

**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE (JUNIOR DIVISION)-CUM-
JUDICIAL FIRST CLASS MAGISTRATE :: TIRUPATI**

Present :: **Smt. B.Vani Sree,**

Principal Civil Judge (Junior Division)-cum-Judicial First Class Magistrate

Monday, the 9th day of June, 2025

Calendar Case Number 2177/2022

Between:

State, represented by :
Sub-Inspector of Police,
Chandragiri PS.
Cr.No 244/2021 of Chandragiri PS, Tirupati.

... Complainant

And :

Vaka Kishore Babu, aged about 38 years, S/o V.Venkataramana, resident of
D.No.18-5-35, Sapthagiri Nagar, Ward No.18, Tirupati Urban, Chittoor district
... Accused

This case is coming before me on 17-03-2025 for final hearing before me in the presence of Learned Assistant Public Prosecutor for the state and of Sri Y Venkateswara rao, learned counsel for Accused and upon hearing both sides on record and having stood over for consideration till this day, this court delivered the following:-

J U D G M E N T

1. The Sub-Inspector of Police, Chandragiri PS, Tirupati laid a charge against the accused in Crime Number 244/2021 for the offence under sections 304(A), 338, 337 and 279 of Indian Penal Code

2. The case of the prosecution in brief is as follows that:

On 03.07.2021 at about 09.00 A.M., D-1 Lagisetty Basamma, her grandson L.W.2 Lagisetty Lohith, and L.W.3 Naga Hima Bindu, her two daughters and L.W.4 Vaka Dilli Srinivas started in the accused Vaka Kishore's

car bearing Regd.No.AP-26-G-7500 in order to go to Lagisetty Palli village, T.Sundu Palli Mandal, Y.S.R. Kadapa district. In the middle of the route, at about 09.30 A.M., while they were heading to Lagisetty Palli village in the above said car driven by their relative Vaka Kishore, who is none other than the junior paternal uncle of L.W.3, at Siddaiah Naidu's mango garden, near Nagaiahgari Palli bus stop, on the southern side of Tirupati Piler road, Chandragiri Mandal, the accused driver lost control over the car due to over-speed and reckless driving, in the result, the car rammed into the roadside mango garden and collided with a mango tree.

ii) On receipt of the information about the accident, L.W.7, 8 and other family members rushed to the Ruya Hospital and found all the injured persons undergoing treatment in the casualty ward, while D-2 G.Madhu Priya was in critical condition. Later, on the same day, at about 04.30 P.M., while D-2 G.Madhu Priya was rushing to the CMC, Vellore for better treatment by her father/L.W.8, she couldn't survive and died. The accident occurred due to the rash and negligent driving of the car bearing Regd. No. AP-26-G-7500 by its driver Vaka Kishore. In this connection, based on the complaint of L.W.1 Smt Juvvaji Padhmavathi, a case in Cr.No.244/2021, U/s 304 (A), 337, 279 I.P.C. was registered at Chandragiri P.S., on 03.07.2021 by L.W.17.

iii) Subsequent to the registration of case, L.W.17 examined the de-facto complainant as L.W.1 and recorded her statement U/s 161(3) Cr.P.C. During the course of investigation, L.W.17 visited the S.V.R.R.G.G. Hospital, Tirupati and after obtaining permission from the duty medical officer, L.W.17

secured the presence of the injured persons, examined them as L.Ws.2 to 4 and recorded their statements.

iv) On 04.07.2021, L.W.17 visited the Mortuary of SV Medical College, Tirupati, gave a requisition to the Residential Medical Officer, S.V.R.R.G.G. Hospital, Tirupati requesting to hand over the dead bodies of the deceased D-1 Lagisetty Basamma, age 69 years and D-2 Gumpini Madhupriya, aged about one year for holding inquest over the dead bodies of the deceased D-1 and D-2 and for sending them to the Professor & HOD, Forensic Medicine, S.V. Medical College, Tirupati for autopsy.

