

IN THE COURT OF THE JUDL MAGISTRATE OF I CLASS, BOBBILI

**Present: Smt Hema Sravanthi Janakiram,
Judicial Magistrate of First Class, Bobbili**

Monday, this the 6th day of April, 2026.

C.C.No.791/2019

Between:

State represented by the
Sub-Inspector of Police,
Bobbili P.S.

...Complainant

And

1. Malakapalli Sangameswara rao, S/o S/o Umamaheswara rao, aged 25 years, Resident of Badevalasa village, Balijipeta mandal, driver of auto bearing no. AP 35 Y 2617.

2. Malakapalli Umamaheswara rao, S/o late Sangam, aged 55 years, Resident of Badevalasa village, Balijipeta mandal, owner of auto bearing no. AP 35 Y 2617.

...Accused

This case came before me on 01.04.2026 for final hearing and disposal in the presence of the learned Assistant Public Prosecutor for the prosecution and of Sri Ch. L. V. Prasanna Kumar, Advocate for Accused nos.1 to 3 upon hearing on both sides, having stood over for consideration, till this day, this court delivered the following:

J U D G M E N T

1. The Sub-Inspector of Police, Bobbili Police Station has filed the Charge Sheet in Crime Number 618/2018 against the accused for the offences under Sections 304(A) of Indian Penal Code, 1860 and sec. 181, 180 of Motor Vehicles Act, 1988 (for brevity herein after referred as "IPC").

2. The brief allegations of the charge sheet are as follows:-

LW1/Defacto complainant – Alajangi Krishna is junior paternal uncle of the deceased. LWs2 and 3 namely Alajangi Chitti and Alajangi Jyothi are parents of deceased. As both LWs2 and 3 got migrated to Nimmakuru of Krishna District for

attending Coolie works, the deceased and her brother were staying in her grandparent's house at Arasada village. On 08.10.2018, the deceased went to Lingamvalasa to her grandmother's house. On 10.12.2018, during afternoon hours, the deceased along with her relative i.e. LW6- Mamidi Lavanya boarded in an auto bearing registration no. AP 35 Y 2617 at Komatipalli to come Arasada. When they reached Muthayyavalasa village centre, the driver of the auto drove the same in rash and negligent manner and applied sudden brake due to which the deceased and LW6 fell down from the auto. The auto tyre has ran over the face of the deceased resulting which the deceased died on the spot. Basing on the report of L.W.1, L.W.12 – V. Prasad rao, the then SI of police, Bobbili PS, has registered a case in Cr.No.168/2018 for the offence under section 304(A) of IPC. During the course of his investigation, L.W.12 examined all the material witnesses in this case and conducted inquest over the dead body of the deceased in the presence of L.Ws. 8 and 9 namely Arasada Balaraju and Ujala Venkati. He also prepared rough sketch of the scene and scene observation report in the presence of L.Ws. 8 and 9. LW10 – medical officer, who has conducted autopsy over the dead body of the deceased issued Postmortem examination report opining that the deceased died due to injury to vital organ like brain. L.W.11 – Motor Vehicle Inspector has inspected the crime vehicle and opined that the accident was occurred not due to any mechanical defect of the vehicle and issued report. LW12 issued 41 A CrPC notice to the accused as his investigation disclosed that the driver of the crime vehicle is not having driving license, he has arrayed the owner of the crime vehicle as accused no.2. After completion of investigation L.W.12 filed charge sheet under section 304 A of IPC, section 181 and 180 of MV Act.

3. Cognizance was taken on file under Sections 304(A) of IPC and Sec, 181 and 180 of MV Act against the accused nos.1 and 2.

4. On appearance of accused, copies of case documents was furnished to them as required under Section 207 of Cr.P.C.

5. Accused were examined under Section 251 of Cr.P.C., for the offence punishable u/s. 304(A) of IPC and Sec, 180 and 181 of MV Act were framed, read over and explained to the accused, for which, they pleaded not guilty and claimed to be tried.

6. To prove its case, the prosecution examined P.Ws.1 to 6 and got marked Exs.P.1 to P.7.

- Ex.P1 – Report
- Ex.P2 – Inquest report
- Ex.P.3 – FIR
- Ex.P.4 – Scene observation report
- Ex.P5 – Rough Sketch
- Ex.P6 – Postmortem report
- Ex.P.7 – MV Report.

