



**IN THE COURT OF THE CIVIL JUDGE & JMFC.,
TIPTUR.**

Dated this the 04th day of AUGUST-2026

PRESENT:

**Sri. VARADARAJ.B.,B.Sc, L.L.B., M.L.,
Senior Civil Judge & JMFC
Tiptur.**

C.C. No.759/2024

Complainant: State by Tiptur Town police.

(By learned APP.)

V/s

**Accused: Raju S/o Late Shivanna,
Aged about 45 years,
KSRTC Bus Driver,
R/o.Bangalore, Geethanjali
Depo, Bangalore City.**

(By Sri.A.M.V., Advocate)

Date of occurrence of offence : 11.03.2024

Date of report of offence : 11.03.2024



Name of the complainant : Surekha.P

Date of commencement of
recording evidence : 03.11.2025

Date of closing of recording
of evidence : 23.06.2026

Nature of the offence : Punishable U/Sec.279,337
and 338 of I.P.C.

Opinion of the Judge : Accused not found
guilty.

J U D G M E N T

The SHO of Tiptur Town Police Station has submitted this charge sheet against the accused alleging that, the accused has committed the offences punishable under section U/Sec.279, 337 and 338 of I.P.C.

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



That on 11.03.2024 at about 1.20AM in the midnight, when the complainant of this was traveling from Shivamoga to Bangalore in the bus bearing Reg.No.KA-57-F-1686 driven by the accused of this case who drove the same in a rash and negligent manner and near Kodi circle of Tiptur he suddenly applied break due to which the complainant being the passenger who was sitting in the seat behind the passage in front of bus door fell down due to which she dashed to a iron rod in front of the stairs of the bus and sustained grievous injuries on her head and nose since, there was no first head kit in the bus she took first aid from another KSRTC bus and thereafter, she took treatment at general hospital Tiptur. In Bangalore she was denied treatment at Victoria Hospital and hence her health was deteriorated due to which the



complainant was delayed. Thereafter, on 23.03.2024 she came to Tiptur Police station and filed written compliant against the accused.

3. Thereafter, the Tiptur Town police registered the case, visited the spot, drawn the mahazar, recorded the statements of the witnesses, Accused was arrested and released as per procedure. After completion of the investigation, the I.O. has filed the charge sheet against the accused.

4. After receiving the charge sheet, Court has taken cognizance of the offences against the accused and has issued summons to the accused. The accused appeared before the court through his counsel and was released on bail. The copies of the prosecution papers were furnished under Sec.207 of Cr.P.C. Thereafter,



heard both the prosecution and the accused. The charge against the accused was framed for the offences punishable under U/Sec.279, 337 and 338 of I.P.C., read over and explained to him. Accused pleaded not guilty and claimed to be tried. Hence the matter was posted for evidence of the prosecution.

5. To substantiate the case of the prosecution, the prosecution has examined 8 witness as P.W.1 to 8 and got exhibited 16 documents as Ex.P1 to P16. The statement of the accused under sec.313 of Cr.P.C. was recorded. The accused denied all the incriminating evidence against him but submitted no defense evidence.



6. I have heard the arguments of the learned Assistant Public Prosecutor and the learned counsel for accused and perused the materials available on record.

7. The points that arise for my consideration are:

1. Whether the prosecution proves its case beyond all reasonable doubt that, on 11.03.2024 at about 1.20AM in the midnight, when the complainant of this was traveling from Shivamoga to Bangalore in the bus bearing Reg.No.KA-57-F-1686 driven by the accused of this case who drove the same in a rash and negligent manner and near Kodi circle of Tiptur he suddenly applied break due to which the complainant being the passenger who was sitting in the seat behind the passage in front of bus door fell down due to which she dashed to a iron rod in



front of the stairs of the bus and thereby accused committed offence punishable U/section.279 of IPC?

2. Whether the prosecution further proves its case beyond all reasonable doubt that, the accused she sustained grievous injuries on her head and nose thereby accused committed offense punishable U/section 337 of IPC ?

