

KACM400028332023



**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 07<sup>th</sup> DAY OF MARCH 2026**

**CRIMINAL CASE NO:1979/2023**

**BETWEEN :**

The State, represented by  
Banakal Police Station,  
Mudigere Taluk.

...Complainant

**(By Learned APP)**

**AND :**

Mohammed Rfiq,  
Aged about 40 years,  
S/o Aboobekar,  
R/o Kuppetty, Kalmane,  
Ukruvlu Village, Kalleri Post,  
Belthangadi Taluk,  
Dakshina Kannada District.

... Accused

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

1	Date of occurrence of offence	12.05.2023
2	Date of report of offence	12.05.2023



3	Name of complainant	Shrihari
4	Date of commencement of evidence	22.10.2024
	Date of closure of evidence	30.10.2025
6	Offences complained of	Under Sections 279 & 304-A of IPC and 187 of IMV Act
7	Opinion of the Judge	Accused found not guilty

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

### **JUDGMENT**

The PSI of Banakal PS has filed the charge sheet against the accused for the offence punishable U/s. 279 and 304(A) of IPC and 187 of IMV Act.

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

That on 12.05.2023 around 03:15 A.M within the jurisdiction of Banakal police station at Mattikatte Circle, when the deceased Manjunath was crossing the road the accused person was Drove his EICHER Lorry Bearing Registration No.KA-21-C-4813 in rash and negligent manner and hit deceased Manjunath and cause his death, thereby committed the offence



punishable under section 279 and 304(A) of IPC and 187 of IMV Act, on the basis of information given by CW1 the WHC Banakal 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 IPC, 187 of IMV Act 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 IPC and 187 of IMV Act 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 10 witnesses as PW1 to PW10 and got marked Ex.P1 to Ex.P19 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 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 12.05.2023 around 03:15 A.M within the jurisdiction of Banakal police station at Mattikatte Circle, when the deceased Manjunath was crossing the road the accused person was Drove his EICHER Lorry Bearing Registration No.KA-21-C-4813 in rash and negligent manner 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



deceased Manjunath was died at spot and thereby committed a offence under section 304(A) of IPC?

3. Whether the prosecution proved beyond reasonable doubt that on the said date, time and place, the accused has went away from the spot without informing the police as well as without treating the deceased Manjunath and thereby the accused has committed the offense punishable under Section 187 of IMV Act?

4. 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 : **In the Negative**  
Point No.4 : As per the final order  
for the following:

### **REASONS**

9. **Points No.1 to 3**: 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 12.05.2023 when CW8 has telephoned CW1 and informed about the accident to the Manjunath. Then Banakal police was called CW1 and informed to come near mortuary and informed that the vehicle bearing Reg.No.KA21-C-4813 has caused accident to Manjunath. Then after 5 days the police have called and informed that they have seized the lorry which has caused accident to the Manjunath. During cross-examination PW1 has denied some suggestion and affirmed some suggestion put forth by the learned counsel for the accused.

**10.** The CW3 and 4 examined as PW2 and 3 who are inquest 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 examined as PW4, during her examination-in-chief PW4 has turned hostile to the entire case of the prosecution by stating that she is not aware about the facts of the case. The prosecution treated her as hostile witness and cross examined



her. During cross examination nothing has been elicited in support of prosecution case.

**12.** The CW10 examined as PW5 who is I.O., deposed that on 11.05.2023 when he was on parol duty along with CW11 around 3.30 A.M they have witness the dead body lying in road side. Then they have informed the same to the station after enquiry the CW10 and 11 came to know that the dead body is of the person one Sri.Manjunath resident of Rayachuru. Thereafter they have send the dead body to the Mudigere Government Hospital. On the next day one Sri.Srihari has lodged a complaint. On 14.05.2023 CW18 has drawn the mahazar and also recorded the statement of CW8. During cross-examination PW5 has denied some suggestion and affirmed some suggestion put forth by the learned counsel for the accused.

**13.** The CW11 examined as PW4 who deposed in consonance with CW10. During cross-examination PW5 has denied some suggestion and affirmed some suggestion put forth by the learned counsel for the accused.

**14.** The CW5 and 6 examined as PW7 and 8 who are mahazar witness in the present case, during their examination-in-chief PW7 and 8 have turned hostile to the entire case of the



prosecution except by affirming their signature on Ex.P10 and 12. During cross examination nothing has been elicited in support of prosecution case.

**15.** The CW14 examined as PW9 who is I.O., deposed that on 12.05.2023 around 16.00 P.M he has received a complaint and lodged FIR against accused for the offence punishable under Section 279, 304A of IPC and 187 of IMV Act under Cr.No.51/2023. During cross-examination PW9 has denied some suggestion and affirmed some suggestion put forth by the learned counsel for the accused.

