

KARN220066422022



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 July 2026

C.C.No.4641 of 2022

BETWEEN

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

...COMPLAINANT

(BY ASSISTANT PUBLIC PROSECUTOR)

AND

SHRI. ABHISHEK C P
S/O LATE PUTTEGOWDA
AGED ABOUT 20 YEARS
RESIDENT AT
CHAKKERE VILLAGE
CHANNAPATNA TALUK.

... ACCUSED

(ACCUSED BY SHRI.B.N.S., ADVOCATE)

1.	Date of commission of offence	01.08.2022
2.	Date of report of offence	07.08.2022
3.	Date of arrest	22.08.2022
4.	Name of the Complainant	Shri. Sagar
5.	Date of recording evidence	22.09.2025
6.	Date of closing evidence	18.12.2025
7.	Offence complied of	U/Sec.279, 338 and 304 (A) of Indian Penal Code.
8.	Opinion of the Judge	Found not guilty
9.	Decision	Acquitted

(YOGESHA K)
PRL. CIVIL JUDGE & J.M.F.C.,
CHANNAPATNA

J U D G M E N T

The CPI of Channapatna Town Circle has filed the charge sheet against the accused for the offences punishable under Section 279, 338 and 304 (A) of Indian Penal Code.

BRIEF FACTS OF THE PROSECUTION CASE

2. On 01.08.2022 at about 11.00 a.m., on the Mysuru–Bengaluru Highway in front of the Government Polytechnic College, Channapatna, deceased Shankaregowda was proceeding towards Sathanur Circle on his Star City motorcycle bearing Registration No. KA-50-E-8746. At that time, the accused, while riding his Pulsar-250 motorcycle bearing Registration No. KA-55-EC-0983 in the same direction, allegedly drove the vehicle in a rash and negligent manner and dashed against the motorcycle of the deceased from behind. Due to the impact of the collision, Shankaregowda sustained grievous injuries to his head, neck, forehead, nose, hip and other

parts of the body. The accused also sustained serious injuries in the accident.

3. It is further alleged that CW-2, with the assistance of the public, shifted both the injured persons to the Government Hospital, Channapatna, where first aid was administered. Thereafter, on the advice of the Medical Officer, the injured Shankaregowda was shifted to Mandya Hospital for further treatment and subsequently to KIMS Hospital for specialised treatment. However, despite medical treatment, he succumbed to the injuries on 07.08.2022 at about 8.15 p.m. During the course of investigation, it was found that the death of Shankaregowda was the consequence of the injuries sustained in the said road traffic accident and that the accused had also suffered grievous injuries.

4. On the basis of the first information given by the CW-1 the case came to be registered in Crime No.77 of 2022 of Traffic Police Station against the accused for the

offences punishable under Sections 279, 338 and 304 (A) of Indian Penal Code at about 11.00 AM on 07.08.2022.

5. After registering the case, First Information Report was submitted to this Court on 08.08.2022 at 7.00 PM. After recording the statements of witnesses, drawing up of Mahazar at spot, seized the articles and concluded the investigation and the charge sheet came to be filed by the Investigating Officer against the accused citing as many as 15 witnesses.

6. Accused was enlarged on bail. After taking the cognizance for the offence mentioned supra, this court issued the process to the accused for his appearance. Upon service of process the accused appeared through his counsel. The charge sheet papers were furnished and provisions of Section 207 of Cr.P.C. were complied. Upon hearing the accused substance of accusation were 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 and claimed to be tried. Hence, the matter was posted for evidence.

7. In order to bring home the guilt of the accused, prosecution has examined in all 07 witnesses and has got marked 15 documents as Ex.P.1 to Ex.P.8.

8. 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 case of the accused is one of total denial of the allegation leveled against him. He has not chosen to lead any evidence on his behalf.

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

10. I have heard the argument of APP and learned counsel for accused. Perused the oral and documentary evidence and materials on record.

11. The following points arise for considerations by this Court are;

- 1) Whether the prosecution proves beyond all reasonable doubt that on 01.08.2022 at about 11.00 a.m., on the Mysuru-Bengaluru Highway in front of the Government Polytechnic College, Channapatna, the accused, while riding his Pulsar-250 motorcycle bearing Registration No. KA-55-EC-0983, drove the said vehicle in a rash and negligent manner so as to endanger human life and personal safety of others, thereby committing an offence punishable under Section 279 of the Indian Penal Code?
- 2) Whether the prosecution further proves beyond all reasonable doubt that at the aforesaid date, time and place, the accused, by driving the said motorcycle in a rash and

negligent manner, dashed against the Star City motorcycle bearing Registration No. KA-50-E-8746 ridden by Shankaregowda, thereby causing grievous injuries to him, and thereby committed an offence punishable under Section 338 of the Indian Penal Code?

- 3) Whether the prosecution further proves beyond all reasonable doubt that the grievous injuries sustained by Shankaregowda in the said accident resulted in his death on 07.08.2022 at about 8.15 p.m., and that such death was the direct consequence of the rash and negligent riding of the accused, not amounting to culpable homicide, thereby committing an offence punishable under Section 304-A of the Indian Penal Code?
- 4) What order?

12. 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 : In the Negative,

Point No.4 : As per final order

for the following:

- : R E A S O N S : -

13. **POINT No.1 to 3:-** Since these points are interconnected and arise out of the same transaction, they are taken up together for common discussion in order to avoid repetition of facts and evidence.

