



IN THE COURT OF THE CIVIL JUDGE & J.M.F.C.,
AT MANVI

PRESENT:Sri.Anand.H.Konnur.B.Com. L.LB.
Civil Judge & J.M.F.C.,
Manvi.

C.C.No.2272/2022

DATED THIS THE 16TH DAY OF JUNE-2026

Complainant: State by Manvi P.S.

(By Assistant Public Prosecutor)

V/s

- Accused:** 1. Bheemappa S/o Mallappa,
Aged 35 years, Occ:Agri & Driver,
R/o Mustooru, Tq. Manvi,
Dist.Raichur.
2. Ayyanna @ Ayyappa **(DEAD)**
S/o Mallanna @ Mallappa,
Aged 40 years, Occ:Agri & Driver,
R/o Shinganahalli, Tq. Shahapur,
Tq: Yadgir.
3. Veeresh Nayal **(Plead guilty)**
S/o Kareppa Nayak,
Aged 38 years, Occ:Agri,
R/o Mustooru, Tq. Manvi,
Dist.Raichur.

(A-1 By Sri.H.K., Advocate)

(A-2 Dead)

(A-3 Plead guilty)



Date of commencement of the offence : 01-04-2022
Date of report of offence : 02-04-2022
Name of the complainant : Sri.Anjaneyya
Date of recording of evidence : 05-03-2026
Date of closing of evidence : 08-04-2026
Offences complained of: Sec.279, 338, 304(A) of I.P.C., and Sec.180, 181, 177, 185, 196 of IMV Act.
Opinion of the Judge: Accused are not guilty for the offences.

//JUDGMENT//

The Police Inspector of Manvi police station has filed this charge sheet against the accused persons for the offences punishable Under Sec.279, 338, 304(A) of I.P.C., and Sec.180, 181, 177, 185, 196 of IMV Act.

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

On 01-04-2022 at about 06.15 P.M. at Manvi-Mustoor road, accused riding his Motor cycle bearing No.KA-36 EH-2452 in a rash and negligent manner so as to endanger human life, at the same



time accused No.2 was also riding his Deluxe Motor cycle No.KA-33 W-9052 in a rash and negligent manner so as to endanger human life, both riders have lost control over the said motor cycles on said road, both vehicles dashed each other and caused to fall down and accused No.2 had suffered grievous injuries over his head and bleeding injury over his ear and suffered blood injury to right leg, due to said accident on 02.04.2022 accused No.2 died and also accused No.1 suffered grievous injuries at the time said incident both were riding without license and helmet, one accused No.3 had given his vehicle to accused No.1 and thereby committed an offence punishable U/Sec.279, 338, 304(A) of I.P.C., and Sec.180, 181, 177, 185, 196 of IMV Act.

3. In response to the summons issued, the accused No.1 to 3 have appeared before the court and they have enlarged on bail. They were furnished with the copy of charge sheet and thereafter accused No.2 reported as dead, accused No.3 has pleaded guilty, thereafter plea against the



accused No.1, recorded same is read over to him with the above said offences wherein the accused persons pleaded not guilty claimed to be tried.

4. Thereafter, the prosecution has proceeded to examine witnesses as PW-1 to 7 and got marked Ex.P-1 to 24. Cw-1 who is the complainant examined as PW-1, CW-2 & 4 who are the spot and inquest mahazar witnesses examined as PW-3 & 6, Cw-5, 7 & 8 who are the eye and hearsay witnesses examined as PW-2, 4 & 5, CW-13 who is the investigating officer examined as PW-7.

On the request of learned APP examination of CW-3, 9, 10, 11, 12 were given-up. And prayer of learned APP to reissue summons to CW-6 is hereby rejected, as this CW-6 is the hearsay witness , complainant and eye witnesses were also turned hostile and not supported to the prosecution case.

5. After closure of the prosecution case the statement of the accused persons under section 313 of Cr.P.C was recorded, accused persons were denied the incriminating circumstance appearing in



the prosecution evidence against them, but, they have not chosen to led any defense evidence on his behalf.

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

7. On perusal of the records of the case, the following points arise for my consideration:

1. **Whether the prosecution proves beyond all reasonable doubt that On 01-04-2022 at about 06.15 P.M. at Manvi-Mustoor road, accused riding his Motor cycle bearing No.KA-36 EH-2452 in a rash and negligent manner so as to endanger human life, at the same time accused No.2 was also riding his Deluxe Motor cycle No.KA-33 W-9052 in a rash and negligent manner so as to endanger human life, both riders have lost control over the said motor cycles on said road, both vehicles dashed each other and caused to fall down and accused No.2 had suffered grievous injuries over his head and bleeding injury over his ear and suffered blood injury to right leg, due to said**



accident on 02.04.2022 accused No.2 died, at the time said incident accused riding without holding license and wearing helmet and raided with drunk alcohol and thereby committed an offenses Under Sec.279, 304(A) R/w 180, 177 & 185 of IMV Act or not?

2. What order?

8. My findings on the above points are as follows;

Point No.1 : In the Negative

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

//REASONS//

9. Point No.1 :- PW-1 who is the complainant, he deposed that, he don't know anything about the case, he has not given any complaint, he don't know, on whose fault the accident was happened, he was not seen the accident, he has not given any further statement, he turned hostile and not supported to the prosecution case.

Learned APP cross examined the said witness in length nothing worth has been elicited from the mouth of this witness.



10. PW-2 who is the eye witness, he deposed that he don't know anything about the case, don't know how the accident happened, on whose fault police have not drawn any mahazar nothing were seized in their presence, don't know the contents of Ex.P-3 & 4. On the request of police put signature. he turned hostile not supported to the prosecution case.

