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**IN THE COURT OF CHIEF JUDICIAL
MAGISTRATE, YADGIR.**

**Present: Sri. Balasaheb Wadavade,
B.Com., LL.B.(Spl.)**

**Senior Civil Judge and CJM,
Yadgir**

Dated this the 13th Day of March 2026

C.C. No.227/2021

Complainant: State of Karnataka
Traffic Police Station, Yadgir.

(Represented by Sri. APP.)

V/s

Accused : 1. Mallappa S/o Timmanna Nawalagunda,
Age: 27 Years, Occ: Labour,
R/o: Yargol, Tq and Dist: Yadgir.

2. Chandrashekar S/o Ningappa Bukkanor,
(A-2 Abated)

(Accused No.1 represented by Sri. V.V.K Adv.)

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Date of commission of offences		26-01-2024
Date of report of offences		27-01-2024
Date of arrest of the accused		29-01-2024
Name of the complainant		Ningappa S/o Timmanna Bukkanor
Date of recording of evidence		03-04-2025
Date of closing recording of evidence		19-02-2026
Offences complained of		Sections 279 & 304-A of IPC and section 181 of I.M.V Act.
Opinion of the judge		As per final order
State represented by		Assistant Public Prosecutor
Accused No.1 defense by		Sri. V.V.K Advocate

J U D G M E N T

This is a case arisen out of the final report which was submitted by the CPI of Yadgir Circle against accused No.1 and 2 for the offences punishable under sections 279 and 304-A of IPC and section 181 of the I.M.V Act.

2. Brief facts of the prosecution's case are as under,

On 26-01-2024, at around 07.45 pm, on the main road of Yadgir-Wadi, near Green city, Yadgiri Town, the accused No.2 ride the motorcycle bearing registration No.KA-33-EB-9638 along with pillion rider by name Ravi

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S/o Mahadevappa Bukkanor and stopped the vehicle and stand on the beside the road, thereafter CW-6 went for attending natural call, at that time, accused No.1 ride the motorcycle bearing registration No.KA-33-EB-3184 on a public road in a manner so rash or negligent as to endanger human life and lost the control over it and dash the motorcycle of the accused No.2, due to this, accused No.2 fell down on the ground and sustained grievous head injuries and injuries on his body and during the treatment, accused No.2 died at United hospital, Kalaburgi on 30-01-2024. The accused No.2 has no driving licence at the time of accident. The first informant has given information about commission of an accident before the concern police station. On this information, the police have register a case and submitted the final report against accused No.1 for the offences punishable under sections 279 and 304-A of IPC and against accused No.2 filed abated charge sheet

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for the offence punishable under section 181 of I.M.V Act.

3. After receiving the final report, this court has took the cognizance of an offences punishable under sections 279 and 304-A of IPC as per section 190 (1) (b) of Criminal Procedure Code, 1973 and issued summons against accused No.1. The accused No.1 has appeared through counsel and released on bail by this court and final report copies are supplied to the accused No.1. Hence, this court has compliance the provisions of section 207 of criminal procedure code, 1973. Before framing substance of accusation against accused No.1, heard on both sides, there is no grounds to discharge. Hence, substance of accusation framed, read over and explained to the accused No.1 in a Kannada language, he did not plead guilty and claims to be tried. Hence case was posted for evidence of prosecution witnesses.

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4. In order to prove the substance of accusation against the accused No.1, the prosecution has examined 6 witnesses out of the 16 final report witnesses and got marked documents, APP given up the evidence of CW-9 and 11 and evidence of CW-7, 8 10 and 12 to 16 are dropped and evidence of the prosecution side taken as closed.

5. After the close of prosecution side evidence, the accused statement under section 313 of Cr.P.C was dispensed. The accused No.1 did not adduce evidence either oral or documentary.

6. Heard arguments on both sides. Perused case papers.

7. The points that have arisen for my consideration are as under,

Point No.1: Whether the prosecution proves the case beyond reasonable doubt that on 26-01-2024, at around 07.45 pm, on the main road of Yadgir-Wadi, near Green city,

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Yadgir Town, the accused No.2 ride the motorcycle bearing registration No.KA-33-EB-9638 along with pillion rider by name Ravi S/o Mahadevappa Bukkanor and stopped the vehicle and stand on the beside the road, thereafter CW-6 went for attending the natural call, at that time, accused No.1 ride the motorcycle bearing registration No.KA-33-EB-3184 on a public road in a manner so rash or negligent as to endanger human life and thereby he has committed an offence punishable under section 279 of the I.P.C?

