

KAYG210016802025



**IN THE COURT OF THE SENIOR CIVIL JUDGE
AND JMFC., SHAHAPUR.**

**Present: Smt. Hema Pastapur, B.A., LL.B
SENIOR CIVIL JUDGE AND JMFC., SHAHAPUR.**

C.C.No.825/2025

Dated this 07th day of August-2026

Complainant:- State represented by
Bheemarayana Gudi Police
Station.
(By Learned APP)

Versus

- Accused:-**
1. Siddu S/o Sharanappa Natekar,
Age: 30 years, Occ: Driver,
R/o: Saladapur, Tq: Shahapur,
Dist: Yadgiri.
 2. Shivalingappa S/o Mallareddy
Hangaragi, Age: 55 years,
Occ: Agriculture, R/o: Budnoor,
Tq: Shahapur. **(Plead guilty).**
 3. Mahipalreddy S/o Parvatreddygouda
Hangaragi, Age: 53 years,

Occ: Agriculture, R/o: Mallabad,
Tq: Yadrami, Dist: Kalaburagi.
(Plead guilty).

**(Accused No.1 by Sri. U.B.M.
Advocate)**

Name of the complainant	:	Shri Hunachappa S/o Halleppa Yargol.
Date of commission of offence	:	15.02.2025
Offences complained	:	Against accused No.1 under Sections 281, 125(b) and 106 of the Bharatiya Nyaya Sanhita and under Section 187 of the Indian Motor Vehicles Act, against accused No.2 - under Sections 177 and 196 of the Indian Motor Vehicles Act and against the accused No.3 under Section 192 of the Indian Motor Vehicles Act.
Date of commencement	:	20.07.2026

of evidence

Date of closing of : 06.08.2026
evidence

Date of release of : 22.12.2025
accused No.1

Date of Judgment : 07.08.2026

Opinion of the : Accused No.1 not found
Judge guilty

J U D G M E N T

1. That, the CPI of Shahapur circle, has submitted the Final report against the accused No.1 for the offences punishable under Sections 281, 125(b) and 106 of Bharatiya Nyaya Sanhita and under Section 187 of the Indian Motor Vehicles Act, against accused No.2 for the offences punishable under Sections 177 and 196 of the Indian Motor Vehicles Act and against the accused No.3 for the offences punishable under Section 192 of the Indian Motor Vehicles Act.

2. It is the case of the prosecution that, on 15.02.2025 at about 08.30 p.m., the deceased Shri Harish S/o

Hunachappa Yaragol and the CW8 in a Motorcycle bearing No.KA-33-EE-1127 were proceeding near High school of Mudbool village, at that time the accused No.1 by driving the Tractor bearing No.KA-32-TB-6999 and Trolley chassis bearing No.J.E.W.S. 321/2005 came in high speed and in a rash and negligent manner and dashed against the said motorcycle and caused the accident.

3. It is further case of the prosecution that, in alleged accident, the rider of the said motorcycle – Harish and the pillion rider – CW8 have sustained grievous injuries and the said Harish died on the spot.

4. It is further case of the prosecution that, on alleged date the accused No.1 was ran away from the spot without informing about the alleged accident to the nearest police station.

5. That, on complaint being lodged by the CW1, the Bheemarayangudi police have registered the case against

the accused in Crime No.25/2025. That, the Investigating officer after completion of investigation has submitted the Final report against the accused for the alleged offences.

6. That, this Court after taking the cognizance of alleged offences has issued the summons to the accused. That, the accused in pursuance of said summons have appeared before this Court through their learned counsel and they are enlarged on bail. That, the accused No.2 and 3 have pleaded guilty.

7. That, the substance of accusation of the accused No.1 has recorded and read over to him in language known to him and he has not pleaded guilty and claimed to be tried. That, the prosecution to prove its case has got examined the PWs.1 to 3 and got marked the documents at Exs.P.1 to 15 and closed its side. That, the prosecution with the consent of the accused No.1 has got marked the Inquest panchanama of deceased as Ex.P11, Post-mortam report as Ex.P13, Motor vehicles accident report as Ex.P14

and 04 Photos at Ex.P15. That, as the PWs1 to 3 have turned hostile, summons other witnesses has not issued and they are dropped and recording the statement of the accused No.1 as contemplated under Section 351 of Bharatiya Nagarik Suraksha Sanhita, has dispensed with.

