

**IN THE COURT OF REGISTRAR, CIVIL COURTS-CUM-JMFC
RAYAGADA**

PRESENT: - Shri Rana Ghosh, B.Sc., LL.M.

Registrar, Civil Courts-cum-JMFC
Rayagada

JO- CODE OD 00551
(Dtd. This 12th day of August, 2026)

GR Case no.385 of 2021
T.R. No. 291 of 24
CNR No. ODRA20002062022

PROSECUTION	Govt. of Odisha
PRESENTED BY	Ld APP, Rayagada
ACCUSED	Madhu Kharwar, Aged- 37 yrs., S/o Giridhari Kharwar, of village- Sarawetola Mathila, P.S.- Siswan, Dist- Siwan, Bihar
REPRESENTED BY	Adv. Sri Mahesh Patnaik and his Associates

FORM – B

Date of Offence	22.08.2021
Date of FIR	22.08.2021
Date of Charge Sheet	08.01.2022
Date of framing of Charges	10.04.2024
Date of Commencement of evidence	14.05.2025
Date of which Judgment is reserved	12.08.2026
Date of the Judgment	12.08.2026
Date of the Sentencing Order, if any	-

Accused Details

Rank of the accused	Name of the accused	Date of Arrest	Date of Release on bail	Offences charged with	Whether Acquitted or convicted	Sentence imposed	Period of detention undergone during Trial for purpose of section 428 Cr.P.C.
1	Madhu Kharwar	NA	NA	U/s. 279/337 /304A IPC	Acquitted	-	-

The accused person is on bail.

J U D G M E N T

The above-named accused person stands prosecuted for offences punishable u/s 279/337/304 A of IPC.

2. The case of the prosecution is that on dt 22.08.2021, at about 5 am, the informant and the deceased Pradeep Kumar Acharya were going to Jimdipeta Shiv Temple riding a Hero Glamour Motorcycle bearing Regn. No. OD 18A 2915. At that time a truck bearing Regn. No. CG 04 MM 0826 coming from the opposite side in a rash and negligent manner, dashed against them near Parthapur Main Road. Due to the accident, the informant sustained minor bodily injuries, but the Truck ran over the deceased Pradeep Kumar Acharya and he died on the spot. After the incident, the informant lodged a FIR in Seskhal police station, which was registered vide P.S. case No. 65/21 U/s 279/337/304 A IPC. SI S.N. Pradhan was directed to take up investigation of the case. During course of investigation, the investigating officer (hereinafter called the I.O.) visited the spot, examined the informant and witnesses, conducted inquest, sent the dead body for post mortem exam, seized the involved truck along with documents in presence of witnesses and prepared seizure list. He releases the involved vehicle and the documents on Zima. He served notice to the accused U/s 41A CrPC. On his transfer, ASI T. Venkat Rao took charge of the investigation. After due investigation, the I.O. submitted charge sheet against the accused under section 279/337/304 A IPC to stand his trial in court of law.

3. The defence plea is complete denial and false implication.

4. The points for determination are: -

i. Whether on dt 22.08.2021, at about 5.00 am, near Parthapur Main Road, the accused person was driving a truck bearing registration no. CG 04MM 0826 in a manner so rash or negligent as to endanger human life or to be likely to cause hurt or injury to any other person?

ii. Whether on the said date, time and place, the accused person caused hurt to the informant by driving the said truck in a manner so rash or negligent as to endanger human life or personal safety of others?

iii. Whether on the said date, time and place, the accused person caused death of one Pradeep Kumar Acharya by driving the said tractor in a rash or negligent manner?

5. To substantiate the case of the prosecution, it has examined 12 witnesses in all of whom PW1, PW2, PW3, PW4, PW5 and PW12 are independent occurrence witnesses. PW6 is the scribe of the FIR. PW7, PW8 and PW9 are official witnesses of seizure. PW10 and PW11 are IOs of this case. In spite of repeated summons, the informant and another charge sheeted witness namely Sadasiba Tripathy, Kali Prasad Acharya, and Gora Kondagiri did not appear in the court. The prosecution has declined to examine said charge sheeted witnesses. The prosecution has exhibited 26 exhibits, details of which are mentioned in the table at the bottom of this judgement. On the other hand, the defence has not adduced any evidence from its side.

6. Perused the evidence on record and considered the submissions from both the sides.

PW1 to PW5 and PW12 have deposed that in the year 2021, one day one day the heard that the deceased met with an accident and died on the spot. PW1 to PW3 arrived at the spot and found the dead body laying near the truck. PW4 and PW5 went to the hospital to see the dead body.

PW6 has deposed that he scribed the FIR at the request of the relatives of the deceased. PW7 to PW9 have deposed that the IO seized some documents of the offending vehicle in their presence.

