

KAUK510016292022



**IN THE COURT OF THE CIVIL JUDGE & J.M.F.C.
AT HALIYAL, UTTAR KANNADA**

Dated this 27th day of June, 2026

PRESENT

Smt. Geeta. B.A.LL.B (Hon's) LL.M.,
Civil Judge and JMFC, Haliyal

C.C. No.1332/2022

COMPLAINANT : The State of Karnataka,
Rept., by CPI Haliyal Circle.
Haliyal P.S.

(By Learned A.P.P.)

// *VERSUS* //

ACCUSED : 1. Darshan S/o Pradeep Ambipi,
Age: 29 years, Occ: Agriculture,
R/o. Havagi, Tq: Haliyal.

2. Satish S/o Balakrishna,
Age: 26 years, Occ: Agriculture,
R/o. Horaginguttigeri Galli, Haliyal.

**(A-1 by Sri. V.S.J., Adv.
& A-2 by Sri.Sri.S.I.G., Adv.)**

01.	Date of Offence	17.12.2021
02.	Date of Report of Offence	17.12.2021

03.	Name of the Complainant	Sri. Shivanand S/o Chandrashekhar Shettar
04.	Date of Commencement of Evidence	11.11.2024
05.	Date of Closing of Evidence	18.06.2026
06.	Offences Charged	Under Sections 279 and 304(A) of IPC and Sec.3(1) R/w Sec.181 & Sec.146 R/w Sec.196 of M.V Act.
07.	Opinion of the Judge	Accused No.1 Not Found Guilty and Accused No.2 not Found guilty Under Sections 279 and 304(A) of IPC and Found Guilty U/Sec.3(1) R/w Sec.181 & Sec.146 R/w Sec.196 of M.V Act.

JUDGMENT

This is the case arisen out of Crime No.193/2021 of Haliyal Police Station. The CPI, Haliyal Circle, has filed Final Report against the Accused No.1 and 2 for the offences punishable Under Sections 279 and 304(A) of IPC and Sec.3 R/w Sec.181 & Sec.146 R/w Sec.196 of M.V Act.

2. The brief facts of the case of Prosecution are as under:

It is the case of the Prosecution that, on 17.12.2021 at 09.15 p.m., on Haliyal-Yallapur Naka road, in front of Bongale grocery shop within the jurisdiction of this court, Accused No.1 being driver of car bearing Reg.No.KA.65/M.0341 drove his car from Shivaji Circle to Haliyal Naka in a rash and negligent manner and suddenly stopped it in front of Bongale grocery shop without indication or signs, accused No.2

being rider of bike bearing Reg.No.KA.65-E.8329 without having driving license and insurance to his bike, came along with pillion rider by name Siddappa Channappa Sunkad in a rash and negligent manner, so as to endanger human life and hit to the car towards right side door, due to which accused No.2 and pillion rider Siddappa Channappa Sunkad fell down on road and pillion rider Siddappa Channappa Sunkad sustained grievous injuries to his head and succumbed to death. Thereby, Accused no.1 and 2 have committed an offense punishable under Section 279 and 304A of IPC and Accused no.2 committed an offense punishable under Section Sec.3 R/w Sec.181 & Sec.146 R/w Sec.196 of M.V Act.

3. After receipt of First Information, Police have registered FIR in Crime No.193/2021 of Haliyal Police Station and after completion of investigation, the investigation Officer filed Final Report. This Court has perused the contents of the Final Report and has taken cognizance of the offences punishable Under Sections 279 and 304(A) of IPC and Sec.3 R/w Sec.181 & Sec.146 R/w Sec.196 of M.V Act and ordered to register the criminal case against the Accused No.1 & 2. In view of the same, criminal case is registered against the Accused No.1 & 2.

4. After appearance of the Accused No.1 & 2, copies of Final Report and other documents referred to under Section 173 of Cr.P.C., were supplied to the Accused No.1 & 2 as mandated U/Section 207 of Cr.P.C.