Point No.2: Whether the presecution proves the case beyond reasonable doubt that on 26-01-2024, at around 07.45 pm, on the main road of Yadgir-Wadi, near Green city, Yadgir Town, the accused No.2 ride the motorcycle bearing registration No.KA-33-EB-9638 along with pillion rider by name Ravi S/o Mahadevappa

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Bukkanor and stopped the vehicle and stand on the beside the road, thereafter, CW-6 went for attending the natural call, at that time accused No.1 ride the motorcycle bearing registration No.KA-33-EB-3184 on a public road in a manner so rash or negligent as to endanger human life and lost control over it and dash the motorcycle of the accused No.2, due to this, accused No.2 fell down on the ground and sustained grievous head injuries and injuries on the body and during the treatment, accused No.2 died at United hospital, Kalaburagi on 30-01-2024 and thereby he has committed an offence punishable under section 304(A) of the Indian Penal Code ?

Point No.3 : What order?

8. My answer to the above points are as under.

Point No.1 and 2 : In the negative.

Point No. 3 : As per final order for the following;

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REASONS

9. Point No.1 and 2: since these points are inter-linked to each other, hence these points are taken together for common discussion to avoid the repetition of facts.

10. Before going to discuss the facts of the case, I would like to take first provisions of the law.

Section 279 of Indian Penal Code 1860 reads thus Rash driving or riding on a public way- Whoever drives any vehicle or rides, on any public way in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Section 304-A of Indian Penal Code 1860 reads thus **Causing death by negligence.-** Whoever causes the death of any person by doing any rash or negligent

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act not amounting to culpable homicide, shall be punished with imprisonment for a term which may extend to two years, or with fine or with both.

11. In order to prove the substance of accusation against the accused No.1, the prosecution has examined the witnesses. On careful perusal of the evidence of prosecution witnesses and documents, it reveals PW-1 by name Ningappa S/o Timmanna who is the complainant, he states that about one year ago, his son by name Chandrashekar met with an accident at that time, he was at Yargol village. His remaining sons are informed him about the accident. He did not give complaint. He identified the signature on the complaint and it was marked as Ex.P-1 and his signature as Ex.P-1(a). He did not know how and whose fault an accident took place. As per the say of police, he was affixed signature on the Ex.P-1. This witness fully cross examined by the learned APP but nothing has been

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elicited in his mouth to support the prosecution case. Further evidence of the PW-1 suffice that, he is the hearsay witness ie he heard accident news from his sons. So he is not an eye witness of this case. Thus his evidence is weak. Further PW-1 has stated that he did not give complaint. Hence his evidence is not supported the prosecution case. So his evidence is not admissable. Further PW-2 by name Bhimaray S/o Ramanna and PW-3 by name Sabanna S/o Shivanaik who are inquest panch witnesses, they have stated that they do not know the deceased Chandrashekar, police did not enquiry them by calling. They have identified the inquest panchanama as Ex.P-2 and signature as Ex.P-2(a) and photos are as Ex.P-3. They do not know in which reason they were affixed signature and thumb impression on the Ex.P-2. They do not know contents of Ex.P-2. These witnesses are fully cross examined by the learned APP but nothing has been elicited in their mouth to support the prosecution case. Further evidence of the PW-2 and

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3 suffice that they do not supported the prosecution case. So prosecution has failed to prove the inquest panchanama as per Ex.P-2. Further PW-4 by name Sabreddy S/o Bhimaray and PW-5 by name Mallayya S/o Sharanappa who are the spot pancha witnesses. They have stated that police did not call them. As per the say of police, PW-4 was affixed thumb impression and PW-5 affixed signature on the spot panchanama at Yadgiri police station. They have identified the spot panchanama as Ex.P-4 and signature of the PW-5 as Ex.P-4(a). They have identified the photos as Ex.P-5 and 6 and seizure panchanama as Ex.P-7 and signature of the PW-5 as Ex.P-7(a) and photos as Ex.P-8 and 9. They do not know the contents of Ex.P-4. These witnesses are fully cross examined by the learned APP but nothing has been elicited in their mouth to support the prosecution case. Further evidence of the PW-4 and 5 suffice that they do not supported the prosecution case. So prosecution has failed to prove the spot and seizure

