



Presented on : 14-01-2026
Registered on : 14-01-2026
Decided on : 15-04-2026
Duration: 0 years, 3 months, 1 days

**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE AND
JMFC., LINGASUGUR.**

Present: Sri.AMBANNA.K.

B.Com., LL.B (Spl.)

Civil Judge & J.M.F.C., Lingasugur.,

Dated this 15th day of April, 2026.

CC.NO.49/2026.

**COMPLAINANT: State by Pl.,
of Lingasugur Police Station.**

(By Learned Asst. Public Prosecutor.)

- V/s -

ACCUSED:

1. Shankaragouda S/o Sharanagouda Police Patil,
Age: 40 years, Occ: Driver,
R/o Devarbhupur,
Tq: Lingasugur, Dist: Raichur.
2. Amaresh S/o Earanna Vagare,
Age: 38 years, Occ: Businessman,
R/o Devarbhupur,
Tq: Lingasugur, Dist: Raichur.

(By Sri. S.S.S., Advocate.)



J U D G M E N T

The PI of Lingasugur Police Station, have filed charge sheet against the accused for the offences punishable under Section 281, 125(a), 106(1) of BNS of 2023 and U/Sec.146 R/W/Sec.196 of IMV Act.

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

That on 05-06-2025 at 4.10 p.m. on the road towards Amareshwara Cross, near the land of Adanagouda, at Devarbhupur Village, Taluk Lingasugur, in the public place within the limits of Lingasugur Police Station, the accused being the driver of Car bearing No.KA-01-MG-4619 while coming from Mundarageri Doddi Engagement function, drove the same in rash and negligent manner so as to endanger to human life and dashed the tree of the beside the road, the car was over turned and caused accident. Due to said accident the CW.1 sustained grievous bleeding injuries on his right side of ears and it was torn and caused injury on his chest and brother of Accused by name Timmanagouda was sustained grievous bleeding injuries on his right side skull of right head and said Timmanagouda was died on the spot and the accused ran away from the spot leaving the vehicle and thereby the accused have committed aforesaid offences.

3. In this connection CW-1 reported the incident to the Police as per Ex.P.1. On the basis of Ex.P.1 case came to be registered in Crime. No.139/2025 against the accused for the offences punishable under Section.281, 124(a), 106(1) of BNS



of 2023 and U/Sec.146 R/W/Sec.196 of IMV Act. The Investigation Officer visited the place of incident and drew spot and seizer panchanama and they recorded the statement of the witnesses. After completion of investigation, charge sheet came to be filed for the above said offences. In pursuance of summons accused appeared before the court and the accused got enlarged on bail. The charge sheet copy furnished to the accused as required U/s.230 of BNSS. On perusal of the investigation papers, the Court noticed that there are prima-facie materials to frame the plea. Hence, accusation for the offence punishable U/sec.281, 125(a), 106(1) of BNS of 2023 and U/S.146 R/W/Sec.196 of IMV Act was recorded and was read over to him, he denied the accusation leveled against him and claimed to be tried. Hence, he was put on trial.

4. Consequently, to bring home the guilt of the accused the prosecution has examined 5 witnesses as PW-1 to PW-5 and got marked 14 documents at Ex.P.1 to Ex.P.14. Statement of accused as required U/sec.351 of BNSS is dispensed with, as there is no incriminating evidence appeared against the accused in the prosecution witnesses.

5. Heard arguments on both side and perused materials available on record.

6. That the following points would arises for determination are :

1. Whether the prosecution proves beyond all the reasonable doubt that on 05-06-2025 at 4.10 p.m. on the road towards Amareshwara Cross,



near the land of Adanagouda, at Devarbhupur Village, Taluk Lingasugur, in the public place within the limits of Lingasugur Police Station, the accused being the driver of Car bearing No.KA-01-MG-4619 while coming from Mundarageri Doddi Engagement function, drove the same in rash and negligent manner so as to endanger to human life and dashed the tree of the beside the road, the car was over turned and caused accident and thereby committed offence punishable U/Sec.281 of BNS ?

2. Whether the prosecution proves beyond all reasonable doubt that on the aforesaid date, time and place, due to which CW.1 sustained grievous bleeding injuries on his right side of ears and it was torn and caused injury on his chest and thereby the accused has committed offence punishable U/Sec.125(a) of BNS and within my cognizance.

3. Whether the prosecution proves beyond all reasonable doubt that on the aforesaid date, time and place, due to said accident the brother of Accused by name Timmanagouda sustained grievous bleeding injuries and died on the spot and thereby the accused has committed offence punishable U/Sec.106(1) of BNS ?



4. Whether the prosecution proves beyond all reasonable doubt that on the aforesaid date, time and place, due to the accident the deceased brother of Accused by name Timmanagouda is sustained grievous bleeding injuries and died on the spot and accused being driver of Car and knowing fully well drove the same without insurance and thereby the accused has committed offence punishable U/Sec.146 R/W/Sec.196 of IMV Act ?

5. What Order ?

7. I have perused the evidence lead by the prosecution in the backdrop of documentary evidence.

8. My findings to the aforesaid points is as under :

Point No.1 to 4: In the Negative.

Point No.5 : As per final order, for the following :

R E A S O N S

9. **POINT No.1 to 4 :** Since these points are interconnected, they are taken up together for common discussion in order to avoid repetition of facts and reasoning.