V) After receiving the dead body of the deceased D-1 Lagisetty Basamma, L.W.17 held inquest over the dead body of the deceased D-1 Basamma, in the presence of L.Ws. 1, 5 to 7 and Panchayathdars L.Ws.11 to 13 on 04.07.2021 from 07.00 A.M., at the mortuary of SV Medical College, Tirupati. During the course of investigation, L.W.17 examined L.Ws.5 to 7 and re-examined L.W.1 and recorded their statements. Subsequently, L.W.17 commenced inquest over the dead body of the deceased D-2 Gumpini Haripriya Hari Priya, aged about one and half year, in the presence of L.Ws.7 to 10 and Panchayathdars i.e., L.Ws.11 to 13 on 04.07.2021 from 09.00 A.M., to 11.00 A.M., at the mortuary of SV Medical College, Tirupati. During the course of inquest, L.W.17 examined L.Ws.8 to 10 and re-examined L.W.7 and recorded their statements.

vi) After completion of the inquest over the dead bodies of D-1 & D-2, L.W.17 sent the corps to L.W.14 Rama Mohan Sepuri, Asst. Professor, Dept.

of Forensic Medicine, SV Medical College, Tirupati for autopsy. During the course of investigation, after completing the inquest over the dead bodies of the deceased D-1 & D-2, L.W.17 visited the scene of offence, examined the scene. The exact scene of offence is located in the mango garden of Siddaiah Naidu, beside Tirupati Piler road, near Nagaiahgari Palli bus stop, Chandragiri Mandal, Chittoor district, which is at a distance of about 8.00 KM Northwest from the police station. On clear observation of the scene of offence, it is clearly established that the accident occurred due to the rash and negligent driving of the car bearing Regd. No.AP-26-G-7500 by Vaka Kishore. L.W.17 took the photographs of the scene of offence from all angles and prepared the rough sketch of the scene of offence.

vii) On 05.07.2021 at about 11.00 A.M. the accused noted herein surrendered before L.W.17 voluntarily, and admitted about the commission of the offence. As it is a bailable offence, L.W.17 set him free from arrest by issuing notice U/s 41-A (1) R/W 41(1)(b) Cr.P.C. dated 05-07-2021. On 08.07.2021, L.W.17 received the Postmortem Certificate relating to the deceased D-2 Madhu Priya, aged about one and half years, from L.W.14 DR. Rama Mohan Sepuri. When perused the PM certificate of the deceased D-2 vide PM No.385/2021, DT:04.07.2021 and FM No.451/2021, DT:08.07.2021, the medical officer who conducted autopsy over the dead body of the deceased D-2 Gumpini Madhu Priya, opined that the cause of death of the deceased-2 was "HEAD INJURY".

viii) During the course of investigation, on 13.07.2021, L.W.14 issued

the postmortem certificate in respect of the deceased D-1 Lagisetty Basamma, vide PM No.384/2021, DT:04.07.2021 and FM No.460/2021, DT:13.07.2021, in which, the medical officer who conducted autopsy over the dead body of the deceased D-1 opined that the cause of death of the deceased-1 was "HEAD INJURY".

ix) In pursuance of the wound certificate of L.W.4 Vaka Dilli Srinivas vide OP No.152435, Dt:03.07.2021, the injured person L.W.4 sustained Grievous Injury, hence, L.W.17 added the section of law i.e., Section 338 I.P.C., to the section and changed the section of law from 304 (A), 337, 279 1.P.C., to 304 (A), 337, 338, 279 I.P.C. As L.W.17 Sri M.Ramakrishna, the then S.I. of Police, Chandragiri P.S. got transferred from Chandragiri P.S., as per the instructions of the Superior Officers, on 05.01.2022, L.W.18 Smt I.Hima Bindu, being the Sub-Inspector of Police, Chandragiri P.S., took up investigation in this case.

x) Though it is a mandatory provision that every motor vehicle involved in a fatal road accident must be inspected by the Motor Vehicle Inspector concerned to know the condition of the crime vehicle at the time of accident, but L.W.17 Sri M.Rama Krishna, the then Sub-Inspector of Police, Chandragiri P.S., initially failed to get inspected the crime vehicle concerned in this case by the concerned Motor Vehicle Inspector and after completion of investigation LW.18/SI of Chandragiri PS laid a chargesheet.

