



Presented on : 19-08-2024

Registered on : 19-08-2024

Decided on : 09-04-2026

Duration : 01 years 07 month 21 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.801/2024**Dated this 9th day of April -2026**

BETWEEN :

The State by Wadi P.S.

..... Complainant
(By Learned APP)

AND :

Anandkumar Wodeyar

Age: 26 years, Occ: Driver,

R/o: Balawadagi, Tq:Chittapur.

...Accused.

(Sri.R.R.Rathod,Advocate.)

Date of commission of offence	17-09-2023
Date of report offence	05-10-2023
Name of the complainant	Nirwanappa S/o Eshwarappa Wodeyar
Date of commencement evidence	27-03-2026
Date of closing evidence	27-03-2026
Offences complained of	279, 337, 338, 304(A) of IPC
Opinion of Judge	Accused not found guilty

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: J U D G M E N T :

This is a charge sheet filed by C.P.I of Chittapur Police Station against the accused for the offence punishable U/Sec.279 and 304(A) of IPC.

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

That on 17-09-2023 about 7:00 p.m at Wadi-Balawadi road nearby Maremma Temple the accused along with pillion rider i.e., Vishwanath were proceeding on motorcycle bearing No.KA-36/EF-4440 drove in a rash and negligent manner with high speed endangering human life and personal safety of others and due to sudden skid the said motorcycle was toppled as a result the pillion rider Vishwanath had simple and grievous injuries and he was shifted to Kalaburagi Jeevana Jyoti Hospital for treatment. Thereafter shifted him to GIMS hospital Kalaburagi, for further treatment and he died in the said Hospital while he was on the treatment thereby committed an offence U/Sec.279 304(A) of IPC.

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3. On the information given by CW-1 crime was registered in Crime No.128/2022 and after completion of investigation the present charge sheet was filed.

4. After filing of the charge sheet cognizance was taken against the accused for the offence committed, charge sheet copies supplied to the accused as required U/Sec. 207 of the Cr.P.C.

5. Thereafter, the plea was recorded against the accused, the accused plead no guilty but claims to be tried.

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

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

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

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9. The following points arised for my consideration

are:

1. Whether the prosecution proves beyond reasonable doubt that on 17-09-2023 about 7:00 p.m at Wadi-Balawadi road nearby Maremma Temple the accused along with pillion rider i.e., Vishwanath were proceeding on motorcycle bearing No.KA-36/EF-4440 rode in a rash and negligent manner with high speed endangering human life and personal safety of others and due to sudden skid of the said motorcycle which result in the accident and thereby committed an offence U/Sec.279 of IPC?
2. Whether the prosecution proves beyond all reasonable doubt that on the above said date, time and place, accused being the driver of motorcycle bearing No.KA-36/EF-4440 rode in a rash and negligent manner with high speed endangering human life and personal safety of others and due to sudden skid as a result the said motorcycle toppled for which pillion rider Vishwanath had simple and grievous injuries and he was shifted to Kalaburagi Jeevana Jyoti Hospital for treatment. Thereafter shifted him to GIMS hospital Kalaburagi, for further treatment and he died in the said Hospital while he was on

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the treatment and thereby committed an offence punishable under Section 304 (A) of IPC?

3. What order?

10. My findings to the above points are

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

REASONS

11. **POINT NO.1 & 2:-** 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 17-09-2023 about 7:00 p.m at Wadi-Balawadi road nearby Maremma Temple the accused along with pillion rider i.e., Vishwanath were proceeding on motorcycle bearing No.KA-36/EF-4440 drove in a rash and negligent manner with high speed endangering human life and personal safety of others and due to sudden skid the said motorcycle was toppled as a result the pillion rider Vishwanath had simple and grievous injuries and he

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was shifted to Kalaburagi Jeevana Jyoti Hospital for treatment. Thereafter shifted him to GIMS hospital Kalaburagi, for further treatment and he died in the said Hospital while he was on the treatment thereby committed an offence U/Sec.279 304(A) of IPC.

13. PW-1 Nirvanappa S/o Ishwarappa Wodeyar the complainant who has lodged the complaint against the accused which is marked as Ex.P.1 and the signature of the witness as Ex.P.1(a). The said witness deposes that the deceased Vishwanath is his son, he further pleads ignorance about the date, time and place of accident, it is testified that he cannot say who has caused the accident and unaware about the vehicle involved in the accident, no complaint was lodged by him as per Ex.P.1 against the accused and no spot was shown by him at the time of the panchanama. On confrontation he admits his presence in a photograph which is marked as Ex.P.2. Further it is testified that he is unaware about the reasons for taking the photograph as per Ex.P.2 and he is unable to state the reasons for signing on Ex.P.1. This witness pleads

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ignorance about the contents of Ex.P.1. It is deposed that no statement and further statement was given him. Learned APP treated him as hostile witness and with the permission of the court she fully cross-examined him but nothing worth was elicited that is beneficial for the case of the prosecution. The statement of the witness is marked as Ex.P.3.

14. 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 the accused by the witness. When the Court is 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

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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”

15. 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 and 2 are answered in **Negative.**

16. **POINT NO.3;-** In the view of my findings I proceed to pass the following:

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**: ORDER :**

By Acting U/Sec.255(1) of Cr.P.C the accused is acquitted for the offence punishable U/Sec.279, 304(A) of IPC.

The Bail bond and surety Bond of the accused 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 9th day of April -2026)

Chatni Prashant Sharanbasaveshwar
Civil Judge & JMFC.,
Shahabad

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

PWs.

1. Nirvanappa S/o Ishwarappa Wodeyar

List of documents marked on behalf of Prosecution:

- | | |
|-----------|----------------------------|
| Ex.P.1 | Complaint |
| Ex.P.1(a) | Signature |
| Ex.P.2 | Photograph |
| Ex.P.3 | Further statement of P.W.1 |

List of M.Os., marked for Prosecution:

- NIL -

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List of witnesses examined for Accused:-

- NIL -

List of documents marked for Accused:-

- NIL -

Civil Judge & JMFC.
Shahabad