



**IN THE COURT OF ADDL. SENIOR CIVIL JUDGE &
J.M.F.C, AT SIRA.**

PRESENT: SRI.VINOD KUMAR.M BAL.,LLB,LLM.,
ADDL. SENIOR CIVIL JUDGE & JMFC
AT SIRA

C.C. No.117/2026

Dated this the 03rd day of June - 2026

State by **Tavarekere Police Station**

(Rep. by APP for Prosecution)

V/s

Subhash S Tummaramatti,
S/o Sangondeppa,
Aged about 33 years,
R/at Sorakoppa,
Bagalakote Taluk & District.

... Accused
(By Sri. P.S. Adv.,)

* * * *

- | | | |
|--------------------------------------|---|----------------------------|
| 1. Date of commencement of Offences | : | 20.10.2023 |
| 2. Date of report of the offences | : | 20.10.2023 |
| 3. Name of the Complainant | : | Shamsher Khan |
| 4. Offences complained of | : | U/Sec.279 & 337
of IPC. |
| 5. Date of recording of the evidence | : | 30-08-2024 |
| 6. Date of closing of the evidence | : | 07-04-2026 |



7. Opinion of the Judge : Accused is
acquittal of the
offences punishable
U/Sec. 279 & 337 of IPC

Sd/-
(VINOD KUMAR.M)
Addl. Senior Civil Judge &
JMFC., Sira

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

The ASI of Tavarekere Police has filed charge sheet against accused for the offences punishable U/Sec. 279 & 337 of IPC.

2. The case of the prosecution is as follows:-

That on 20.10.2023 at about 12.15 p.m, the accused was driver of KSRTC bus bearing No.KA.17.F.1977 towards Sira to Hiriyuru main road near at Ujjanakunte Village and drove the said bus in rash or negligently to endanger human life and dashed to Container Lorry bearing No.LN-01-AE-4996 by caused damage. From the accident, CW.2 to 9 were caused simple injuries on their body while traveling as passenger in said KSRTC Bus. Thereby, accused has committed an offence for the punishable U/Sec.279 & 337 of IPC.

3. After completion of investigation, the complainant police have submitted the charge sheet against accused. On perusal of charge sheet, this court was taken cognizance for the offences punishable U/Sec.279 & 337 of IPC as contemplated



U/Sec.190(1)(b) of Cr.P.C. Accused was enlarged on bail through their counsel. Immediately, The charge sheet is supplied to accused as per Sec.207 of Cr.P.C. This court found sufficient materials to record plea against accused. Accordingly, plea was recorded and substance of plea has been read over to accused, who denied as false and claims to be tried.

4. In order to prove the prosecution case has examined as many as 13 witnesses as PW1 to PW13 and got marked Ex.P1 to Ex.P24. After completion of prosecution evidence, this court found incriminating evidence against accused and recorded the 313 of Cr.P.C. Statement, which is read over to accused in their known language and denied the statement U/Sec.313 of Cr.P.C. No defense evidence on his behalf.

5. Heard the arguments of learned APP for prosecution & learned counsel for the accused. Perused the prosecution witnesses with documents placed on record by both side.

6. The points that arise for my determination are as follows:

(1) Whether the prosecution proves beyond all reasonable doubt that, on 20.10.2023 at about 12.15 p.m, the accused was driver of KSRTC bus bearing No.KA.17.F.1977 towards Sira to Hiriyuru main road near at Ujjanakunte Village and drove the said bus in rash or negligently to endanger human life, thereby accused has committed offence punishable U/Sec.279 of IPC?



(2) Whether the prosecution proves beyond reasonable doubt, date, place, time as supra, from the accident, CW.2 to 9 were caused simple injuries on their body while traveling as passenger in said KSRTC Bus, thereby accused has committed offence punishable U/Sec.337 of IPC?

(3) What order ?

7. My findings on the above points are as follows:

Point No.1	:	In the Negative
Point No.2	:	In the Negative
Point No.3	:	As per the final order for the following;

REASONS

8. **Point No.1 & 2** : Both points are interconnected to each other in order to consider the case of prosecution. Thus, above points have taken together for common discussion. It is well settled law that, in a criminal case the initial burden of proof always lies on the prosecution to prove the guilt of the accused beyond all reasonable doubt as per Sec.101 of Indian Evidence Act.

