

KAKP410034002016



**IN THE COURT OF THE PRL. CIVIL JUDGE
AND J.M.F.C. AT: GANGAVATHI**

Present : **Sri. Nagesh Patil,**
B.Com,LL.B.,
Prl. Civil Judge & J.M.F.C.,
Gangavathi.

Dated: 10nd Day of July 2026

C. C. No. 1530/2016

COMPLAINANT: State by Rural Police station.
Gangavathi.

(By learned Sr.A.P.P.)

-V/s-

Accused : Bandu S/o Dasharath Ingole,
Age-39 years, Occ-Driver,
R/o : Ekthapur, Sangoli,
Solapur City, Maharashtra.
[By Sri.K.K., Advocate]

...
Date of commission of offence : 23-05-2016
Date of report of offence : 24-05-2016
Date of submission of charge sheet : 23-12-2016
Date of Charge framed : 06-09-2017
Date of recording of evidence : 14-02-2017

Judgment Posted on : 19-06-2026

Judgment Pronounced on : 10-07-2026

Rank of the accused	Name of the Accused	Date of Arrest	Date of Release on Bail	Offences Charged with	Whether Acquitted or Convicted	Sentence Imposed	Period of Detention Undergone during trial for purpose of Sec.428 of the Cr.PC
	Bandu			U/S.279 337, 338, 304(a) of I.P.C. and 187 of IMV act.	Convicted	--	--

J u d g e m e n t

This is a charge sheet filed by the PI of Rural P.S., against the accused for the offences punishable U/Sec.279, 337, 338, 304(a) of I.P.C. and 187 of IMV act.

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

That on 23-05-2016 at about 9-30 p.m., within the limits of Rural P.S. on Koppal-Gangavathi road, near Chikkabenkal cross, the accused being the driver

of Bolero Pick Up bearing No. MH-45/T-28-18 drove the above said vehicle in a rash and negligent manner so as to endanger human life and crossed the road hump in a high speed by jumping vehicle, as a result the labours who sat in the vehicle, sustained grievous injuries and as a result Jagadeesh succumbed to the injuries. Further as a result of accident the C.W.5 to 8 who were sat backside portion of the vehicle have also sustained simple and grievous injuries. On the basis of complaint the PSHO of Gangavathi Rural Police Station has registered the crime in Ganagavathi Rural P.S., Crime No.151/2016 for the offences punishable under section 279, 337, 338, 304(a) of I.P.C. and section 187 of IMV act. After completion of the investigation the P.I has submitted charge sheet for the above mentioned offences.

3. After filing of the charge sheet the court took the cognizance of the offences alleged against the accused. He appeared before the court in pursuance of

summons issued to him through his counsel. He released on bail by the court. Copies of the prosecution papers supplied to him as required U/s.207 of Cr.P.C.,

4. Substance of accusation was recorded for the offences alleged against the accused after following necessary and due procedure as required to be followed under law. He pleaded not guilty and claimed to be tried.

5. In order to establish the alleged guilt of the accused the prosecution has examined as many as 11 witnesses and has got marked as many as 11 documents as Ex.P-1 to 11.

6. After closure of the evidence on the side of the prosecution the statement of the accused as required U/s.313 of Cr.P.C., has been recorded explaining the incriminating evidence appearing against him. He denied the same and has not chosen to adduce any defence evidence on his behalf.

7. Heard the arguments.

8. The points that would arise for my consideration in this case are as under:

- 1) Whether the prosecution proves that on n 23-05-2016 at about 9-30 p.m., within the limits of Rural P.S. on Koppal Gangavathi road, near Chikkabenkil cross, the accused being the driver of Bolero Pick Up bearing No. MH-45/T-28-18 drove the above said vehicle in a rash and negligent manner so as to endanger human life and thereby committed offence punishable U/s 279 of I.P.C.,?
- 2) Whether the prosecution proves that on the above said date time place the accused driven the above said vehicle in a rash and negligent manner so as to endanger human life, and crossed the road hump in a high speed, as a result the C.W.5 to 7 have sustained simple injuries and thereby committed an offence P/U/Sec. 337 of IPC?
- 3) Whether the prosecution proves that on the above said date time place the accused driven the above said vehicle in a rash and negligent manner so as to endanger human life, and crossed the road hump in a high speed, as a result the C.W.5 to 7 have sustained grievous injuries and thereby committed an offence P/U/Sec. 338 of IPC?
- 4) Whether the prosecution proves that on the above said date time place the accused driven the above said vehicle in a

rash and negligent manner and crossed the road hump in a high speed, as a result traveler of the vehicle i.e., deceased Jagadeesh has sustained grievous injuries and succumbed to the injuries and thereby committed an offence punishable U/s.304(a) of I.P.C.,?