5. The Court has found sufficient materials to record plea against the Accused No.1 & 2. Accordingly, plea was recorded against Accused No.1 & 2 for the offences Under Sections 279 and 304(A) of IPC and Sec.3 (1) R/w Sec.181 & Sec.146 R/w Sec.196 of M.V Act and read over to them, they have not pleaded guilty and claimed to be tried. Hence, matter was set down for evidence of Prosecution witnesses.

6. In order to prove the guilt of the Accused No.1 & 2, Prosecution has listed in all 18 witnesses and examined 10 witnesses as PW.1 to PW.10 and placed its reliance on the Documents marked at Ex.P1 to P21.

7. The incriminating circumstances/evidence appearing in the Prosecution evidence was read over and explained to the Accused No.1 & 2 and their statement was recorded as provided under Section 313 of Cr.P.C. Accused No.1 & 2 have denied all incriminating circumstances appearing against them and they have not chosen to lead either oral or documentary evidence on their side.

8. Heard arguments on both sides. Perused the entire materials.

9. The points that arise for the consideration of the Court are as under:

1. Whether the Prosecution proves beyond all reasonable doubt that, on 17.12.2021 at 09.15 p.m., Accused No.1 being driver of car bearing Reg.No.KA-65-M.0341 drove said car in a rash and negligent manner from Shivaji Circle to Haliyal Naka and suddenly stopped in front Bongale grocery shop without any indication or signs, Accused No.2 being driver of bike bearing Reg.No.KA-65-E.8329 was going behind car along with pillion rider Siddappa Channappa Sunkad and drove his bike in a rash and negligent manner and hit to the car of Accused No.1 towards right side door. He and pillion rider fell down on road, due to which pillion rider Siddappa Channappa Sunkad sustained grievous head injury and succumbed to death thereby, Accused No.1 & 2 committed an offense punishable under Section 279 and 304A of IPC.?
2. Whether the Prosecution proves beyond all reasonable doubt that, on the above said date, time and place Accused No.2 without having driving license and without insurance to bike bearing Reg.No.KA-65-E-8329 drove it on a public road and thereby committed an offences punishable U/Sec.3(1) R/w Sec.181 & Sec.146 R/w Sec.196 of M.V Act?
3. What order?

10. The findings of this court on the above points are as follows:

POINT NO.1 : In the Negative
POINT NO.2 : In the Affirmative
POINT NO.3 : As per final order for the
following:

REASONS

11. POINT NO. 1: In order to prove the guilt of the Accused No.1 & 2, Prosecution has got examined in all 10 witnesses as PW.1 to PW.10. Out of which CW.1 is examined as PW.3, who is the first informant, CW.2 & CW.3 are examined as PW.1 and 2, who are spot mahazer witnesses, CW.6, CW.7 & CW.8 are examined as PW.4, PW.5 & PW.6 who are eye-witnesses, CW.9 & 10 are examined as PW.7 and PW.8, who are relative witnesses, CW.18 is examined as PW.9, who is the investigation officer, CW.17 is examined as PW.10, who is the police witness.

12. Further, Prosecution has relied on the documents marked at Ex.P1 to 21 and out of which, Ex.P1 is the Spot Mahazar, Ex.P2 is the Spot Sketch , Ex.P3 is the Photos, Ex.P4 is the Vehicle seizure Mahazar, Ex.P5 is the Photos, Ex.P6 is the first information, Ex.P7 is the Statement of CW.6, Ex.P8 is the Further Statement of CW.7, Ex.P9 is

the Statement of CW.9, Ex.P10 is the Statement of CW.10, Ex.P11 is the Inquest mahazar, Ex.P12 is the Photos, Ex.P13 is the Certificate under Section 65(B) of Evidence Act, Ex.P14 is the notice U/Sec.133 of M.V.Act, Ex.P15 is the Reply to Police Notice, Ex.P16 is the Indemnity Bond, Ex.P17 is the IMV Report, Ex.P18 is the P.M report, Ex.P19 is the accident spot report, Ex.P20 is the photos and Ex.P21 is the FIR.