The learned APP cross-examined the said witness in length nothing worth has been elicited from the mouth of this witness.

11. PW-3 to 5 who are the spot mahazar, eye witness as well as hearsay witnesses, they deposed that they don't know anything about the case, they have not given any statements to the police and don't know how the accident happened on whose fault they have not seen the incident, they turned hostile, not supported to the prosecution case.

The learned APP cross-examined the said witness in length nothing worth has been elicited from the mouth of this witness.



12. PW-6 who is the Inquest mahazar as well as spot mahazar witness, he deposed that he don't know the accused person, on the request of police put signature and don't know the contents of Ex.P-7 & 2. he turned hostile and not supported to the prosecution case.

The learned APP cross-examined the said witness in length nothing worth has been elicited from the mouth of this witness.

13. PW-7 who is the investigating officer he deposed that on 02.04.2022 he was received information from the hospital and he was deputed CW-12 and other staffs to conduct inquest mahazar at VIMS Hospital Ballari, thereafter they visited to the hospital drawn inquest mahazar and report to me, accordingly he recorded the statements of CW-8 & 9. on 03.04.2022 he visited tot he spot in presence of CW-2 & 4 in between 05.30 to 06.30 PM drawn mahazar and seized the said vehicles and prepared nakasha sketch and recorded the further statement of CW-1. And statement of CW-5 & 6, received 65 (B) certificate



from the CW-5. On 07.04.2022 received inquest postmortem report. On 19.05.2022 he received wound certificate of accused No.1 and IMV report, thereafter fallowed the arrest procedure against the accused.

In the cross-examination by the defense, he denied the bare suggestions made by the defense that he has registered the false case, prepared FIR he was not visited to the spot, not recorded the statements, nothing were seized. Even though accident is happened due to the negligence on the part of the deceased with an intention to get compensation by the family of the deceased, falsely implicated the accused in this case and filed the false case and charge sheet deposing falsely.

His evidence is in a formal in nature, whatever duty he has done is stated before the court.

14. Perused the evidence of the prosecution witness except PW-1 to 6 who are the complainant, eye witness and spot mahazar, no body has stated about the negligence on the part of the accused



person they have turned hostile and not supported to the prosecution case.

15. In the present case in hand the complainant, the other eye witness as well as hearsay witnesses were turned hostile not supported to the prosecution case. There is no any direct evidence on record produced by the prosecution to prove the negligence of the accused.

16. 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,



17. In this the Investigation officer has filed charge sheet under section 279, 304(A) of IPC and R/W Sec. 180, 177, 185 of IMV Act. There is no any evidence on record to show the rashness and negligence of the accused person, and due to the rash and negligence act the said accident was happened and caused the death. There must be a nexus between death and rash and negligent act of the accused persons.

18. However, in order to secure conviction, 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 persons. On this ground on looking to the entire evidence of the prosecution in detail, the prosecution has failed to establish the guilt of the accused person. Therefore, the accused person is entitled for order of acquittal for the above said offences. Since the prosecution has failed to prove the guilt of the accused persons beyond all reasonable doubt and in view of the material witnesses turning hostile and the said



evidence is not helpful to the prosecution and this court is of the opinion that the accused person has not committed any offences as alleged in the complaint or by the prosecution and accordingly, I answered the above points in the **Negative.**

19. 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 No.1 is
acquitted of the offences
punishable Sec.279, 304(A) of
I.P.C R/W Sec.180, 177, 185
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 15th day of June 2026)

**(ANAND.H.KONNUR)
Civil Judge & J.M.F.C.,
Manvi.**



: A N N E X U R E :

List of witnesses examined on behalf of the Prosecution:

- Pw.1 : Anjaneya S/o Rachappa
Pw.2 : Hanumesh S/o Mukayya
Pw.3 : Chandrashekar S/o Pampanna
Pw.4 : Jambanna S/o Mallikarjuna
Pw.5 : Savithri W/o Mallanna
Pw.6 : Mallikarjuna S/o Ambanna
Pw.7 : Mahadev Panchamuki S/o Jambayya

List of documents marked on behalf of the Prosecution:

- Ex.P1 : Complaint
Ex.P1(a) : Signature of PW-1
Ex.P1(b) : Signature of PW-7
Ex.P2 : Spot panchanama
Ex.P2(a) : Signature of PW-3
Ex.P2(b) : Signature of PW-6
Ex.P2(c) : Signature of PW-7
Ex.P3 : Statement of PW-1
Ex.P4 : Statement of PW-2
Ex.P5 : Statement of PW-4



Ex.P6	:	Statement of PW-5
Ex.P7	:	Inquest Mahazar
Ex.P7(a)	:	Signature of PW-6
Ex.P7(b)	:	Signature of PW-7
Ex.P8	:	Postmortem Report
Ex.P8(a)	:	Signature of PW-7
Ex.P9	:	Wound certificate
Ex.P9(a)	:	Signature of PW-7
Ex.P10	:	FSL Report
Ex.P10(a)	:	Signature of PW-7
Ex.P11	:	Sketch Map
Ex.P11(a)	:	Signature of Pw-7
Ex.P12	:	IMV Report
Ex.P12(a)	:	Signature of Pw-7
Ex.P13 to 21:		Photographs
Ex.P22	:	CD
Ex.P23	:	Sec.62(B) Certificate
Ex.P24	:	FIR
Ex.P24(a)	:	Signature of PW-7

List of witnesses examined on behalf of the defense:

NIL



List of documents marked on behalf of the defense:

NIL

Material Objects marked by the prosecution:

NIL

**CIVIL JUDGE & J.M.F.C.,
MANVI.**