3. On 08.12.2022, cognizance was taken for the offences punishable under sections 304(A), 338, 337 and 279 of Indian Penal Code against Accused.

4. On 29.12.2023, on appearance of Accused before the Court, copies of documents were furnished to him as required under section 207 of Criminal Procedure Code. Accused was examined under section 251 of Criminal Procedure Code and accusation under sections 304(A), 338, 337 and 279 of Indian Penal Code is read over and explained to the Accused in Telugu, for which, he pleaded not guilty and claimed to be tried.

5. During the course of trial, the prosecution examined P.W.1 and P.W.5, got marked Exs.P1 to P-18. The evidence of other list of witnesses ie., L.W.5 Boda Chandrasekhar, L.W.6 Boda Naveen Kumar, L.W.7 vaka ramesh babu, L.W.8 G. Harikrishna, L.W.9 G.kishore, Lw10 G. Sugunamma, Lw11 P. Nagarjuna, Lw12 P. Nagaih, Lw13 P Nagaraju, Lw14 Dr. Ramamohan sepuri, Lw15 Dr. NS Vidya, Lw16 Dr.Jyosthna, Lw18 I. Himabindu was given up by prosecution. Hence, the prosecution side evidence was closed.

6. After closure of prosecution side evidence, on 06.06.2025accused examined under section 313 Criminal Procedure Code by putting the incriminating circumstances appearing in the evidence of prosecution witnesses, for which, he denied the same and reported no defence evidence, hence defence evidence is closed.

7. Heard the arguments of learned Assistant Public Prosecutor and the learned defence counsel for Accused. Perused the oral and documentary evidence on record.

8. **Now the points for determination are :**

1.Whether the prosecution has proved the guilt of the Accused for the offences punishable against him under sections 304(A), 338, 337 and 279 of Indian Penal Code, beyond reasonable

doubt?

2. To what finding?

9. In order to substantiate its case, the prosecution has examined witnesses as P.W.1 and P.W.5, got marked Exs.P1 to P-18.

(ii) **PW1** is the defacto complainant. **PW2** to **PW4** are the eye witnesses. **PW5** is the investigation officer.

(iii) **Ex.P1** is the signature on the report. **Ex.P2** is 161 CrPc statement of PW1. **Ex.P3** is 161 CrPc statement of PW2. **Ex.P4** is 161 CrPc statement of PW3. **Ex.P5** is 161 CrPc statement of PW4. **Ex.P6** is the report. **Ex.P7** is the FIR. **Ex.P8** is the inquest report of D1. **Ex.P9** is the inquest report of D2. **Ex.P10** is the rough sketch. **Ex.P11** is the PM report of D1. **Ex.P12** is the PM report of D2. **Ex.P13** is the wound certificate of PW2. **Ex.P14** is the wound certificate of PW3. **Ex.P15** is the MLC report of PW3. **Ex.P16** is the wound certificate of PW4. **Ex.P17** is the MLC report of PW4. **Ex.P18** is the wound certificate of one vishnu priya.

10. The main accusation of the prosecution against accused is that, on 03.07.2021, at about 09.00 A.M., D-1 Lagisetty Basamma, her grandson L.W.2 Lagisetty Lohith, and L.W.3 Naga Hima Bindu, her two daughters and L.W.4/Vaka Dilli Srinivas started in the accused/Vaka Kishore's car bearing Regd.No.AP-26-G-7500 in order to go to Lagisetty Palli village, T.Sundu Palli Mandal, Y.S.R. Kadapa district, in the middle of the route, at about 09.30 A.M., while they were heading to Lagisetty Palli village in the above said car driven by their relative Vaka Kishore, who is none other than

the junior paternal uncle of L.W.3, at Siddaiah Naidu's mango garden, near Nagaiahgari Palli bus stop, on the southern side of Tirupati Piler road, Chandragiri Mandal, the accused driver lost control over the car due to over-speed and reckless driving, and the car rammed into the road side mango garden and collided with a mango tree.

