

IN THE COURT OF THE XI ADDITIONAL JUDICIAL MAGISTRATE OF
FIRST CLASS:: ANAKAPALLI

Present: Sri A.Ramesh,
XI Additional Judicial Magistrate of First Class
Anakapalli.

Thursday , this the 29th day of May, 2024

C.C. No. 121/2023

Between:

State rep. by Sub-Inspector of Police,
Parawada Police Station, Anakapalle District.

... Complainant

A n d

Kamatham Venkata Reddy, S/o Lakshmi Nursi Reddy, 30 years,
R/o 6-67, Kandrapadu village, Konayyapalem post, Chandralapadu
mandal, Krishna District. (Driver of Ashok Layland Dost Van
bearing No.TS 08 UG 4799

... Accused

This case came before me on 19-05-2025 for final hearing in the presence of Ld. A.P.P for Complainant-State and of Sri S.D.K, Ld. Counsel for accused, and the matter having stood over for consideration till this day and upon hearing arguments on both sides, this Court delivered the following:

J U D G M E N T

1 This case emerges out of the police report filed by the S.I of Police, Parawada Police Station, against the accused person in Cr. No.74/2022 of his police station for the alleged offence punishable U/sec. 304 (A) of IPC.

2. The case of the prosecution in brief, is that,

L.W.1 the de-facto complainant viz., Badapu Rambabu, S/o Mahalakshmi presented a report to the police stating that on 02.02.2022, at about 19.00 hrs, his mother went to his sister's house at Lankalapalem, Gollapeta from his house at Maredupudi. She boarded an auto at Maredupudi junction and reached Lankalapalem junction at 19.00 hrs, while she was crossing the road near Gollapeta junction, the driver of Ashok Layland Dost Van bearing No.TS 08 UG 4799 proceeding from Anakapalle towards Gajuwaka drove the same in a rash and negligent manner and dashed his mother. As a result, his mother received blood injury on her head and shifted to CHC Aganumpudi through 108 Ambulance. While undergoing 1st Aid and CHC,Aganampudi, his mother died at about 19.45 hrs.

03. Basing on the report of L.W.1, L.W.18/P.Eswara Rao, Inspector of police registered a case in Cr.No. 74/2022 under Sec. 304A of IPC of Parawada Police station and endorsed the case to L.W.17/V. Trinadha Rao, A.S.I. of Police, for investigation. During the course of investigation, L.W.17 examined LW1 to LW7 and recorded their detailed statements u/s 161 CRPC and on 3-2-2022 visited the scene of offence, prepared rough sketch and drafted scene observation report in the presence of LW13 and LW14. Further during the course of investigation, he conducted inquest over the dead body of the deceased at NTR hospital, Anakapalle in the presence of panchayatdars on 03-03-2022, and forwarded the dead body to the LW16 for Postmortem examination. Thereafter, the LW17 issued noticed u/s 41A Cr.P.C to the accused. Then, the LW15 inspected the crime vehicle and issued report and opined that the accident was not due to any

mechanical defect of the crime vehicle. The LW16 issued Postmortem Certificate and opined that the cause of death of the deceased is hypervelmic shock due to head injury. After completion of investigation, the LW18 verified the charge sheet and filed before this court.

4. This case was taken cognizance for the offence U/sec. 304 (A) of IPC, against the accused.

5. On appearance of accused person, copies of case documents were furnished to him as required U/sec. 207 Cr.P.C. The accused was examined U/sec. 251 Cr.P.C., and the substance of accusation for the offence U/sec. 304 (A) of IPC, is read over and explained to him in Telugu, for which, he denied the same, pleaded not guilty and claims to be tried.

6. In order to prove the case of prosecution, the prosecution examined ten witnesses as PW1 to PW4 and got marked Ex.P.1 to Ex.P9 on its behalf.

7. After closure of prosecution evidence, the accused person was examined U/sec. 313 Cr.P.C., and the incriminating material available in the evidence of prosecution witnesses is put-forth to him, for which he stated as false and reported no defence evidence.

8. Heard the learned APP and the learned counsel for the accused person. Perused the material available on record.

9. Now the point that arises for determination is :-

Whether the prosecution is able to establish the guilt of the accused person for the alleged offence punishable U/sec. 304 (A) of IPC, beyond all reasonable doubt?

P O I N T:

10. It is the case of the prosecution that on 22.02.2022, at about 19.00 hrs, the deceased went to her daughter's house at Lankalapalem, Gollapeta from her house at Maredupudi. She boarded an auto at Maredupudi junction and reached Lankalapalem junction at 19.00 hrs, while she was crossing the road near Gollapeta junction, the driver of Ashok Layland Dost Van bearing No.TS 08 UG 4799 proceeding from Anakapalle towards Gajuwaka drove the same in a rash and negligent manner and dashed her. As a result, the deceased received blood injury on her head and died at about 19.45 hrs.

11. In order to prove the case of prosecution, the de-facto complainant/ Badapu Rambabu is examined as PW1 and he deposed in his evidence that the deceased is his mother. In the month of Feb,2022, he came to know over phone that while his mother going his sisters house, when she was crossing road at Gollapeta junction, one van dashed her, due to which she received head injury. While she was undergoing treatment, she died. In his cross examination, he deposed that he did not witness the incident. He denied the suggestion that he does not know about the incident, he is deposing false.

