

KACM400014602023



**IN THE COURT OF THE I ADDL. CIVIL JUDGE & JMFC.,
MUDIGERE**

PRESENT: Smt. Suraksha K.K. B.B.M.,LL.B.
I Addl. Civil Judge & JMFC.,
Mudigere.

DATED THIS THE 06th DAY OF MARCH 2026

CRIMINAL CASE NO:954/2023

BETWEEN :

The State, represented by
Kalasa Police Station,
Kalasa Taluk.

...Complainant

(By Learned APP)

AND :

Sandeep Kumar M.,
Aged about 32 years,
S/o Manjunatha D.R.,
R/o Niduvale Village,
Balur Hobli, Mudigere Taluk,
Chikkamagaluru District.

... Accused

(By Sri. K.S.Adithya, Adv.,)

1	Date of occurrence of offence	27.05.2023
2	Date of report of offence	27.05.2023
3	Name of complainant	Saritha Vaj



4	Date of commencement of evidence	21.12.2023
5	Date of closure of evidence	04.08.2025
6	Offences complained of	Under Sections 279 & 304-A of IPC
7	Opinion of the Judge	Accused found not guilty

(Suraksha K.K.)

I Addl. Civil Judge & JMFC.,
Mudigere.

JUDGMENT

The C.P.I of Kuduremukh Circle has filed the charge sheet against the accused for the offence punishable U/s. 279 and 304(A) of I.P.C.

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

That on 27.05.2023 around 11:30 A.M within the jurisdiction of Kalasa police station at Marasanige Village, the accused was Drove his Bus Bearing Registration No.KA-18-B-1419 from Kalasa at high speed and in negligent manner and hit the car bearing Registration No.KA-05-NB-3270 Drogen by the complainant and caused accident. In the said accident the father



of the Complainant was died in the hospital due to head injury, thereby committed the offence punishable under section 279 and 304(A) of I.P.C and on the basis of information given by CW1 the A.S.I Kalasa PS has lodged F.I.R against the accused.

3. After submission of charge sheet this Court took cognizance for the offence punishable under section 279 and 304(A) of I.P.C and register the criminal case and issued summons to the accused.

4. In response to the summons, accused have appeared before this Court through his advocate and got enlarged on bail. The copies of prosecution papers were furnished to the accused as per under section 207 of Cr.P.C,. Heard before charge. No grounds have made out to discharge the accused before framing of charge. Charges were framed, recorded, read over and explained to accused in language best known to him for the offences punishable under Section 279 and 304(A) of I.P.C for which accused has pleaded not guilty and claimed to be tried.

5. In order to prove the guilt of the accused, beyond all reasonable doubt the prosecution has got examined 14 witnesses as PW1 to PW14 and got marked Ex.P1 to Ex.P33 and Court has examined the accused under section 313 of Cr.P.C.



the accused denied the incriminating evidence appearing against him and has not led any defence evidence.

6. Heard the arguments by learned APP. Learned counsel for accused filed written arguments also cited citation in support of his arguments and perused the materials on record.

7. The following points would arise for the determination of the Court;

- 1.** Whether the prosecution proved beyond all Reasonable doubt that on 27.05.2023 around 11:30 A.M within the jurisdiction of Kalasa police station at Marasanige Village, the accused was driving his Bus Bearing Registration No.KA-18-B-1419 from Kalasa at high speed and in negligent manner and hit the car bearing Registration No.KA-05-NB-3270 driven by the complainant and caused accident and thereby committed an offence punishable under section 279 of I.P.C?
- 2.** Whether on the above said date, time and place the prosecution proved beyond all reasonable doubt that as a result of said accident the father of the CW1 was died in the hospital due to head



injury and thereby committed a offence under section 304(A) of IPC.?

3. What sentence or order?

8. The answers to the above said 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:

REASONS

9. Points No.1 and 2: These points require common appreciation of materials on record. Thus, to avoid repetition of facts and appreciation, the same are taken for common discussion.

