

KAMD710008582023



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

:Present:

Sri. Mohanagowda M.E.
B.A., LL.B.,
Prl. Senior Civil Judge & J.M.F.C.,
Srirangapatna

C.C.No.29/2023

Dated this the 22nd day of April 2026

Complainant : State by Srirangapatna Police
(By Asst. Public Prosecutor)

- V/s -

Accused : Palanimurugan,
S/o Chetti,
Aged about 37 years,
R/at Tirupatturu village,
Manachanalluru Taluk,
Tiruchirapalli,
Tamilnadu.
(Rep. by Sri.S.P, Advocate)

Date of commission of offence	:	27.03.2023
Date of report of offence	:	28.03.2023
Date of recording evidence	:	24.12.2025
Date of closing evidence	:	02.02.2026
Offence complained of	:	U/secs.279 & 304A of I.P.C
Opinion of the Judge	:	Accused found not guilty.

JUDGMENT

The Jurisdictional Police have filed the charge sheet against the accused alleging commission of offenses punishable under Secs.279 & 304A of I.P.C.

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

On 27-03-2023 at about 11.00 p.m., on the Srirangapatna – Pandavapura highway near Dharmaraya /Anjaneya Temple, Kirangur village, the accused, driver of Goods Vehicle No. TN-37-E-9299, drove rashly and negligently from Pandavapura towards Mysuru. At that time, CW-1 was riding Motorcycle Reg.No.KA-52-E-6626 towards Pandavapura Railway Station with deceased Sunitha as pillion. The accused, while overtaking another vehicle, came onto their path and caused an accident. The deceased sustained

grievous injuries as the rear wheel of the goods vehicle ran over her waist and legs. Despite treatment at Srirangapatna Government Hospital and K.R.Hospital, Mysuru, she succumbed to injuries at 01.18 a.m. on 28-03-2023. In view of the above the accused is alleged to have committed the aforesaid offences.

3. After registration of FIR, the investigation officer taken up the investigation and after collecting all the materials filed the charge sheet against the accused. This court took cognizance of the offenses and issued summons to the accused. In pursuance of summons accused appeared before the court and was enlarged on bail. Charge sheet copy and other prosecution papers were furnished to the accused. Charges framed and read over to the accused. The accused pleaded not guilty and claimed to be tried.

4. To establish the guilt of the accused, the prosecution has examined PW-1 to PW-5, marked Ex.P-1 to Ex.P-14. After the closure of the prosecution side, the accused was examined U/s.313 of Cr.P.C. Accused denied the incriminating circumstances and not opted to lead any defense evidence.

5. Thereafter arguments heard on both sides.

6. Now the points that arise for consideration of this court are as under: -

- 1) Whether the prosecution has proved beyond all reasonable doubt proved that on 27-03-2023 at about 11.00 p.m., within the limits of Srirangapatna Police Station, on the Srirangapatna – Pandavapura Highway road near Dharmaraya Temple (in front of Anjaneya Swamy Temple), Kirangur village, Srirangapatna Taluk, the accused being the driver of Goods Vehicle bearing Registration No.TN-37-E-9299, drove the said vehicle from Pandavapura towards Mysuru at a high speed and in a rash and negligent manner so as to endanger human life and the personal safety of others and thereby accused has committed an offence punishable U/sec. 279 of IPC?

2) Whether the prosecution has proved beyond all reasonable doubt proved that on the above said date, time, place and circumstances, the accused being the driver of Goods Vehicle bearing Registration No.TN-37-E-9299, while driving the said vehicle in a rash and negligent manner, attempted to overtake another vehicle and came onto the path of Motorcycle bearing Registration No.KA-52-E-6626 ridden by CW-1, who was proceeding with deceased Sunitha as pillion rider, and caused an accident, whereby the deceased fell down and the rear right wheel of the accused vehicle ran over her waist and legs, causing grievous injuries, and though she was shifted for treatment, she succumbed to the said injuries at about 01.18 a.m. on 28-03-2023 at K.R.Hospital, Mysuru and thus accused caused the death of said Sunitha by doing a rash and negligent

act and thereby accused has committed an offence punishable U/sec.304 (A) of IPC?

3) What Order?

