

KAKB720002592021



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Presented on : 18-02-2021
Registered on : 18-02-2021
Decided on : 26-03-2026
Duration : 5 years 1 months 8 days

IN THE COURT OF THE CIVIL JUDGE AND J.M.F.C.
SEDAM

C.C.No.185/2021

Dated this the 26th day of March-2026

Present: Sri. BALU
B.A. L.L.B,
Civil Judge & JMFC., Sedam.

Complainant	The State Represented by Sedam Police Station. (By A.P.P.)
-- Versus --	
Accused	Manikreddy S/o Venkatreddy Halkoda, Age: 59 years, Occ: Agriculture, R/o Halkoda village, Tq: Chincholi. (By Sri. N.R. Advocate)
Date of commission of offence	05.09.2020
Date of report of offence	06.09.2020
Name of the Complainant	Smt. Ambamma W/o Pandu Kudarmol
Date of starting of recording of evidence	02.11.2022



Date of closing of recording of evidence	25.02.2026
Offence complained of	U/Sec.279, 287, 304(A) of IPC
State represented by	Assistant Public Prosecutor
Accused defense by	By Sri. N.R. Advocate
Opinion of judge	As per final order

Sd/-
(Balu)
**C.J. & J.M.F.C.,
Sedam**

J U D G M E N T

The CPI Sedam has submitted charge sheet against the accused for the offence punishable U/Section 279, 287, 304(A) of Indian Penal Code (For short IPC).

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

The Criminal Law has been set into motion based on the First Information Statement of Ambamma W/o Pandu Kudarmol. The averments made in the First Information Statement discloses that, on 05-09-2020 at about 08-30 PM in land Sy.No.111/2 the accused while ploughing the field by Rootvator machine attached to the Tractor bearing KA-32-TB-6146. During the ploughing the field was hard and due to which the accused stopped Pandu S/o Hanmanth Kudarmol on the Rootvator machine attached to the Tractor and operated his tractor in rash and negligent manner



due to which the said Pandu got caught in the Rootvator machine and sustained severe blood injuries and succumbed to the injuries on the spot. Thereafter, the informant went to the police station and lodged First Information Statement. Based on the said information, a case in Crime No.169/2020 came to be registered against the accused for the offences under section 279, 287, 304-A of IPC.

3. The investigating officer after completion of investigation filed the charge sheet against the accused for the offence punishable U/sec. 279, 287, 304(A) of IPC.

4. After filing the charge-sheet cognizance is taken for the aforesaid offences as there are sufficient of material against the accused, after due service of summons, accused appeared through his counsel and obtained bail. Thereafter, prosecution papers are supplied to the accused as per Sec.207 of Code of Criminal Procedure. Substance of Accusations has been read over and explained to the accused in his vernacular. Accused pleaded no guilty and claims to be tried. Therefore, case is posted for prosecution evidence.

5. In order to prove the guilt of the accused, prosecution has examined 9 witnesses as PW.1 to PW.9 and got marked Ex.P.1 to 17 documents along with its sub-markings. The accused has been examined under Sec.313 of Cr.P.C. The accused has denied all the incriminating circumstances appearing in the prosecution case and submitted no defense evidence.



6. Heard, arguments of Learned Assistant Public Prosecutor for state and so also heard arguments Learned Advocate for accused.

7. After going through the evidence on record and documents marked in this case and so also on hearing of arguments of both side the following points that would arose for the consideration of this court are as under,

POINTS

1. Whether the prosecution proves beyond all reasonable doubt that, on 05-09-2020 at about 08-30 PM in land Sy.No.111/2 the accused while ploughing the field by Rootvator machine attached to the Tractor bearing KA-32-TB-6146. During the ploughing the field was hard and due to which the accused stopped Pandu S/o Hanmanth Kudarmol on the Rootvator machine attached to the Tractor and operated his tractor in rash and negligent manner so as endanger to human life and safety and thereby he committed an offence punishable U/Sec.279 IPC?
2. Whether the prosecution proves beyond reasonable doubt that, on the aforesaid date, time and place, the accused while ploughing the field by Rootvator machine attached to the Tractor bearing KA-32-TB-6146. During the ploughing the field was hard and due to which the accused stopped Pandu S/o Hanmanth Kudarmol on the Rootvator



machine attached to the Tractor and operated his tractor in rash and negligent manner due to which the said Pandu got caught in the Rootvator machine and sustained severe blood injuries and succumbed to the injuries on the spot and thereby Accused committed an offence punishable U/Sec.304-A IPC?

3. Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date, time and place, the accused while ploughing the field by Rootvator machine attached to the Tractor bearing KA-32-TB-6146. During the ploughing the field was hard and due to which the accused stopped Pandu S/o Hanmanth Kudarmol on the Rootvator machine attached to the Tractor and operated his tractor in rash and negligent manner without taking such order as it sufficient to guard against any probable danger to human life from such machinery thereby Accused committed an offence punishable U/Sec.287 IPC?

4. What order?

8. My answers to the above points are as under

Point No.1 to 3 : In the **Negative.**

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

REASONS

9. **Points No.1 to 3:-** All these points are taken up together for common discussion to avoid repetition of facts and for better appreciation of evidence.



10. It is the fundamental principle of criminal jurisprudence that prosecution has to prove its case beyond all reasonable doubt. In order to prove the case, the prosecution got examined PW.1 to PW.9 and got marked Ex.P.1 to Ex.P.17 documents along with its sub-markings.

11. PW.1 Bhicchyreddy S/o Madhavareddy and PW-2 Pentappa S/o Bonappa are pancha witnesses, PW-3 Ambayya S/o Ramappa is the witness, PW-4 Ambamma W/o Pandu Kudarmol is the informant, PW-5 Shaker S/o Bhichappa Mudhol and PW-6 Nagappa S/o Hanmanth Halli are the eye witnesses, PW-7 Jagadish S/o Ramappa Mansapalli is the pancha witness, PW-8 Naresh S/o Hanmanth Kudargol is the witness and PW-9 Rajshekar V Halgodi is the investigating officer. Ex.P-1 is the spot panchanama, Ex.P-2 is the photo, Ex.P-3 is the statement of PW-3, Ex.P-4 is the First Information Statement, Ex.P-5 is the statement of PW-5, Ex.P-6 is the statement of PW-6, Ex.P-7 is the photo, Ex.P-8 is the inquest panchanama, Ex.P-9 is the statement of PW-8, Ex.P-10 is the Indemnity bond, Ex.P-11 is the MVA report, Ex.P-12 is the post mortem report, Ex.P-13 is the RTC extract, Ex.P-14 is the First Information Report and Ex.P-15 to 17 are the photos of tractor.

I). EVIDENCE LET IN BY THE PROSECUTION IN RESPECT OF DEATH OF DECEASED:

12. In order to prove that deceased Pandu died on account of injuries sustained on the account of fault of accused, the prosecution has examined PW.3 to 6 and got marked Ex.P.8



inquest panchanama and Ex.P.12 Postmortem Report of deceased Pandu S/o Hanmanth. Firstly, I draw my attention to the testimony of PW.4 who is the informant and wife of deceased Pandu she in his examination in chief has deposed that his husband by name Pandu S/o Hanmanth died due to the injuries occurred due to accident took place while ploughing the field with Tractor. Now let me examine the testimony of PW-3, 5 and 6, these witnesses not supported to the case of prosecution so far as death of deceased Pandu S/o Hanmanth. Though, the learned APP cross examined PW-3, 5 and 6 during which nothing worth is elicited from their mouth so as to prove contents of statement marked Ex.P-3, Ex.P-5 and Ex.P-6.

13. PW.9 Rajshekar S/o Vitoba, the investigating officer in his examination in chief deposed that, on 07-09-2020 he visited the spot and conducted the spot panchanama in the presence of CW-4 and 5 as per Ex.P-1. Further he deposed that on 19-10-2020 he received post mortem report of deceased Pandu as per Ex.P-12. It is to be noted that, nothing has been suggested by the accused to PW.3. to 6 in respect of death of Pandu S/o Hanmanth, that the deceased not died on account of the injuries sustained due to rootvator machine. Ex.P.12 postmortem report reveals that, deceased Pandu S/o Hanmanth died due to injury to vital organ brain and polytrauma. As such, it could be concluded that the prosecution has ably proved that the deceased Pandu S/o Hanmanth died on account of injuries sustained due to rootvator machine attached to tractor bearing No.KA-32-TB-6146.