- 5) Whether the prosecution proves that on the above said date time place the accused driven the above said vehicle in a rash and negligent manner and crossed the road hump in a high speed and caused accident and left the vehicle on the spot and ran away from the spot and thereby committed an offence punishable U/s.187 IMV and left the vehicle and ran away from the spot ?
- 6)
- 7) What order?

9. Above points are answered for the reasons findings given in the foregoing discussions as under:

Point No.1 : In the Affirmative.

Point No.2 : In the Affirmative.

Point No.3 : In the Affirmative.

Point No.4 : In the Affirmative.

Point No.5 : In the Affirmative.

Point No.6 : As per the final order

for the following;

REASONS

10. Point No.1 to 5 :- Since these points are inter linked with each other hence in order to avoid repetition of facts, all these points have been taken up together for common discussion.

As already pointed out by me in order to bring home the alleged guilt of the accused the prosecution has examined as many as 11 witnesses and has got marked as many as 11 documents. PW-1 to 4 are the injured eye witnesses, PW-5 is the Mahazar witness, P.W-6 is the eye witness. PW-7 to 10 are IO, P.W-11 is the other witness.

11. It is the story of the prosecution that the accused has committed the offences punishable U/Sec. 279, 337, 338, 304(a) of I.P.C and 187 of IMV act. The accused who is driver of the Bolero Pick Up bearing No.MH-45/T-2818. On dated 23-05-2016 at about 9-30 p.m., within the limits of Gangaavathi Rural P.S., near chickbenkal cross, the accused being a driver of

Bolero Pick Up bearing No.MH-45/T-2818 drove the above said vehicle in a rash and negligent manner so as to endanger human life and jumped the road hump in a high speed, as a result the labourers who sat on the said vehicle have sustained grievous injuries and Jagadeesh succumbed to the injuries.

12. In this case first and foremost the prosecution has to prove the ingredients of the offence punishable U/s 279 of I.P.C., which is as follows:-

The section requires two essentials:-

- 1) Driving of a vehicle, or riding on a public way.
- 2) Such driving or riding must be so rash or negligent as to endanger human life or to be likely to cause hurt or injury to any other person.

13. In order to prove the offence under section 279 of I.P.C., the prosecution has to establish the fact that on the relevant time, date the accused was driving the vehicle in question on a public road in a rash and negligent manner so as to endanger human life of

likely to cause injuries to others. Regarding driving of vehicle by accused on public road is concerned. It is just and necessary to mention here that the accused has to dispute the place of accident. The evidence of PW-1 to 4 and 6 goes to show that the alleged accident took place on Koppal -Gangavathi main road, near Chickbenkal cross. The complaint, spot mahazar, FIR, goes to show that the accident took place on the public road. Which is a public road and not a private way. All sort of vehicles are moving on this road, this road connects two different parts of the Taluka and District. The public at large are making use of this way as public thorough fare. Since the place of accident is not disputed and on looking to the evidence and other materials produced by the prosecution this court finds that without discussing further safely it can be termed as public way only.

14. The second thing which the prosecution has to prove before the court is that, whether at the time of

accident the accused was driving the Bolero Pick Up bearing No.MH-45/T-2818. At this juncture only it is just and proper to mention that, nowhere in the entire cross-examination of PW.1 to 4 and 6, the accused has not disputed that, he was not the driver of Bolero Pick Up bearing No.MH-45/T-2818. More over all the witnesses have clearly deposed that, the accused was driving Bolero Pick Up bearing No.MH-45/T-2818. Further the mahazar and other case papers available on record demonstrates that, the accused was the driver of Bolero Pick Up bearing No.MH-45/T-2818 at the time of occurrence of accident. Accordingly this court can safely come to the conclusion that, the accused was the driver of Bolero Pick Up bearing No.MH-45/T-2818 at the time of occurrence of accident.

15. In order to prove the rashness and negligent driving of the accused the prosecution has examined PW-1 to 4 and 6 who are injured/eyewitnesses. These

witnesses in their chief examination clearly deposed as under:-

P.W-1 in his chief examination deposed that "ರಾತ್ರಿ 9.30 ಗಂಟೆಗೆ ಸದರಿ ಬೋಲೋರೋ ವಾಹನವು ಚಿಕ್ಕಬೆಣಕಲ್ ಹತ್ತಿರ ಬಂದಾಗ ಸದರಿ ವಾಹನದ ಚಾಲಕನಾದ ಆರೋಪಿ ವಾಹನವನ್ನು ಅತೀ ವೇಗವಾಗಿ ಚಲಾಯಿಸಿ ಸದರಿ ವಾಹನವು ಹಂಪನ್ನು ದಾಟಿ ಪುಟದಿದ್ದು ಅದರಿಂದ ನಾವುಗಳು ವಾಹನದಿಂದ ಹೊರಗಡೆ ಪುಟಿದು ಬಿದ್ದಿದ್ದು ನಮ್ಮಗಳಿಗೆ ಸದರಿ ಅಪಘಾತದಲ್ಲಿ ಮೈ ಕೈ ಗಳಿಗೆ ಗಾಯಗಳು ಆಗಿರುತ್ತವೆಂದು ನುಡಿದಿರುತ್ತಾರೆ."

