



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

**Present: Sri. Nagarathnamma BAL. LL.B.,
Prl. Civil Judge & JMFC,
Magadi.**

C.C. No.6022 of 2022

DATED THIS THE 03rd DAY OF AUGUST – 2026

Complainant:- State Rep. by Magadi Police Station

(By A.P.P.)

V/S

Accused :- Janardhan S/o Late Channegowda,
Residing at Nayakarahalli Village,
Karley Post, Kattay Hobli,
Hassan District.

(By Sri.N.R.S..., Advocate)

Date of commencement of offence	: 04.08.2022
Date of report of offence	: 05.08.2022
Name of the complainant	: Manjunatha.B.R
Date of recording evidence	: 05.07.2024
Date of closing of evidence	: 15.07.2026
Offences complained of	: 279, 337 of IPC
Opinion of the judge	: Accused found not guilty
Judgment date	: 03.08.2026



J U D G M E N T

The Circle Inspector of Magadi has filed charge-sheet against the accused alleging that he has committed the offences punishable under Sections 279, 337 of I.P.C.

2. Brief facts of the prosecution's case are as under:-

Within the local limits of Magadi police station, that on 04.08.2023 at around 10:50 a.m. CW-2 was traveling in KSRTC bus bearing registration No.KA-42-F-0224 and he was sitting in the back side seat of the bus, when the said bus was reached in front of temple and the Huduvegere school, accused being driver of said bus was driven his bus in rash and negligent manner so as to endanger to human life and hit to water tank. In result of which the CW-2 fell down and sustained injuries to his head, face and waist which are in simple in nature and thereby accused has committed an offence punishable under section 279, 337 of I.P.C.

3. On receipt of complaint filed by the CW-1, CW-12 has registered a case under crime No.235/2022. After completion of investigation, the investigating officer has filed charge sheet against the accused for the offence punishable under section 279, 337 of I.P.C. Thereafter, cognizance was taken for the above said offences and process has been issued.



4. Thereafter, on pursuance of summons, the accused has appeared before the court through his counsel and got enlarged him on bail. Charge sheet copies have been furnished to accused in order to compliance of section 207 of Cr.P.C.

5. Charges have been framed and read over and explained to the accused, wherein, he pleaded not guilty and claimed to be tried.

6. In order to establish the guilt of the accused, the prosecution has got examined witnesses as PW-1 to PW-6. In support of it, the prosecution has got marked the documents as Ex.P1 to Ex.P11.

7. After completion of prosecution evidence, statement of the accused has been recorded as required under section 313 of Cr.P.C. by explaining the all incriminating evidence and circumstance of the case of prosecution, wherein, he has clearly denied the evidence of prosecution. But he fails to adduce the defense evidence before the court.

8. Heard arguments of both side. In view of the prosecution case and materials placed on record the following points would arises for my consideration.

1. Whether prosecution proves beyond all reasonable doubts that on 04.08.2023 at



around 10:50 a.m. CW-2 was traveling in KSRTC bus bearing registration No.KA-42-F-0224 and he was sitting in the back side seat of the said bus, when the said bus was reached in front of temple and the Huduvegere school, accused being driver of said bus was driven the bus in rash and negligent manner so as to endanger to human life and thereby, the accused has committed the offence punishable U/s 279 of IPC ?

2. Whether the prosecution further proves that on the above said date, time and place, accused being driver of said bus was driven in rash and negligent manner so as to endanger to human life and hit to water tank. In result of which the CW-2 fell down and sustained injuries to his head, face and waist and injuries in simple in nature and thereby, the accused has committed the offence punishable U/s.337 of IPC.?

3. What order?

9. The findings to the above points are as under:

Point No.1 : In the Negative.

Point No.2 : In the Negative.

Point No.3 : As per final order for the following :

REASONS

10. Points No.1 and 2:- Since these points are inter-linked with each other, hence they are taken up together for common



discussion in order to avoid repetition of evidence and circumstances.

