

KAMD200010642019



Presented on : 17-09-2019
Registered on : 25-09-2019
Decided on : 05-05-2026
Duration : 6 years, 7 months, 18 days

**IN THE COURT OF THE PRL. SENIOR CIVIL JUDGE
& JMFC, AT KRISHNARAJPET**

**Present : SRI. SUDEER., B.A., LL.M.,
Prl. Senior Civil Judge & J.M.F.C.
Krishnarajpet**

Dated : 5th Day of May 2026

C.C.No. 503/2019

The State represented by
Kikkeri Police Station.

(By Learned APP)

... Complainant

V/s.

Pradeep @ Pradi S/o Tammanagowda
Aged about 34 years,
R/at : Kattahalli Village,
Krishnarajpet Taluk
Mandya District.

(By Sri. K.S. Advocate)

... Accused

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

The PI of Circle Inspector, Krishnarajpet Circle has filed charge sheet against the accused in Cr. No. 132/2018 for the offence punishable U/Sec 279 and 304(A) of IPC.

2. The brief facts of the allegations as per the charge sheet is that on 03.05.2018 at about 1.30 p.m. within the limits of Kikkeri Police Station, the accused being the driver of the tractor and trailer bearing Reg.No.KA-54-T-4365/4366 had taken along with him the deceased Yashwanth for loading and unloading of mud at Thulasi village pond. It is further alleged that after unloading the mud while returning back the deceased Yashwanth was sitting on the left side mudguard of the tractor due to rash and negligent driving of accused the tractor and trailer bearing Reg.No.KA-54-T-4365/4366 got toppled and deceased Yashwant came under the engine of the tractor and sustained grievous injuries. It is further alleged that deceased Yashwanth

taking first aid treatment at Puny Hospital at Chan-narayapatna and from there he was shifted to Janapriya hospital at Hassan for further treatment on the same day and he died on the same day at 10.30 p.m while undergoing treatment and thereby committed offence punishable U/Sec. 279 and 304(A) of IPC.

3. On the basis of said charge sheet, this court has taken cognizance and in response to the court process accused appeared before this court and got enlarged on bail. In compliance of Sec. 207 of Cr.P.C the papers of prosecution have been supplied to the accused.

4. On hearing both the sides, plea for the offences punishable U/Secs. 279 and 304(A) of IPC was recorded, read over and explained to the accused, he pleaded not guilty and claims to be tried.

5. The prosecution has got examined as PW-1 to PW-3 and got marked 4 documents at Ex.P-1 to Ex.P-4. Since, the complainant and eye witnesses have not

supported the prosecution case, request of the Learned APP to summon remaining formal and official witnesses was give-up.

6. No incriminating circumstances found against the accused and hence, Statement U/Sec.313 of Cr.P.C was dispensed with.

7. Heard arguments. Perused records.

8. The points that arise for the consideration of this court are:

1. ***Whether the prosecution proves that on on 03.05.2018 at about 1.30 p.m. within the limits of Kikkeri Police Station, the accused being the driver of the tractor and trailer bearing Reg.No.KA-54-T-4365/4366 had taken along with him the deceased Yashwanth for loading and unloading of mud at Thulasi village pond. It is further alleged that after unloading the mud while returning back the deceased Yashwanth was sitting on the left side mudguard of the tractor due to rash and negligent driving of accused the tractor and trailer***

bearing Reg.No.KA-54-T-4365/4366 got toppled and deceased Yashwanth came under the engine of the tractor and caused accident and thereby committed an offence punishable U/Sec. 279 of IPC ?

2. *Whether the prosecution proves that, on the above said date, time and place, due to the accident deceased Yashwant fell down from the tractor and sustained grievous head injuries and he died on the same day at 10.30 p.m. while he undergoing treatment and thereby committed an offence punishable U/Sec. 304(A) of IPC ?*

3. *What order?*

9. My answers to the above points are as follows:

Point No.1 : In the Negative
Point No.2 : In the Negative
Point No.3 : As per final order for the following...

REASONS

10. **Points No.1 and 2 :** All these points are taken together for common discussion to avoid repetition of facts. The prosecution case in a nutshell is that, on

03.05.2018 at about 1.30 p.m. within the limits of Kikkeri Police Station, the accused being the driver of the tractor and trailer bearing Reg.No.KA-54-T-4365/4366 had taken along with him the deceased Yashwanth for loading and unloading of mud at Thulasi village pond. It is further alleged that after unloading the mud while returning back the deceased Yashwanth was sitting on the left side mudguard of the tractor due to rash and negligent driving of accused the tractor and trailer bearing Reg.No.KA-54-T-4365/4366 got toppled and deceased Yashwant came under the engine of the tractor and sustained grievous injuries. It is further alleged that deceased Yashwanth taking first aid treatment at Puny Hospital at Channarayapatna and from there he was shifted to Janapriya hospital at Hassan for further treatment on the same day and he died on the same day at 10.30 p.m while undergoing treatment. On the basis of complaint lodged by CW.1, CW.16 registered case in