12. One of the panchayatdar is examined as PW2 in his evidence he deposed that Police obtained his signatures on some written papers at the hospital. There we came to conclusion that the deceased died in a road accident. He never acted as mediator to the scene observation. In view of the hostility of P.W.2, the learned APP obtained permission to cross examine PW2 and

cross-examined him, but nothing was elicited in the cross examination of PW2.

13. PW3 deposed in his evidence that he noticed that some persons were shifting the deceased from Scene of offence to the hospital by auto. He never acted as mediator for the scene observation in this case. In view of the hostility of P.W.3, the learned APP obtained permission to cross examine PW3 and cross-examined him, but nothing was elicited in the cross examination of PW3.

14. PW4/V.Trinadha Rao, the then S.I. of Police deposed in his evidence about the registration of FIR, preparation of scene observation report, examination of witnesses, recording their statements, conducting of Post Mortem examination and filing of charge sheet.

15. As seen from the material on record, there is no dispute from the side of the learned defence counsel with regard that the deceased died due to the injuries sustained in a road accident. The conjoint testimonies of PW1 to 4 coupled with Ex.P1 to ExP9 shows that the deceased died due to the injuries sustained in the road accident. Further admittedly the Pws 1 to 3 are not direct witnesses to the incident and they did not depose anything against the accused. Further, there is no material to show that the accused person is the rider of the crime vehicle at the time of accident and about the involvement of the crime vehicle and also the rash and negligence on the part of the accused person. Here, there is no direct evidence to prove the case of the prosecution that the accused is the rider of the crime vehicle i.e., Ashok

Layland Dost Van bearing No.TS 08 UG 4799 and he drove the same in a rash and negligent manner and caused the death of the deceased. Except the testimony of PW3, that he served Sec. 41-A Cr.P.C., notice on the accused person, there is no other evidence to prove the guilt of the accused person. Absolutely, there is no material to connect the accused with the alleged crime, as such this court is of the considered view that the prosecution failed to establish the guilt of the accused person for the alleged offence punishable U/sec. 304 (A) IPC., beyond all reasons doubt and accused is entitled for acquittal.

16. In the result, this court finds that the accused is found not guilty for the offence punishable U/sec.304 (A) of IPC, and accordingly, he is acquitted U/sec. 255 (1) Cr.P.C. The bail bonds of the accused person shall stands cancelled after expiry of appeal time as contemplated U/sec. 437-A of Cr.P.C.

Typed to my dictation by the Typist corrected and pronounced by me in the open Court, this the 29th day of May, 2025.

XI Additional Judicial Magistrate of First Class,
Anakapalle.

Appendix of Evidence
Witnesses Examined

For Prosecution:
Defence:

For

PW1: Badapu Ramu

-None-

PW2: Molli Thatha Rao

PW3: Botta Soma Raju

PW4: V.Trinadha Rao

Documents Marked

For Prosecution:

For defence: Nil

Ex.P.1 ... Report
Ex.P.2 ... Inquest report
Ex.P.3 ... Signature on scene observation report of PW2.
Ex.P.4 ... 161 CrPC statement of PW3
Ex.P.5 ... First Information Report
Ex.P.6 ... Rough sketch
Ex.P.7 ... Scene observation report
Ex.P.8 ... M.V.I. report
Ex.P.9 ... Postmortem certificate

No. of Material Objects marked

Nil

XI AMM/AKP

CALENDAR AND JUDGMENT

IN THE COURT OF THE XI ADDITIONAL JUDICIAL MAGISTRATE OF FIRST
CLASS:: ANAKAPALLI
DISTRICT: VISAKHAPATNAM

C.C.No. 121/2023

Date of Offence	::	02-02-2022
Date of complaint/report	::	03-02-2022
Date of release on bail	::	Sec. 41- A Cr.P.C.
Date of apprehension of accused		--
Date of commencement of trial	::	21-02-2025
Date of closure of trial	::	07-05-2025
Date of sentence or order	::	29-05-2025
Reason for delay	::	The delay is due to non-production of witnesses by the prosecution. No witness is retained beyond three days.
Name of the Complainant	::	State represented by Sub-Inspector of Police, Parawada P.S.

Particulars of the accused:

Accused Kamatham Venkata Reddy, S/o Lakshmi Nursi Reddy, 30 years, R/o 6-67, Kandrapadu village, Konayyapalem post, Chandralapadu mandal, Krishna District. (Driver of Ashok Layland Dost Van bearing No.TS 08 UG 4799

Nature of offence	U/sec. 304 (A) of IPC,	
Finding of the court	Found not guilty	

Sentence of Order : In the result, this court finds that the accused is found not guilty for the offence punishable U/sec.304 (A) of IPC, and accordingly, he is acquitted U/sec. 255 (1) Cr.P.C. The bail bonds of the accused person shall stand cancelled after expiry of appeal time as contemplated U/sec. 437-A of Cr.P.C.

XI Additional Judicial Magistrate of First Class,
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