13. In order to prove the guilt of the Accused No.1 and 2 prosecution has examined CW-1 as PW-3, he completely turned hostile to the case of prosecution. Though he has admitted his signature at Ex.P.6 first information, but deposed that about 3 to 4 years back when he was going in front of his house, police have taken his signature to said document and he does not know contents of Ex.P.6. Further though the CW-1 admitted his signatures at Ex.P.1 and 2 spot mahazar and spot sketch, but deposed that he signed said documents on the request of police. In the cross examination, prosecution has not elicited anything from the mouth of CW-1.

14. CW-2 and 3 being spot mahazar witnesses were examined as PW-1 and 2. Though, they have admitted their signatures at Ex.P1 and 2 spot mahazar and spot sketch, but pleaded their ignorance regarding its contents. They deposed that about 2 years back they have

signed said documents on the request of police. The CW.2 and 3 also admitted their signatures at vehicle mahazar and admitted that they appearing at Ex.P.3 & 5 photos. But pleaded their ignorance regarding contents of Ex.P.4 and also stated that they do not know for what purpose police have taken their photos. Thus, CW-2 and 3 completely turned hostile to the case of prosecution. In the cross examination, the prosecution has not elicited anything worth from the mouth of CW-2 & 3.

15. The CW.6 and 7 being eye witnesses have completely turned hostile to the case of prosecution and stated that they have not seen the accident. In the cross examination also prosecution has not elicited anything worth from their mouth.

16. The CW.8 being eye witness deposed that on the date of accident, at 08-00 p.m to 10-00 p.m he was in side his grocery shop and some persons were gathered in front of his shop due to accident and also a car was parked there, but he does not know how and between which vehicles said accident was occurred. Thus CW-8 also completely turned hostile to the case of the prosecution. In the cross examination, prosecution has not elicited anything worth from his mouth.

17. The CW.9 and 10 being relative witnesses i.e., wife and brother in law of deceased Siddappa Sunkad, deposed that about 3 years

back Siddappa Sunkad died due to accident at Haliyal Naka when he was going in two wheeler. They do not know how said accident was occurred. They deposed that CW.9 informed them regarding accident and they came to Government hospital, Haliyal, at that time, Siddappa Sunkad died due to grievous head injuries. Thus, though CW.9 and 10 deposed regarding accident to deceased Siddappa Channappa Sunkad, but they are hearsay witnesses. They have not deposed anything regarding rash and negligent driving by Accused No.1 and 2 and due to which death of Siddappa Channappa Sunkad caused.

18. CW.17 being police witness deposed regarding receipt of first information by him on 17-12-2021 at 11-15 p.m, registration of FIR and submission of it to Court.

19. CW.18 being I.O deposed regarding conduct of inquest mahazar in the presence of CW.4 and 5, spot mahazar in the presence of CW.2 & 3, drawing of spot sketch, receipt of certificate U/Sec.65B, recording of statements of CW.6 to 16, release of vehicles by receiving bonds from the owners, issuance of notice to Accused No.1 and 2, receipt of IMV report and P.M report, submission of Final Report against Accused No.1 and 2.

20. On perusal of oral and documentary evidence first informant, spot mahazar witnesses, eye witnesses have completely

turned hostile to the case of prosecution. Therefore first information, spot mahazar, spot sketch and also vehicle mahazar are not proved by prosecution. Though CW.17 and 18 deposed regarding receipt of FIR and investigation, but their act is subsequent to accident. Therefore the evidence of CW.17 and 18 is not helpful to come to the conclusion that due to rash and negligent driving by Accused No.1 and 2, Siddappa Channappa Sunkad died. Further, there is no evidence on record to show that Accused No.1 and 2 drove their vehicles in a rash and negligent manner and caused accident and death of Siddappa Channappa Sunkad. Under these circumstances, prosecution failed to prove that Accused No.1 and 2 drove their vehicles in a rash and negligent manner so as to endanger to human life and caused death of Siddappa Channappa Sunkad by their negligence. **Hence, I answer point No.1 in the Negative.**

