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C.C.No.2543/2022

KAKL200033712022



**IN THE COURT OF PRL. CIVIL JUDGE AND JMFC
AT BANGARPET.**

:PRESENT:

SMT. SUKEETA S. HADLI.

B.B.A., LL.B (Hons.,)

Prl., Civil Judge and JMFC, Bangarpet.

C.C.NO.2543/2022

DATED THIS THE 09TH DAY OF JUNE 2026

COMPLAINANT:

The State of Karnataka,
through Bangarpet PS,
Bangarpet.

(By the learned APP)

-V/S-

ACCUSED:

Vasanth Kumar,
S/o Late Rajee G,
Aged about 37 years,
R/at No.30, 1st Cross,
Anugraha Layout,
B.Narayanapura,
K.R.Puram, Bangalore.

(Rep. by Sri.**A.M.R.**, Advocate)

1	Date of commission of offence	16.09.2022
2	Date of reporting of offence	16.09.2022
3	Date of arrest of accused	-----
4	Name of complainant	Sidda Mallesh B.S
5	Date of recording evidence	04.04.2025
6	Date of closing evidence	09.06.2026
7	Offence complained of	Under Section 279, 304(a) IPC.
8	Opinion of the Judge	Acquitted
9	Date of Judgment	09.06.2026

(Sukeeta S. Hadli)

Prl., Civil Judge & JMFC, Bangarpet.

:: J U D G M E N T ::

The PI of Bangarpet has filed charge sheet against the accused for the offences punishable under Section 279 and 304(A) of IPC.

2. Brief facts of case of the prosecution are that :-

The prosecution case, in substance, is that On 16.09.2022 at 6.15 pm, the deceased Shivananda was driving his TVS heavy duty two-wheeler number KA-04 KF-2041 on the left side of the Kolar Bangarpet main road in front of Ganga Estate to reach his home, when the accused mentioned in column 12 of this charge sheet drove his vehicle number KA-01 MT-2823 at high speed and recklessly and collided with the deceased's TVS heavy duty two-wheeler. As a result, the deceased along with the vehicle fell on the road, suffered blood injuries on the back of the head, near the left ear, and on the left hand, and died on the way to the hospital for treatment. The investigation has proven the charge against the accused. Therefore, the accused is alleged to have committed the offence punishable under sections 279, 304 (a) of IPC.

3. On receipt of the charge sheet, the cognizance of the offences is taken and summons is issued to the accused. On appearance of the accused, he is enlarged on bail. The copies of the charge sheet are furnished to them as per Section 207 of Cr.P.C.

4. The plea for the offences punishable under Sections 279, and 304-A IPC is recorded, read over and explained to the accused. They have not pleaded guilty, but have defence to make.

5. The prosecution has got 4 witnesses examined P.Ws.1 to 4 and got 9 documents marked Exs.P.1 to 9 to prove its case.

6. The statement of accused under Section 313(1) (b) of Cr.P.C is recorded. He has denied the incriminating circumstances of the evidence of the prosecution witnesses.

7. The bail bonds of the accused and surety of him are taken as per Section 437-A Cr.P.C.

8. I have heard the arguments of both sides and perused the materials on record.

9. The points arise for my consideration:-

1. Whether the prosecution has proved beyond all reasonable doubts that On 16.09.2022 at 6.15 pm, the deceased Shivananda was driving his TVS heavy duty two-wheeler number ka-04 kf-2041 on the left side of the Kolar Bangarpet main road in front of Ganga Estate to reach his home, when the accused mentioned in column 12 of this charge sheet drove his vehicle number KA-01 MT-2823 at high speed and recklessly and collided with the deceased's TVS heavy duty two-wheeler. As a result, the deceased along with the vehicle fell on the road, suffered blood injuries on the back of the head, near the left ear, and on the left hand, and died on the way to the hospital for treatment. The investigation has proven the charge against the accused.and thereby the accused has committed the offences punishable under Sections 279 and 304(A) IPC?

2. What order ?

10. The answers to the above points are:-

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

Point No.2 : As per final order for the following:-

REASONS

11. POINTS NO.1 :- The prosecution has alleged that, On 16.09.2022 at 6.15 pm, the deceased Shivananda was driving his TVS heavy duty two-wheeler number ka-04 kf-2041 on the left side of the Kolar Bangarpet main road in front of Ganga Estate to reach his home, when the accused mentioned in column 12 of this charge sheet drove his vehicle number KA-01 MT-2823 at high speed and recklessly and collided with the deceased's TVS heavy duty two-wheeler. As a result, the deceased along with the vehicle fell on the road, suffered blood injuries on the back of the head, near the left ear, and on the left hand, and died on the way to the hospital for treatment. The investigation has proven the charge against the accused.

12. The prosecution has alleged that the accused has committed the offences punishable U/Sec.279 and 304A of IPC. The burden of proving the allegations beyond all reasonable doubts is on the prosecution.