7. After completion of the prosecution side evidence, accused nos.1 and 2 were examined under Section 313 of CrPC., explaining the incriminating circumstances appearing against them in oral and documentary evidence, they denied the evidence and reported no defence evidence.

8. Heard both sides and perused the record.

9. *Now the point for determination is:*

Whether the prosecution has proved guilt of the accused u/s. 304(A) of IPC and Sec, 180 and 181 of MV Act beyond all reasonable doubt?

POINT:

10 . In support of its case, the prosecution has examined as much as Six witness. P.W.1 - Alajangi Krishna / Junior Paternal uncle of the deceased, who according to the case of the prosecution who has set the criminal law into motion has testified in his chief that on 10.12.2018 at about 02.00 P.M, while he was in hotel, LW5 came to him and informed that the deceased met with a road accident at Muthayyavalasa village and died on the spot. Immediately, PW1 along with LW5 rushed to the spot and found the deceased succumbed to injuries as blood oozed from her mouth and nose. They also found the tyre of the crime vehicle has ran over her face from left ear. They shifted the deceased to government hospital Bobbili. At the same time, the injured i.e. PW5 was also shifted to Government Hospital, Bobbili in an ambulance. Later, PW1 went to Bobbili PS and lodged Ex.P1 – Report. In his cross examination, it is elicited that he do not know the manner in which the accident was occurred.

11. P.W.2 – Alajangi Chitti / Father of deceased, deposed that on 10.12.2018, at about 02.00 P.M, while he was in Nimmakuru, PW1 has called him over phone and informed that the deceased has met with a road accident and succumbed to injuries. Immediately, himself along with his wife i.e. PW3 rushed to Government Hospital, Bobbili and found the dead body of the deceased. PW2 do not know the manner in which the accident was occurred. The evidence in chief and cross examination of PW3 is on par with evidence of PW2, who is her husband.

12. P.W.3 – U. Venkati is punch witness alleged to be present at the time of conducting inquest over the body of the deceased though has testified in chief that on 11.12.2018 at 08.00 A.M, PW6 has conducted inquest over the body of the deceased in his presence under Ex.P.2 – Inquest report, but this evidence alone

cannot be considered to establish the identity of the accused and the alleged rash and negligent act.

13. P.W.5 – M. Lavanya is co passenger of the deceased. Her evidence in chief is that on the alleged date of accident, the crime vehicle i.e. Auto bearing registration no. AP 35 Y 2617 was driven by its driver in high speed due to which herself along with deceased fell down at a turning near Mirthivalasa, she further testified that the tyre of the auto has run over the face of the deceased resulting her death. PW5 fell unconscious and she was shifted to unconscious. Though, PW5 testified that driver of the crime vehicle has driven the crime vehicle with high speed which goes to show that the driver of the crime vehicle is rash and negligent at the time of accident, she did not speak anything about his identity. She has categorically testified that she did not see the driver of the auto at the time of boarding into the auto and she cannot identify him. Hence, the identity of the accused was not established by the prosecution with the help of evidence of eye witness.

14. PW6 – Investigating officer of this case testified in chief about receiving Ex.P1 from PW1 on 10.12.2018, registration of Ex.P3 – FIR, examining material witnesses and recording their statements under section 161 CrPC, visiting the scene of offence and preparing scene observation reports in the presence of PW4 and LW8. He has also prepared Ex.P5- Rough Sketch. On his requisition, LW12 – Medical officer conducted autopsy over the dead body of the deceased and issued Ex.P6 – Postmortem report opining that the deceased died due to injury to vital organ like brain. Likewise, LW11 has inspected the crime vehicle and issued Ex.P7 – MV report opining that the accident does not occur due to any mechanical defect of the crime vehicle. In his cross examination, he denied the suggestion that a

false case was foisted against the accused no.1 and 2 to enable the family of the deceased to claim insurance.