PW10 has deposed that after the incident, the informant lodged a FIR in Seskhal police station, which was registered vide P.S. case No. 65/21 U/s 279/337/304 A IPC. PW10 was directed to take up investigation of the case. During course of investigation, he visited the spot, examined the informant and witnesses, conducted inquest,

sent the dead body for post mortem exam, seized the involved truck along with documents in presence of witnesses and prepared seizure list. He releases the involved vehicle and the documents on Zima. He received PM and MVI Report. On his transfer, he handed over charge of the case to the IIC, Seskhal PS. PW11 has deposed that after due investigation, he cancelled the DL of the accused and submitted charge sheet against the accused under section 279/337/304A IPC to stand his trial in court of law.

There is nothing on record to suggest that the accused has committed any of the alleged offences for which he is being tried. No witness has connected him with the alleged offences. Therefore, it may be safely held that the prosecution has failed to prove its case beyond all reasonable doubts against the accused.

7. In the result, the accused is found not guilty for commission of the offences punishable U/s. 279/337/304A IPC and he be acquitted therefrom U/s. 255(1) Cr.P.C. The accused be set at liberty forthwith, his bail bond be cancelled and surety be discharged after six months as per Sec 437A CrPC.

8. The seized articles be retained with the owner thereof and zimanama be cancelled after four months of the appeal period is over. In the event of appeal, the same be dealt with as per the order of the appellate court.

Enter the case as mistake of fact.

Sd/-

Registrar, Civil Courts-cum-JMFC

Rayagada.

Judgment is dictated and corrected by me, pronounced in the open court today on this the 12th day of August, 2026 under my signature and seal of the Court.

Sd/-

Registrar, Civil Courts-cum-JMFC

Rayagada.

FORM – C

LIST OF PROSECUTION/ DEFENCE / COURT WITNESSES		
A. Prosecution Witnesses		
RANK	NAME	NATURE OF EVIDENCE
1	Sailesh Rath	Independent occurrence witness
2	Kiran Kumar	Independent occurrence witness
3	Prabin Kumar Nayak	Independent occurrence witness
4	Durga Prasad Panda	Independent occurrence witness
5	Suresh Mishra	Independent occurrence witness
6	Maheswar Arika	Scribe of the FIR
7	Iswar Martha	Official witness
8	Santosh Kumar Roul	Official witness
9	Rashmita Rath	Official witness
10	Sadananda Pradhan	I.O.
11	T. Venkat Rao	I.O.
12	Manjurani Panda	Independent occurrence witness
B. Defence Witness, if any:		
RANK	NAME	NATURE OF EVIDENCE
None		
C. Court Witnesses, if any:		
RANK	NAME	NATURE OF EVIDENCE
None		
LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS		
A. Prosecution Exhibits		
Sl. No.	Exhibit Number	Description
1	Ext.P1/PW1	Signature of PW1 on the Seizure List
2	Ext.P1 ¹ /PW10	Seizure List
3	Ext.P1 ² /PW10	Signature of PW10 on the Seizure List
4	Ext.P2/PW2	Signature of PW2 on Inquest Report
5	Ext.P2 ¹ /PW3	Signature of PW3 on Inquest Report
6	Ext.P2 ² /PW10	Inquest Report
7	Ext.P2 ³ /PW10	Signature of PW10 on Inquest Report
8	Ext.P3/PW6	FIR
9	Ext.P3 ¹ /PW6	Signature of PW6 on the FIR
10	Ext.P4/PW7	Signature of PW7 on the Seizure List No.2
11	Ext.P4 ¹ /PW10	Seizure List No.2
12	Ext.P4 ² /PW10	Signature of PW10 on the Seizure List No.2
13	Ext.P5/PW8	Signature of PW8 on the Seizure List No.3
14	Ext.P5 ¹ /PW9	Signature of PW9 on the Seizure List No.3
15	Ext.P5 ² /PW10	Seizure List No.3
16	Ext.P5 ³ /PW10	Signature of PW10 on the Seizure List No.3
17	Ext.P6/PW10	Zimanama No.1
18	Ext.P6 ¹ /PW10	Signature of PW10 on the Zimanama
19	Ext.P7/PW10	Zimanama No.2
20	Ext.P7 ¹ /PW10	Signature of PW10 on the Zimanama
21	Ext.P8/PW10	Spot Map
22	Ext.P8 ¹ /PW10	Signature of PW10 on the Spot Map

23	Ext.P9/PW10	MVI Report
24	Ext.P10/PW10	PM Report
B. Defence Exhibits, if any		
Sl. No.	Exhibit Number	Description
Nil		
C. Court Exhibits, if any		
Sl. No.	Exhibit Number	Description
Nil		
D. Material Objects:		
Sl. No.	Material Object Number	Description
Nil		

Sd/-

Registrar, Civil Courts-cum-JMFC
Rayagada.

