

KARC510069602021



**IN THE COURT OF PRL. CIVIL JUDGE & JMFC COURT.,
SINDHANUR**

Present: **Smt.RUPA. C. VAGGA**, B.B.A., LL.B
Prl., CJ and JMFC-Sindhanur
C/C IInd Addl Civil Judge & JMFC
Court., Sindhanur.

DATED THIS THE 02nd DAY OF MAY-2026.

C.C.No.3541/2021

COMPLAINANT

: State by
Sindhanur Traffic P.S.

(By A.P.P)

V/s

ACCUSED

:
Lingaraju S/o. Ningappa,
Aged about 30 years,
Occ: Driver,
R/o. Avaragallu, Tq: Madhugiri
Dist: Tumkuru.

(By Sri.U.K.Y. Adv)

J U D G M E N T

The P.I of Sindhanur Traffic Circle filed Charge sheet against the accused persons in this case for the offences punishable under Sec., 279, 337, 304-A of Indian Penal Code and Sec., 185 and 187 of IMV Act.



2. Stated in brief, the case of the prosecution as alleged in the first information/Ex.P-1 dtd. 25.02.2021 lodged by the first informant by name Chidananda is as under:

“On 25.02.2021 at about 07.20 pm., within the limits of Sindhanur Traffic police station, on Sindhanur-Gangavati road, accused being the driver of lorry bearing No.KA.04/D-2971 drove the same in a rash and negligent manner endangering to human life in drunken condition and dashed one K.Hanumantha and C.W-2 and 3 who were checking their lorry on rare side due to which said K.Hanumantha sustained grievous blood injuries to his head, so that when victim shifted to Government Hospital., Sindhanur, on the way to the hospital the said Hanumantha succumbed. Further, C.W-2 and 3 sustained simple injuries on their body. Hence, prayed to take action against the accused”.

3. In this regard, C.W-1 set the criminal law in motion by filing the first information before the PI of Sindhanur Traffic Police Station. Based on the information a case came to be registered in CRIME NO.15/2021 of his police station and F.I.R. was submitted to this Court against the accused for the offences punishable under Sections-279, 338 and 304-A of Indian Penal Code and 187 of IMV Act.



4. The Investigating Officer had been to the spot and drew up mahazar and also recorded the statements of the material witnesses. On completion of Investigation he filed charge sheet against the accused for the offences punishable under Sec., 279, 337, 304-A of Indian Penal Code and Sec., 185 and 187 of IMV Act.

5. After taking cognizance, the presence of the accused was secured by issuing summons against him. The accused was represented by Advocate. Copies of all the police papers were supplied to the accused through his counsel.

6. Since the offences allegedly committed by the accused were punishable with imprisonment for less than two years, substance of accusation of the accused was recorded for the offences punishable under Sec., 279, 337, 304-A of Indian Penal Code and Sec., 185 and 187 of IMV Act. Since the accused, after understanding the same he pleaded not guilty to the substance of accusation and claimed to be tried, the matter posted for recording evidence for the prosecution.



7. In order to substantiate its case, the prosecution examined totally 8 witnesses as P.W-1 to P.W-8 and got marked 40 documents as per Ex.P-1 to Ex.P-40 and closed its side.

8. After completion of prosecution side evidence the accused examined Under Section-313 of Cr.P.C and all the incriminating circumstances against the said accused persons appearing in the evidence of the prosecution was put forth to the accused and their explanation was sought. The accused after understanding the same denied all the incriminating circumstances and submitted that he does not desire to file any written statement on his behalf or wish to lead any evidence on his behalf. Hence, the matter was posted for arguments.

9. During pendency of proceedings, accused absconded, therefore, this court issued NBW against the accused. The said NBW order executed and the accused taken to the judicial custody since 21.04.2026.



9. Heard arguments from both sides. The following points arise for my consideration.

P O I N T S

1. Whether the prosecution proves beyond all reasonable doubt that, on 25.02.2021 at about 07.20 pm., within the limits of Sindhanur Traffic police station, on Sindhanur-Gangavati road, accused being the driver of lorry bearing No.KA.04/D-2971 drove the same in a rash and negligent manner endangering to human life and caused an accident and thereby accused committed an offence punishable under **Section-279 of Indian Penal Code.?**
2. Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date, time and place, in above stated manner, accused in drunken condition and dashed one K.Hanumantha and C.W-2 and 3 who were checking their lorry on rare side due to which CW.2 and 3 sustained simple injuries on their body and thereby accused committed an offence punishable under **Section-337 of Indian Penal Code.?**
3. Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date, time and place, in above stated manner and accused in drunken condition and dashed one K.Hanumantha and C.W-2 and 3 who were checking their lorry on rare side due to which said K.Hanumantha sustained grievous blood injuries to his head, so that when victim shifted to Government Hospital., Sindhanur, on the way to the hospital the said Hanumantha succumbed and thereby accused committed an offence punishable under **Section-304(A) of Indian Penal Code.?**



4. Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date, time and place, the accused caused an accident and not taken the victim to the hospital, he left the vehicle on the spot and ran away from the spot and thereby accused committed the offence punishable Under **Section-187 of Indian Motor Vehicles Act ?**
5. Whether the prosecution proves beyond all reasonable doubt that, on the aforesaid date, time and place, the accused herein drove the said lorry by consuming alcohol punishable Under **Section-185 of Indian Motor Vehicles Act.?**
6. What order or sentence.?