P.W-2 in his chief examination deposed that "ಆರೋಪಿಯ ಬೋಲೋರೋ ಗಾಡಿಯಲ್ಲಿ ಹೋಗಿ ಮಾವಿನಕಾಯಿ ತೆಗೆದುಕೊಂಡು ವಾಪಸ್ಸು ಬರುವಾಗ ಬೆಣಕಲ್ ಬಳಿ ರಾತ್ರಿ 9.30 ಗಂಟೆಗೆ ಬೋಲೋರೋ ವಾಹನವನ್ನು ಜಂಪ್ ಮಾಡಿ ಅಪಘಾತಪಡಿಸಿರುತ್ತಾರೆಂದು ಹಾಗೂ ಸದರಿ ಅಪಘಾತದಲ್ಲಿ ನಮ್ಮಗಳಿಗೆ ಗಾಯವಾಗಿದ್ದು ಜಗದೀಶ ಎನ್ನುವವರು ಮೃತಪಟ್ಟಿರುತ್ತಾರೆ."

P.W-3 in his chief examination deposed that " ರಾತ್ರಿ 9.30 ಗಂಟೆಗೆ ಬೋಲೋರೋ ವಾಹನವನ್ನು ಜಂಪ್ ಮಾಡಿ ಅಪಘಾತಪಡಿಸಿರುತ್ತಾರೆಂದು ಹಾಗೂ ಸದರಿ ಅಪಘಾತದಲ್ಲಿ ನಮ್ಮಗಳಿಗೆ ಗಾಯವಾಗಿದ್ದು ಜಗದೀಶ ಎನ್ನುವವರು ಮೃತಪಟ್ಟಿರುತ್ತಾರೆ. ಸದರಿ ಬೋಲೋರೋ ವಾಹನವನ್ನು ರಾತ್ರಿ ಹೊತ್ತಿನಲ್ಲಿ ಆರೋಪಿ ಯದ್ವಾತದ್ವಾ ಓಡಿಸಿ ಅಪಘಾತಪಡಿಸಿರುತ್ತಾನೆ."

P.W-4 in his chief examination deposed that " ಆ ದಿನ ರಾತ್ರಿ 9-30 ಗಂಟೆಗೆ ಬೋಲೋರೋ ಗಾಡಿಯನ್ನು ಓಡಿಸುವಾಗ ನೋಡಿರುವುದಾಗಿ

ಹಾಗೂ ಬೋಲೆರೋ ವಾಹನವನ್ನು ಆರೋಪಿ ಚಲಾಯಿಸುತ್ತಿದ್ದನು. ನಿಪಿ-2 ರಲ್ಲಿರುವ ಬೋಲೆರೋ ವಾಹನವನ್ನು ಆರೋಪಿ ಚಲಾಯಿಸುತ್ತಿದ್ದನು. ನಾನು, ಚಾಸಾ 1, 5, 6 ಮತ್ತು ಮೃತ ಜಗದೀಶರವರು ಬೆಣಕಲ್ ಹತ್ತಿರ ಬರುತ್ತಿರುವಾಗ ನಾವು ಇದ್ದಂತಹ ಬೋಲೆರೋ ವಾಹನ ಅತೀ ವೇಗದಲ್ಲಿ ಚಾಲನೆಯಾಗುತ್ತಿತ್ತು ರಸ್ತೆಯ ಹಂಪ್ ಗೆ ಬಡಿದು ವಾಹನ ಹಾರಿ ಮುಂದೆ ಹೋಗಿ ನಿಂತಿತು ಆ ರಭಸಕ್ಕೆ ನಾನು ಮತ್ತು ಮೇಲೆ ಹೇಳಿದ ವ್ಯಕ್ತಿಗಳು ಬೋಲೆರೋ ಗಾಡಿಯಿಂದ ಬಿದ್ದಿದ್ದು ಕಾರಣ ನಮ್ಮಗಳಿಗೆ ಗಾಯಗಳಾಗಿದ್ದು ಜಗದೀಶನ ಕಿವಿಗೆ ಭಾರೀ ಗಾಯವಾಗಿ ಆಸ್ಪತ್ರೆಗೆ ದಾಖಲು ಮಾಡಿದ ನಂತರ ಚಿಕಿತ್ಸೆ ಫಲಕಾರಿಯಾಗದೇ ಮೃತಪಟ್ಟಿರುತ್ತಾನೆಂದು ನುಡಿದಿರುತ್ತಾರೆ.”

