



IN THE COURT OF THE CIVIL JUDGE & JMFC.,
AT MANVI

PRESENT: Sri Anand H. Konnur, B.Com., LL.B.,
Civil Judge & JMFC,
Manvi

C.C.No.949/2023

Dated this 01st day of July-2026

Complainant: State by Manvi Police Station

(By Assistant Public Prosecutor)

V/s

Accused: Nagaraj S/o Veeranagowda,
Age:36, Occ: Car Driver,
R/o Sangapuru village,
Tq:Manvi, Dist: Raichur.

(By Sri D.N., Advocate)

Date of commencement of offence : 05.03.2023

Date of report of offence : 05.03.2023

Name of the complainant : Kariyappa

Date of recording of evidence : 11.02.2026

Date of closing of evidence : 09.04.2026

Offences complained of: under Sec.279 & 304(A) of
IPC and Sec.187 of IMV Act.

Opinion of the Judge:Accused is not guilty for the
offences.



//JUDGMENT//

The Police Inspector of Manvi Police Station has filed this charge sheet against the accused for the offences punishable under Sec.279, 304(A) IPC and Sec.187 of IMV Act.

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

That on 05.03.2023 at about 11:00 AM., on Raichur-Manvi main road, near Ramanatha Camp petrol bunk, deceased Veeresh was proceeding on his vehicle TVS EX 100 HEAVY DUTY NO. ENG NO.BP2DM1901539 with pillion rider by name Bheemanna, when he was turning his vehicle in the right side by showing signal, at that time accused was drove his MAHINDRA VERITO CAR bearing its No.KA-04 AA-7903 in a rash and negligent manner so as to endanger human life as a result dashed to the vehicle of the Veeresh result both fell down, suffered grievous injuries due to the said injuries Veeresh died on the spot, thereafter on 08.03.2023 at about 07.12 AM Bheemanna died



at VIMS Hospital Ballari, thereafter accused left his vehicle ran away from the spot thereby committed an offence Punishable Under Sec.279 and 304(A) of IPC and Sec.187 of IMV Act.

3. In response to the summons issued, the accused appeared before the court and he was enlarged on bail. He was furnished with the copy of charge sheet and thereafter plea of the accused with the above allegation for the above offences was recorded wherein the accused pleaded not guilty.

4. Thereafter, the prosecution has proceeded to examine witnesses as PW-1 to 5 and got marked Ex.P-1 to 10. CW-7 who is the spot mahazar witness examined as PW-1, CW-8, 9, 12 & 14 who are the eye as well as hearsay witness examined as PW-2 to 5.

5. After closure of the prosecution case the statement of the accused under section 313 of Cr.P.C is hereby dispensed as there is no any incriminating materials exists against him.

6. Heard the arguments on both the sides and perused the prosecution material.



7. Therefore the points that arise for my consideration are:

- 1. Whether the prosecution proves beyond all reasonable doubt that on 05.03.2023 at about 11:00 AM., on Raichur-Manvi main road, near Ramanatha Camp petrol bunk, veeresh was proceeding on his TVS EX 100 HEAVY DUTY NO. ENG NO.BP2DM1901539 with pillion rider by name Bheemanna, when he was turning his vehicle towards right side by putting signal, at that time accused was drove his MAHINDRA VERITO CAR bearing its No.KA-04 AA-7903 in a rash and negligent manner so as to endanger human life as a result dashed to the vehicle of the deceased Veeresh, as a result both were fell down, suffered grievous injiuries, due to said injuries Veeresh died on the spot, thereafter on 08.03.2023 at about 07.12 AM Bheemanna died at VIMS Hospital Ballari, thereafter accused ran away from the spot by leaving his vehicle and thereby committed an offence punishable under Sec.279, 304-A of IPC and Sec.187 of IMV Act or not?**



2. What order?

8. My answer to the above points is as follows:

Point No.1 : In the Negative

Point No.2 : As per the final order
for the following:

//REASONS//

9. Point No.1 :- Prosecution in order to prove the guilt against the accused. Examined the PW-1 to 5 who are the eye witnesses as well as spot mahazar and hearsay witnesses.