II. DRIVER ON WHEELS

14. In order to prove that the accused was driving the Tractor bearing Reg.No.KA-32-TB-6146 on the alleged date of incident/accident the prosecution has examined PW.3 to 6. These witnesses have not supported to the case of prosecution so far as the accused was driving the Tractor bearing Reg.No.KA-32-TB-6146 on the alleged date of accident/incident. There is no any iota of evidence placed on record by the prosecution to prove the accused was driving the said Tractor on the alleged date of accident/incident. Therefore, in the absence of valid and clinching evidence it can not be said that, the accused was driving the aforesaid Tractor on the alleged date and time of incident. As such, in the absence of valid and cogent evidence it could be concluded that, the prosecution has failed to prove that accused was driving the aforesaid Tractor on the alleged date of incident/accident.

III. SPOT PANCHANAMA/SEIZURE PANCHANAMA

15. In order to prove the place of occurrence/Ex.P.1 spot panchanama, the prosecution has examined PW.1 Bhichireddy and PW.2 Pentappa and PW-9 Rajshekar S/o Vitoba. PW.1 and 2 in their examination in chief identified their signature at Ex.P.1 spot panchanama, deposed that they have signed the Ex.P-1 panchanama on the request of police. Further, they have stated that they have not participated in the any panchanama and police have not seized any vehicle in their presence and they do not know anything about the incident. Though, the learned APP cross



examined PW-1 and 2 by treating them as hostile witness during which nothing worth has been elicited from their mouth so as to prove the contents of Ex.P-1 spot panchanama. As per PW-9 the investigating officer he visited the incident spot on 07-09-2020 and conducted the spot panchanama on the spot in presence of CW-4 and 5. Further, on going through the photographs marked at Ex.P-2 it appears that the investigating officer has visited the place of occurrence. However, the accused has not disputed the place of occurrence of seizure of vehicle as such it could be concluded that the prosecution has ably established Ex.P-1 spot panchanama/seizure panchanama.

IV) EVIDENCE LET IN BY THE PROSECUTION IN RESPECT OF RASH AND NEGLIGENT DRIVING BY THE ACCUSED.

16. As discussed above since the prosecution has failed to establish the fact that, the accused was driving the aforesaid tractor bearing No.KA-32-TB/6146 on the alleged date of incident/accident, in such an event, nothing will remain to discuss about the rash and negligent act of the accused. Even the evidence of prosecution is examined the only question that is to be ascertained and determined is that whether the accused was driving the aforesaid Tractor in a rash and negligent manner and was responsible for the death of deceased Pandu S/o Hanmanth. At this juncture, I find it appropriate to Court the ruling reported in **2012 AIR SCW** 4659 decided between **Ravi Kapur Vs. State of Rajasthan**, wherein the Hon'ble Apex Court held that:



“A person who drives on the road is held responsible for the act as well as the result, and that, it may not always be possible to determine with reference to the speed of the vehicle whether the person was driving rashly or negligently and that, even, if one is driving the vehicle at a low speed, but recklessly and negligently, it would amount to rash and negligent driving within the meaning of Sec.279 of IPC.

Further the Hon’ble Apex Court at para No.10 also held that, rash and negligent driving has to be examined in the light of the facts and circumstances of a given case. It is a fact incapable of being construed or seen in isolation. It must be examined in the light of attending circumstances”.

At para No.11, the Hon’ble Apex Court held that, ‘Negligence’ means omission to do something which a reasonable and prudent person guided by the consideration which ordinarily regulate human affairs would do or doing something which a prudent and reasonable person guided by similar considerations would not do and held that, whether there exists negligence perse or the course of conduct amounts to negligence will normally depend upon the attending and surrounding facts and circumstances which have to be taken into consideration by the court.

