



MHGA080002392024 	Filed On	:	11-06-2024
	Registered On	:	11-06-2024
	Date of Judgment	:	28-04-2026
	Duration	:	<u>01Y 10M 17D</u>

Part "A"

[Para 44(i) of Chapter VI of Criminal Manual]

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, SIRONCHA, AT - SIRONCHA [Presided over by : Unmesh B. Shriram]		
Case No. and Date of Judgment	Summary Criminal Case No.143/2024. CNR NO.MHGA080002392024	
	28/04/2026	
Crime No. and Police Station	Crime No.104/2023 of Asaralli P. S. P/u/s.304-A, 279 of Indian Penal Code and Section 3/180 Motor Vehicle Act.	
Complainant/Prosecution	State of Maharashtra, Through P.S.O. Police Station Asaralli. Tah.Sironcha, Dist.Gadchiroli.	
Ld. A.PP for Prosecution- Shri. K. V. Tokalwar.		
Accused	Naresh Brahamachari Kandakuri, Age-35, Occu. Service, R/o.Ankisa,Tah.Sironcha, Dist.Gadchiroli.	
Ld. Advocate for Accused - Shri. S. R. Totawar		



Part "B"

{Para 44(ii) of Chapter VI of Criminal Manual}

Date of Offence	21/11/2023
Date of FIR	22/11/2023
Date of Charge Sheet/complaint	11/06/2024
Date of framing of Charge	12/06/2025
Date of commencement of evidence	04/07/2025
Date on which Judgment is reserved	28/04/2026
Date of Judgment	28/04/2026
Date of Sentencing order if any	--

Accused Details :

Rank of the Accused	Name of the accused	Date of Arrest	Date of release on bail	Offence charged with	Whether acquitted or convicted	Sentenced imposed	Period of detention undergone during trial for the purpose of Section 428 of Cr.P.C.
	Naresh Brahamachari Kandakuri	--	11.06.2024	304-A, 279 of Indian Penal Code and Section 3/180 Motor Vehicle Act.	Acquitted	-Nil-	-Nil-

Part "C"

{Para 44(iii) of Chapter VI of Criminal Manual}

List of Prosecution/Defence/Court Witnesses

A. Prosecution :

Rank	Name	Exh.No.	Nature of evidence
1.	Prabhakar Ushalu Kalva	13	Panch Witness
2.	Satyam Bakayya Katela	13	Panch Witness
3.	Durgayya Banayya Gagguri	13	Eye Witness
4.	Yerayya Devraju Peddaboina	13	Eye Witness



5.	Sarakka Ramesh Boguta	13	Informant
6.	Devakka Pochamallu Chikyala	13	Eye Witness
7.	Mallesh Lasmayya Batti	13	Eye Witness
8.	Shrinivas Mutyalu Chikyala	13	Eye Witness
9.	Yashoda Mutyalu Chikyala	13	Eye Witness
10.	Nikhil Arvind Meshram	13	Investigation Officer
11.	Uday Vishnu Patil	13	Investigation Officer

B : Defence

Rank	Name	Exh.No.	Nature of evidence
-Nil-			

C. Court Witness :

Rank	Name	Exh.No.	Nature of evidence
-Nil-			

List of Prosecution/Defence/Court Exhibits

A. Prosecution :

Sr.No.	Exh.No.	Description
1.	19	Spot Panchanama
2.	20	Letter addressed to the Regional Transport Inspector regarding the inspection of an accident-involved vehicle.
3.	21	Notice issued to the accused under Section 41-A of the Code of Criminal Procedure.
4.	22	Accused Cheharepatti Form

**B. Defence :**

Sr.No.	Exh.No.	Description
-Nil-		

C. Court Exhibit :

Sr.No.	Exh.No.	Description
-Nil-		

D. Material Object :

Sr.No.	Material Object No.	Description
-Nil-		

**Offence P/u/s.304-A, 279 of Indian Penal Code
and Section 3/180 Motor Vehicle Act.**

Judgment

(Declared on 28/04/2026)

1] This trial is about road accident, where one person lost his life. The accused is thereby facing accusation of being rash or negligent driving. It is also an accusation on the accused that he drove his vehicle without having a valid driving license. The case is tried as a Summary Criminal Case and the trial consumed more than three years.

Facts arising from the police report:-

2] On 21/11/2023 at about 16.00 while the informant's father was walking home after finishing his work, the accused riding his two-wheeler at high speed collided with him in front of



Anil Akula's grocery shop. As a result, the informant's father sustained injuries and lost his consciousness. Villagers admitted him to the Primary Health Centre in Ankisa for treatment. From there, he was shifted to Sironcha. Doctors at the Rural Hospital in Sironcha examined him and declared him dead. Therefore, informant lodged report with Asaralli police station bearing crime no.104/2023 for p/u/s.304-A, 279 of Indian Penal Code and 3/180 Motor Vehicle Act against present accused.