3. Whether the prosecution further proves its case beyond all reasonable doubt that, on the above said date, time and place due the rash and negligence of the accused accident occurred due to which the complainant being the passenger who was sitting in the seat behind the passage in front of bus door fell down due to which she dashed to a iron rod in front of the stairs of the bus and she sustained grievous injuries on



his nose thereby accused committed
offense punishable U/sections 338 of
I.P.C.?

4.What order?

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

Point No.1 to 3: In the Negative.

Point No.4: As per final order for the following:

REASONS

9. Point No.1 to 3: Since these points are inter linked
With each other and required similar type of
appreciation of evidence, I proceed to discuss all the
points together to avoid repetition.

10. To substantiate their case, the prosecution has
examined as many as eight witnesses on their behalf.
PW-1 is the complainant of this case. PW-2 is the
conductor of the vehicle in which accused was the
driver. PW-3 is the doctor. PW-5 and 6 are seizure



mahazar of the vehicle who have completely turned hostile to the prosecution. PW-7 is said to be one of the eye witnesses. On appreciating the entire evidence put forth by the prosecution very meticulously, the complaint is given by the complainant after about 18 days of the alleged accident. According to the version of the complainant, she was the commuter in the KSRTC bus in which the accused was a driver. According to her, he drove the bus in a rash and negligent manner and applied the brake suddenly on the intervening night of 10/11.03.2024 about 01.20 AM in the midnight. When the complainant who was sitting in the seat fell down and sustained grievous injuries. PW-1 in her evidence has reiterated these facts. What requires to be appreciated here is that in her evidence, she improvises her statement and submits that the accused and the



conductor have not even taken her for the treatment at Tiptur Govt. Hospital. On the contrary, the complaint which is Ex.P1 itself shows that it is the conductor and the driver themselves who has taken the complainant to the hospital for treatment. One more fact which cannot be lost sight of is that according to her after taking treatment she had been to Bangalore and at Bangalore she visited Victoria Hospital. But the doctors at Victoria Hospital did not give treatment to her. Hence there was delay in coming back to Tiptur and file a complaint before the police. This assertion made by the complainant appears to be very feeble. There is no reliable documents are anything to support the complaint regarding this assertion. Apart from this, when I go through the cross examination of PW-1, very clearly it is admitted by her that when the accident



occurred she was sleeping. It is also admitted by her that in the place of accident, there are road barricades put up by the police due to which it is not possible for any vehicle to pass in a high speed. She has further stated in her evidence that she do not know whether the doctors at Govt. Hospital, Tiptur have given information regarding the receipt of MLC case before the police.

11. Apart from this when I go through the evidence of PW-2 who is the conductor of the said vehicle, he has turned hostile to the prosecution and has not supported the version of the prosecution that the accused was driving the vehicle in a rash and negligent manner. PW-3 is the doctor who treated the injured on the date of accident. In the evidence, he has specifically stated that Upon examination of PW-1, he has detected a scratch



injuries on right knee of the complainant and also a Blood stains in her nose. Apart from this, when the doctor was cross examined, he has admitted that when a person is sleeping in a bus and falls down there are chances of sustaining the injuries that is sustained by PW1. PW4 is the IO who has filed the charge sheet who has conducted the investigation in this case. He has specifically stated that as on the date of the accident he has not received any intimation from the Govt., Hospital. PW-8 is the punch witness for the spot manazar and he has completely turned hostile to the prosecution.

12. PW-7 is said to be one of the eyewitness to the accident. In the evidence, he has taken a totally a new story wherein he claims that he was standing near Kodi circle and he saw the KSRTC bus dashed to another



bus due to which a woman inside the bus was hurt. This is totally new case put forth by the witness. It is not the case of any of the witnesses or the complainant that the driver of the KSRTC bus in which CW-1 was traveling collided another bus. But this witness claims that there was collusion between two buses.

