



Presented on : 18-01-2025
 Registered on : 20-01-2025
 Decided on : 13-03-2026
 Duration : 01 year 01 month 23 days

IN THE COURT OF CIVIL JUDGE & J.M.F.C.,

SHAHABAD , AT: SHAHABAD

Present : *Sri. Chatni Prashant Sharanbasaveshwar*
B.A., LL.B.(HONS),LLM
 Civil Judge & J.M.F.C., Shahabad.

C.C.No.16/2025

Dated this 13th day of March -2026

BETWEEN :

The State of Shahabad Town P.S.

..... Complainant
(By Learned APP)

AND :

1. Malleshi S/o Ningappa Jirakal,
 Age: 38 years, Occ: Driver,
 R/o: Muttaga village, Tq:Shahabad.
2. Sidram S/o Shamaya Pattedar,
 Age: 34 years, Occ: Driver,
 R/o: Muttaga village,
 Tq:Shahabad. **(Pleaded guilty)**

...Accused.

(Sri.C.S.Pujari, Advocate.)

Date of commission of offence	04-10-2024
Date of report offence	05-10-2024
Name of the complainant	Smt. Bharatibai W/o Datturao Pawar
Date of commencement evidence	03-03-2026
Date of closing evidence	03-03-2026

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Offences complained	281 125(a) and 106 of BNS-2023.
Opinion of Judge	Accused No.1 not found guilty

: J U D G M E N T :

This is a charge sheet filed by Police Inspector of Shahabad Town Police Station against the accused No.1 And 2 for the offences punishable U/Sec.281, 125(a), 106 of BNS-2023 and Sec.192(a) and 196 of IMV Act. During the trial of the Court the accused No.2 has pleaded guilty for the offence punishable U/Sec.193(a) and 196 of IMV Act.

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

That on 04-10-2024 about 3:00 p.m in between Bhankur-Muttaga road towards Stone quarry nearby the field of one Ningappa Pujari, accused No.2 along with inmates were proceeding in Appe Company Auto Tum Tum bearing No.KA-32/B-1329, by that time, the accused No.1 being driver of Maruti Company Suzuki ECO Omini Car bearing with Reg.No.KA-32/M-9526,

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drove in a rash and negligent manner with high speed endangering human life and personal safety of others and dashed to aforesaid Tum Tum, as a result the said Tum Tum toppled on the road due to which C.W.9 and 10 sustained simple injuries and one Yamunabai sustained multiple grievous injuries and succumbed to the death and thereby committed an offence U/Sec.281 125(a) and 106 of BNS-2023.

3. On the information given by CW-1 crime was registered in Crime No.104/2024 and after completion of investigation the present charge sheet was filed.

4. After filing of the charge sheet cognizance was taken against the Accused No.1 for the offence committed, charge sheet copies supplied to the accused as required U/Sec. 230 of BNSS-2023.

5. Thereafter, the plea was recorded against the accused No.1, the accused No.1 plead no guilty but claims to be tried. The accused No.2 voluntarily

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appeared and has pleaded guilty for the offence alleged against him U/Sec.192(a) and 196 of I.M.V Act.

6. In order to establish it's case, prosecution got examined PW-1 and got marked EX-P-1 to EX-P-3.

7. The PW-1 is the material witness and she has turned hostile. There are no incriminating evidence forthcoming against the Accused No.1, the recording of the 313 statement of the Accused No.1 is dispensed herewith.

8. Heard the arguments and perused materials available on records.

9. The following points arised for my consideration are:

1. Whether the prosecution proves beyond reasonable doubt that on 04-10-2024 about 3:00 p.m in between Bhankur-Muttaga road towards Stone quarry nearby the field of one Ningappa Pujari, accused No.2 along with inmates were proceeding in Appe Company Auto Tum Tum bearing No.KA-32/B-1329, by that time, the

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accused No.1 being driver of Maruti Company Suzuki ECO Omini Car bearing Reg No.KA-32/M-9526, drove in a rash and negligent manner with high speed endangering human life and personal safety of others and dashed to aforesaid Tum Tum and caused accident thereby committed an offence U/Sec.281 of BNS-2023?

2. Whether the prosecution further proves beyond reasonable doubt that, on the above mentioned date, time and place, accused No.1 being driver of Maruti Company Suzuki ECO Omini Car bearing No.KA-32/M-9526, drove in a rash and negligent manner with high speed endangering human life and personal safety of others and dashed to aforesaid Tum Tum as a result the said toppled on the road due to which C.W.9 and 10 had sustained multiple simple injuries and thereby committed an offence U/Sec.125(a) of BNS-2023?
3. Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place, the accused No.1 being driver of Maruti Company Suzuki ECO Omini Car bearing Reg.No.KA-32/M-9526, drove in a rash and negligent manner with high speed endangering human life and personal safety of others and dashed to aforesaid Tum Tum as a result the said toppled on the road due to which one Yamunabai

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sustained multiple grievous injuries and succumbed to the death and thereby committed an offence punishable under Section 106 of BNS-2023?