In order to prove the guilt of the accused, prosecution has examined CW1 complainant as PW1. Who deposed that on 27.05.2023 when CW1, 7, 8 and deceased Anthony Mathais are traveling in car bearing Reg.No.KA-05-NB-3270 towards Horanadu, around 11.30 A.M the accused was drown the bus bearing Reg.No.KA-18-B-1419 in rash and negligent manner and caused accident. Due to the shock of said accident the deceased Anthony Mathais was died at Government Hospital, around



12.00 P.M the CW1 has lodged a complaint before Kalasa police station and around 5.30 to 6.00 P.M the police have drawn the mahazar in the presence of witnesses. During cross-examination PW1 has denied some suggestion and affirmed some suggestion put forth by the learned counsel for the accused.

10. The CW2 and 3 examined as PW2 and 3 who are mahazar witness in the present case, during their examination-in-chief PW2 and 3 have turned hostile to the entire case of the prosecution by stating that they are not aware about the facts of the case. The prosecution treated them as hostile witness and cross examined them. During cross examination nothing has been elicited in support of prosecution case.

11. The CW9 to 12 examined as PW4 to 7 who are eye witness in the present case, during their examination-in-chief PW4 to 7 have turned hostile to the entire case of the prosecution by stating that they are not aware about the facts of the case. The prosecution treated them as hostile witness and cross examined them. During cross examination nothing has been elicited in support of prosecution case.

12. The CW13 examined as PW8 who is doctor who deposed regarding the issuance of wound certificate, as per



requisition issued by Kalasa police. During cross examination nothing credible information has been elicited from the mouth of the PW8.

13. The CW14 examined as PW9 who is circumstantial witness, deposed regarding the issuance of IMV report as per requisition issued by Kalasa police. During cross examination nothing credible information has been elicited from the mouth of the PW9.

14. The CW20 examined as PW10 who is I.O., deposed that on 27.05.2023 he has received the case file from CW19 and continued further investigation, on the same day in the presence of CW2 and 3 he has drawn the mahazar. On the same day he has drawn the mahazar of the body of the deceased Anthony Mathais in the presence of CW4 and 5 and also received 65-B certificate from CW18, and also issued notice to accused person. During cross-examination PW10 has denied some suggestion and affirmed some suggestion put forth by the learned counsel for the accused.

15. The CW21 examined as PW11 who is I.O., deposed that on 28.05.2023 he has received the case file from CW20 and continued further investigation, on the same day he has received



the documents from CW15 and also record statement of CW9, 12 and 15. On 29.05.2023 he has issued notice to CW14 seeking IMV report. On 05.06.2023 he has received IMV report from CW14 and on the same day he has received indemnity bond from CW15. On 13.06.2023 he has received the indemnity bond from CW17 and release the car. On 08.06.2023 he has filed the charge-sheet. During cross-examination PW11 has denied some suggestion and affirmed some suggestion put forth by the learned counsel for the accused.

16. The CW15 and 16 examined as PW12 and 13 who are circumstantial witness, during their examination-in-chief PW12 and 13 have turned hostile to the entire case of the prosecution by stating that they are not aware about the facts of the case. The prosecution treated them as hostile witness and cross examined them. During cross examination nothing has been elicited in support of prosecution case.

17. The CW17 examined as PW14 who is inquest witness, deposed that on 27.05.2023 he has intimated that his father-in-law was died in accident and soon after he has returned from the Bangalore around 9.00 P.M,. As per request of the Kalasa police he has furnished his RC and Insurance to the police and returned with their family. During cross-examination PW14 has denied



some suggestion and affirmed some suggestion put forth by the learned counsel for the accused.

18. Herein the present case the mahazar witnesses, eye witnesses and the circumstantial witnesses have turned hostile to the entire case of the prosecution. It is not the case that when except the CW1 other witnesses does not supports the prosecution case then the accused should be acquitted. But in the present case the CW1 herself deposed that prior to the accident, the CW1 was driving the car and for the first time she came across the Kalasa-Kuduremukh road and she has also admitted that, there is more curves in Kalasa to Kuduremukh.

19. On perusal of the Ex.P4 to 17 i.e., photos clearly shows that the right side of the car was damaged and it was drown by the CW1. During examination as stated by the CW1 that, except deceased Anthony Mathais no one was injured and the Ex.P25 i.e., Postmortem report it was reported that due to cardiac arrest Anthony Mathais was died. On considering the oral and documentary evidence it clearly shows that due to the shock deceased Anthony Mathais was dead.