11. In order to establish the guilty of the accused, the prosecution has got examined the 6 witnesses as PW-1 to PW-6 and got marked the documents, which have been marked at Ex.P1 to 11. Out of it PW-1 is Kumaraswamy is a victim, PW-2 is Venkatesh is conductor of the offending bus, PW-3 is complainant and who is son of CW-2, PW-4 is mahazar witness, PW-5 is Dr.Naganath Vardhan is a medical office and who gave treatment to the CW-1, PW-6 is Manjunath.B.R. is police officer and investigation officer.

12. PW1 is victim has deposed in his chief examination that, he known the CW-1, 3 to 5. Further he deposed that, on 05.08.2022, he got an incident in the route of Hudugere. Further he deposed that, when he was sitting in the back side of the seat of offending bus, driver of the said bus was driven it in rash and negligent manner and committed an accident and hitted to water tank. In result of which, caused injuries to his head and waist and teeth. Further he deposed that, after 6 months of the incident his teeth was break down. Further he deposed that, after the accident, he lost his conscious. Further he deposed that, later he was shifted to hospital by the passengers those who are traveling in the offending bus took him to hospital and provided treatment. Further he identified the accused who was present before the court. But, he



failed to deposed the number of offending bus. Therefore, he has been to cross examine by the accused counsel.

13. PW-2 is eye witness and conductor of the bus has deposed in his chief examination that, he know the accused. Further he deposed that, at the time of accident there were 50-55 passengers in the said bus. Further he deposed that, when there were coming towards Magadi from Haralikatti Doddi, one person coming in a motor cycle by speaking in a mobile phone. At that time in order to avoid accident with the said motor cycle, accused hitted bus to water tank as he was unable to control the speed. At that time the tyre of the bus got bursted. In result of which, the CW-2 who was sitting in the 3rd seat of back side of the bus was fell down and sustained injuries to his head. Further he deposed that, he was also sitting in next to the said Kumar. But, no injury were caused to him. Further he deposed that, he sent the CW-2 to hospital.

Further it is noted that, the PW-2 did not completely supports to the case of prosecution. Therefore, he has been treated as partly hostile witness and subjected cross-examine by learned APP. Though he has been subjected to cross-examine by the learned APP nothing has been elicited from his mouth as created doubt regarding evidence deposed by him in his chief examination. Thereafter, he has been subjected to cross-examine by accused counsel.



14. PW-3 is complainant and hearsay witness has deposed in his chief examination that, CW-2 is his father. Further he deposed that, when he was in college, someone called him and told that, on 04.08.2022 when CW-1 was returning to the Magadi in a bus bearing No.KA-42-F-0227 near Huduvegere school and temple around 12:50 p.m., the driver of the bus was driven in speedy manner and hitted to water tank. As result of which, caused bleeding injuries his father's head, wist and upper back. Further he deposed about shifting of CW-2 to the hospital for treatment. Further he deposed that, CW-2 was shifted to Government KIMS hospital for further treatment. Further he deposed that on 05.08.2022 he filed complaint against accused. Then he identified his signature on complaint, which has been marked as Ex.P.1 and his signature has been Ex.P.1(a). Thereafter, it is noted that, the PW-3 did not stated about say of his father about the incident occurred. To that aspect, he has been treated as partly hostile witness at the request of learned APP. During the cross-examination by the learned APP PW-3 has admitted whatever suggestion made by the learned APP as true and correct. But, he failed to deposed the same in his chief-examination. Thereafter, he has been subjected to cross-examine by defence counsel.

15. PW-4 is a mahazar witness has deposed and identified in his chief examination that, he knows the CW-1 to CW-4 then he identified his signature on mahazar, which has been marked as Ex.P.2 and his signature has been marked as Ex.P.2(a). Further he



deposed that, the bus bearing registration No.KA-42-F-0227 was driven by its driver towards A.K.Doddi towards Magadi and hitted to water tank. On that background, he called upon by the police on 05.08.2022 for conducting the mahazar. Thereafter, in presence him and CW-4, the police have conducted mahazar at about 2:00 p.m. and seized offending bus under said mahazar. Then he identified himself and bus in photos, which have been marked as Ex.P.3 and 4. Thereafter, he has been subjected to cross-examine by the defence counsel.