4. What order?

10. My findings to the above points are

1. In Negative
2. In Negative
3. In Negative
4. In Negative
5. As per the final order

REASONS

11. **POINT NO.1 TO 4 :-** These points are interlinked and interconnected with each other to avoid the repetition of facts and appreciation of evidence these points are taken together.

12. The gist of case of prosecution is that on 04-10-2024 about 3:00 p.m in between Bhankur-Muttaga road towards Stone quarry nearby the field of one Ningappa Pujari, accused No.2 along with inmates were proceeding in Appe Company Auto Tum Tum bearing No.KA-32/B-1329, by that time, the accused No.1 being driver of Maruti Company Suzuki ECO Omini

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Car bearing with Reg.No.KA-32/M-9526, drove in a rash and negligent manner with high speed endangering human life and personal safety of others and dashed to aforesaid Tum Tum, as a result the said Tum Tum toppled on the road due to which C.W.9 and 10 sustained simple injuries and one Yamunabai sustained multiple grievous injuries and succumbed to the death and thereby committed an offence U/Sec.281 125(a) and 106 of BNS-2023. Further, the Yamunabai mother the complainant died while she was on the treatment on 1710-2024 at Government Hospital of Kalaburagi, therefore Section 106 of BNS-2023 was added.

13. The prosecution in order to prove the guilt of the Accused No.1 has examined PW-1 and got marked 3 documents EX-P-1 to 3.

14. PW-1 Smt. Bharatibai W/o Datturao Pawar the complainant who has lodged the complaint against the accused No.1 which is marked as Ex.P.1 and the signature of the witness as Ex.P.1(a) deposes in her

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examination-in-chief that the deceased Smt. Yamunabai is her mother and she is unaware how the accident took place. Further it is testified that she cannot say the date, time and place of the accident and the person responsible for the accident, no complaint was lodged by her, it is deposed that she has not given any statement to the police and no spot was shown by her at the time of the panchanama, this witness pleads ignorance about the contents of the Ex.P.1. On confrontation she admits photograph which is marked as Ex.P.2 and further deposes that she is unaware the reason for taking the photograph as per Ex.P.2. The Learned APP treated the witness as hostile and fully cross-examined her with the permission of the Court but nothing worth was elicited that is beneficial for the case of prosecution. The statement of the witness is marked as Ex.P.3 by the prosecution.

15. On going through the evidence on record it shows that, the material witness to the incident that is complainant has turned hostile and not supported the case of the prosecution and there is no identification of

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the accused. When the Court is of the firm opinion that the accused cannot be convicted in the said offence then it has to stop the recording of the evidence and dispense 313 statement. Perused the material available on the record and posted the matter for the judgment. As per the verdict of the Supreme Court if the court comes to the conclusion that when the accused cannot be convicted then it is at the liberty to stop the trial of the case and pronounce judgment based on the material available on the record, same is reproduced as below:

In Satish Mehra V/s Delhi Administrative and another, 1996(3) Crimes 84, Hon'ble Supreme court held in page No.13 as follows;

“When the judge is fairly certain that there is no prospect of the case ending in the conviction the valuable time of the court should not be wasted for holding a trial only for the purpose of formally completing the procedure to pronounce the conclusion on the future date”

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16. There are no beneficial evidence on the record which favours the case of the prosecution. Therefore, the prosecution has failed to prove the guilt of the accused beyond all reasonable doubt and it's benefit must be given to the accused by way of acquittal. Accordingly, the point No.1 to 4 are answered in **Negative.**

17. **POINT NO.5;-** In the view of my findings I proceed to pass the following:

: ORDER :

By Acting U/Sec.278(1) of BNSS-2023 the Accused No.1 is acquitted for the offence punishable U/Sec.281, 125(a) and 106 of BNS-2023.

The Bail bond and surety Bond of the Accused No.1 stands cancelled and he is set at liberty forthwith.

(Dictated to the Stenographer directly on the computer, script revised, corrected, signed by me and then pronounced in the open court on this 13th day of March -2026)

Chatni Prashant Sharanbasaveshwar
Civil Judge & JMFC.,
Shahabad

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**:ANNEXURE:****List of witnesses examined on behalf of Prosecution:**

PWs.

1. Smt. Bharatibai W/o Datturao Chavan

List of documents marked on behalf of Prosecution:

- Ex.P.1 : Complaint
Ex.P.1(a) : Signature of P.W.1
Ex.P.2 : Photograph
Ex.P.3 : Statement of the P.W.1.

List of M.Os., marked for Prosecution:

- NIL -

List of witnesses examined for Accused:-

- NIL -

List of documents marked for Accused:-

- NIL -

Civil Judge & JMFC.
Shahabad