9. In order to prove the guilt of the accused, the prosecution has examined PW.1/Veerupakshiaha, PW.2/Umesh Badaradimmi, PW.4/Chennabasappa Bankar, PW.5/Shilpa, PW.6/Chandranaika L., PW.7/Veeranna similarly deposed that, on dated 20.10.2023 they were all passenger in KSRTC Rajahamsa Bus bearing No.KA.17.F.1977 and caused



accident. Immediately, they were all sustained injuries. But they doesn't know about accident caused from whose negligence. PW.1, 2, 4 to 7 further deposed that, they doesn't know about contents of statement. But in the cross-examination of PW.1, 2, 4 to 7 clearly admits that, they were all in sleeping mode at the time of accident.

10. The prosecution further examined the PW.3/Suresh deposed that, on dated 20.10.2023 the accident was caused in KSRTC Bus from traveling Bangalore at the time of sleeping mode. But PW.3 further deposed that, he doesn't know about accident caused from whose negligence. In order to prove the Ex.P.7 & 8/Mahazars, the prosecution examined 4 witnesses as PW.10/Chandru, PW.11/Narasimhaiah, PW.12/Ganganna and PW.13/Bheeshmanna similarly deposed that, they identified signature on Ex.P.7 & 8/Mahazars. But they do not know the contents of Ex.P.7 & 8 and also Police have not seized any vehicles in their presence. PW.10 to 13 have treated as hostile witnesses and in spite of cross-examination by prosecution side nothing has been elicited from the mouth of PW.10 to 13 about conducting mahazar and seizer of vehicles in their presence. PW.8/Rameshaiah(T.C) deposed that, he heard about accident on dated 20.10.2023 from depot manager and released the KSRTC Bus bearing No.KA.17.F.1977 after furnishing Ex.P.4/Indemnity Bond. But PW.8 has not aware of the accident met by KSRTC Bus.



11. In order to prove the prosecution case, PW.9/Mehaboob Pasha deposed that, he has received complaint from complainant and registered the FIR includes conducted Mahazar, and seized the two vehicles bearing No. KA.17.F.1997 and Lorry bearing No.LN.01.AE.4996 involved in the accident. PW.9 further deposed that he recorded the statement of CW.2 to 9 & inspected the vehicles through IMV. Later he conducted spot mahazar and seizer mahazar in the presence of CW.12 to 15 includes recorded the statement of CW.13 & 15 and also further statement of CW.1. Subsequently, he released the Lorry and KSRTC bus to CW.10 and PW.8 includes taken photographs. He received the wound certificate of CW.2 to 9 from hospital. Thereafter, PW9 filed charge sheet before the court. PW9 identified his signature on Ex.P4 to 24 and vehicles. During the cross examination of PW9 denied that he never investigate the offence in any manner and filed false charge sheet against accused.

12. From the oral evidence of PW1 to PW13 along with Ex.P1 to Ex.P22 itself clears that, there was a accident between KSRTC Bus bearing No.KA.17.F.1977 and Lorry bearing No.NL.01.AE.4996. But it is necessary to verify the “whether the rash and negligent by accused while driving the KSRTC bus to endanger human life and dashed to Lorry, which caused injuries to CW.2 to 9 or not?”. In order to prove the guilt of the accused, the prosecution has never examined the CW.1/Complainant in any manner to prove the complaint. But



the prosecution examined PW.1, 2, 4 to 7, who being eye witnesses of the incident deposed that, the accused was driver of the KSRTC bus and caused the accident to container lorry. But PW.1, 2, 4 to 7 never deposed about accident caused from whose negligence. During the course of chief examination, PW.1, 2, 4 to 7 never shown any finger on accused about accident caused by him in rash or negligently while driving the KSRTC bus and endanger to human life. Moreover that, PW.1, 2, 4 to 7 deposed that, they were in sleeping mode at the time of accident. In support of incident, PW.3 and PW.10 to PW.13/Witnesses cited as eye witness and mahazar witnesses. But PW.3, PW.10 to 13 never deposed about accident done by accused in rash or negligently and do not know the contents of Ex.P.7 & 8/Mahazars. The evidence of PW.8 is not supportive to the prosecution case because he deposed that he do not know about accident. The said accident occurred by the contributory negligence of both vehicles. In the instant case also, it is possible to break the Lorry and caused accident back side its nothing but contributory negligence. Moreover that, injuries found on the body of PW.1, 2, 4 to 7 and I.O. also produced Ex.P.11 to 19/Wound certificate of witnesses caused out of driving by both vehicles. Since there is no witnesses and documents shows the accused was only reason for accident while driving KSRTC Bus in rash or negligently. In the absence of specific negligence on the part of accused, this court is not in position to believe the version of PW.1 to 8 and 10 to 13.