11. The stand of Accused is of total denial.

12. In order to prove the guilt of accused for the offence under section 304-A of Indian Penal code, the prosecution has to establish the following ingredients.

(i) that the accused stationed the crime vehicle at the relevant time of accident negligently without taking precautions of switching on indicators etc., during night time along with parking lights;

(ii) that there is proximity and nexus between the death of deceased and negligent act of accused, being the driver of crime vehicle.

13. Coming to the evidence of defacto complainant / PW1 J Padmavathi, she has deposed that on 03.07.2021 in between 10.00 to 10.30 AM, while she was present in house, she received phone call from LW4 and stated about the accident then she rushed to SVRGG hospital and found dead bodies of D1 and D2, who sustained severe injuries and on the same day, at about 04.30 PM, D2 was also died. She further deposed that she came to know that LW2 to LW4 also sustained injuries in the said accident. She further deposed that the alleged accident was occurred near Sri Vidyaniketan college and she does not know about the manner of accident and due to whose negligence the alleged accident occurred. She further deposed that Police

came to the hospital and she gave report to them, but she does not know the contents of it. She further deposed that she cannot say the crime vehicle bearing registration number. PW1 was declared as hostile by the prosecution. In spite of cross examination made by learned APP, nothing worthy elicited from her cross examination except marking her signature on 161 CrPc statement as Ex.P2.

14. PW2/L.Lohith has deposed that on 03.07.2021 at about 09.00 AM, he along with D1, D2, LW3/ Hima bindu, LW4 /V. Srinivasu started from Tirupati to Piler in a car and while they reached near to Piler, and at that time the accident occurred. He further deposed that at the time of the accident he slept. He further deposed that he sustained scratch injury to his right hand little finger. He further deposed that he does not know who was the driver of the said car and does not know due to whose negligence, the accident was occurred. PW2 was declared as hostile by the prosecution. In spite of cross examination made by learned APP, nothing worthy elicited from his cross examination except marking his signature on Sec.161 CrPc statement as Ex.P3.

15. PW3 G. Naga Himabindu has deposed that on 03.07.2021, at about 09.00 AM, she along with D1, D2, PW2, LW4 N. Srinivasu started from Tirupati to Piler in a car and while they reached near Piler, at that time the accident occurred. She further deposed that she sustained fracture injury under her neck. She further deposed that she does not know who was the driver of the said car and does not know due to whose negligence the accident occurred.

PW3 was declared as hostile by the prosecution. In spite of cross examination made by learned APP, nothing worthy elicited from her cross examination except marking her signature on Sec.161 CrPc statement as Ex.P4.

16. PW4/V. Dilli srinivas has deposed that on 03.07.2021 at about 09.00 AM, he along with D1, D2, PW2, PW3 started from Tirupati to Piler in a car and while they reached near Piler, the accident occurred. He further deposed that he sustained injuries on right hand index finger and forehead. He further deposed that he does not know who was the driver of the said car and does not know due to whose negligence the accident occurred. PW4 was declared as hostile by the prosecution. In spite of cross examination made by learned APP, nothing worthy elicited from his cross examination except marking his signature on Sec.161 CrPc statement as Ex.P5.