7. The findings of the court on above points are as under: -

Point No.1 : In the Negative

Point No.2 : In the Negative

*Point No.3 : As per final order
for the following :*

: REASONS :

Points No.1 & 2 :-

8. These Points are taken together for a discussion to avoid repetition of facts and reasoning as they are interconnected with each other.

9. The case of the prosecution is already narrated at the inception of this judgment hence without repeating the same, this court proceeds to appreciate the material evidence only.

10. To establish the guilt of the accused, the prosecution examined PW-1 to PW-5, Ex.P.1 to 14 got marked. PW.1 & PW.2 are Investigation Officers, PW.3 is the first informant & eye witness, PW.4 is eyewitness and PW.5 is mahazar witness. Ex.P-1 is inquest report, Ex.P-2 is spot mahazar, Ex.P-3 to Ex.P-5 are photographs, Ex.P-6 is Certificate (U/sec.65(B) Indian Evidence Act), Ex.P-7 is MV report, Ex.P-8 is notice, Ex.P-9 is reply, Ex.P-10 is notice, Ex.P-11 is reply, Ex.P-12 is postmortem report, Ex.P-13 is first information statement, Ex.P-14 is FIR. All the documents marked on behalf of the prosecution aren't of equal importance, hence without wasting much time this court proceeds to appreciate the relevant documents only.

11. PW.1 & PW.2 are police witnesses, they deposed regarding registration of FIR., investigation and charge sheet, however as they are not eyewitnesses to the accident, hence, evidence is formal in nature and is not of much help to the prosecution. However, it is interesting to note that according to PW.1 on the date of accident itself CW.16 went to the spot and moved the vehicles from the place of accident and when PW.1 visited the spot on the very next day, the vehicles were there but, no photographs were taken at the spot. Further, the

accident took place on 27.03.2023 at 11.00 p.m., CW.16 went to the spot and cleared the vehicles but still no FIR was registered. The present FIR was filed on the basis of complaint received on 28.03.2023 at 10.00 a.m.

Mandatory Registration of FIR in Cognizable Cases and Violation in the Present Case

12. The Hon'ble Supreme Court in Lalita Kumari v. Government Of Uttar Pradesh And Others 2014 AIR SC 187 held that the Code contemplates two kinds of FIRs : the duly signed FIR under Section 154(1) is by the informant to the officer concerned at the police station. The second kind of FIR could be which is registered by the police itself on any information received or other than by way of an informant [Section 157(1)] and even this information has to be duly recorded and the copy should be sent to the Magistrate forthwith. The registration of FIR either on the basis of the information furnished by the informant under Section 154(1) of the Code or otherwise under Section 157(1) of the Code is obligatory. The Hon'ble Apex Court further held "11.He also pointed out that a police officer, who proceeds to the spot under Sections 156 and 157 of the Code, on the basis of either

a cryptic information or source information, or a rumour, etc. has to immediately, on gathering information relating to the commission of a cognizable offence, send a report (ruqa) to the police station so that the same can be registered as FIR....."

13. The Hon'ble Andhra Pradesh High Court in Akbaruddin Owaisi v. The Government Of Andhra Pradesh And Ors 2014 CRILJ 2199 held that there is no reason why the police, if in possession through their own knowledge or by means of credible information through informal intelligence which genuinely leads them to believe that a cognizable offence has been committed, should not, of their own, undertake investigation into the truth of the matters alleged. Section 157 Cr.P.C, when directing that a police officer shall proceed to investigate the facts and circumstances, supports this view.

14. In view of the above two judgments, it is clear that under Section 154(1) of the Code, an FIR is registered on the basis of information furnished by the first informant, and under Section 157(1) of the Code, the police are empowered to act even in the absence of a formal complaint. In the present

case, upon receiving message the CW.16 proceeded to the spot and inspected the scene of crime; however, he neither initiated investigation nor took steps to register the FIR. The conduct of the police officer is akin to that of a mere bystander, returning as if nothing had occurred.

15. To illustrate, if a police officer receives information regarding a murder and visits the scene, but no person comes forward to lodge a formal complaint, the officer cannot remain passive. The question arises as to how long the police can wait for a complaint—whether for days, weeks, or even months—by which time crucial evidence would be lost. It is precisely for this reason that the law mandates, under Section 157(1) of the Code, that the police officer must act on such information and proceed with the investigation even in the absence of a formal complaint. The police cannot shut their eyes or evade responsibility on the ground that no complaint has been filed by the victim or the relatives.