20. Even though the PW10 and 11 I.O deposed in support of prosecution case the PW4 to 7 eye witnesses, PW2 and 3



mahazar witnesses and PW12 and 13 circumstantial witnesses turned hostile to entire case of the prosecution and there is no supportive witness in support of their evidence and moreover the CW1 has also failed to show the negligence act of the accused in occurrence of the accident.

21. On considering the oral and documentary evidence the prosecution has utterly failed to prove the rash and negligent manner of driving by the accused person and there is no evidence in order to prove that the alleged death of deceased Anthony Mathais was caused due to the negligence of accused. Hence there is no materials placed on record in order to prove the prosecution case. By considering all these and by giving benefit of doubt in favor of accused this court has answered points No.1 and 2 **in Negative.**

22. Point No.3: On the basis of above discussion this Court proceed to pass the following:

ORDER

Accused is hereby acquitted for the offences punishable under Section 279 & 304-A of IPC.



Bail bonds stand cancelled.

Bonds executed in compliance of Section 437(A) of Cr.P.C., shall be in force for a period of 6 months from the date of judgment.

*(Dictated to the Stenographer, typed by him on computer, corrected and then pronounced by me in the open court on this the **06th Day of MARCH 2026 at Mudigere.**)*

(Suraksha K.K.)
I Addl. Civil Judge & JMFC.,
Mudigere.

ANNEXURE

LIST OF WITNESSES EXAMINED ON BEHALF OF THE PROSECUTION:-

PW.1 : Saritha Vaz
PW.2 : Pranesh
PW.3 : Sudheer
PW.4 : Anil Kumar G.
PW.5 : Prashanth R.
PW.6 : Ravi
PW.7 : Ganesha
PW.8 : Dr. Sundaresh
PW.9 : J.M. Shambushekar



- PW.10 : Gajendra M.
PW.11 : Ramesh C.N.
PW.12 : Sujatha Balakrishna
PW.13 : Umesh S.N.
PW.14 : Alavayan Vaz

LIST OF DOCUMENTS MARKED ON BEHALF OF THE

PROSECUTION:-

- Ex.P1 : Complaint
Ex.P1(a) : Signature of PW1
Ex.P2 : FIR
Ex.P2(a) : Signature of PW1
Ex.P3 : Spot Mahazar
Ex.P3(a) : Signature of PW1
Ex.P3(b) : Signature of PW2
Ex.P3(c) : Signature of PW3
Ex.P3(d) : Signature of PW10
Ex.P4 to 17 : Photographs
Ex.P18 : 65-B Certificate
Ex.P18(a) : Signature of PW10
Ex.P19 : Compact Disc
Ex.P20 : Photographs
Ex.P21 : Statement of PW4
Ex.P22 : Statement of PW5



- Ex.P23 : Statement of PW6
- Ex.P24 : Statement of PW7
- Ex.P25 : Postmortem report
- Ex.P25(a) : Signature of PW8
- Ex.P26 : IMV report
- Ex.P26(a) : Signature of PW9
- Ex.P27 : Inquest report
- Ex.P27(a) : Signature of PW10
- Ex.P28 : IMV notice
- Ex.P28(a) : Signature of PW11
- Ex.P28(b) : Signature of PW12
- Ex.P29 : Reply
- Ex.P29(a) : Signature of PW11
- Ex.P29(b) : Signature of PW12
- Ex.P30 : Indemnity bond
- Ex.P30(a) : Signature of PW11
- Ex.P30(b) : Signature of PW13
- Ex.P31 : Statement of PW12
- Ex.P32 : Copy of RC
- Ex.P32(a) : Signature of PW14
- Ex.P33 : Copy of Insurance
- Ex.P33(a) : Signature of PW14



LIST OF MATERIAL OBJECTS MARKED ON BEHALF OF THE PROSECUTION:-

-----Nil-----

LIST OF WITNESSES EXAMINED ON BEHALF OF THE ACCUSED :-

-----Nil-----

LIST OF DOCUMENTS MARKED ON BEHALF OF THE ACCUSED :-

-----Nil-----

(Suraksha K.K.)
I Addl. Civil Judge & JMFC.,
Mudigere.