14. The burden lies upon the prosecution to establish beyond all reasonable doubt that the accused was riding the motorcycle bearing Registration No. KA-55-EC-0983 in a rash and negligent manner and that such rash and negligent riding resulted in the accident causing grievous injuries to Shankaregowda, who

subsequently succumbed to the injuries sustained in the accident.

15. In order to prove its case, the prosecution has examined seven witnesses as PWs.1 to 7 and marked Ex.P.1 to Ex.P.8. Among them, PW-1 is the complainant, PWs-2 to 4 and PW-7 are cited as mahazar witnesses, PW-5 is the Police Sub-Inspector who registered the case and conducted part of the investigation, and PW-6 is the Investigating Officer who completed the investigation and filed the final report.

16. The PW-1, the complainant, though he admitted his signature on the Ex.P.1 complaint and on the Exs.P.2 and P.3 spot and seizure mahazars, he has categorically deposed that he does not know the accused, has no knowledge regarding the accident, and that he had signed the documents at the request of his nephew and the police without knowing their contents. He has specifically denied having lodged the complaint

containing the allegations against the accused. Though he was treated as hostile and cross-examined by the learned Assistant Public Prosecutor, nothing useful has been elicited to support the prosecution case.

17. The PW-2, who is projected as an eyewitness and a panch witness to the spot and seizure mahazars, has also not supported the prosecution. He denied witnessing the accident, denied shifting the injured to the hospital, denied the preparation of the spot and seizure mahazars in his presence and further denied having made any statement before the police. Though he admitted his signatures on Exs.P.2 and P.3, he stated that he had signed the documents at the police station at the request of the police. Even after being treated as hostile, the prosecution could not elicit any material in support of its case.

18. PW-3, another panch witness to the spot mahazar, has also turned hostile. He admitted his signature on Ex.P.2 but denied that the police had

drawn the mahazar in his presence at the scene of occurrence. Likewise, PW-4 and PW-7, who are seizure mahazar witnesses, have also not supported the prosecution and denied that the seizure mahazar was drawn in their presence. Their evidence does not advance the case of the prosecution in any manner.

19. The PW-5, the then Police Sub-Inspector, has deposed regarding the registration of the case, preparation of the spot and seizure mahazars and the initial investigation conducted by her. PW-6, the Investigating Officer, has spoken about the subsequent investigation conducted by him, collection of the post-mortem report, inquest report, wound certificate and IMV report and filing of the charge sheet. Their evidence is only with regard to the investigation conducted by them. It is well settled that the evidence of the Investigating Officer by itself cannot establish the occurrence of the accident or prove the rash and negligent act of the accused in the absence of reliable substantive evidence.

20. The prosecution has produced the complaint, spot mahazar, seizure mahazar, FIR, post-mortem report, inquest report, wound certificate and IMV report marked as Exs.P.1 to P.8. The post-mortem report establishes that Shankaregowda died due to the injuries sustained by him. However, these documents by themselves do not prove that the accident occurred solely due to the rash and negligent riding of the accused. The prosecution has failed to examine any independent eyewitness to the occurrence. The panch witnesses and the complainant have not supported the prosecution. There is no substantive evidence connecting the accused with the commission of the alleged offences.

21. In a criminal trial, the prosecution is required to establish the guilt of the accused beyond all reasonable doubt. Suspicion, however strong, cannot take the place of legal proof. The evidence adduced by the prosecution falls far short of the standard required for recording a conviction. The hostile testimony of the

material witnesses has completely demolished the substratum of the prosecution case. The official witnesses have merely spoken about the investigation and their evidence, in the absence of corroboration from independent and material witnesses, is insufficient to hold that the accused was riding the vehicle in a rash and negligent manner or that the accident occurred due to his negligence.

22. Accordingly, this Court is of the considered opinion that the prosecution has failed to prove beyond all reasonable doubt that the accused committed the offences punishable under Sections 279, 338 and 304-A of the Indian Penal Code. Consequently, Point Nos.1 to 3 are answered **in the Negative.**

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

-: O R D E R :-

The accused is found not guilty of the offences punishable under Sections 279, 338 and 304 (A) of IPC.

Acting under Section 255(1) of the Code of Criminal Procedure, the accused is hereby acquitted of the offences punishable under Sections 279, 338 and 304 (A) of the Indian Penal Code.

The bail bonds of accused person and his surety, executed in compliance with Section 437-A of the Code of Criminal Procedure, shall stand cancelled after a period of six months from the date of this judgment.

[Given under my hand and seal of this court on this 02nd July, 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**

-: A N N E X U R E :-**List of Witnesses examined on behalf of the Prosecution:**

PW-1	:	Shri. Sagar
PW-2	:	Shri. Raghu H.R
PW-3	:	Shri. Avinash
PW-4	:	Shri. Shivakumar
PW-5	:	Smt. Subhambika
PW-6	:	Shri. Divakara
PW-7	:	Shri. Raghu R

List of Documents exhibited on behalf of the Prosecution:

Ex.P-1, 1(a) & (b)	:	Complaint and signature
Ex.P-2, 2(a) - (d)	:	Spot mahazer and signatures
Ex.P-3, 3(a) - (d)	:	Seizer mahazer and signatures
Ex.P-4, 4(a) & (b)	:	FIR and signature
Ex.P-5, 5(a)	:	Post Mortem report and signature
Ex.P-6, 6(a)	:	Inquest report and signature
Ex.P-7, 7(a)	:	Wound certificate and signature
Ex.P-8, 8(a)	:	IMV Report and signature

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