Duties of Police under the Karnataka Police Manual and Violation in the Present Case

16. As per Order 1189 of the Manual the First Information can be given either by eyewitness or by hearsay

witness. In the present case, the police officer visited the spot but waited for relatives of victim to file formal complaint and even though the police officer was not eyewitness there was no legal bar to take steps to register FIR under Sec157 of Cr.P.C.

17. As per Order 1239 of the Manual the Police Officer should proceed to the scene of crime as expeditiously as possible and undertake its thorough inspection as the presence of material evidence at the scene of crime may help. The spot inspection enables the investigation officer to discover important clues for the case.

18. As per Order 1240 of the Manual the Police officer shall ensure that the scene of crime is not interfered with and should pay special attention to Tyre Marks, Skid Marks, Deviation marks etc in accident cases.

19. As per Order 1245 of the Manual the Police Officer shall after reaching the spot of accident shall draw sketch indicating Point of impact, track marks of vehicles, position of vehicles after the accident, skid marks, brake impressions, position of the road of glass or other debris from the accident, position of blood stains, position and direction of the dead body or injured etc.

20. As per Order 1245 of the Manual in addition to sketch the police shall take photograph of the spot. In the present case no such photograph is taken when CW.16 first visited the accident spot on 27.03.2023 and did not take any photograph of the vehicles on 28.03.2023 when mahazar was conducted.

21. In the present case, inspite of above clear provisions, the police officer has not done everything in his power to preserve the sanctity of crime scene. The police officer visits the spot, acts like a common by stander and goes back to work as if nothing happened. The police officer made no efforts to take photographs, to note or to draw sketch indicating Point of impact, track marks of vehicles, position of vehicles after the accident, skid marks, brake impressions, position of the road of glass or other debris from the accident, position of blood stains, position and direction of the victim etc. It is strange to note that even though crucial evidence was right before the eyes of police officer, he let it to be destroyed and contaminated, goes back to the police station and later next day the IO goes to the crime scene to do the investigation, by that time all clues are gone and investigation is done on guess work.

22. PW.3 is the first informant & eye witness to the case, he filed first information before the jurisdictional police as per Ex.P13. During the cross-examination he admitted that the police prepared the complaint after arrival of one Advocate to the police station. He further admitted that as per Ex.P-5 photograph the two wheeler is not at all damaged. According to his own evidence the offending truck came from the opposite side hit the two wheeler, however, PW.3 who was riding the vehicle did not sustain any injuries and the two wheeler also did not sustain any damage. Considering the nature of accident as alleged in complaint it is difficult to believe the version of PW.3, the contention of learned counsel for the accused the vehicles was falsely implicated for insurance money appears to be true.

23. PW.4 is eyewitness and he turned completely hostile to the prosecution case.

24. PW.5 is the spot mahazar witness. He identified his signature on mahazar document. He is not eyewitness to the incident hence his evidence is formal in nature and is not of much help to the prosecution.

25. In the present case material witness such as PW.4 turned hostile to the prosecution case. It is a settled position

of law that mere suggestions are not sufficient to dislodge or disprove the case of a party. Suggestions in cross examination have no evidentiary value. In absence of any evidence, nor any material traced in the cross-examination in support thereof, the court can't base its decision on suggestions. The Hon'ble High Court Gujarat in Legal Heirs of Umedmiya R Rathod Vs State of Gujarat in First Appeal NO. 5952 of 1995 affirmed the above proposition of law. In the present case The learned APP made several suggestions to witness during the cross-examination but the witness denied all material suggestions, except mere suggestions and denials nothing worth, was elicited in the cross-examination, hence there is no reason to disbelieve the version of the witness.

26. It is a wrong proposition that for any motor accident negligence of the driver should be presumed. An accident of such a nature as would prima-facie show that it cannot be accounted to anything other than the negligence of the driver of the vehicle may create a presumption and in such a case the driver has to explain how the accident happened without negligence on his part. A rash act is primarily an overhasty act. It is an act done without due care and caution. Criminal negligence is the failure to exercise duty with reasonable and

proper care and precaution guarding against injury to the public generally or to any individual in particular. It is the imperative duty of the driver of a vehicle to adopt such reasonable and proper care and precaution. The Hon'ble Apex Court in Mohd. Aynuddin v. State of A.P., (2000) 7 SCC 72 affirmed the above proposition of law. In the present case, the witnesses did not support the case of prosecution properly and the entire case has to be decided on circumstantial evidence. Further, all accidents do not take place because of rash or negligent act of parties, sometimes they happen due to error in judgment, bad road conditions, etc., hence the accused entitled to benefit of doubt.