16. PW-5 is medical officer has deposed in his chief examination that, on 04.08.2022 at about 12:20 p.m. when he was in hospital, the CW-2 visited to his hospital on history of accident and examined him. On examination of CW-2 he found injuries 3/1 cm cutting injuries on the left side of the head of the CW-2 and tenderness wound on the lower back. Further he deposed that, accordingly he certified that, the injuries caused to CW-2 are simple in nature and issued wound certificate as per Ex.P.6 and his signature has been marked as Ex.P.6(a). Thereafter, he has been subjected to cross examine by the accused counsel.

17. PW-6 has deposed in his chief examination that, on 05.08.2022 when he was in charge of police station, around 11:30 a.m. CW-1 visited to police station and gave a complaint. Further he deposed that, he has received the complaint by CW-1 and registered a case under Crime No.235/2022 and prepared FIR and



forwarded to the court. Thereafter, he identified his signature on complaint/Ex.P.1 his signature has been marked as Ex.P.1(b). Then he got marked FIR Ex.P.7 and his signature has been marked as Ex.P.7(a). Further he deposed that, on the same day he has visited to accident taken place and conducted mahazar at 2:00 to 3:00 p.m. in presence of CW-4 and 5 and drawn mahazar as Ex.P.2 and his signature has been marked as Ex.P.2(b). Further he deposed that, He had issued notice the department of KRTSC to produce the offending vehicle. Then he identified his signature on the notice which has been marked as Ex.P.8 and his signature has been marked as Ex.P.8(a). Further he deposed that, on 18.08.2022, he seized the offending vehicle by drawing seizure mahazar as per Ex.P.9 in presence of mahazar witnesses. Then he identified his signature on seizure mahazar which has been marked Ex.P.9 and his signature marked as Ex.P.9(a). Further he deposed that, on 20.08.2022 he received IMV report from RTO officer as per Ex.P.10 and his signature has been marked Ex.P.10(a). Further he deposed that, on the same day he arrested the accused and released him on bail. Further he deposed that, he released the vehicle by obtaining indemnity bond from CW-9. Indemnity bond has been marked as Ex.P.11 and his signature has been marked as Ex.P.11(a). Further he deposed that, he recorded statement of CW-3. Further he deposed that, on 25.08.2022 he received wound certificate of CW-1 from CW-10 as per Ex.P.6 and his signature marked as Ex.P.6(a). Further he deposed that, on same day he filed charge sheet as there



was sufficient materials to proceed against accused. Thereafter he has been subjected to cross examined by the defence counsel.

18. At the instance of the case, the prosecution must be proved it's case beyond all reasonable doubt that, that on 04.08.2022 around 11:50 p.m. accused was driver of KSRTC bearing registration No.KA-42-F-0227 and was driven bus in rash and negligent manner so as to endanger to human life and hitted to water tank. In result of which, the CW-2 who was sitting in a back side seat of the bus was fell down and sustained injuries to his head, face and waist which are in simple in nature. Otherwise benefit of doubt would extended to accused.

19. In order to substantiate the case of the prosecution, the prosecution has got examined 6 witnesses as PW.1 to 6 and produced the documents which have been marked as Ex.P.1 to 11. On perusal of the oral evidence of PW-1 to 6. PW-1 is victim and PW-3 is complainant and he is son of PW-1. The PW-1 to 6 have deposed evidence in their respective chief examination as already stated above. On other hand the accused has raised defence during the cross examination of prosecution witnesses that, accident was occurred due to attempting to avoid another accident and there was no intention to commit an accident as alleged by the prosecution. The PW-1 who is a victim has deposed in his chief examination that, at the time of accident accused was driven his bus in rash and negligent manner and for that reason accident was



occurred. But, in support of his evidence, no eye witnesses have been examined before the court. As per averments of the complaint and evidence of PW-1 that, there were 50-60 members of passengers inside of the bus. But, no passengers have been made as witnesses in this case. In this regarding there is no explanation by the prosecution what prevented the IO to made at least one of the passengers of the bus as witness in this case.