8. That, I have heard the arguments and perused the materials placed on record. That, the following points arise for My consideration and determination :-

1. Whether the prosecution has proved beyond all reasonable doubt that, on 15.02.2025 at about 08.30 p.m., the said deceased Harish and the CW8 in a Motorcycle bearing No.KA-33-EE-1127 were proceeding near High school of Mudbool village, at that time the accused No.1 by driving the said

Tractor bearing No.KA-32-TB-6999 and Trolley chassis bearing No.J.E.W.S-321/2005 came in high speed and in a rash and negligent manner and dashed against the said motorcycle and due to which the said Harish and the CW8 have sustained the grievous injuries and the said Harish died on the spot and thereby the accused No.1 has committed the offences punishable under Sections 281, 125(b) and 106 of the Bharatiya Nyaya Sanhita?

2. Whether the prosecution has further proved beyond all reasonable doubt that, on alleged day the accused No.1 was ran away

from the spot without informing about the alleged accident to the nearest police station and thereby has committed the offence punishable under Section 187 of the Indian Motor Vehicles Act ?

3. What order ?

9. That, My answer to the aforesaid points are as under :-

Point No.1:- In the **NEGATIVE**

Point No.2:- In the **NEGATIVE**

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

REASONS

10. Points No.1 and 2:- That, as these points are connected together, I have taken them for joint discussion to avoid repetition of facts. That, the prosecution to prove its case has got examined the Complainant - Father of the

deceased Harish - CW1 as PW1, Eye witness CW9 as PW2 and the Injured witness – CW8 as PW3. That, the PWs1 to 3 have turned hostile and not supported the case of the prosecution. That, the prosecution though, has cross-examined the PWs1 to 3 but, nothing has been elicited from them. That, from the entire evidence of the PWs1 to 3 it clearly appears that they have got compromised the matter with the accused No.1 and in view of the same have turned hostile. That, in this case the death of the said Harish and injuries sustained by the PW3 are not in dispute, but, the prosecution has failed to demonstrate that due to negligent act of the accused No.1 the said Harish had lost his breath and the PW3 had sustained the injuries. That, the prosecution has also failed to prove that on alleged date of incident the accused No.1 was ran away from the spot without informing about the alleged accident to the nearest police station. That, in this case the accused No.1 gets the benefit of doubt. Accordingly, points No.1 and 2 are answered in the **NEGATIVE**.

11. Point No.3:- That, as discussed on points No.1 and 2, I proceed to pass the following :-

ORDER

That, acting under Section 278(1) of Bharatiya Nagarik Suraksha Sanhita, the accused No.1 is acquitted for the offences punishable under Sections 281, 125(b) and 106 of Bharatiya Nyaya Sanhita and under Section 187 of the Indian Motor Vehicles Act.

That, the bail bonds of the accused No.1 shall remain in force for six months in compliance of Section 481 of the Bharatiya Nagarik Suraksha Sanhita.

(Directly dictated to the stenographer, typed by him, corrected by me and then pronounced in the open Court on this 07th day of August – 2026).

(Hema Pastapur)
Sr. Civil Judge and JMFC,
Shahapur.

ANNEXURE

List of witnesses examined on behalf of prosecution :-

PW.1 : Hunachappa S/o Halleppa.

PW.2 : Somashekhar S/o Krishnappa.

PW.3 : Basalingappa S/o Gopal.

List of documents marked on behalf of Prosecution:-

Ex.P1 : Complaint.

Ex.P1(a) : Signature of PW1.

Ex.P2 : Spot panchanama.

Ex.P2(a) : Signature of PW1.

Exs.P3, 5 : Photos.

and 15

Ex.P4 : Seizure mahazar.

Ex.P4(a) : Signature of PW1.

Ex.P6 : Further statement of PW1.

Ex.P7 : Statement of PW2.

Ex.P8 : Further statement of PW2.

Ex.P9 : Statement of PW3.

Ex.P10 : Further statement of PW3.

Ex.P11 : Inquest panchanama.

Ex.P12 : Post- mortem report.

Ex.P13 : Wound certificate of PW3.

Ex.P14 : Motor vehicles accident report.

List of witnesses examined on behalf of the accused:-

--NIL--

List of documents marked on behalf of the accused:-

--NIL--

List of MOs marked on behalf of the prosecution :-

--NIL--

**(Hema Pastapur)
Sr. Civil Judge and JMFC,
Shahapur.**