Cr. No.132/2015 and sent FIR to Court. CW.17 taking over further investigation and on the same day he had visited the accident spot and conducted spot mahazar and seized the vehicle. He had subjected the vehicle for IMV inspection and after that handed over the vehicle to the owner. Further CW.18 taking over further investigation. He conducted inquest mahazar on the dead body deceased Yashwant and had subjected the dead body for postmortem and handed over dead body to his relatives. He received MLC extract and he had recorded statement of witnesses and collecting IMV report and postmortem report concluded investigation and filed charge sheet against accused person.

11. PW.1/Ramalingegowda is the complainant. He deposed that his son deceased Yashwanth died in the road accident about 7 to 8 years back. He deposed that he has not witnessed the accident. He deposed that he do not know how the accident occurred or whose negligence accident had occurred. He deposed that

when he had visited the hospital the police obtained his signature on one document. He deposed that he does not know about the contents of the documents. Complaint is marked at Ex.P.1. Signature is marked at Ex.P.1(a). The learned APP treated this witness as hostile and with the leave of court cross examined, but nothing was elicited in support of prosecution case.

12. PW.2/Chethan is the eye witness. He deposed that deceased Yashwanth died in road accident. He deposed that he has not witnessed the accident. He deposed that he do not know how the accident occurred or whose negligence accident had occurred. He deposed that the police had not conducted any mahazar and not seized vehicle in his presence. He deposed that when he had visited the police station the police had obtained his signature on one document. He deposed that he does not know about the contents of the documents. Spot Mahzar is marked at Ex.P.2. Signature is marked at Ex.P.2(a). He deposed that he

has not given any statement to the police about the accident. The learned APP treated this witness as hostile and with the leave of court cross examined, but nothing was elicited in support of prosecution case.

13. PW.3/Dileepa is the eye witness. He deposed that deceased Yashwant in the road accident. He deposed that do not know about the accused. He deposed that he has not witnessed the accident. He deposed that he do not know how the accident occurred or whose negligence accident had occurred. He deposed that he has not given any statement to the police about the accident. The learned APP treated this witness as hostile and with the leave of court cross examined, but nothing was elicited in support of prosecution case.

14. Learned APP made all his efforts to cull out the prosecution version from the mouth of all these witnesses, but in vain. The complainant, eye witnesses have not supported the case of the prosecution. Since,

the complainant, eye witnesses have turned hostile to the case of the prosecution.

15. PW-1 to PW-3 being complainant, eye witnesses have not supported the case of the prosecution in *toto*. No purpose would have been served by examining other witnesses in the case. It is well settled principle of law laid down by the ***Hon'ble Supreme Court in 1996(3) Crime 84 Sathish Mehra V/s Delhi Administration and another; wherein at page No.13 the Hon'ble Apex Court held as follows; "When the judge is fairly certain that there is no prospect of the case ending in conviction, the valuable time of the court should not be wasted for holding the trial only for the purpose of formally completing the procedure to pronounce the conclusion on a future date.*** There is no reasonable prospectus of conviction of the accused person, due to the non-supporting of the case by the complainant, eye witnesses. There is no positive

evidence to prove the guilt of the accused. **Hence, I answer Point No.1 and 2 in the Negative.**

16. **Point No.4**: For the forgoing reasons I proceed to pass the order is passed.

ORDER

Acting U/s. 255(1) of Cr.P.C the accused is hereby acquitted for the offences punishable U/Secs. 279 and 304(A) of IPC.

The bail bond and surety bond of accused stand canceled.

Tractor and Trailer bearing No. KA-54-T-4365/4366 already been released to its owner, the same is hereby made absolute.

(On my dictation the stenographer directly typed in the computer, corrected by me and then pronounced in open court on this 5th Day of May 2026).

(SUDEER)
Prl. Senior Civil Judge & JMFC,
Krishnarajpet

ANNEXURES**List of witnesses and documents examined for prosecution:**

PW.1 : Ramegowda
PW.2 : Chethana
PW.3 : Dileepa

List of documents marked for prosecution.

Ex.P1 : Complaint
Ex.P1(a) : Signature of PW.1
Ex.P2 : Statement of PW.2
Ex.P2(a) : Signature of PW.2
Ex.P3 : Statement of PW.2
Ex.P4 : Statement of PW.3

List of witnesses examined on behalf of defence :
---Nil---**List of documents marked for defence :**
---Nil---

**Prl. Senior Civil Judge & JMFC,
Krishnarajpet**