



Presented on : 23-04-2025
Registered on : 23-04-2025
Decided on : 02-05-2026
Duration: 1 years, 0 months, 9 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 02nd day of May, 2026.

CC.NO.858/2025.

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

(By Learned Asst. Public Prosecutor.)

- V/s -

ACCUSED:

Subbanna S/o Pakirappa Baladinni,
Age: 35 years, Occ: Labourer,
R/o Narakaladinni Village,
Tq: Lingasugur, Dist: Raichur.

(By Sri. M.K., Advocate.)

J U D G M E N T

The PI of Lingsugur Police Station, have filed charge sheet against the accused for the offences punishable under Section 281, 106(1) of BNS of 2023 and U/S.3 R/W/sec.181, 146 R/W/Sec.196 and 194D of IMV Act.



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

That on 26-09-2024 at about 3.00 p.m. on the road towards Neeralakeri-Anehosur, main road near the land of Mabusab Koluru, in the public place within the limits of Lingasugur Police Station, the accused being the rider of Motor cycle bearing No.KA-36-EK-1241, in the said motor cycle, carrying one pillion rider by name Smt. Sharanamma, ride the motor cycle in rash and negligent manner so as to endanger the human life and personal safety of others and lost control over it and caused the accident. Due to which Smt. Sharanamma fell down on the road and sustained grievous bleeding injuries on her head and sustained scratched wounds on her face and below the cheek. Further on the next day at 3.55 AM., she died in the Lingasugur Government Hospital. Further the accused ride the motor cycle, knowing fully well that the said vehicle is an uninsured. Further the accused ride the Motor cycle and caused accident without wearing helmet and without driving license and thereby the accused have committed aforesaid offences.

3. In this connection CW-1 by name Durugappa S/o Gangappa Talawar, is 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.262/2024 against the accused for the offences punishable under Section.281, 106(1) of BNS of 2023 and U/Sec.3 R/W/sec.181, 146 R/W/Sec.196 and 194D 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 281, 106(1) of BNS of 2023 and U/S.3 R/W/sec.181, 146 R/W/Sec.196 and 194D 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 9 witnesses as PW-1 to PW-9 and got marked 14 documents at Ex.P.1 to Ex.P.19. 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 26-09-2024 at about 3.00 p.m. on the road towards Neeralakeri-Anehosur, main road near the land of Mabusab



Koluru, in the public place within the limits of Lingasugur Police Station, the accused being the rider of Motor cycle bearing No.KA-36-EK-1241, in the said motor cycle, carrying one pillion rider by name Smt. Sharanamma, ride the motor cycle in rash and negligent manner so as to endanger the human life and personal safety of others and lost control over it and caused the accident and personal safety of others 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 the accident Smt. Sharanamma fell down on the road and sustained grievous bleeding injuries on her head and sustained scratched wounds on face and below the cheek. Further on the next day at 3.55 AM., she died in the Lingasugur Government Hospital and thereby the accused has committed offence punishable U/Sec.106(1) of BNS ?

3. Whether the prosecution proves beyond all reasonable doubt that on the aforesaid date, time and place, the accused person caused accident by his motor cycle in a public place without a valid driving license and thereby the accused has committed offence punishable U/Sec.3 R/W/Sec.181 of IMV Act ?



4. Whether the prosecution proves beyond all reasonable doubt that on the aforesaid date, time and place, due to the accident the deceased Smt. Sharanamma is sustained grievous bleeding injuries on her head face and below the cheek and died in the hospital and accused being rider of the motor cycle knowing fully well raided the motor cycle without insurance and thereby the accused has committed offence punishable U/Sec.146 R/W/Sec.196 of IMV Act ?

5. Whether the prosecution proves beyond all reasonable doubt that on the aforesaid date, time and place, accused being rider of motor cycle knowingly not wearing helmet and thereby the accused has committed offence punishable U/Sec.194D of IMV Act ?

6. 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 and 2 : In the Negative.

Point No.3 to 5 : In the Affirmative.