16. While going through the evidence of the said witnesses, it can be seen that the accused without any care and caution rashly drove his Bolero Pick Up bearing No.MH-45/T-2818 and jumped the hump in high speed in which the P.W-1 to 4 and deceased Jagadeesh were traveling as a result the P.W.1 to 4 have sustained simple and grievous injuries. Further the PW.1 to 4 in their chief examination have deposed that, as a result of accident the another labour traveling along with them i.e., Jagadeesh has also sustained grievous injuries and succumbed to the injuries. In the present case on hand though the PW.1

to 4 in their chief examination they deposed and have identified the accused. But it is paramount fact to note that, as earlier discussed above the accused has not disputed that, he is not driving the Bolero Pick Up bearing No.MH-45/T-2818 at the time of accident. As such by going through the above said evidence of P.W-1 to 4 it can be seen that it is the accused who was driving the Bolero Pick Up bearing No.MH-45/T-2818 which jumped road hump in high speed in which the PW.1 to 4 are travelling as a result the PW.1 to 4 have sustained simple and grievous injuries and the another labour by name Jagadeesh traveling along with P.W-1 to 4 has succumbed to the injuries. It is further pertinent to note that in the present case on hand the defence counsel has not disputed the fact that the accused is the driver of the Bolero Pick Up bearing No.MH-45/T-2818. These witnesses have been subjected to cross examination by the learned counsel for the accused at length, but nothing has been elicited from the mouth of these

witnesses. Further it is pertinent to note that, these witnesses have identified the photograph of the Bolero Pick Up bearing No.MH-45/T-2818 which involved in the accident the said photograph has been marked at Ex.P.2.

17. The evidence of PW-1 is corroborated with the evidence of PW-2 to 4 who are also the injured/eyewitnesses to the accident.

P.W-1 in his chief examination deposed that "ರಾತ್ರಿ 9.30 ಗಂಟೆಗೆ ಸದರಿ ಬೋಲೋರೋ ವಾಹನವು ಚಿಕ್ಕಬೆಣಕಲ್ ಹತ್ತಿರ ಬಂದಾಗ ಸದರಿ ವಾಹನದ ಚಾಲಕನಾದ ಆರೋಪಿ ವಾಹನವನ್ನು ಅತೀ ವೇಗವಾಗಿ ಚಲಾಯಿಸಿ ಸದರಿ ವಾಹನವು ಹಂಪನ್ನು ದಾಟಿ ಪುಟದಿದ್ದು ಅದರಿಂದ ನಾವುಗಳು ವಾಹನದಿಂದ ಹೊರಗಡೆ ಪುಟಿದು ಬಿದ್ದಿದ್ದು ನಮ್ಮಗಳಿಗೆ ಸದರಿ ಅಪಘಾತದಲ್ಲಿ ಮೈ ಕೈ ಗಳಿಗೆ ಗಾಯಗಳು ಆಗಿರುತ್ತವೆಂದು ನುಡಿದಿದ್ದು, ಸಕ್ರಪ್ಪನಿಗೆ ಕಾಲಿಗೆ, ತಲೆಗೆ, ಮೂಗಿಗೆ ಗಾಯಗಳು ಆಗಿದ್ದು, ಗಾಡಿಯಲ್ಲಿದ್ದ ಇನ್ನೊಬ್ಬ ಮುಸ್ಲಿಂ ವ್ಯಕ್ತಿಗೆ ಕಾಲಿಗೆ ಗಾಯಗಳು ಆದವು. ತನ್ನ ತಮ್ಮ ಮೃತ ಜಗಧೀಶನಿಗೆ ತಲೆಗೆ ತೀವ್ರ ಗಾಯವಾಗಿ ರಕ್ತ ಸುರಿದಿದ್ದು, ನಂತರ ಅಂಬ್ಯುಲೆನ್ಸ್ ಬಂದಿದ್ದು ಅದರಲ್ಲಿ ತಾವುಗಳು ಆಸ್ಪತ್ರೆಗೆ ಹೋಗುವ ಮಾರ್ಗ ಮಧ್ಯೆ ವಡ್ಡರಹಳ್ಳಿ ಬಳಿ ತನ್ನ ತಮ್ಮ ಜಗಧೀಶ ತೀರಿಕೊಂಡಿರುತ್ತಾರೆ."

P.W-2 in his chief examination deposed that "ಆರೋಪಿಯ ಬೋಲೋರೋ ಗಾಡಿಯಲ್ಲಿ ಹೋಗಿ ಮಾವಿನಕಾಯಿ ತೆಗೆದುಕೊಂಡು