17. In the light of the principle laid down above, a careful scrutiny of the oral testimony let in by the prosecution, it reveals that, the only material witnesses to the incident/accident are PW.3 Ambayya S/o Ramappa, PW-4 Smt. Ambamma W/o Pandu, PW.5 Shekar S/o Bhichappa and PW.6 Nagappa S/o Hanmanth



Halli. PW.3 to 6 have not supported to the case of prosecution. Though the learned APP cross examined these witnesses nothing worth has been elicited from their mouth so as to prove the statement of witnesses,

18. It is to be noted that, PW.3 to 6 have not identified the accused before the court. That apart, the learned APP treated them as hostile witnesses and cross examined them during which they denied the suggestion put by the learned APP that, the accused was driving the aforesaid Tractor in rash and negligent manner.

19. Though, by producing Ex.P.8 inquest panchanama of deceased Pandu and Ex.P.12 postmortem report of deceased Pandu prosecution has established that, deceased Pandu died in the rootvator machine attached to the Tractor. But, it cannot be said that he sustained injuries on account of the fault of the accused as discussed. On careful scrutiny of oral evidence of these witnesses it is to be noted that, no one has stated about the fact that, the accused driving the said Tractor in rash and negligent manner without taking due precaution and safe guard to the human life and safety. Apart from this as stated supra since the prosecution has failed to prove that, the accused was the driver of the said Tractor on the alleged date of incident/accident it creates doubt. Hence, it can be concluded that, the prosecution has totally failed in establishing the guilt of the accused. As such, benefit of doubt is to be extended to the accused and he is entitled for acquittal in respect of offences



punishable under section 279, 287, 304(A) of IPC. Accordingly, I answer point No.1 to 3 in the **Negative**.

20. Point No.4: In view of my findings on point No.1 to 3, I proceed to pass the following:

ORDER

In exercise of power conferred U/sec.,
255(1) of Code of Criminal Procedure the
accused is acquitted for the alleged
offences punishable U/Sec. 279, 287,
304(A) of IPC.

Bail bond and surety bonds stands
canceled after completion of appeal period.

(Dictated to the Stenographer directly on computer, typed by her, corrected and then pronounced by me, in the open Court on this the 26th day of March-2026).

Sd/-
(Balu)
C.J. & JMFC., Sedam

ANNEXURE

List of the witnesses examined on behalf of the Prosecution:-

PW.1	:	Bhichireddy S/o Madhavareddy
PW.2	:	Pentappa S/o Monappa Talwar
PW.3	:	Ambayya S/o Ramappa Masanpalli
PW.4	:	Ambamma W/o Pandu Udarmol
PW.5	:	Shekar S/o Bhichappa Mudhol
PW.6	:	Nagappa S/o Hanumanth Halli
PW.7	:	Jagadish S/o Ramappa Maspalli
PW.8	:	Naresh S/o Hanmanth
PW.9	:	Rajshekar S/o Vitoba



List of the witnesses examined on behalf of the Accused:-

-NIL-

List of the documents marked on behalf of Prosecution

Ex.P-1	:	Spot panchanama
Ex.P.1(a)	:	Signature of PW-9
Ex.P-2	:	Photo
Ex.P-3	:	Statement of PW-3
Ex.P-4	:	First Information Statement
Ex.P-5	:	Statement of PW-5
Ex.P-6	:	Statement of PW-6
Ex.P-7	:	Photo
Ex.P-8	:	Inquest panchanama
Ex.P.8(a)	:	Signature of PW-7
Ex.P-9	:	Statement of PW-8
Ex.P-10	:	Indemnity bond
Ex.P.10(a)	:	Signature of PW-9
Ex.P-11	:	MVA report
Ex.P.11(a)	:	Signature of PW-9
Ex.P-12	:	Post mortem report
Ex.P.12(a)	:	Signature of PW-9
Ex.P-13	:	RTC extract
Ex.P-14	:	First Information Report
Ex.P-15 to 17:	:	Photos of tractor.

List of the witnesses examined on behalf of Court:-

- NIL -

List of the documents marked on behalf accused:-

- NIL -

**Sd/-
(Balu)
C.J. & JMFC., Sedam**