3] The investigation of said crime was handed over to PSI Nikhil Meshram. He submitted the final report in view of section 173 of Criminal Code along-with original report, report in printed form, panchnama of spot, inquest panchnama, Post Mortem Report, other medical papers and statements of witnesses. Thereby, he put forth that he collected sufficient evidence about rashness or negligent driving by accused.

Trial, Plead and defence of the accused:-

4] Plea of accused was recorded by my Ld. Predecessor on 12/06/2025. Accused pleaded not guilty. He claimed to reiterate and his plea was recorded at Exh.13. Accordingly, the prosecution evidence commenced. The available evidence of prosecution is mentioned in the appendix. This accused evidently set up defence of total denial. After completion of prosecution evidence, this court by order dated 12/03/2026 below Exh.01, closed their evidence.



Statement of the accused u/s.313 of Cr.P.C. is recorded at Exh.13.

Gist of submissions:-

5] Learned Assistant Public Prosecutor Mr. Krushna Tokalwar and learned defence Advocate Mr. S. R. Totawar made their arguments. Mr. Tokalwar highlighted assertions of his witnesses and submitted that the accused was rash or negligent while driving the vehicle. He submitted that the defence is weak and therefore accused must be declared guilty. On the contrary, Mr. Totawar, Ld. Advocate for accused pointed out that there is no concurrent and compelling direct evidence about rashness or negligence. Not single witness stated that, he saw accident and rash act of accused. So, he urged to acquit his client.

Points for determination:-

6] Having all these facts in background, this court has to decide whether accused was rash and negligent while driving the vehicle. Considering, the matter before it and on analysis of the available evidence, I have decided the upcoming points. The points and their decisions are penned down in the upcoming table, followed by the reasoning so worded.

Sr. No.	Points	Finding
01.	Has the prosecution proved that, on 21.11.2023, between approximately 16:00 and 16:30 hours, on national highway no.63 village Ankisa, the	No.



	accused drove his motorcycle bearing registration No. MH-33-U-9689 in a rash or negligent manner, thereby gave dash to Pochamallu Chikyala causing his death which does not amount to culpable homicide and thereby committed an offence punishable under Section 304-A of the Indian Penal Code?	
02.	Has prosecution proven that, on aforesaid date, at aforesaid time and at aforesaid place, accused drove motorcycle bearing registration No. MH-33-U-9689 in such a rash or negligent manner as to endanger human life, or to be likely to cause hurt or injury to any other person and committed an offense punishable under Section 279 of the Indian Penal Code?	No.
03.	Has prosecution proven that, on aforesaid date, at aforesaid time and at aforesaid place, the accused drove motorcycle bearing No. MH-33-U-9689, without possessing a valid driving license and committed an offense punishable under Section 3/180 of the Motor Vehicle Act?	No.
04.	What order?	AS PER FINAL ORDER

REASONS

AS TO POINT NO.1 TO 3:-

7] Both these points are interlinked with each other. Therefore, they are taken together for discussion. In the present case to prove the guilt of accused it is necessary to prove following essential elements of alleged offences.



- A] Accused was driving vehicle rash and negligently.
- B] Accused gave dash to the father of informant and caused his death.
- C] At the time of accident accused not having valid driving license.
- 8] Prosecution got sufficient opportunity to prove above mentioned essential elements.
- 9] Before undertaking a detailed discussion of the evidence in the present case, it is pertinent to note here that a total eleven witnesses were examined on behalf of the prosecution. Out of which, only the previous Investigating Officer and the then Investigating Officer have deposed against the accused and regarding the accident that occurred. All the remaining witnesses despite being the informant, close relatives of the deceased, eye witnesses, and panch witnesses have not support the prosecution.
- 10] In the present case, the prosecution examined witness No. 5, the deceased's daughter, named Sarakka Ramesh Boguta as the informant. In her examination-in-chief, the informant deposed that, she received information regarding the accident and therefore, she had proceeded to the spot of incident. She stated that, at the spot, her father had been struck by an unknown vehicle and that someone had already taken him to the hospital.



Subsequently, she received information regarding her father's death. She further deposed that she had no knowledge as to who had struck her father with a vehicle. Thereafter, she lodged a complaint with the police.

11] During her cross-examination, she admitted that she had no knowledge regarding when, at what time, or how the accident had occurred, and that she had no complaint whatsoever against the accused.

12] In the present case, although the complainant is the daughter of the deceased, she has deposed in her evidence that she possesses absolutely no information regarding the accident itself. Furthermore, she has stated that she does not know which specific vehicle struck her father. If the informant indeed had no knowledge as to who had struck her father, a question mark arises as to why she lodged a complaint specifically against the accused. Conversely, it would have been expected from the informant to lodge a complaint against an unknown person. Moreover, since the informant effectively disavowed the contents of the FIR she had lodged, she failed to substantiate the said FIR.

13] In the present case, the prosecution examined witness No.3, 4 and witnesses No. 6 to 9 as eye witnesses. Their details were mentioned in the appendix. Among them, witness No. 6 is the wife of the deceased. However, all the aforementioned



witnesses stated that they possessed no information regarding the accident and further stated that they were not eye witnesses on the day accident occurred. In this case, the witnesses chosen by the prosecution were not subjected to cross-examination by the prosecution itself. Consequently, they made no adverse statements against accused and they remained firm that they have no information about accident.