ವಾಪಸ್ಸು ಬರುವಾಗ ಬೆಣಕಲ್ ಬಳಿ ರಾತ್ರಿ 9.30 ಗಂಟೆಗೆ ಬೊಲೆರೋ ವಾಹನವನ್ನು ಜಂಪ್ ಮಾಡಿ ಅಪಘಾತಪಡಿಸಿರುತ್ತಾರೆಂದು ಹಾಗೂ ಸದರಿ ಅಪಘಾತದಲ್ಲಿ ನಮ್ಮಗಳಿಗೆ ಗಾಯವಾಗಿದ್ದು ಜಗದೀಶ ಎನ್ನುವವರು ಮೃತಪಟ್ಟಿರುತ್ತಾರೆ. ಸದರಿ ಬೊಲೆರೋ ವಾಹನವನ್ನು ರಾತ್ರಿ ಹೊತ್ತಿನಲ್ಲಿ ಆರೋಪಿ ಯದ್ವಾತದ್ವಾ ಓಡಿಸಿ ಅಪಘಾತಪಡಿಸಿರುವುದಾಗಿ ಗಾಡಿಯ ನಂಬರನ್ನು ನಾನು ನೋಡಿರುವುದಿಲ್ಲ, ಅಪಘಾತದಲ್ಲಿ ನನಗೆ ಪ್ರಜ್ಞೆ ತಪ್ಪಿರುತ್ತದೆ. ಅಪಘಾತದಿಂದ ನನಗೆ ಗಾಯವಾಗಿದ್ದು ನಾನು ಹುಬ್ಬಳ್ಳಿಯಲ್ಲಿ ಚಿಕಿತ್ಸೆ ಪಡೆದಿರುವುದಾಗಿ ಹಾಗೂ ಸದರಿ ಅಪಘಾತವು ಆರೋಪಿಯ ತಪ್ಪಿನಿಂದಲೇ ಆಗಿರುತ್ತದೆ ಈ ದಿನ ಆರೋಪಿಯನ್ನು ನ್ಯಾಯಾಲಯದ ಮುಂದೆ ನೋಡಿ ಗುರುತಿಸುತ್ತಿದ್ದೇನೆ.”

P.W-3 in his chief examination deposed that " ಆರೋಪಿಯ ಬೊಲೆರೋ ಗಾಡಿಯಲ್ಲಿ ಹೋಗಿ ಮಾವಿನಕಾಯಿ ತೆಗೆದುಕೊಂಡು ವಾಪಸ್ಸು ಬರುವಾಗ ಬೆಣಕಲ್ ಬಳಿ ರಾತ್ರಿ 9.30 ಗಂಟೆಗೆ ಬೊಲೆರೋ ವಾಹನವನ್ನು ಜಂಪ್ ಮಾಡಿ ಅಪಘಾತಪಡಿಸಿರುತ್ತಾರೆಂದು ಹಾಗೂ ಸದರಿ ಅಪಘಾತದಲ್ಲಿ ನಮ್ಮಗಳಿಗೆ ಗಾಯವಾಗಿದ್ದು ಜಗದೀಶ ಎನ್ನುವವರು ಮೃತಪಟ್ಟಿರುತ್ತಾರೆ. ಸದರಿ ಬೊಲೆರೋ ವಾಹನವನ್ನು ರಾತ್ರಿ ಹೊತ್ತಿನಲ್ಲಿ ಆರೋಪಿ ಯದ್ವಾತದ್ವಾ ಓಡಿಸಿ ಅಪಘಾತಪಡಿಸಿರುತ್ತಾನೆ. ಗಾಡಿಯ ನಂಬರನ್ನು ನಾನು ನೋಡಿರುವುದಿಲ್ಲ, ಅಪಘಾತದಲ್ಲಿ ನನಗೆ ಪ್ರಜ್ಞೆ ತಪ್ಪಿರುತ್ತದೆ. ಅಪಘಾತದಿಂದ ನನಗೆ ಗಾಯವಾಗಿದ್ದು ನಾನು ಹುಬ್ಬಳ್ಳಿಯಲ್ಲಿ ಚಿಕಿತ್ಸೆ ಪಡೆದಿರುವುದಾಗಿ ಹಾಗೂ ಸದರಿ ಅಪಘಾತವು ಆರೋಪಿಯ ತಪ್ಪಿನಿಂದಲೇ ಆಗಿರುತ್ತದೆ ಈ ದಿನ ಆರೋಪಿಯನ್ನು ನ್ಯಾಯಾಲಯದ ಮುಂದೆ ನೋಡಿ ಗುರುತಿಸುತ್ತಿದ್ದೇನೆ.”