17. PW5 M Ramakrishna, the then SI of Chandragiri PS has deposed that on 03.07.2021 at about 06.00 PM, while he was present in the police station, Pw1 came there and lodged a report/Ex.P6. He further deposed that based on the same, he registered a case under Crime No. 244/2021 u/s 304A, 337 and 279 of IPC and submitted all the documents to the concerned authorities under Ex.P7 FIR. He further deposed that he examined and recorded the statement of Pw1. He further deposed that he found Lws 2 to 4, who were injured, in the hospital, examined and recorded their statements. He further deposed that on the next day, he visited the S.V. Medical college and found the dead bodies of D1/Basamma and D2/Madhu priya and conducted inquest over the dead bodies of the deceased in the presence of blood relatives and

panchayatdars and handed over the dead bodies of the deceased to LW14/Dr.Ramammohan sepuri for conducting autopsy over the dead bodies of the deceased. He further deposed that he examined and recorded the statements of Lws 5 to 7. He further deposed that after that, he went to the scene of offence and prepared rough sketch / Ex.P10. He further deposed that he received PM reports of D1 and D2 from Lw14 on 08.07.2021. He further deposed that he received wound certificates of Pws 2 to 4 and one vishnu priya who is aged about 4 years from Lw16/Dr.Jyosthna Devi on 30.07.2021. He further deposed that on 05.07.2021, he issued 41a CrPC notice to the accused, who surrendered before him. He further deposed that he handed over the CD file to Lw18 for verification and Lw18 verified the chargesheet and laid the charge sheet before the court.

ii) In his cross examination, he denied the suggestion that he did not visit the scene of offence and not prepared any rough sketch and conducted table investigation and not examined any witnesses.

18. On perusal of records and evidence available on record, PW1 is the person, who lodged report before the police and set the law in to motion. She is not an eye witness to the accident but she is only a hearsay witness. To prove the manner of accident, the evidence of PW2 and PW4, who are injured cum alleged eye witnesses to the accident assumes much significance, hence they have to be scrutinized in a careful circumspect. PWs 2 to 4 did not support the prosecution case stating that they do not know who was the driver of the said car and does not know due to whose negligence the

accident was occurred.

19. Though the prosecution examined PWs 2 to 4 to prove its case, they did not support the prosecution case. In these circumstances, it can be said that accident occurred due to negligence was not proved by the prosecution beyond reasonable doubt.

20. Hence, there is no independent evidence available on record to connect the accused with the commission of offence that due to his negligence the accident occurred resulting the death of deceased persons.

21. The evidence of PW5 being the Investigating Officer shows chronological events disclosing the death of deceased persons in the accident and the evidence of PW1 to PW5 coupled with Ex.P-8 and Ex.P9/Inquest reports and Ex.P-11 and Ex.P12/PM Reports goes to show that deceased persons died in the accident.

22. The death of deceased in the accident is not in dispute, but the dispute is whether the accused was the driver of crime vehicle as on the date of the accident or not and it has to be proved with cogent evidence. In such circumstances, when there is no support of independent direct witnesses to connect the accused to the crime vehicle as well as the accident, to prove the offence U/Sec.304-A IPC. Generally, in any criminal case, the burden of proving the charge rests on the shoulders of the prosecution and it is the duty of the Investigating Agency to collect the necessary oral and documentary evidence to substantiate the charge against the accused person. In this case on hand, for the reasons best known to Investigating agency, no vehicle

record nor atleast the driving license of the accused, neither collected nor exhibited in the course of trial. In the absence of any such required material, the question of convicting the accused for the said penal provisions of Sec.304-A IPC. When the main offence is not proved against accused, the ancillary offences Under sections 338, 337 and 279 of Indian Penal Code must fail. This point is answered accordingly against the prosecution and in favour of the accused.

23. **Point No.2:**

In view of my finding on point No.1, the accused is entitled to be extended benefit of reasonable doubt. This point is answered accordingly against the prosecution and in favour of the accused.

24. In the result, this court found the accused not guilty for the offences punishable U/Sec. 304(A), 338, 337 and 279 of Indian Penal Code and he is acquitted for the same under Section 255(1) of Criminal Procedure Code. The bail bonds of the accused shall remain in force for further period of six (6) months as per Section 437-A of Criminal Procedure Code and he is set at liberty forthwith. The unmarked non valuable case property if any shall be destroyed after expiry of appeal time.

