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**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE
AND J.M.F.C. AT CHANNAPATNA**

:- PRESENT :-

SHRI. YOGESHA K B.A.L. L.L.M. PGDHRM.
Principal Civil Judge & J.M.F.C.,
Channapatna

Dated this the 02nd day of April 2026

C.C.No.564 of 2018

BETWEEN

THE STATE OF KARNATAKA,
REPRESENTED BY THE
CPI OF TOWN CIRCLE,
CHANNAPATNA

...COMPLAINANT

(BY ASSISTANT PUBLIC PROSECUTOR)

AND



Judgment

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SHRI. SIDDAPAJI
S/O SHIVAPPA
AGED ABOUT 24 YEARS
R/O NO.181, 5TH CROSS,
SUGAR GOWN,
NEW EXTENSION
MANDYA TOWN
MANDYA DISTRICT

... ACCUSED

(BY SHRI HSA ADVOCATE)

1.	Date of commission of offence	09.05.2018
2.	Date of report of offence	12.05.2018
3.	Name of the Complainant	Smt. Anu M Nayar
4.	Date of recording evidence	22.09.2022
5.	Date of closing evidence	04.11.2025
6.	Offence complied of	U/Sec.279, 304(A) of IPC
7.	Opinion of the Judge	Found not guilty
8.	Decision	Acquitted

(YOGESHA K)
Prl. Civil Judge & J.M.F.C.,
Channapatna



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:- J U D G M E N T :-

The Circle Police Inspector of Channapatna Town Circle, Channapatna Taluk, in Crime No.73/2018, has filed the charge sheet against the accused for the offences punishable under Sections 279 and 304(A) of the Indian Penal Code..

BRIEF FACTS OF THE PROSECUTION CASE

2. On 11.05.2018, at about 2.00 a.m. to 2.15 a.m., within the limits of Channapatna Traffic Police Station, near Vandaraguppe on the Bengaluru–Mysuru National Highway, the father of CW-1, namely Mohan Chandra Nayar, was driving a tanker lorry bearing registration No. KL-17-B-0607 from Bengaluru towards Mysuru. At that time, the accused, while driving an Ashok Leyland lorry bearing registration No. MP-17-C-4562 from Mysuru towards Bengaluru, drove the vehicle in a rash and negligent manner, crossed the road divider, and dashed against the tanker lorry driven by the said Mohan Chandra Nayar. As a result of the impact, Mohan Chandra Nayar sustained



grievous injuries to his head and other parts of the body and succumbed to the injuries at the spot. Thus, the accused is alleged to have committed the offences punishable under Sections 279 and 304(A) of the IPC.

3. The case came to be registered in Crime No.73 of 2018 of Traffic Police Station, Channapatna, against the accused for the above said offence on the basis of first information of Smt Anu M Nayar at 12.00 P.M. on 12.05.2018.

4. After registering the case, First Information Report was submitted to this Court on 12.05.2018 at 08.10 P.M. After recording the statements of witnesses, drawing up of Mahazar at spot, obtaining reports from doctors and report from the Inspector of Motor Vehicle, concluded the investigation and the charge sheet came to be filed by the Investigating Officer against the accused person citing as many as 15 witnesses.

5. On service of process the accused appeared through his counsel and got released on bail. The



charge sheet papers were furnished and provisions of Section 207 of Cr.P.C. were complied. Thereafter, Plea under Section 279, 304(A) of I.P.C was framed as found prima-facie case, read over and asked the accused whether he pleads guilty or not and to which he voluntarily pleaded not guilty of the offence charged and claimed to be tried.

6. In order to bring home the guilt of the accused, prosecution has examined in all 07 witnesses as PW.1 to PW.7 and has got marked 08 documents as Ex.P.1 to Ex.P.8.

7. After the completion of evidence on prosecution, accused has been examined under section 313 of Criminal Procedure Code with regard to the incrimination circumstances emanating from the prosecution evidence. The defence set up on behalf of the accused is one of the total denial of the allegation of rashness and negligent driving. He has not chosen to lead any evidence on his side.



8. The provisions of Section 437(A) of Cr.P.C., were complied with.

9. Heard the arguments of learned Asst. Public Prosecutor and learned counsel for the accused.

10. The following points are arise for considerations;

1. *Whether the prosecution proves beyond all reasonable doubt that on 11.05.2018 at about 2.00 a.m. to 2.15 a.m., near Vandaraguppe on Bengaluru–Mysuru National Highway, within the jurisdiction of Channapatna Traffic Police Station, the accused, while driving the lorry bearing registration No. MP-17-C-4562, drove the same in a rash and negligent manner so as to endanger human life, crossed the road divider and dashed against the tanker lorry bearing registration No. KL-17-B-0607 driven by Mohan Chandra Nayar and thereby committed an offence*



punishable under Section 279 of the Indian Penal Code?

2. *Whether the prosecution proves beyond all reasonable doubt that the said Mohan Chandra Nayar sustained grievous injuries in the said accident and succumbed to the same, and that the death was caused due to the rash and negligent driving of the accused, and thereby the accused committed an offence punishable under Section 304(A) of the Indian Penal Code?*

3. *What order?*

11. The findings of this Court to the above points are as under;

- | | |
|-------------|------------------------|
| Point No.1: | In the Negative |
| Point No.2: | In the Negative |
| Point No.3: | As per the final order |

for the following;



-. R E A S O N S :-

12. **Point Nos.1 to 3:** Since both these points are interlinked and arise out of the same set of facts and evidence, they are taken up together for common discussion to avoid repetition.

