazar was conducted in their presence and no vehicle was seized before them. Their evidence also does not lend any support to the prosecution case.

22. PW.8, Rajappa, who is the father of the deceased, has deposed that he came to know about the accident through CW.1 and thereafter visited the hospital. According to him, the injured was shifted for higher treatment and subsequently succumbed to the injuries. He has further stated that he signed the inquest mahazar and that the police had taken photographs. He has also stated that he



showed the place of accident to the police at the time of drawing the spot mahazar.

23. The prosecution has further examined PW.5, Sri S.N. Srikant, the Investigating Officer. He has spoken regarding the various steps taken by him during the course of investigation, including drawing of the spot mahazar, seizure of the vehicles, issuance of notices under Section 133 of the Motor Vehicles Act, recording of statements of witnesses, collection of post-mortem report, IMV report and other documents, and ultimately filing of the charge sheet against the accused persons.

24. The evidence of PW.5, being that of the Investigating Officer, no doubt explains the various steps taken during the course of investigation. However, it is a well-settled principle of criminal jurisprudence that the evidence of the Investigating Officer by itself cannot be treated as substantive evidence to prove the occurrence of the incident or the culpability of the accused unless the



same is corroborated by reliable and independent evidence. The investigation conducted by PW.5 can only establish the manner in which the investigation was carried out; it cannot, by itself, prove that Accused No.1 was driving the offending vehicle in a rash or negligent manner or that the accident occurred due to his fault.

25. A careful appreciation of the entire oral and documentary evidence placed on record discloses that the prosecution has failed to examine any independent witness who has actually witnessed the occurrence of the accident. Though PW.3 was cited as the eye-witness to the incident, he has categorically denied witnessing the accident and has stated that he merely noticed the deceased lying on the road after the incident. Thus, there is absolutely no direct evidence before the Court regarding the manner in which the accident occurred.

26. The evidence of PW.1, the complainant, is admittedly hearsay in nature. She was not present at the



spot and has no personal knowledge regarding the occurrence. On the contrary, she has specifically stated that she does not know how the accident took place and has denied the suggestion that the accident occurred due to the negligence of Accused No.1.

27. Similarly, PWs.2 and 4, who were examined as panch witnesses to the spot mahazar and seizure mahazar, have not supported the prosecution. They have denied the contents of the mahazars and have not spoken about the circumstances under which the mahazars were drawn. Likewise, PWs.6 and 7, who were examined as panch witnesses to the seizure of the tractor and trailer, have also turned hostile and denied the seizure proceedings. Therefore, the prosecution has not been able to prove the mahazar proceedings through independent evidence.

28. No doubt, the prosecution has produced the spot mahazar, sketch, IMV report, inquest report, post-mortem report and other documents. The post-mortem report and



medical records may establish that deceased Akash sustained injuries and subsequently died due to those injuries. However, the mere proof of death or injuries is not sufficient to hold the accused guilty for the offences alleged. The prosecution must further establish that the death was the direct result of the rash and negligent driving of Accused No.1. In the absence of any reliable eye-witness account or other convincing evidence establishing negligence on the part of Accused No.1, such a conclusion cannot be arrived at merely on the basis of the investigation records.

29. It is well settled that in a prosecution for offences relating to rash and negligent driving, the mere fact that an accident has occurred or that a person has died is not sufficient to fasten criminal liability upon the driver. The prosecution is required to establish by positive evidence that the accused was driving the vehicle in a rash or negligent manner and that such rashness or negligence was the



proximate cause of the accident. Suspicion, however strong, cannot take the place of legal proof.

30. In the present case, except the allegations made in the charge sheet and the testimony of the Investigating Officer regarding the investigation conducted by him, there is absolutely no independent and reliable evidence to establish that Accused No.1 was responsible for the accident. The prosecution has failed to place before the Court any trustworthy evidence proving the manner in which the accident occurred or showing that Accused No.1 was driving the vehicle rashly or negligently.

31. The prosecution has also failed to establish the offence punishable under Section 187 of the Motor Vehicles Act. No convincing evidence has been placed on record to show that Accused No.1 intentionally failed to discharge any statutory obligation cast upon him after the accident. In the absence of such evidence, the ingredients of the said offence also remain unproved.



32. So far as the allegation against Accused Nos.2 and 3 for the offence punishable under Section 196 of the Motor Vehicles Act is concerned, the prosecution was required to establish beyond reasonable doubt not only that the tractor bearing Registration No. KA-66-T-2201 and trailer bearing Registration No. KA-06-T-1112 were not covered by a valid policy of insurance on the date of the incident, but also that the said vehicles were being used on a public road in contravention of the provisions of Chapter XI of the Motor Vehicles Act.

33. Section 196 of the Motor Vehicles Act is attracted only when a motor vehicle is used or caused or permitted to be used in a public place without there being a policy of insurance complying with the requirements of the Act. Therefore, proof regarding the actual use of the vehicle on a public road is one of the essential ingredients of the offence.