10. My findings on the above points are as under:

- | | | |
|------------|---|--|
| Point No.1 | : | In the Negative. |
| Point No.2 | : | In the Negative. |
| Point No.3 | : | In the Negative. |
| Point No.4 | : | In the Negative. |
| Point No.5 | : | In the Negative. |
| Point No.6 | : | As per the final order
for the following: |

REASONS

11. **POINTS No.1 to 5:-** In the light of the evidence available on record and in order to avoid repetition of discussion on the same set of facts the above points are taken up together for common discussion.



12. The prosecution in order to bring home the guilt of the accused for the offences alleged examined 8 witnesses as PW.1 to 8.

Specimen Chart for Witnesses Examined.

Prosecution Witness No.	Name of Witness	Description
1	Chidananda	Complainant
2	Kumar	Eye-witness
3	Mallayya	Eye-witness
4	Ashoka	Pancha witness
5	K.Veeranna	Pancha witness
6	Ramanjineya	Eye-witness
7	Narasimha	Eye-witness
8	Chandrashekhar	Investigated officer

13. The prosecution got marked 40 documents as per Ex.P-1 to 40.

Specimen Chart for Exhibited Documents.

Exhibit No.	Description of the Exhibit	Proved by/Attested by
1	Complaint	Not proved
2	Spot panchanama	Not proved
3 to 5	Photographs	Not proved
6 to 11	Statements	Not proved
12	Seizure panchanama	Not proved



13 to 20	Photographs	Not proved
21&22	Statements	Not proved
23	Map	Not proved
24	Inquest pachanama	Not proved
25&26	Photographs	Not proved
27	CD	Not proved
28	Certificate	Not proved
29	Indemnity bond	Not proved
30	MVA report	Not proved
31&32	Wound certificate	Not proved
33 & 34	Indemnity bonds	Not proved
35	PM report	Not proved
36	RFSL report	Not proved
37	FIR	Not proved
38	Notice	Not proved
39	Reply notice	Not proved
40	All vehicle documents in total	Not proved

14. The case of the prosecution is that, on 25.02.2021 at about 07.20 pm., within the limits of Sindhanur Traffic police station, on Sindhanur-Gangavati road, accused being the driver of lorry bearing No.KA.04/D-2971 drove the same in a rash and negligent manner



endangering to human life in drunken condition and dashed one K.Hanumantha and C.W-2 and 3 who were checking their lorry on rare side due to which said K.Hanumantha sustained grievous blood injuries to his head, so that when victim shifted to Government Hospital., Sindhanur, on the way to the hospital the said Hanumantha succumbed. Further, C.W-2 and 3 sustained simple injuries on their body.

15. The complainant got examined by the prosecution as P.W-1, P.W-1 deposed that, on the instigation of police he put his signature on Ex.P-1 and he has not not lodged any complaint against the accused. He don't know anything about the recitals of complaint and panchanama. P.W-1 treated as hostile by the prosecution, each and every avarements found in Ex.P-1 and 2 confronted to the witnesses but the prosecution failed to elicit about the alleged accident from the mouth of P.W-1.

16. The prosecution got examined an Eye-witnesses as per P.W-2, 3, 6 and 7 who are main and important witnesses to the present case. On going through evidence of above said



witnesses, it goes to show that, they were not supported the prosecution case and not deposed a single word with respect to alleged negligent act of accused. Further deposed that, they have not witnessed any accident and have not seen the accused and they do not know anything about this case and they have not given any statements before the police.

17. On going through evidence of above said witnesses, it goes to show that, P.W-1 to 3, 6 and 7 not supported the prosecution case and have not deposed single word with respect to alleged negligent act of accused. Further deposed that, P.W-1 has not lodged any complaint before the police against accused as per Ex-P-1 and has not given any statement and re-statement before the police station.

18. It is relevant to note that, the prosecution cross examined P.W-1 to 3, 6 and 7 by treating them as hostile but each suggestions addressed by the prosecution have been denied by P.W-1 to 3, 6 and 7 witnesses and they completely turned hostile and denied the incriminating part of their statements.



19. The prosecution examined the P.W-4 and 5 as panchas to the spot and seizure panchanama as per Ex.P-2 and 12. They are independent attesting witnesses to the Ex.P-2 and 12 but, these witnesses did not supported the case of the prosecution. Though these witnesses identified their signatures appearing on Ex.P-2 and 12 but they turned hostile and denied the each and every suggestion addressed by the Ld.APP during the course of cross-examination after treating them as hostile.

20. The prosecution examined an investigation officer as P.W-8. he deposed about the chain of investigation from registration of crime till filing of the charge sheet against the accused in his official capacity.