**16.** The CW18 examined as PW10 who is I.O., deposed that on 12.05.2023 he has received the case file from the CW14 and continued investigation, since the CW18 was under investigation in another case the CW17 has continued the investigation in the present case. On 13.05.2023 he has requested to his staff to verify the whereabouts of accused person. On the same day around 1.05 A.M the said staff has informed regarding the negligent and rash manner of driving by the accused on the day of the occurrence of the accident. Hence he has received 65-B certificate from Sri.Mehaboob who verified the records in CC TV. On 14.05.2023 he has drawn the mahazar of the accident place in the presence of CW5 and 6 on the instructions given by the



CW11. On 16.05.2023 he has issued notice to CW9 seeking production of documents. On 17.05.2023 CW18 has issued notice under Section 133 against the CW9. On the same day CW18 has seized the vehicle bearing Reg.No.KA-21-C-4813 in the presence of CW5 and 6 and also recorded the statement of the accused person. On 19.05.2023 he has seek the report from CW13 and also telephone the CW7 and 8 to appear before CW18 for investigation purpose. On 22.05.2023 he has recorded the statement of CW7 and 8. On 24.05.2023 he has released the seized vehicle to CW9. On 26.06.2023 he has received the postmortem report from CW12. On 19.08.2023 he has received IMV report from CW13. During cross-examination PW10 has denied some suggestion and affirmed some suggestion put forth by the learned counsel for the accused.

**17.** It is the case of the prosecution that on 12.05.2023 around 03:15 A.M within the jurisdiction of Banakal police station at Mattikatte Circle, when the deceased Manjunath was crossing the road the accused person was Drove his EICHER Lorry Bearing Registration No.KA-21-C-4813 in rash and negligent manner and hit deceased Manjunath and cause his death.

**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 himself deposed that on 12.05.2023 he has received the information from CW8 regarding the death of Sri.Manjunath. But further he deposed that he has not stated that the accused person has caused the said accident. Hence, even though the CW1 supports the prosecution case, the CW1 has not identified that the accident was occurred due to the negligence act of the accused in the present case.

**19.** Even though the PW9 and 10 I.O deposed in support of prosecution case the PW1 complainant, PW7 and 8 mahazar witnesses and PW2 and 3 inquest witnesses turned hostile to entire case of the prosecution and there is no supportive witness in support of their evidence and moreover herein the present case the identification of the accused is in dispute.

**20.** 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 show that the accused in the present case has committed the accident and caused the death of Sri.Manjunath. 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 to 3 **in Negative.**

**21. Point No.4:** 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 and 187 of IMV Act.**

**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 **07<sup>th</sup> 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 : Shrihari  
PW.2 : Hasainer  
PW.3 : Mohammed Arif  
PW.4 : Pharjhana  
PW.5 : Rannagowda Patil  
PW.6 : Raghu P.S.  
PW.7 : Hasanabba P.K.  
PW.8 : Sirajuddin B.A.  
PW.9 : Vanitha M.  
Ex.P10 : Somegowda P.

**LIST OF DOCUMENTS MARKED ON BEHALF OF THE****PROSECUTION:-**

- Ex.P1 : Complaint  
Ex.P1(a) : Signature of PW1  
Ex.P1(b) : Signature of PW9  
Ex.P2 & 3 : Photographs  
Ex.P4 : Compact Disc  
Ex.P5 : Inquest report  
Ex.P5(a) : Signature of PW2  
Ex.P5(b) : Signature of PW3



- Ex.P6 : Photograph
- Ex.P7 : IMV notice
- Ex.P7(a) : Signature of PW4
- Ex.P7(b) : Signature of PW10
- Ex.P8 : Reply
- Ex.P8(a) : Signature of PW4
- Ex.P8(b) : Signature of PW10
- Ex.P9 : Indemnity bond
- Ex.P9(a) : Signature of PW4
- Ex.P9(b) : Signature of PW10
- Ex.P10 : Spot Mahazar
- Ex.P10(a) : Signature of PW6
- Ex.P10(b) : Signature of PW7
- Ex.P10(c) : Signature of PW8
- Ex.P10(d) : Signature of PW10
- Ex.P11 : Photographs
- Ex.P12 : Seizure Mahazar
- Ex.P12(a) : Signature of PW7
- Ex.P12(b) : Signature of PW8
- Ex.P12(c) : Signature of PW10
- Ex.P13 : Statement of PW7
- Ex.P14 & 15: Statement of PW8
- Ex.P16 : FIR



- Ex.P16(a) : Signature of PW9
- Ex.P17 : Postmortem report
- Ex.P17(a) : Signature of PW10
- Ex.P18 : IMV report
- Ex.P186(a) : Signature of PW10
- Ex.P19 : Self statement of accused
- Ex.P19(a) : Signature of PW10

**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.**