13. In order to prove the guilt of the accused for the offences punishable under Sections 279 and 304(A) of IPC, the prosecution is required to establish that the accused was driving the offending vehicle in a rash and negligent manner and that such act resulted in the accident causing the death of the deceased.

14. In the present case, the prosecution has relied upon the oral evidence of PW-1 to PW-7 and documentary evidence at Ex.P-1 to Ex.P-8. Among these witnesses, PW-1 and PW-2 are cited as eyewitnesses to the incident. However, both PW-1 and PW-2 have completely turned hostile to the case of the prosecution. They have categorically stated that they have not witnessed the accident and have no



knowledge about the same. They have also denied having given any statements before the police as per Ex.P-1 and Ex.P-2. Nothing worthwhile has been elicited in their cross-examination by the learned APP to support the prosecution case.

15. PW-3, who is a mahazar witness to the spot mahazar at Ex.P-3, has also not supported the case of the prosecution. Though he has admitted his signature on Ex.P-3, he has clearly stated that he is not aware of the contents of the said document and that the same was not read over to him. He has also denied that the mahazar was conducted in his presence at the spot. Thus, his evidence does not inspire confidence to prove the spot mahazar.

16. PW-4, who is projected as an eyewitness, has also not supported the prosecution case in its entirety. Though he has stated that the accident occurred due to collision between two vehicles and that the driver of the tanker died, he has specifically denied that the accident occurred due to the rash and negligent driving



of the accused. His evidence, therefore, does not establish the culpable negligence on the part of the accused.

17. PW-5, the Motor Vehicle Inspector, has deposed regarding the damages sustained by both the vehicles and has opined that there was no mechanical defect in either of the vehicles. Though his evidence establishes that the accident was not due to mechanical failure, it does not, by itself, establish that the accused was driving the vehicle in a rash and negligent manner.

18. PW-6 and PW-7 are the official witnesses who have spoken about the registration of the case, investigation, and filing of the charge sheet. Their evidence is formal in nature. Though they have spoken about the procedural aspects of the investigation and produced documents such as Ex.P-7 FIR, Ex.P-5 complaint, Ex.P-6 inquest report, and Ex.P-8 post-mortem report, their evidence does not directly establish the manner in which the accident occurred or fix the liability on the accused.



19. The post-mortem report at Ex.P-8 establishes that the death of the deceased was due to injuries sustained in the accident. However, mere proof of death in a road traffic accident is not sufficient to fasten criminal liability on the accused unless it is proved that the accident occurred due to his rash and negligent driving.

20. It is a well-settled principle of criminal law that the prosecution must prove its case beyond all reasonable doubt. In the present case, the material witnesses, particularly the eyewitnesses, have not supported the prosecution case. There is no reliable and cogent evidence to establish that the accused was driving the vehicle in a rash and negligent manner at the time of the accident.

21. The benefit of doubt arising out of the hostile evidence of key witnesses and lack of direct evidence regarding negligence must necessarily go in favour of the accused. The prosecution has failed to discharge its



burden of proving the guilt of the accused beyond reasonable doubt. Accordingly, this Court answers Point Nos.1 and 2 in the **Negative**.

22. **POINT No.4:** In view of foregoing reasoning and conclusions arrived at by this court during the above discussions, proceed to pass the following,

:- ORDER :-

Accused is found not guilty.

Acting under Section 255(1) of the Code of Criminal Procedure, the accused is hereby **acquitted** of the offences punishable under Sections 279, 304(A) of I.P.C.

The bail bond and surety bond of the accused shall stand cancelled after the expiry of the appeal period.

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Judgment

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owner is directed to absolute
after the appeal period.

Office is directed to supply a
free copy of this judgment to
the accused forthwith.

*[Given under my hand and seal of this court on this 02nd April, 2026 within the
premises and during the working hours of this Court and is pronounced in an open
court.]*

(YOGESHA K)
Prl. Civil Judge & J.M.F.C.,
Channapatna



:- ANNEXURE :-

List of Witnesses examined on behalf of the Prosecution:

- PW-1) Shri.Idayatulla Khan
- PW-2) Shri.Ameer Jan
- PW-3) Shri.Srinath
- PW-4) Shri.Sami Ulla
- PW-5) Shri.Suresh B.M
- PW-6) Shri.Ramesh K.B.
- PW-7) Shri.Sathish C

List of Documents exhibited on behalf of the Prosecution:

- Ex.P-1 : Statement of Cw.3
- Ex.P-2 : Statement of Cw.15
- Ex.P-3 : Spot Mahazar, 3(a) & 3(b) Signatures
- Ex.P-4 : IMV report, 4(a) Signature
- Ex.P-5 : Complaint, 1(a) Signature
- Ex.P-6 : Inquest report, 6(a) Signature
- Ex.P-7 : FIR, 7(a) Signature
- Ex.P-8 : PM report, 8(a) Signature



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List of Material Objects exhibited on behalf of the Prosecution:

Nil

List of Witnesses examined on behalf of the Accused:

Nil

List of Documents exhibited on behalf of the Accused:

Nil

List of Material Objects exhibited on behalf of the Accused:

Nil

**(YOGESHA K)
Prl. Civil Judge & J.M.F.C.,
Channapatna**