P.W-4 in his chief examination deposed that " ಆ ದಿನ ರಾತ್ರಿ 9-30 ಗಂಟೆಗೆ ಬೊಲೆರೋ ಗಾಡಿಯನ್ನು ಓಡಿಸುವಾಗ ನೋಡಿರುವುದಾಗಿ ಹಾಗೂ ಬೊಲೆರೋ ವಾಹನವನ್ನು ಆರೋಪಿ ಚಲಾಯಿಸುತ್ತಿದ್ದನು. ನಿಪಿ-2 ರಲ್ಲಿರುವ ಬೊಲೆರೋ ವಾಹನವನ್ನು ಆರೋಪಿ ಚಲಾಯಿಸುತ್ತಿದ್ದನು. ನಾವು ಬೊಲೆರೋ ಗಾಡಿಯಲ್ಲಿ ಹೇಮಗುಡ್ಡ ದುರ್ಗಮ್ಮ ದೇವಸ್ಥಾನದಿಂದ ಮಾವಿನಕಾಯಿಯನ್ನು ತುಂಬಿಕೊಂಡು ನಾನು, ಚಾಸಾ 1, 5, 6 ಮತ್ತು ಮೃತ ಜಗದೀಶರವರು ಬೆಣಕಲ್ ಹತ್ತಿರ ಬರುತ್ತಿರುವಾಗ ನಾವು ಇದ್ದಂತಹ ಬೊಲೆರೋ ವಾಹನ ಅತೀ ವೇಗದಲ್ಲಿ ಚಾಲನೆಯಾಗುತ್ತಿತ್ತು ರಸ್ತೆಯ ಹಂಪ್ ಗೆ ಬಡಿದು ವಾಹನ ಹಾರಿ ಮುಂದೆ ಹೋಗಿ ನಿಂತಿತು ಆ ರಭಸಕ್ಕೆ ನಾನು ಮತ್ತು ಮೇಲೆ ಹೇಳಿದ ವ್ಯಕ್ತಿಗಳು ಬೊಲೆರೋ ಗಾಡಿಯಿಂದ ಬಿದ್ದಿದ್ದು ಕಾರಣ ನಮ್ಮಗಳಿಗೆ ಗಾಯಗಳಾಗಿದ್ದು ಜಗದೀಶನ ಕಿವಿಗೆ ಭಾರೀ ಗಾಯವಾಗಿ ಆಸ್ಪತ್ರೆಗೆ ದಾಖಲು ಮಾಡಿದ ನಂತರ ಚಿಕಿತ್ಸೆ ಫಲಕಾರಿಯಾಗದೇ ಮೃತಪಟ್ಟಿರುತ್ತಾನೆಂದು ನುಡಿದಿರುತ್ತಾರೆ."

18. By going through the entire evidence of P.W-1 to 4, it can be seen that it is due to the rashness and negligent driving of the accused the accident occurred and as a result the deceased Jagadeesh has sustained grievous injuries and later on succumbed to the injuries and the PW.1 to 4 have sustained simple and grievous injures. It is further pertinent to note that, the PW.1 to 4 have identified the accused who was

present before the court and categorically submitted that, it is the accused only who has caused the accident by driving the Bolero Pick Up bearing No.MH-45/T-2818 in rash and negligent manner in which they were traveling. It is pertinent to note that they have further identified the Bolero Pick Up bearing No.MH-45/T-2818 which was driven by the accused through photograph which is marked at Ex.P.2. In the present case on hand the prosecution has got marked Ex.P.2 which is the photograph of the Bolero Pick Up bearing No.MH-45/T-2818. The P.W-1 to 4 have been subjected to cross examination at length by the learned counsel for the accused, but it is matter on record that nothing has been elicited from the mouth of P.W-1 to 4 except putting up suggestion which were denied by these witnesses. By going through the entire evidence of PW-1 to 4 it can be seen that by the cross examination the trustworthiness of these witnesses has not been shaken and the evidence

of PW.2 to 4 and 6 has corroborated to the evidence of PW.1 and prosecution theory.

19. Now coming to the evidence of P.W-5 who is the pancha witness for Ex.P-3 which is spot and seizure panchanama. This witness turned hostile to the prosecution case. But the accused has not denied about seizure of the vehicle. P.W-10 in his chief examination has clearly deposed that, he has conducted the spot and seizure mahazar as per Ex.P.3 at the crime spot with respect to accident took place in the presence of C.W-2 and 3. Further this witness has clearly deposed that, at the time of conducting the Ex.P.3 mahazar at the crime spot there was Bolero Pick Up vehicle situated at the crime spot. In the present case on hand since the place of accident and occurrence of accident has not been disputed. Under those circumstances I am of the opinion that, the prosecution has successfully proved the conducting the spot mahazar as per Ex.P-3 at crime spot.

20. The prosecution has further examined PW.6 who is alleged to be one of the eye witness. This witness has supported the case of the prosecution and he has been subjected to cross-examination by the learned counsel for accused and the witness has denied the suggestion put to him during the course of cross-examination by the learned counsel for accused.

21. Though in the present case on hand, the PW.5 pancha witness has turned hostile but the PW.5 is not an eyewitness to the alleged incident. By going through the evidence of P.W-1 to 4 and 6 who are the injured eyewitnesses. I am of the firm opinion that the accident took place due to the fault of the accused only.