13. During the prosecution evidence, PW.1 to 7 deposed that, they doesn't know about accident and who is reason for the said accident. Moreover, PW.10 to 13 turned hostile in police conducting Ex.P.7 & 8/Mahazars in their presence. On other hand, the evidence of PW.8 only for released the KSRTC bus and issued attendance certificate of accused. The evidence of PW.8 is not supported to the case of prosecution. Even though, in the evidence of PW.1 to 8 and 10 to 13 nothing found about driver of KSRTC/accused drove bus rash and negligently to endanger human life and dashed to container lorry. Even on perusal of Ex.P.10/IMV report clearly revels that, both vehicles are involved in the accident. But, how can it is possible to say about accused drove the KSRTC bus in rash and negligently without eye witnesses in the national highway road. Moreover that, it is not possible in national highway roads to see the directly vehicles met with accident due to lot of vehicles are moving.

14. In the instant case, the prosecution has failed to proved that, accused drove the KSRTC bus bearing No.KA.17.F.1977 in rash or negligently to endanger human life and caused accident to Container Lorry drove by CW.1. Even though PW1 to PW8 and PW10 to 13 have not supported fully against accused about caused accident due to their negligence. Such being, the evidence of PW1 to PW8 and PW10 to 13 have not corroborated with PW9 and the evidence of said witnesses does not inspire the confidence of the court. From the evidence of PW1 to PW8, PW.10 to 13 creates doubts on the prosecution



case and benefit of doubts goes to accused of acquittal. Under these circumstances, I hold that prosecution has failed to proved the guilt of accused beyond all reasonable doubt for punishable offences U/Sec.279 & 337 of IPC, **Accordingly, I have answered to Point No.1 & 2 in the Negative.**

15. Point No.3:- For the reasons stated while discussing Point No.1, I proceed to pass the following:-

ORDER

The accused is hereby acquittal of the offences punishable U/Sec.279 & 337 of IPC.

The bail bond and surety bond of accused shall stands cancelled after prescribed period is over U/Sec.437(a) of Cr.P.C.

(Dictated to the stenographer and typed by him in the computer, corrected and then pronounced by me in the open court on this the **03rd day of June 2026**)

Sd/-
(VINOD KUMAR.M)
Addl. Senior Civil Judge &
JMFC., Sira



ANNEXURES

I. List of Witnesses Examined behalf of the Prosecution :

PW1	:	Veerupakshaiah
PW2	:	Umesh Badaradhimmi
PW3	:	Suresh
PW4	:	Channabasappa Bankar
PW5	:	Shilpa
PW6	:	Chandranayaka. L
PW7	:	Veeranna
PW8	:	Rameshaiah. T
PW9	:	Mehaboob Pasha
PW10	:	Chandru
PW11	:	Narasimhaiah
PW12	:	Ganganna
PW13	:	Bheshmanna

II. List of Documents marked behalf of the Prosecution :

Ex.P1 to 3	:	Complaints
Ex.P4	:	Indemnity Bond
Ex.P5	:	FIR
Ex.P6	:	Complaint
Ex.P7	:	Spot Mahazar
Ex.P8	:	Panchanama
Ex.P9	:	Indemnity Bond
Ex.P10	:	IMV report
Ex.P11 to 19	:	Wound certificates
Ex.P20 to 24	:	Photos



III. List of material object marked behalf of prosecution :

- Nil -

IV. List of Witnesses Examined by the Accused :

- Nil -

V. List of Documents of Accused :

- Nil -

Sd/-
(VINOD KUMAR.M)
Addl. Senior Civil Judge &
JMFC., Sira