15. On thorough scrutiny and analysis of oral and documentary submissions, PWs1 to 3 are found to be hearsay witnesses and did not know either the details of the crime vehicle or its driver and about whether the driver of the crime vehicle was rash and negligent at the time of accident. PWs1 to 3 has received the information about the accident and death of deceased. On the other hand, PW4 – inquestdar also not a person suitable to speak about the identity of the accused and the manner in which the accident occurred as he did not witness the same. The crucial material is the evidence of the PW5, who is also a passenger in the crime vehicle and sustained injuries due to the accident. Though, the prosecution is fortunate enough to get the evidence of PW5 on record with regard to the conduct of driver of the crime vehicle at the time of accident, as she categorically testified that the driver of the crime vehicle has drove the auto with high speed, to its mishap, the prosecution could not elicit from the PW5 that the accused is the driver of the crime vehicle at the time of accident. Hence, the identity of the accused as if driver of the crime vehicle was not established with the support of oral testimony of the eye witness. On the other hand, PW6 – Investigating officer also failed to connect accused no.1 to this case as if driver of the crime vehicle at the time of accident though he has got the details of the owner of the crime vehicle. Except, arraying accused no.2 as owner of the crime vehicle, he failed to ascertain any document like registration certificate of the crime vehicle to establish that accused no.2 is the owner of the crime vehicle and in turn to establish that accused no.1 is the driver of the crime vehicle. Hence, the prosecution has miserably failed to establish the guilt of accused nos.1 and 2. Accordingly, this point is answered.

16. **IN THE RESULT**, Accused no.1 and 2 found not guilty for the offences punishable under Sections 304(A) of IPC and Sec 180 and 181 of MV Act and thereby, they are acquitted under Section 255 (1) Cr.P.C., for the said offences. Bail bond shall stands cancelled after the expiry of appeal time.

Typed to my dictation by Personal Assistant, corrected and pronounced by me in open Court on this the 06th day of April, 2026.

Digitally Signed by
J HEMASRAVANTHI
Date: 06.04.2026 10:57:58 +0530
Location: Bobbili
J HEMASRAVANTHI
Judicial Magistrate of Class I,
Bobbili

APPENDIX OF EVIDENCE

WITNESSES EXAMINED ON BEHALF OF

PROSECUTION:

P.W.1: Alajangi Krishna
P.W.2: Alajangi Chitty
P.W.3: Alajangi Jyothi
P.W.4: U. Venkati
P.W.5: M. Lavanya
P.W.6: V. Prasad rao

DEFENCE:

-None-

DOCUMENTS MARKED FOR PROSECUTION

Ex.P1 – Report
Ex.P2 – Inquest report
Ex.P.3 – FIR
Ex.P.4 – Scene observation report
Ex.P5 – Rough Sketch
Ex.P6 – Postmortem report
Ex.P.7 – MV Report.

DOCUMENTS MARKED FOR DEFENCE

-Nil-

MATERIAL OBJECTS

-Nil-

Digitally Signed by
J HEMASRAVANTHI
Judicial Magistrate of Class,
Bobbili
Date: 2024.04.06 10:58:21 +0530
Location: Bobbili

CALENDAR AND JUDGMENT

District : Vizianagaram

Calendar and Judgment tried by **Smt. Hema Sravanthi Janakiram**
Judicial First Class Magistrate , Bobbili,

Date of						
Offence	Report	Apprehension of accused	Release on bail	Commencement of trial	Close of trial	Judgment
10.12.2018	10.12.2018	Section 41 A CrPC	-	15.10.2025	01.04.2026	06.04.2026

Calendar and Judgment in C.C.No. **791 of 2019** on the file of the Judl. Magistrate of First Class, Bobbili.

Complainant : The **Sub-Inspector of Police, Bobbili P.S.**,
Cr.No.618/2018

Name of the accused with father's name	Age	Calling	Resident
Malakapalli Sangameswara rao, S/o Umamaheswara rao.	aged 25 years	Driver of auto bearing no. AP 35 Y 2617.	Resident of Badevalasa village, Balijipeta mandal
Malakapalli Umamaheswara rao, S/o late Sangam.	aged 55 years	Owner of auto bearing no. AP 35 Y 2617.	Resident of Badevalasa village, Balijipeta mandal

Offence : Section 304 A of IPC and section 180 and 181 of MV Act.

Finding : Accused nos.1 and 2 found not guilty.

Sentence : In the result, Accused no.1 and 2 found not guilty for the offences punishable under Sections 304(A) of IPC and Sec 180 and 181 of MV Act and thereby, they are acquitted under Section 255 (1) Cr.P.C., for the said offences. Bail bond shall stands cancelled after the expiry of appeal time.

Remarks : Nil

Explanation for the delay : Nil

Digitally Signed by
J HEMASRAVANTHI
Date: 2026.04.06 10:57:00 +0530
Location: Bobbili

**Judicial Magistrate of I Class,
Bobbili.**

Copy submitted to

The Hon'ble 1st Addl. District and Sessions Judge, Vizianagaram. Dis No.