Point No.6 : As per final order, for the following :



R E A S O N S

9. POINT No.1 and 2 : 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 Durugappa, who is the brother of deceased Smt.Sharnamma as PW-1. However, the said witness though deposed that, accused person have orally quarreled with him. Further he stated that, police have took signature on two documents. The said witness though stated that in connection with accident he lodged complaint Ex.P.1. Further he admitted that, he did not gave any statements before the police. After that, he gave statement before the court U/sec.183 by hearing the words of police. The Statement is marked at Ex.P.3 and his signature at Ex.P.3(a). 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. The prosecution also got examined CW.9, 10, 14, 15, 5, 6, 7 and 8 as PW-2 to PW-9 respectively, who are cited as Mahazar witnesses to the alleged accident. However all the witnesses have stated that they do not know because of whose rash and negligent driving, the accident was occurred. All the PW.1 to 9 were stated that, they have not seen the accident. In the same way they denied having given any statements before the investigating officer. In fact, the PW.1 to 9 have turned hostile and despite of cross-examination by learned APP,



nothing worth has been elicited from their mouth to prove the case of prosecution. Therefore, the said evidence of PW.1 to 9 does not helpful for the prosecution to bring home the guilt of the accused.

11. As per the concent of the counsel for the accused the PMV, Inquest, IMV, RFSL, Final Opinion, Indemnity bond report are marked at Ex.P-14 to 19. 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 rider of the Motor cycle by the accused.

12. To convict the accused **U/sec.281, 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.

13. 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 Motor cycle bearing No.KA-36-EK-1241, on the alleged date and he has caused accident. 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, 106(1) of BNS of 2023, beyond all reasonable doubt. **Hence, I answered the point No.1 and 2 are in the negative.**

14. Point No.3 to 5 : Since these points are interconnected, they are taken up together for common discussion in order to avoid repetition of facts and reasoning.

It is important to note here that the prosecution has made allegations that, the accused was drove the said Vehicle without insurance and without helmet and without driving license. On careful perusal of the entire records, the accused did not produce any insurance policy of the alleged Motor cycle bearing No.KA-36-EK-1241 and also not produced any driving license to that effect. Moreover none of the witnesses have not deposed about the insurance, driving license of the alleged vehicle. Therefore, the prosecution has been able to prove the ingredients of offences punishable U/sec.3 R/W/sec.181, 146 R/W/sec.196 and 194D of Indian Motor Vehicles Act. Hence, the accused is liable to convict for the offences punishable U/sec.3 R/W/sec.181, 146 R/W/sec.196 and 194D of Indian Motor Vehicles Act. **Hence, this court answered the point No.3 to 5 are in the Affirmative.**

15. POINT NO.6 : In view of the findings given to the above points, this court proceed to pass the following :



ORDER

In exercise of the powers conferred U/sec.278(1) of BNSS, the accused is hereby acquitted of the alleged offences punishable under sections 281, 106(1) of BNS.

In exercise of powers conferred under Section 278(2) of BNSS., the accused is hereby convicted of the offences punishable under sections.3 R/W/sec.181, 146 R/w/sec.196 and 194D of Indian Motor Vehicles Act.

The accused is sentenced to pay fine of Rs.1,000/- for the offence punishable U/Sec.181 of IMV Act. In default of fine, he shall undergo simple imprisonment for 15 days.

The accused is sentenced to pay fine of Rs.1,000/- for the offence punishable U/Sec.196 of IMV Act. In default of fine, he shall undergo simple imprisonment for 15 days.



The accused is sentenced to pay fine of Rs.1,000/- for the offence punishable U/Sec.194D of IMV Act. In default of fine, he shall undergo simple imprisonment for 15 days.

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 02nd day of May, 2026.)

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

ANNEXURE

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

PW.1	:	Durugappa.
PW.2	:	Miyakhan.
PW.3	:	Rajmabali.
PW.4	:	Ramesh.
PW.5	:	Siddayya.
PW.6	:	Mohammad Usman.
PW.7	:	Saleema Begum.
PW.8	:	Hasanasab.
PW.9	:	Ramanna.

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

Ex-P.1	:	Complaint.
---------------	----------	-------------------



- Ex.P.1(a) : Signature.
- Ex-P.2 : FIR.
- Ex.P.2(a) : Signature.
- Ex.P.3 : 164 Statement.
- Ex.P.3(a) : Signature.
- Ex-P.4 : Statement.
- Ex.P.5 : Spot Mahazar.
- Ex.P.5(a to c): Signatures.
- Ex.P.6 : Photo.
- Ex.P.7 : Seizer Mahazar.
- Ex.P.7(a) : Signature.
- Ex.P.8 & 9 : Photos.
- Ex.P.10 to 13: Statements.
- Ex.P.14 : PM report.
- Ex.P.15 : Inquest Panchanama.
- Ex.P.16 : IMV report.
- Ex.P.17 : RFSL Report.
- Ex.P.18 : Final opinion.
- Ex.P.19 : Indemnity bond.

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.**