27. Further, in order to punish the accused for rash or negligent driving the prosecution witnesses have to state in what manner the vehicle in question was driven by the accused, it is not sufficient to state that it was driven at high speed. Further, when the witnesses state that the vehicle was driven at high speed they are required to state the approximate speed of the vehicle also as the speed prohibited in one road may be permitted on other road or highway. The above proposition of law has being affirmed in Rajendra V/s. State of Karnataka 2019 (4) KCCR 3461 and State of Himachal

Pradesh V/s. Pankaj Guleria 2018 Cri. L.J 1755. In the present case the witnesses did not state exactly the manner in which the offending vehicle was driven, did not state the approximate speed of the offending vehicle and did not state the speed permitted on that road. Hence, in view of the above two judgments the accused is entitled to acquittal.

28. It is the paramount duty of the prosecution to establish the guilt of the accused beyond all reasonable doubt. Unless the guilt is established beyond all reasonable doubt, the accused cannot be held guilty of the alleged offenses.

29. It is an accepted principle of criminal jurisprudence that the burden of proof is always on the prosecution and the accused is presumed to be innocent unless proved guilty. The prosecution has to prove its case beyond reasonable doubt and the accused is entitled to the benefit of the reasonable doubt. The reasonable doubt is one that occurs to a prudent and reasonable man. The doubt which the law contemplates is not of a confused mind but of prudent man who is assumed to possess the capacity to “separate the chaff from the grain”. The Hon’ble Apex Court in Bhagwan Jagannath Markad v. State of Maharashtra, (2016) 10 SCC 537 affirmed the above proposition of law. In the present case the witnesses did not

support the case properly and evidence of formal witnesses is not sufficient to sustain conviction and the accused is entitled to benefit of the doubt.

30. In view of the above reasons and discussions I hold that the prosecution has failed to adduce cogent, corroborative, trustworthy, believable evidence before the court and the available evidence doesn't inspire the confidence of this court. For the foregoing reasons and discussions, this court is of the opinion that the prosecution failed to prove the accusations leveled against the accused beyond reasonable doubt. Hence this court answers Points No.1 & Point No.2 in the Negative.

Point No.3: -

31. In view of the aforesaid reasons, I proceed to pass the following :-

ORDER

Accused found not guilty, acting U/Sec.255(1) of Cr.P.C. accused is acquitted for the offences punishable U/sec.279 and 304(A) of IPC and he is set at liberty for those offences.

The bail bond of the accused and surety bond shall continue for a period of six months from the date of this Judgment.

(Dictated to the stenographer, typed by stenographer directly on computer, after corrections, pronounced by me in the open Court on 22nd April 2026)

**(Mohanagowda M.E)
Prl. Senior Civil Judge & JMFC.,
Srirangapatna**

ANNEXURES

1) List of witnesses examined on behalf of prosecution:-

PW-1	:	Prakash.B.S
PW-2	:	Doreswamy
PW-3	:	Naveen
PW-4	:	Nithin
PW-5	:	Sagar

2) List of documents marked on behalf of prosecution:-

Ex.P-1	:	Inquest report
Ex.P-2	:	Spot mahazar
Ex.P-3 to 5	:	Photographs
Ex.P-6	:	Certificate (U/sec.65(B) Indian Evidence Act)
Ex.P-7	:	MV report
Ex.P-8	:	Notice

Ex.P-9 : Reply
Ex.P-10 : Notice
Ex.P-11 : Reply
Ex.P-12 : Postmortem report
Ex.P-13 : First information statement
Ex.P-14 : FIR

3) List of M.O. marked on behalf of prosecution:-
-Nil-

4) List of witness examined on behalf of accused:-
-Nil-

5) List of documents marked on behalf of accused:-
-Nil-

(Mohanagowda M.E)
Prl. Senior Civil Judge & JMFC.,
Srirangapatna