22. P.W-8 is the A.S.I., of Gangavati Rural Police Station who has received the first information from C.W-1 and based on the information he has registered the crime in Rural P.S., crime No.151/2016 and

prepared the FIR and forwarded same to the court as per Ex.P-8. Thereafter he has handed over the further investigation to PW.9 who is the then Assistant Sub Inspector of Gangavathi Rural Police Station. The P.W.9 in his evidence deposed that, after receiving the case papers from PW.8 as per the directions of C.W-15 he went to the Government Hospital and conducted the inquest panchanama in the presence of C.W-2 and 3 which is marked at Ex.P-4 and he has affixed his signature on the said panchanama. Further the P.W-10 in his evidence he deposed that he conducted the further investigation and conducted the spot panchanama in the presence of C,W-2 and 3 and recorded the statement of C.W-1, 6 to 8 and written letter to RTO and released the accused on station bail and also released the vehicle to the owner by getting indemnity bond and received the PM report and he has been transferred and he has handed over the further investigation to the P.W-7 who deposed in his chief examination that, he revived the wound

certificates and after completion of the investigation he submitted the charge sheet. The P.W.7 to 10 have been subjected to cross-examination by the learned counsel for the accused. On perusal of the entire cross-examination of the PW.7 to 10 it can be seen that, only a suggestions has been put to P.W-7 to 10 stating that, the accident has not occurred due to the negligent driving of the accused which was clearly denied by them.

23. During the course arguments the learned counsel for the accused vehemently argued that in the present case on hand the locality peoples have not been cited as witnesses and one of the eyewitness i.e., PW.11 has not supported the case of prosecution under those circumstance the accused cannot be convicted. At this juncture this court would like to reproduce section 134 of Indian Evidence Act.,

Section 134:- Number of witnesses: no particular number of witnesses shall in any case be required for the proof of any fact.

24. So as per the provision of section 134 Indian Evidence Act., there is no any hard and fast rule that a particular number of witnesses should be required to prove a particular offence. If the evidence of the solitary eyewitness inspires confidence under those circumstances the conviction can be passed. As per the section 134 of Indian Evidence Act., it is permissible for the court to record in a conviction on the evidence of solitary eyewitness. The provisions of section 134 is based on the principle that evidence is to be weighed and not counted. In this regard this court would like to rely upon a decision reported in **A.I.R., 1997 SC 322** (Binay Kumar Singh Vs State of Bihar) wherein their lordship held that:-**there is no rule of evidence that no conviction can be based**

unless and certain minimum number of witnesses have been examined. It is axiomatic that evidence is not to be counted but only weighed and it is not the quantity of evidence but the quality that matters. Even testimony of one singly witness, if wholly reliable is sufficient to establish the identification of an accused as member of unlawful assembly.

25. Further, like to rely upon another decision reported in **A.I.R 1983 SC 136** (Maqsoodan Vs State of U.P) wherein their lordship held that:- **there is no hard and fast rule that a particular number of witnesses should be required to prove a particular offence. If any such rule were strictly adhered to, many crimes would go unpunished. If a signal witness is entitled to full credit, it is sufficient for a decision. It is not infrequent to find the evidence of a single witness more truest worthy than the**

testimony of half a dozen men who swear against him. all that the court is concerned with is the quality not the quantity of the witness. As earlier discussed above PW-1 to 4 have clearly deposed that the accused rashly and negligently driven the Bolero Pick Up bearing No.MH-45/T-2818 and jumped the road hump as a result the labourer travelling in said vehicle sustained simple and grievous injuries Jagadeesh has succumbed to the injuries and PW.1 to 4 have also sustained simple and grievous injuries.

26. During the course of arguments learned counsel for the accused vehemently argued that there are discrepancies in the evidence of PW-1 to 4 and 6. Hence, their evidence cannot be considered. In this regard this court would like to rely upon a decision reported in **2010 (3) Crimes 212 (SC)** (Vijaya @ Chinee Vs. State of M.P.) wherein their lordship held that:-

“While appreciating the evidence of a witness, minor discrepancies on trivial matters, which do not affect the core of the prosecution case, should not be taken into consideration as they cannot form grounds to reject the evidence as a whole.

27. Evidence of the witnesses must be read as a whole and the cases are to be considered in totality of the circumstances and while appreciating the evidence of a witness minor discrepancies on trivial matters, which do not affect the core of the prosecution case should not be taken into consideration as they cannot form grounds to reject the evidence as a whole.

28. Hence, this court is of the opinion that the prosecution has proved its case beyond all reasonable doubts and all the injured persons and eyewitnesses and investigation officers are examined and all the witnesses have supported that the accident took place due to the fault of the accused.

29. The witnesses examined by the prosecution all are supported and they have identified the accused and also deposed regarding the rash and negligent act of the accused.

30. It is also settled position of law that in a decision reported in **Crl.L.J. 2010 (AP) 682 (B)** wherein it is held that:- **Section 304-A:- causing death by negligence – identification of accused – reliability – accident occurred at place where large public held gathered – there was sufficient light and lorry was stopped by accused where all witnesses where standing – identification of accused reliable.**

31. It is also settled position of law that the credibility of the eyewitnesses and relatives of the deceased their testimony cannot be discarded merely because they are related and interested witness.