34. In the present case, the prosecution has failed to establish beyond reasonable doubt that Accused No.1 was



driving the tractor and trailer on the public road at the relevant time. As already discussed, the prosecution has failed to prove the very occurrence of the accident in the manner alleged. The alleged eye-witness has not supported the prosecution case. The complainant has no personal knowledge regarding the incident. The mahazar witnesses have turned hostile. Consequently, there is no reliable evidence establishing that Accused No.1 was driving the offending tractor and trailer on the public road at the time of the alleged accident.

35. When the prosecution has failed to prove the very use of the vehicle on a public road by Accused No.1 and has further failed to satisfactorily establish the absence of a valid insurance policy, the essential ingredients of Section 196 of the Motor Vehicles Act remain unproved. Consequently, Accused Nos.2 and 3 cannot be held liable for having permitted the use of the said vehicles without insurance.



36. Even otherwise, when the very involvement and culpability of the accused in relation to the alleged accident has not been satisfactorily established, the benefit of doubt necessarily has to enure to the accused persons. The prosecution evidence suffers from serious infirmities. The material witnesses have not supported the prosecution. The alleged eye-witness has turned hostile. The mahazar witnesses have not supported the seizure and spot proceedings. There is no independent evidence connecting Accused No.1 with the alleged rash and negligent driving. Consequently, the prosecution has failed to establish the guilt of the accused persons beyond reasonable doubt.

37. It is a cardinal principle of criminal law that where two views are possible, the one favourable to the accused must be adopted. The benefit of every reasonable doubt must necessarily go to the accused. In the present case, the evidence on record creates substantial doubt regarding the



prosecution version, and therefore the accused persons are entitled to the benefit of such doubt.

38. Accordingly, this Court is of the considered opinion that the prosecution has failed to prove beyond reasonable doubt that Accused No.1 committed the offences punishable under Sections 281 and 106(1) of the Bharatiya Nyaya Sanhita, 2023 and Section 187 of the Motor Vehicles Act, 1988, and has further failed to prove that Accused Nos.2 and 3 committed the offence punishable under Section 196 of the Motor Vehicles Act, 1988. Hence, Point No.1 and Point No.2 are answered in the Negative.

39. POINT NO.3: In view of the above, I proceed to pass following;

:: O R D E R ::

Acting under Section 271(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, Accused No.1 is hereby acquitted of the offences punishable under Sections 281 and 106(1) of the Bharatiya Nyaya



Sanhita, 2023 and Section 187 of the Motor Vehicles Act, 1988.

Further, Accused Nos.2 and 3 are hereby acquitted of the offence punishable under Section 196 of the Motor Vehicles Act, 1988.

The bail bonds and surety bonds executed by the accused persons shall remain in force for another period of 6 Months.

Interim Order with respect tractor bearing Registration No. KA-66-T-2201, trailer bearing Registration No. KA-06-T-1112 and motorcycle bearing Registration No. KA-18-K-6532, shall be made absolute.

[Dictated to the Stenographer on computer, corrected and then pronounced by me in the Open Court on this the **25th day of June 2026**]

(THAHAKALEEL K.A.)
III Addl. Civil Judge & JMFC.,
Kadur. Chikkamagalur.



ANNEXURE

List of witnesses examined on behalf of Prosecution:-

PW-1	:	Smt. Gagana Kumari
PW-2	:	Sri. Mallikarjuna
PW-3	:	Sri. Tej Kumar
PW-4	:	Sri. Parameshwarappa
PW-5	:	Sri. S.N. Srikanth
PW-6	:	Sri. Rudresh H.G.
PW-7	:	Sri. Prasanna K.B.
PW-8	:	Sri. Rajappa

List of documents examined on behalf of Prosecution:-

Ex.P1	:	Complaint
Ex.P2	:	Statement of PW.1
Ex.P3	:	Police Notice
Ex.P4	:	Spot Mahazer
Ex.P5	:	Seizer Mahazer
Ex.P6 to 11:	:	Photographs
Ex.P12	:	Statement of PW.3
Ex.P13	:	Inquest Mahazer
Ex.P14	:	Notice U/Sec.133 of IMV Act
Ex.P15	:	Reply to U/Sec.133 of IMV Act
Ex.P16	:	Notice U/Sec.133 of IMV Act
Ex.P17	:	Reply to U/Sec.133 of IMV Act
Ex.P18	:	Notice U/Sec.133 of IMV Act



- Ex.P19 : Reply to U/Sec.133 of IMV Act
- Ex.P20 : Indemnity Bond
- Ex.P21 : Inquest Mahazer
- Ex.P22 : I.M.V. Report
- Ex.P23 : Certificate Under Article 63(4) of Indian Evidence Act
- Ex.P24 : Property release Mahazer
- Ex.P25 & 26: Photographs
- Ex.P27 : Seizer Mahazer
- Ex.P28 & 29: Photographs
- Ex.P30 : Reminder Letter
- Ex.P31 : Notice U/Sec.35(3) of B.N.S.S.
- Ex.P32 : Seizer Mahazer
- Ex.P33 & 34: Photographs
- Ex.P35 : F.I.R.

List of Material Objects examined on behalf of prosecution:- NIL

List of witnesses examined on behalf of defence:- NIL

List of documents marked on behalf of defence:- NIL

**(THAHAKALEEL K.A.)
III Addl. Civil Judge & JMFC.,
Kadur, Chikkamagalur.**