13. The prosecution has adduced oral and documentary evidence on its behalf. The P.W.1 is the first informant. P.W.2 is the mahazar witness, and P.W.3 and 4 are the I.Os. Ex.P.1 is the complaint, Ex.P.2 is the spot mahazar, Ex.P.3 is the Kshathaband Letter, Ex.P.4 is the P.M report, Ex.P.5 is the IMV report, Ex.P.6 is the Autopsy report, Ex.P.7 is the hand sketch, Ex.P.8 is the indemnity bond and Ex.P.9 is the FIR.

14. As per the case of the prosecution, the C.W.1/P.W.1 is the informant and P.W.2/CW.9 is the mahazar witness to its case. P.W.3/CW15 is the IO ,

P.W4/CW14 is the officer who registered the case. The accused have not disputed the death of Shivanand. It is proved from the perusal of the inquest mahazar and the PM report that the said Shivanand died. When the factum of death of person is not in dispute, the prosecution need not prove the death of the said person. But the question is whether the accused are responsible for the death of the said Shivanand.

15. The complainant got examined as P.W.1. The P.W.1 has turned hostile to the case of prosecution by stating that the deceased Shivanand is his father, CW.2 is his mother, CW.3 is his sister, CW.4 is his wife and CW.5 to 10 are known persons. But he did not depose about how and who has caused the accident. The PW.1 was cross examined by the learned APP with the permission of the Court, treating him hostile. The

prosecution has failed to elicit any fact which points out guilt of the accused. The PW.1 has denied all the material suggestions as false. The P.W.1 has identified his signatures on complaint, mahazar and indemnity bond. The said documents are marked as EX.P.1 to 3 and the signature of the witness is marked as EX.P.1(a), 2(a) and 3(a).

16. The mahazar witness C.W.9 is examined before the court as P.W.2. As per the evidence of him, no mahazr was drawn in his presence. The PW.2 was cross examined by the learned APP with the permission of the Court, treating him hostile. The prosecution has failed to elicit any fact which points out guilt of the accused. The PW.2 has denied all the material suggestions as false. The evidence of P.W.2 does not disclose that mahazar was drawn in his presence however, his signature upon

identification was marked as Ex.P2(b). In other words, the evidence of P.W.2 does not point out the guilt of the accused.

17. The evidence of Investigating Officers i.e., P.W.3 and 4 with respect to the registration of the case and conducting of the investigation, does not point out the guilt of the accused. When there is no direct evidence before the court to form an opinion that the accused was rash or negligent, the evidence of investigating officers does not carry any weightage. The prosecution has not placed sufficient material to point out the rash or negligent act of the accused. Such being the case, the allegation that he was driving the vehicle in a rash or negligent manner cannot be believed. The prosecution witnesses have not deposed about the rash or negligent act of the accused. The documentary evidence does not

disclose any rash or negligent act of the accused. In the facts and circumstances, I do not see any evidence to hold that the incident took place due to the rash and negligent act of the accused. The accused shall be given benefit of doubt in the present case. The accused is not guilty of the offences punishable U/sec. 279, and 304 A of IPC. The accused is entitled to be acquitted in my opinion. Accordingly, **the Point No.1 is answered in the Negative.**

18. POINT No.2:- In the light of the discussion made above, I proceed to pass the following:-

:: O R D E R ::

Acting under Sec. 255(1) of the Cr.P.C., 1973, the accused is acquitted for the offences punishable U/Sec.279 and 304A of IPC.

The bail bonds of the accused and their sureties taken at trial stage stand canceled.

The bail bond furnished by the accused U/Sec. 437A shall be in force for the period of six months from this date.

(Dictated to the **Stenographer** directly on computer, revised and corrected by me and then pronounced in open Court, this the **09th day of June 2026**).

(Smt.SUKEETA S. HADLI)
Prl., Civil Judge & JMFC.,
Bangarpet.

ANNEXURE

1. List of witnesses examined by the prosecution:

PW.1	:	Siddamallesha
PW.2	:	Adishesha
PW.3	:	Sanjeevarayappa.T
PW.4	:	Gopal.H

2. List of documents exhibited by the prosecution:

Ex.P1	:	Complaint
Ex.P1(a)	:	Signature of PW.1

Ex.P1(b)	:	Signature of PW.4
Ex.P2	:	Spot Mahazar
Ex.P2(a)	:	Signature of PW.1
Ex.P2(b)	:	Signature of PW.2
Ex.P3	:	Khathaband
Ex.P3(a)	:	Signature of PW.1
Ex.P4	:	P.M.Report
Ex.P5	:	IMV Report
Ex.P6	:	Autopsy Report
Ex.P7	:	Rough Graph
Ex.P7(a)	:	Signature of PW.3
Ex.P8	:	Indemnity Bond
Ex.P8(a)	:	Signature of PW.3
Ex.P9	:	FIR
Ex.P9(a)	:	Signature of PW.4

3. List of witnesses examined for the Accused:-

-NIL-

4. List of documents marked for the Accused:

-NIL-

5. List Of Material Objects Marked By Prosecution:-

-NIL-

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**Prl., Civil Judge & JMFC.,
Bangarpet.**