32. It is also settled position of law that in the decision reported in **Cr1.L.J.2010 (AP) 682 (A)** wherein it is held that:- **section 304-A:- Causing death by negligence – proof – alleged death of deceased as lorry rashly driven by accused dashed against him – evidence of witnesses supported prosecution case – identification of accused was reliable as witnesses had ample opportunity to observed accused – conviction of accused proper.**

33. Further in a decision reported in **crimes 2011(3) SC 82** their lordship have made observation as under:-

The testimony of injured witness has its own relevancy and efficacy as he has sustained injuries at the time and place of occurrence and this lends support to his testimony that he was present at the time of occurrence. Thus, the testimony of an injured witness is accorded as special status in law. Such a witness comes with a built in guarantee of his presence at the scene of the crime and is unlikely to spare his actual assailants in order to falsely implicate someone.

“Convincing evidence is required to discredit an injured witness”
Thus, the evidence of an injured witness should be relied upon unless there are grounds for the rejection of his evidence on the basis of major contradictions and discrepancies therein.

34. In the present case on hand also all the injured witnesses P.W-1 to 4 have clearly deposed regarding the rashness and negligent driving of the accused and other independent witnesses have also supported the case of prosecution as such the prosecution has successfully proved its case beyond all reasonable doubts. So, from the above discussion made and in light of observations made in the above said rulings I am of the opinion that the prosecution has proved its case beyond all reasonable doubts. **Hence, point No.1 to 5 are answered in the Affirmative.**

35. Point No.6:- In the result, this court proceed to pass the following...

ORDER

Acting under section 255(2) of Criminal Procedure Code accused is found guilty and he is convicted for the offences U/s.279, 337, 338, 304(a) of I.P.C. and U/s 187 of IMV act.

Accused is sentenced to undergo simple imprisonment of 6 months and also liable to pay fine of Rs.1,000/-, IDSI for a period of 1 month for the offence punishable U/Sec. 279 of IPC.

Accused is sentenced to undergo simple imprisonment of 6 months and also liable to pay fine of Rs.500/-, IDSI for a period of 10 days for the offence punishable U/Sec. 337 of IPC.

Accused is sentenced to undergo simple imprisonment of 1 year and also liable to pay fine of Rs.1,000/-, IDSI for a period of 15 days for the offence punishable U/Sec. 338 of IPC.

Accused is sentenced to undergo simple imprisonment for 2 years and also liable to pay fine of Rs.10,000/-, IDSI for a period of 2 months for the offence punishable U/Sec. 304(a) of IPC.

Accused is sentenced to undergo simple imprisonment for 3 months and also liable to pay fine of Rs.1,000/-, IDSI for a period of 2

months for the offence punishable
U/Sec. 187 of IMV act.

The sentence in default of fine
shall run consequently.

All the sentence shall run
concurrently along with main sentence.

The accused is entitled for set off
for the period if any he was in JC.

Supply a copy of this judgment to
the accused at free of cost.

(Dictated to the Stenographer directly on computer, typed by her,
corrected & then pronounced by me in the Open Court on this the
10th Day of July 2026).

(Nagesh Patil)
Prl. Civil Judge & JMFC.,
Gangavathi.

ANNEXURE

LIST OF WITNESSES EXAMINED BY PROSECUTION:

1.	P.W.1	Bharamappa	Complainant
2.	P.W.2	Sakrappa	Victim
3.	P.W.3	Ajmat Ali	Victim
4.	P.W.4	Raja Sab	Eye witness
5.	P.W.5	Devendrappa	Pancha witness
6.	P.W.6	Ismail Sab	Eye witness
7.	P.W.7	E. Kali Krishna	IO
8.	P.W.8	Mallappa	IO

9.	P.W.9	Nagaraj	IO
10.	P.W.10	Prabhakar	IO
11.	P.W.11	Sangeetha	Other witness

LIST OF WITNESSES EXAMINED BY ACCUSED:

-NIL-

LIST OF DOCUMENTS EXHIBITED BY PROSECUTION:

1.	Ex.P.1	Complaint
2.	Ex.P.2	Photograph
3.	Ex.P.3	Panchanama
4.	Ex.P.4	Inquest Panchanama
5.	Ex.P.5 to 7	Wound certificates
6.	Ex.P.8	F.I.R.
7.	Ex.P.9	Indemnity bond
8.	Ex.P.10	Post Martem Report
9.	Ex.P.11	IMV report

LIST OF DOCUMENTS EXHIBITED BY ACCUSED:

-NIL-

LIST OF MATERIAL OBJECTS:

-NIL-

(Nagesh Patil)
Prl. Civil Judge & JMFC.,
Gangavathi.