21. POINT NO.2: It is the case of the prosecution that accused No.2 without having driving license and insurance to bike bearing Reg.No.KA.65/E.8329 drove on public road and caused accident. The Accused No.2 has not produced any documents to prove that, he was having driving license on the date of accident. Further, Accused No.2 failed to produce documents to prove that on the date of accident bike Reg.No.KA.65/E.8329 was insured. Therefore, it is proved that on the

date of accident Accused No.2 was not having driving license and insurance to bike bearing Reg.No.KA.65/E.8329. **Hence, I answer point No.2 in the Affirmative.**

22. POINT NO.2: In view of discussion on Point No.1, for the reasons stated therein, this Court proceeds to pass the following:

ORDER

Acting under Section 255(1) of Cr.P.C., Accused No.1 & 2 are hereby acquitted of the offences punishable under Sections 279 and 304(A) of IPC.

Acting under Section 255(2) of Cr.P.C., Accused No.2 is hereby convicted of the offences punishable under Section 3(1) R/w section 181, Section 146 R/w Section 196 of IMV Act.

Accused No.2 is sentenced to pay fine of Rs.5,000/- for the offences punishable under Section 3(1) R/w section 181 of IMV Act, in default he shall undergo simple imprisonment for a period of one week.

Accused No.2 is sentenced to pay fine of Rs.2,000/- for the offences punishable under Section 146 R/w section 196 of IMV Act, in default he shall undergo simple imprisonment for one week.

The regular bail bond and surety bond of Accused No.1 and 2 shall stand canceled after appeal period is over.

Office is directed to supply copy of judgment to Accused No.2 with free of costs.

(Dictated to the Stenographer, transcribed and typed by him, corrected by me, signed & then pronounced in the Open Court on this the 27th day of June, 2026)

(Geeta)
Civil Judge & J.M.F.C.,
Haliyal.

ANNEXURE

[I] LIST OF WITNESSES EXAMINED FOR PROSECUTION:

PW.1 : Akash Katavakar
PW.2 : Nagaraj Popale
PW.3 : Shivanand Shettar
PW.4 : Ganesh Agasimani
PW.5 : Pandurang Dundi
PW.6 : Raju Bongale
PW.7 : Nirmala Sunkad
PW.8 : Pareppa Kadagad
PW.9 : Motilal Pawar
PW.10 : Shivanand Navadagi

[II] LIST OF DOCUMENTS MARKED FOR PROSECUTION:

Ex.P1 : Spot Mahazar
Ex.P2 : Photos
Ex.P3 : Vehicle seizure mahazar
Ex.P4 : Photos
Ex.P5 : Photos
Ex.P6 : Complaint
Ex.P7 : Statement of CW-6
Ex.P8 : Statement of CW-7

Ex.P9	: Statement of CW-9
Ex.P10	: Statement of CW-10
Ex.P11	: Inquest mahazar
Ex.P12	: Photos
Ex.P13	: Certificate under Section 65(B) of Evidence Act
Ex.P14	: Notice issued U/Sec.133 of M.V Act
Ex.P15	: Reply notice
Ex.P16	: Indemnity Bond
Ex.P17	: I.M.V report
Ex.P18	: P.M report
Ex.P19	: Accident spot report
Ex.P20	: Photos
Ex.P21	: F.I.R

[III] LIST OF MATERIAL OBJECTS MARKED FOR PROSECUTION:

- NIL -

[IV] LIST OF WITNESSES EXAMINED FOR DEFENSE:

- NIL -

[V] LIST OF DOCUMENTS MARKED FOR DEFENSE:

- NIL -

(Geeta)
Civil Judge & J.M.F.C.,
Haliyal.