20. Further it relevant to note that, PW-1 also admitted during cross-examination that, there were 50-60 members of passengers at the time of accident. But, no one come before the court and deposed nothing. Further accused has raised contention during the cross-examination of PW-1 that, in order to avoid another accident, the accused hitted his bus to water tank. For that reason tyre of the bus got bursted. Therefore, PW-1 who was sitting in a backside seat was fell down. In this regarding the PW-2 who is bus conductor and who was sitting in the next of PW-1 has clearly stated that, in order to avoid another incident accused was in need of hitting of his bus to water tank in result of which tyre of bus got busted so, CW-2 fell down and caused injuries. The PW-3 is hearsay witness he has stated as stated by his father. However he has not eye witness and he has not stated anything about the accident. PW-5 is doctor has stated only about injuries caused to PW-1. But, the PW-1 has not stated about the injuries as stated by PW-5. Hence, its create doubt regarding evidence of PW-5. The prosecution alleged that, the accused was driven offending vehicle



in rush and negligent manner and thereby caused accident. When such is the case the prosecution is required to prove behind reasonable doubt that, accident was direct result of act of accused. In the present case the evidence of record reveals that, the accused suddenly confronted with an emergency situation that, he tried to avoid another accident of motor cycle and the said accident was occurred. The materials placed before the court does not incident that, accused created the emergency by his own negligence. On the contrary the circumstance proves that, accused attempted to avoid greater danger. Except PW-1 no eye witnesses have been examined and deposed before the court that, accused was driven his bus in rush and negligent manner so as to endanger the human life.

21. Further on perusal of the evidence of PW-2 it discloses that, accused acted as responsible prudent would have acted in the same situation. Mere proof an accident or result injury insufficient to convict the accused. Because criminal negligence must be proved behind reasonable doubt. Here in the present case the prosecution has failed to produce cogent and conceiving evidence to establish accused was driving at an excessive speed or that acted in rush and negligent manner. The evidence on record probablize that, the accused driven and committed accident only to avoid an another accident. Accordingly, this court holds that, accuracy was an inevitable accident arise out of sudden emergency or not result criminal rashness and negligence on part of accused. As such, the prosecution is utterly failed to prove its case behind reasonable



doubt and benefit of doubt extended to the accused. Accordingly, the points No.1 and 2 are answered in the negative.

22. Point No.3:- In view of findings on point No.1 and 2, this Court proceeds to pass the following:

ORDER

Acting U/s 255(1) of Criminal Procedure Code, 1973, accused is acquitted for the offences punishable U/s 279 and 337 of I.P.C.

Bail bond and surety bond stands canceled.

(Dictated to the Stenographer, computerized by him, corrected and signed by me and then pronounced in the Open Court on this **03rd day of August - 2026**)

**Prl. Civil Judge & J.M.F.C.
Magadi.**

ANNEXURES

The list of witnesses examined on behalf of prosecution:-

PW-1 - Kumarswamy,
PW-2 - Venkatesh.
PW-3 - Darshan.G.K.
PW-4 - Punith.C.
PW-5 - Dr.Naganath Vardhan.
PW-6 - Manjunath.B.R.

List of documents marked on behalf of prosecution:-

Ex.P1 : Complaint, Ex.P1(a) signatures.
Ex.P2 : Mahazar, Ex.P2(a) and (b) signature.



Ex.P3-5 : Photos
Ex.P6 : Wound Certificate, Ex.P6(a) signature.
Ex.P7 : FIR, Ex.P4(a) signature.
Ex.P8 : Notice, Ex.P.9(a) signature.
Ex.P9 : Seizure Mahazar, Ex.P9(a) signature.
Ex.P10 : IMV notice, Ex.P10(a) signature
Ex.P11 : Indemnity bond, Ex.P11(a) signature.

The list of material objects identified on behalf of prosecution:

----- Nil-----

The list of witness examined on behalf of defence:-

----- Nil-----

The list of documents exhibited on behalf of defence:-

----- Nil-----

**Prl. CIVIL JUDGE & JMFC.,
MAGADI.**