In order to prove its case, prosecution got examined the CW-1 Amaresh, who is the eye, independent and friend of accused No.1. However, the said witness though deposed that the since 9 months ago he and accused No.1 and deceased



Timmanagouda were returning from Mundaragera Engagement function in Car bearing No.KA.01, MG-4619, the accident was occurred near Amareshwara Cross. Due the said accident the deceased Timmanagouda was died on the spot, but he stated that, he does not know because of whose negligence the accident was occurred and he sustained grievous bleeding injuries on his ears and heart. Thereafter he went Lingasugur Hospital when the police have took his signature on Ex.P.1 Compliant. During cross-examination he has denied the entire case of prosecution. Therefore, the said evidence of CW.1/PW.1 does not helpful for the prosecution to bring home the guilt of the accused.

10. PW.2 Basanagouda who is the close relatives of the deceased Timmanagouda, However, the said witness though deposed that the since 9 months ago he and accused No.1 and deceased Timmanagouda were returning from Mundaragera Engagement function in Car bearing No.KA.01, MG-4619, the accident was occurred near Amareshwara Cross. Further he did not gave any statement before the police. Further they did not shown any Spot to police. Further he stated that, the police did not conducted any spot mahazar and seizure mahazar in presence of witnesses. Thereafter he identified his signature on Ex.P.2 Seizure mahazar and his signature at Ex.P.2(a), Ex.P.3 Photo, Ex.P.4 Seizure mahazar and his signature at Ex.P.4(a), Ex.P.5 and 6 Photos. During cross-examination he has denied the entire case of prosecution. Therefore, the said evidence of CW.1/PW.1 does not helpful for the prosecution to bring home the guilt of the accused.



11. PW.3 Subhash, PW.4 Devappa, PW.5 Ningappa who are the eye and Mahazar witnesses have treated as hostile witness. The learned Assistant Public Prosecutor cross-examined him, but nothing worth has been elicited from his mouth to prove the case of prosecution. The PW-3 to 5 denied the entire case of the prosecution in their cross-examination. Therefore, the said evidence of PW.1 to 5 does not helpful for the prosecution to bring home the guilt of the accused.

12. As per the concent of the counsel for the accused the inquest, PMV, IMV, indemnity bonds and wounds certificates are marked at Ex.P-9 to 14. On going through the above evidence on record, none of the witnesses have stated that on account of whose negligence the accident occurred. Therefore, the evidence of above witnesses is not helpful to conclude that the accident occurred due to rash and negligent driving of the lorry by the accused.

13. To convict the accused U/s.281, 125(a), 106(1) of BNS of 2023, the prosecution has to prove two points. Firstly it has to prove that the accident has taken place due to rash and negligent act of the accused. Secondly the injuries sustained by the victim is direct result of rash and negligent act of the accused. Here, the incident is admitted, but the prosecution has utterly failed to prove that the incident is due to the rash and negligent act of the accused.

14. On the basis of these oral and documentary evidence, we cannot come to the conclusion that the accused was in rash and negligent in driving the Car bearing No.KA-01,MG-4619 on



the alleged date and he has caused accident. It is to be noted that the accused has produced insurance copy which covered at the time of accident, which is valid. For the aforesaid reasons this court hold that the prosecution has failed to prove the guilt against the accused for the offences punishable U/sec. 281, 125(a) and 106(1) of BNS of 2023 and U/S.146 R/W/Sec.196 of IMV Act, beyond all reasonable doubt. **Hence, I answered the point No.1 to 4 are in the negative.**

15. Point No.5 : In view of the findings given to the above points, this court proceed to pass the following :

ORDER

In excise the powers conferred U/sec.278(1) of BNSS, the accused No.1 and 2 are hereby acquitted of the alleged offences punishable under sections 281, 125(a), 106(1) of BNS and U/Sec.146 R/W/Sec.196 of IMV Act.

The bail bonds and surety bonds of the accused shall be continued for a period of 6 months as per section 481 of BNSS.

(Dictated to the Stenographer directly on the computer, corrected by me and then signed and pronounced by me in the open court on this the 15th day of April, 2026.)

**(Sri.AMBANNA.K)
Prl., Civil Judge and JMFC,
Lingasugur.**



ANNEXURE

I. List of witnesses examined on behalf of the Prosecution:-

PW.1 : Amaresh.
PW.2 : Basavanagouda.
PW.3 : Subhash.
PW.4 : Devappa.
PW.5 : Ningappa.

II. List of documents marked on behalf of the Prosecution:-

Ex-P.1 : Complaint.
Ex.P.1(a) : Signature.
Ex-P.2 : Spot Mahazar.
Ex.P.2(a) : Signature.
Ex.P.3 : Photo.
Ex-P.4 : Seizer Mahazar
Ex.P.4(a) : Signature.
Ex.P.5 & 6 : Photos.
Ex.P.7 & 8 : Statements.
Ex.P.9 : Inquest Panchanama.
Ex.P.10 : PM report.
Ex.P.11 : IMV report.
Ex.P.12 : Indemnity bond.
Ex.P.13 & 14: Wound certificates.

III. List of witnesses examined on behalf of the accused :-

Nil

IV. List of documents marked on behalf of the accused

Nil



V. Material Object marked on behalf of the Prosecution

Nil

**(Sri. AMBANNA.K)
Prl., Civil Judge and JMFC,
Lingasugur.**