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panchanama as per Ex.P-4 and 7. Further PW-6 by name Ravi S/o Mahadevappa who is an eye witness, he states that he does not know CW-1, CW-7 and 8. He does not know how and whose fault an accident took place. He did not give statement before the police. This witness fully cross examined by the learned APP but nothing has been elicited in his mouth to supported the prosecution case. Further evidence of the PW-6 suffice that he deposed against his statement when he gave evidence before the investigation officer as section 161 of the Criminal Procedure Code, 1973. Perused the evidence of PW-6 who is main and an eye witness, he deposed against his statement when he gave statement before the investigation officer **as per section 161 of criminal procedure code, 1973.** Further evidence of the PW-1 to 5 do not supported the prosecution case. Further PW-6 did not state that on 26-01-2024, at around 07.45 pm, on the main road of Yadgir-Wadi, near Green city, Yadgir Town, the accused No.2 ride the

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motorcycle bearing registration No.KA-33-EB-9638 along with pilion rider by name Ravi S/o Mahadevappa Bukkanor and stopped the vehicle and stand on the beside the road, thereafter, CW-6 went for attending the natural call, at that time, accused No.1 ride the motorcycle bearing registration No.KA-33-EB-3184 on a public road in a manner so rash or negligent as to endanger human life and lost control over it and dash the motorcycle of the accused No.2, due to this, accused No.2 fell down on the ground and sustained grievous head injuries and injuries on the body and during the treatment, the accused No.2 was died at United hospital, Kalaburgi on 30-01-2024. It is bounden duty of the prosecution to prove rash or negligent driving of the motorcycle by the accused No.1 and caused the death of Chandrashekar but it is failed to prove the same. So mere exhibits are not sufficient evidence for conviction of the accused No.1. An oral evidence of witnesses and documents are not supporting to each other and same

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are lacking on the part of prosecution side. So prosecution has failed to prove rash and negligent driving motorcycle by the accused No.1 and committed an accident. So the prosecution has failed to discharge the burden of proof **as per section 104 of the Bharatiya Sakshya Adhiniyam, 2023**. Therefore, consideration of evidence of witnesses, documents and provision of law, this court has come to conclusion that prosecution has utterly failed to prove the substance of accusation against accused No.1. Hence, on the above said reasons this court answers the points No.1 and 2 in the negative.

12. Point No.3: In view of the reasons stated in the point No.1 and 2 this court proceeds to pass the following.

ORDER

Accused No.1 found not guilty for the commission of an offences punishable under sections 279 and 304-A of IPC, 1860.

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Acting under section 255(1) of Cr.P.C the accused No.1 is hereby acquitted for the offences punishable under sections 279 and 304-A of IPC, 1860.

Bail bond executed by the accused No.1 and surety bond are enforced till 6 months as per section 437-A of criminal procedure code,1973.

Interim custody of the motorcycle given by the I.O made as absolute.

(Typed by me on the laptop, corrected by me and then pronounced in the open court this the 13th day of March-2026)

(Balasaheb wadavade)
Sr. CJ and CJM,
Yadgir

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**ANNEXURE****List of witness examined on behalf of prosecution:**

- PW.1 : Ningappa S/o Timmanna.
PW.2 : Bhimraya S/o Ramanna.
PW.3 : Sabanna S/o Shivnaik.
PW.4 : Sabreddy S/o Bhimraya.
PW.5 : Mallayya S/o Sharanappa.
PW.6 : Ravi S/o Mahadevappa.

List of witness examined on behalf of accused:

Nil.

List of documents marked on behalf of prosecution:

- Ex.P-1 : Complaint.
Ex.P-1(a) : Signature of PW.1.
Ex.P-2 : Inquest panchanama.
Ex.P-2(a) : Signature of PW.2.
Ex.P-3 : Photos.
Ex.P-4 : Spot panchanama.
Ex.P-4(a) : Signature of PW-5.
Ex.P-5 & 6: Photos.
Ex.P-7 : Property seizure memo.
Ex.P-2(a) : Signature of PW-5.
Ex.P-8 & 9: Photos.
Ex.P-10 & 11 : Statement of witness.
Ex.P-12 : Postmortem report.

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Ex.P-13 : IMV report.

List of documents marked on behalf of accused

Nil.

List of M.o.'s marked on behalf of prosecution-

Nil.

List of M.o.'s marked on behalf of accused-

Nil.

(Balasaheb wadavade)
Sr.CJ & CJM, Yadgir