Typed to my dictation by the Typist, signed, corrected and pronounced by me in the Open Court on this the **9th day of June 2025.**

Sd/- XXXXXXXXXXXX
PRINCIPAL CIVIL JUDGE (JUNIOR DIVISION)
-CUM- J.F.C.MAGISTRATE,
TIRUPATI.

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

For Prosecution

PW1 J Padmavathi
 PW2 L Lohith
 PW3 G. Naga Himabindu
 PW4 V. Dilli srinivas
 PW5 M Ramakrishna, the then SI of chandragiri PS

For Defence:

None

DOCUMENTS MARKEDFor Prosecution:

Ex.P1 is the signature on the report.
Ex.P2 is 161 CrPc statement of PW1.
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Ex.P14 is the wound certificate of PW3.
Ex.P15 is the MLC report of PW3.
Ex.P16 is the wound certificate of PW4.
Ex.P17 is the MLC report of PW4.
Ex.P18 is the wound certificate of one vishnu priya

For Defence:

--- NIL ---

Material objects marked
 Nil

Sd/- XXXXXXXXXXXX
 PCJ cum JMFC

Fair Judgment in CC No.2177/2022
 dated 09-06-2025

**IN THE COURT OF THE PRINCIPAL JUNIOR CIVIL JUDGE-CUM-JUDICIAL
FIRST CLASS MAGISTRATE :: TIRUPATI**

CALENDAR IN C.C.No.2177/2022

1.	Date of offence	03.07.2021
2.	Date of Report or complaint	03.07.2021
3.	Date of taken on file	08.12.2022
4.	Date of apprehension of accused	05.07.2021
5.	Date of release on bail	05.07.2021
6.	Date of commencement of trial	03.06.2025
7.	Date of close of trial	06.06.2025
8.	Date of Sentence or Order	09.06.2025
9.	Complainant	State, represented by : Sub-Inspector of Police, Chandragiri PS. Cr.No 244/2021 of Chandragiri PS, Tirupati.
10	Description of accused	Vaka Kishore Babu, aged about 38 years, S/o V.Venkataramana, resident of D.No.18-5-35, Sapthagiri Nagar, Ward No.18, Tirupati Urban, Chittoor district
11	Section of Law	304(A), 338, 337 and 279 of Indian Penal Code
12	Plea of Accused	Pleaded not guilty.
13	Finding of Court	Found not Guilty.

14. Sentence or Order :

In the result, this court found the accused is not guilty for the offence punishable U/Sec. 304(A), 338, 337 and 279 of Indian Penal Code and he is acquitted for the same under Section 255(1) of Criminal Procedure Code. The bail bonds of the accused shall remain in force for further period of six (6) months as per Section 437-A of Criminal Procedure Code and he is set at liberty forthwith. The unmarked non-valuable case property, if any, shall be destroyed after expiry of appeal time.

15. Explanation for delay and Remarks:

This case was taken on file on 08.12.2022. On 29.12.2023 copies furnished to the accused and he is examined under section 251 of Criminal Procedure Code and substance of accusation for the offences U/Sec. 304(A), 338, 337 and 279 of Indian Penal Code is read over and explained to the accused in Telugu, for which, he pleaded not guilty and claimed to be tried. On behalf of the prosecution, P.Ws.1 and 5 are examined, Exs.P1 to P18 got marked. After closure of prosecution side evidence, on 06-06-2025 accused was examined under Section 313 of Criminal Procedure Code by examining the incriminating portion of prosecution evidence in question form, in Telugu, for which he denied and reported no defence evidence, hence defence evidence is closed. Heard the arguments of learned APP and learned counsel. Judgment pronounced in open court on 09-06-2025. Hence, the delay.

Sd/- XXXXXXXXXXXX
PRINCIPAL CIVIL JUDGE (JUNIOR DIVISION)
-CUM- J.F.C.MAGISTRATE,
TIRUPATI.

Copy submitted to :

The Hon'ble Chief Judicial Magistrate-cum-Prl. Assistant Sessions Judge
Chittoor.