10. PW-1 to 5 who are the complainant as well as material victim, spot mahazar, hearsay witnesses. They deposed that they don't know anything about the incident, they have not given any statements to the police, they don't know how the accident happened on whose fault, PW-7 deposed that police have not drawn any mahazar and nothing were seized, they all turned hostile not supported to the prosecution case.

11. After obtaining permission learned A.P.P cross-examined PW-1 to 5 in length nothing worth



has been elicited from the mouth of these witnesses. It is relevant to note that nobody has stated about the alleged negligence on the part of the accused and also the PW-4 who is the eye witness as per the prosecution case, and other witness PW-1, 2, 3 & 5 who have not supported to the prosecution case. It is relevant to note that there is no evidence on record about the with negligence accident was caused by the accused, at least PW-4 who is the eye witness would have stated about the said incident but not stated so.

12. In this case rash and negligence is concerned there is no any evidence on record witnesses were turned hostile including eye witnesses.

13. It is relevant to note that in 279 and 304(A) of IPC in rash and negligent act of the accused was the cause to the death of the deceased is to be proved but no one has stated about rashness and negligence of the accused.

It is relevant to note that the rash and negligence is concerned section 279



and 304(a) of IPC speaks that **“Rash driving or riding on a public way- whoever drive any vehicle or rides or any public way in a manner so rash or negligence as to endanger human life or to be likely to cause hurt or injury to any other person,**

“304(A) causing death by negligence- wherever causes the death of any person by doing any rash or negligence act not amounting to culpable homicide,

In this case the Investigation officer has filed charge sheet under section 279 and 304(A) of IPC, and Sec.187 of IMV Act, there is no any evidence on record to show the rashness and negligence act, of the accused and caused the death. There must be a nexus between death and rash and negligent act of the accused. When there is no rash and negligence and prosecution failed to prove the rashness act of the accused then question of ran away by the



accused from place of incident, creates doubt about the prosecution case.

14. The prosecution must prove their case beyond all reasonable doubt. Even a slightest doubt arises in the case of the prosecution, the benefit of which should go to the accused. On looking to the entire evidence of the prosecution in detail, the prosecution has failed to establish the guilt of the accused.

15. Therefore, the accused is entitled for order of acquittal for the above said offences, since the prosecution has failed to prove the guilt of the accused beyond all reasonable doubt.

16. In view of the material witnesses turning hostile the said evidence is not helpful to the prosecution and this court is of the opinion that the accused has not committed any offences as alleged in the complaint or by the prosecution accordingly, I answered the above points in the Negative.



17. **Point No.2:-** In view of my reasons stated supra, I proceed to pass the following:

ORDER

**Acting under section
255(1) Criminal Procedure Code
the Accused is acquitted of the
offences punishable under
Sec.279, 304(A) IPC and
Sec.187 of IMV Act.**

**The bail bond and surety
bond of the Accused shall
stands cancelled.**

(Directly dictated to the Stenographer through computer, typed by her, corrected, signed and pronounced by me in the open court, this the 01st day of July 2026)

**(ANAND.H.KONNUR)
Civil Judge & JMFC.,
Manvi**

:: ANNEXURE ::

List of witnesses on behalf of the Prosecution:-

Pw.1	:	Krishna S/o Bajarappa
Pw.2	:	Smt. Narasamma W/o Bheemanna
Pw.3	:	Maruti S/o Nagoji
Pw.4	:	Yallappa S/o Narasappa



Pw.5 : Smt. Shashikala W/o Veeresh

List of documents marked on behalf of the Prosecution:-

Ex.P1 : Spot panchanama
Ex.P1(a) : Signature of Pw-1
Ex.P1(b) : Signature of Pw-3
Ex.P2 : Statement of Pw-1
Ex.P3 : Further Statement of Pw-1
Ex.P4 : Statement of Pw-2
Ex.P5 : Further Statement of Pw-2
Ex.P6 : Statement of Pw-3
Ex.P7 : Further Statement of Pw-3
Ex.P8 : Statement of Pw-4
Ex.P9 : Further Statement of Pw-4
Ex.P10 : Statement of Pw-5

List of witnesses examined on behalf of the defense:

NIL

List of documents marked on behalf of the defense:

NIL

Civil Judge & JMFC.,
Manvi.