13. Upon appreciating the entire records one thing is very clear. Investigating officer for the reasons best known to him has not at all examined any of the commuters in the bus on the date of the accident. He has not at all tried to procure any of the persons who were traveling along with the CW-1 to ascertain whether the accused was driving the bus in a rash or negligent manner. The evidence makes it very clear that in the place of alleged accident there was a



barricade in the road and in all probabilities it was not possible for anyone to driving in that place rashly. There is no convincing evidence to show that the accused was driving the vehicle either rashly or negligently or that he applied the break suddenly without following the traffic rules. It is very clear that the prosecution has utterly failed to bring home the guilt of the accused beyond reasonable doubt. The benefit of doubt should certainly be extended to the accused. **Accordingly, I hold point No. 1 to 3 in the Negative.**

14. Point No.4:- In view of the above findings and discussions, I proceed to pass the following;

**ORDER**

The Accused is found not guilty of the offences punishable under section 279, 337 and 338 of I.P.C.

Acting under section 248(1) of Code of Criminal Procedure the accused is hereby acquitted for the offences punishable under section 279, 337 and 338 of I.P.C.

Bail bonds of accused and surety shall stands canceled.

(Dictated to the stenographer, transcribed by him, corrected and then pronounced by me in the open court on this the 04th day of August 2026.)

Sd/-

(Varadaraj .B)
Senior Civil Judge & JMFC.,
Tiptur.

**ANNEXURE****1.List of witnesses examined on behalf of prosecution:**

PW.1 : Surekha.P.V
PW.2 : Harisha
PW.3 : Dr.Musthaf Ahammed
PW.4 : Mohan Kumar.G.M
PW.5 : A.S.Manjunatha
PW.6 : Raghu
PW.7 : Siddiq Pasha
PW.8 : Kumara

2.List of witnesses examined on behalf of accused :

- Nil-

3.List of documents exhibited on behalf of prosecution:

Ex.P1 : Complaint
Ex.P1(a) : Signature of PW-1



- Ex.P1(b) : Signature of PW-4
- Ex.P2 : Mahazar
- Ex.P2(a) : Signature of PW-1
- Ex.P2(b) : Signature of PW-4
- Ex.P2(c) : Signature of PW-8
- Ex.P.3 : Photos
- Ex.P.4 : Wound certificate
- Ex.P4(a) : Signature of PW-3
- Ex.P4(b) : Signature of PW-4
- Ex.P5 : FIR
- Ex.P5(a) : Signature of PW-4
- Ex.P6 : Copy of Bus Ticket
- Ex.P6(a) : Signature of PW-4
- Ex.P7 : U/sec.133 of IMV Notice
- Ex.P7(a) : Signature of PW-4
- Ex.P8 : Vehicle seizure mahazar



- Ex.P8(a) : Signature of PW-4
- Ex.P8(b) : Signature of PW-5
- Ex.P8(c) : Signature of PW-6
- Ex.P9 : Confirmation letter
- Ex.P9(a) : Signature of PW-4
- Ex.P10 : Copy of requisition letter
- Ex.P10(a): Signature of PW-4
- Ex.P11 : Indemnity bond
- Ex.P11(a): Signature of PW-4
- Ex.P12 : Photo
- Ex.P13 : CD
- Ex.P14 : IMV report
- Ex.P14(a): Signature of PW-4
- Ex.P15 : U/sec.65(B) of Evidence certificate
- Ex.P15(a): Signature of PW-4
- Ex.P16 : Notice U/sec.160 of Cr.PC



Ex.P16(a) : Signature of PW-8

4. List of documents exhibited on behalf of accused:

- NIL-

5. Materials marked for the prosecution:

- NIL-

Sd/-
Senior Civil Judge & JMFC.,
Tiptur.



Judgment pronounced in open Court
(vide separate)

ORDER

The Accused is found not guilty
of the offences punishable under
section 279, 337 and 338 of I.P.C.

Acting under section 248(1) of Code
of Criminal Procedure the accused is
hereby acquitted for the offences
punishable under section 279, 337
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Bail bonds of accused is and
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(Varadaraj.B)
Senior Civil Judge & JMFC.,
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