21. On going through evidence of P.W-1 to 7 witnesses, it goes to show that, have not supported the prosecution case and have not deposed single word with respect to alleged negligent act of accused. It is relevant to note that, the prosecution cross-examined P.W-1 to 7 by treating them as hostile but each suggestions addressed by the prosecution have been denied by P.W-1 to 7 witnesses



and they completely turned hostile and denied the incriminating part of their statements. Hence, there is a dearth of evidence of prosecution to bring home the guilt of the accused. Hence, there are no incriminating evidence on record to hold the guilt of accused for the alleged offences as such, considering all these aspects and totality of circumstances, this court is of the considered opinion that, the prosecution has failed to prove the guilt of the accused and the charges leveled against accused beyond all reasonable doubt for the offences.

22. The prosecution got examined the P.W-8 Investigation officer, he deposed with respect to registration of crime, recording of statement of witnesses and conducting the chain of investigation and also about filing the charge sheet against the accused for the alleged offence. Though, these witnesses cross-examined at length but, nothing fact has been elicited from their mouth. Moreover, he deposed in his official capacity. Therefore, their evidence don't come to the aid of prosecution.



23. From a perusal of the materials on record it is clear that, there is no rashness or negligence on the part of accused as claimed by the prosecution. Further, the prosecution has miserably failed to prove that the alleged accident occurred because of the rash or negligent driving of the accused herein. Further none of the witnesses identified the accused at the spot therefore the prosecution had failed to prove rash or negligent driving endangering to human life beyond all reasonable doubt against the accused. In a case of Sec., 279, 337 and 304-A of Indian Penal Code, Sec., 187 of IMV Act prosecution is not only required to establish that the accused was rash or negligent while driving the vehicle, but it is additionally incumbent on prosecution to establish that the causa-causans of death of deceased/or the proximate cause of death of deceased was the act of the accused . It is also to be noted that none of the witnesses deposing before the Court whispered anything about the rashness or negligence on the part of the accused and also did not state that the vehicle being driven by the accused. Under such circumstances, no rashness or negligence can be



attributed to the vehicle driver so as to make him liable for the death of deceased. Under such circumstances, it ought to be held that the prosecution had failed to prove the guilt of the accused beyond all reasonable doubts and the accused deserves to be given the benefit of doubt. Needless to say that the burden to prove the guilt of the accused is on prosecution and this general burden never shifts. Hence, in the light of the discussion made supra, this Court is of the considered view that the prosecution had failed to prove the guilt of the accused beyond reasonable doubt for the offences under Sec., 279, 337 and 304-A of Indian Penal Code and Sec., 185 and 187 of IMV Act. Accordingly, **points No.1 to 5 are answered in the 'Negative'.**

24. **POINT NO.6:-** In view of my reasons while answering above points, this court proceeds to pass the following:

ORDER

Exercising the power conferred under Section-255(1) of Cr.P.C the accused is hereby acquitted of the offences punishable under Section-



279, 337 and 304-A of Indian Penal Code and sec., 185 and Sec., 187 of IMV Act.

Office is hereby directed to issue release intimation to the concerned Jail Authority to release the accused, if he is not required in any other case.

(Dictated to the Stenographer, typed by him directly on computer based, corrected and then pronounced by me in the open court on this 02nd day of May-2026.)

**(Smt.RUPA.C.VAGGA)
Prl CJ and JMFC-Sindhanur.
C/C IInd Addl. Civil Judge & J.M.F.C
Court., Sindhanur.**

:: A N N E X U R E ::

LIST OF WITNESSESS EXAMINED ON BEHALF OF THE PROSECUTION

P.W-1	-	Chidananda
PW.2	-	Kumar
PW.3	-	Mallayya
PW.4	-	Ashoka
PW.5	-	K.Veeranna
PW.6	-	Ramanjineya
PW.7	-	Narasimha
PW.8	-	Chandrashekhar

LIST OF DOCUMENTS MARKED ON BEHALF OF THE PROSECUTION

Ex.P.1	-	Complaint
Ex.P.2	-	Spot panchanama
Ex.P.2 to 5	-	Photographs
Ex.P.6 to 11	-	Statements
Ex.P.12	-	Seizure panchanama



Ex.13 to 20	-	Photographs
Ex.P.21&22	-	Statements
Ex.P.23	-	Map
Ex.P.24	-	Inquest pachanama
Ex.P.25 and 26-	-	Photographs
Ex.P.27	-	CD
Ex.P.28	-	Certificate
Ex.P.29	-	Indemnity bond
Ex.P.30	-	MVA report
Ex.P.31&32	-	Wound certificate
Ex.P.33 and 34	-	Indemnity bonds
Ex.P.35	-	PM report
Ex.P.36	-	RSFL report
Ex.P.37	-	FIR
Ex.P.38	-	Notice
Ex.P.39	-	Reply notice
Ex.P.40	-	All vehicle documents in total.

LIST OF MATERIAL OBJECTS EXHIBITED ON BEHALF OF THE PROSECUTION

-Nil-

LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENCE

-Nil-

LIST OF DOCUMENTS MARKED ON BEHALF OF THE DEFENCE

-Nil-

(Smt.RUPA.C.VAGGA)
PrI CJ and JMFC-Sindhanur
C/C IInd Addl. Civil Judge & J.M.F.C
Court., Sindhanur.