



**IN THE COURT OF THE ADDL. SENIOR CIVIL JUDGE
AND JMFC KUNIGAL**

PRESENT

Smt.Gangavva Ayatti

B.A.,L.L.B.,(Hon's)

Addl. Sr. Civil Judge and JMFC,
Kunigal

DATE: 1ST DAY OF JUNE 2026

C.C.No.804/2025

Complainant : State of Karnataka
Through Huliurudurga PS
Kunigal Taluk.

(By Asst Public Prosecutor)

V/s

Accused : Thandava Murthy Acharya,
S/o Late Eshwarachar,
Age: 61 years,
R/at: No.38, 10th Cross, Bilikallu,
Ullala Main Road, Bengaluru.

(By Sri.N.K., Adv.)

1.Date of commission of offences:	28.02.2025.
2. Date of report of offences:	28.02.2025.
3. Name of the complainant :	Dasegowda.S.M.
4. Date of recording of evidence:	11.02.2026.
5. Date of closure of evidence:	08.05.2026.



6. Offences alleged :	U/s. 281, 125(a), 106 of BNS.
7. Opinion of Judge :	The accused not found guilty.

JUDGMENT

The PSI of Huliurudurga Police Station has filed charge sheet against the accused for the offences punishable U/Sec 281, 125(a), 106 of BNS.

2. The case of the prosecution is as follows:

That on 28.02.2025, at about 4.30 pm in the evening, within the limits of Huliurudurga police station, on Huliurudurga-Amrutur road, near Kantaianpalya gate, the accused bearing the driver of car bearing reg No. KA-05/NE-1927 belonging to CW2 was proceeding with CW2 from Amrutur towards Huliurudurga and he drove the same in rash and negligent manner and dashed to the two wheeler bearing No.KA-01/EU-1239 belonging to deceased Kambaiah in the result car turned turtle and deceased Kambaiah sustained injuries on his head and shoulder and died while transmitting to hospital and CW2 and accused also sustained injuries on their body, there by committed offences punishable under section 281, 125(a), 106 of BNS.

3. On the basis of the complaint lodged by the complainant



case is registered against the accused for the offences P/U/Sec 281, 125(a), 106 of BNS. The Investigation Officer visited the spot and recorded the statements of the witnesses. After completion of the investigation, the PSI submitted the final report against the accused for the alleged offences. Cognizance of the said offences was taken against accused on receipt of the police report.

4. After hearing both sides, this court framed the charge against the accused for the alleged offences and then read over and explained to them in Kannada language, for which the accused pleaded not guilty and claimed to be tried.

5. To substantiate the allegations made in the charge sheet and to prove the guilt of the accused, the prosecution has examined 5 witnesses as PW1 to 5 and got marked 20 documents as Ex.P1 to 20.

6. Learned APP treated PW1 to 5 as hostile and cross examined them. In their cross examination no incriminating evidence is found against the accused. Hence statement of accused U/s 313 Cr.PC. is dispensed with.

7. Heard the arguments of the Learned Asst. Public Prosecutor and Learned Counsel for the accused.



8. The points that arise for my consideration are as under:-

1. Has the prosecution prove beyond all reasonable doubt that, on 28.02.2025, at about 4.30 pm in the evening, within the limits of Huliurudurga police station, on Huliurudurga-Amrutur road near Kantaianpalya gate, the accused bearing the driver of car bearing reg No. KA-05/NE-1927 belonging to CW2 was proceeding with CW2 from Amrutur towards Huliurudurga and he drove the same in rash and negligent manner and dashed to the two wheeler bearing No. KA-01/EU-1239 belonging to deceased Kambaiah in the result car turned turtle and deceased Kambaiah sustained injuries on his head and shoulder and died while transmitting to hospital and CW2 and accused also sustained injuries on their body, there by committed offences punishable under section 281, 125(a), 106 of BNS?

2. What order or sentence?

9. My findings on the above points are:-

Point No.1 - In the Negative.

Point No.2 - As per the final order for the following:-

REASONS

10. **POINT No.1:-** In order to substantiate the charges leveled against the accused the prosecution has examined 5 witnesses as PW1 to 5 and PW1 has deposed in his examination in chief that, he do not know the contents of



Ex.P1 and he do not know anything about this case and not given statement before the police. Learned APP treated him as hostile and cross examined him in his cross examination he denied the case of prosecution and he turned completely hostile to the case and in his cross examination nothing worth is elicited. PW2 to 5 also turned hostile to the case of the prosecution and in their cross examination they denied the case of prosecution and turned completely hostile to the case and in their cross examination nothing worth is elicited.

11. PW1 to 5 being material witnesses turned hostile to the case of prosecution hence examination of other witnesses would be a futile exercise and no judicial purpose would be served. There is no incriminating evidence against the accused in the prosecution case. Thus, the prosecution utterly failed to prove the guilt of accused beyond all reasonable doubts. **Hence, I answer Point No.1 in the Negative.**

12. **POINT NO.2:-** In view of the above discussion, I hold that the accused not found guilty of the alleged offenses and pass the following.

ORDER

Acting under section 271 (1) of
Cr.P.C the accused is acquitted of the



offenses P/U/Sec 281, 125(a), 106 of BNS.

The bail bonds and surety bonds under sec 437-A of the accused shall remain in force for 6 months or till appeal is preferred.

(Judgment is dictated to stenographer on system corrected by me and then pronounced by me in the open court on this **1st day of June 2026**).

sd/-

(Gangavva Ayatti)
Addl.Sr. Civil Judge and J.M.F.C.
Kunigal.

ANNEXURE

1. List of witnesses examined for the Prosecution:

PW1 : Dasegowda.
PW2 : Varalakshmi.
PW3 : Nagaraj.
PW4 : Rajanna.
PW5 : Harish.

2. List of witnesses examined for the accused:

-Nil-

3. List of documents marked for the Prosecution:

Ex.P1 : Complaint.
Ex.P2 : Spot Mahazar.
Ex.P3 : Sketch.
Ex.P4 : Motor Vehicle.
Ex.P5 to 7:Statements.



Ex.P8 to 12:Photos.
Ex.P13 : CD.
Ex.P14 : Inquest.
Ex.P15 : Postmortem Report.
Ex.P16&17:Wound Certificate.
Ex.P18 : IMV Report.
Ex.P19 : Notice.
Ex.P20 : Indemnity Bond.

4. List of documents marked for the accused:

Nil

5. List of Material Objects marked for the Prosecution:

Nil

sd/-
(Gangavva Ayatti)
Addl. Sr. Civil Judge and J.M.F.C.
Kunigal.