14] In the present case, the allegation that the accused was driving the vehicle negligently has not been substantiated by the testimony of any eye witness. Therefore, the testimony of the Panch witnesses (independent witnesses) assumes significance in this matter. When eye witnesses fail to provide testimony consistent with the prosecution's case, the spot Panchnama can serve as a source of information regarding the accident, thereby enabling a determination as to whether or not the accused was driving negligently.

15] However, in the present case, the prosecution examined Witness No. 1, Prabhakar Ushalu Kalwa, and witness No. 2, Satyam Bakayya Katela, as Panch witnesses. Yet, during their examination-in-chief, they stated that they possessed no knowledge regarding the accident and had merely affixed their signatures on panchanama at the behest of the police. The prosecution subsequently cross-examined these witnesses; however, even during their cross-examination, they failed to



provide any statements that would support the prosecution's case. Consequently, in the present case, the Panchnamas were not duly proved through the testimony of the Panch witnesses. Furthermore, the Panch witnesses did not provide any precise details regarding the accident. Therefore, the allegation that the accused was driving the vehicle under his control in a negligent manner is not substantiated by the evidence provided by the Panch witnesses.

16] As mentioned above, in the present case, only the Investigating Officer is testifying against the accused and regarding the accident that occurred. Consequently, the prosecution examined the Investigating Officer, Mr. Uday Vishnu Patil, below Exhibit No. 13. In his examination-in-chief, he deposed that the investigation into the present offense was entrusted to him. Thereafter, he seized the two-wheeler involved in the accident and prepared the spot panchnama. He proved the said panchnama below Exhibit No. 19. Subsequently, he proved the letter regarding the addition of sections against the accused under Exhibit No. 20. below Exhibit Nos. 21 and 22, he proved the documents prepared during the course of the investigation.

17] The defense counsel subjected the present witness to cross-examination. During his cross-examination, the witness did not admit, any discrepancies and stood firm on the statements made during his examination-in-chief.



18] In the present case, although the Investigating Officer clearly outlines the direction and sequence of the investigation into the alleged offense, it appears that he commenced the investigation into the accident only from the day following the accident. Furthermore, since the present witness is not an eye witness to the accident, he is unable to depose regarding the core issue of the case. Specifically, whether or not the accused was driving the vehicle in his custody in a negligent manner. Consequently, as the testimony of the present witness has not been corroborated by a single eye witness, the accused cannot be held liable guilty based solely on the statement of the Investigating Officer.

19] It has been deposed in the present case that the accident occurred at a village square. Under such circumstances, it is reasonable to assume that numerous eye witnesses would have been present at the scene; however, not a single eye witness has testified to the fact that the accused was the person driving the vehicle. Therefore, the essential ingredients of the alleged offenses in this case have not been conclusively established, nor has it been proven that the accused was driving the vehicle in his custody in a negligent manner.

20] So far as point No. 3, is concern it is essential to prove that the accused was driving the vehicle involved in the accident. Not a single witness examined in this case testified to the effect



that the accused was driving the vehicle. Consequently, it has not been proven that the accused was driving the vehicle while lacking a valid driving license. Since the witnesses examined by the prosecution in this case failed to provide testimony supportive of the prosecution's case, the benefit thereof accrues to the accused, and none of the charges leveled against the accused stand proven. Hence, I answer points no.1 to 3 in the negative.

AS TO POINT NO.4:-

21] In the light of the above discussion I answer point no.1 to 3 in the negative. For the point no.4 following order is passed :-

ORDER

1. In view of section 255 (1) of Code of Criminal Procedure, 1973, the accused namely Naresh Brahamachari is acquitted of the offences punishable under sections 279 and 304-A of Indian Penal Code, 1860 and Section 3/180 Motor Vehicle Act.
2. Existing bail bond of the accused stand cancelled. However, he must execute fresh personal bond of Rs.15,000/- of like amount, to follow the mandate of section 437-A of Code of Criminal Procedure, 1973. This bond will remain in force for upcoming six months, ensuring presence of the accused in case of appeal against his acquittal.



3. In view of section 452 of Code of Criminal Procedure, 1973, the two-wheeler bearing registration No. MH-33-U-9689, seized in the present case, has already been handed over to the applicant, Manoj Brahmachari Kandakuri, on Supurtnama (custody bond) pursuant to an order of this Court dated Cri. M. A. No. 02/2024. Therefore, no separate order is required in this regard.
4. In view of directions of Honourable Bombay High Court in case of Ranjana Shantilal Suryawanshi vs. Jaiprakash Tulsiram Gupta and others¹, a True Copy of this judgment be sent to the District Magistrate, Gadchiroli for further necessary action.

Pronounced in open court, in presence of the accused, today on 28th April 2026, at 16.00 hours.

Place:- Sironcha.
Date :- 28/04/2026.

(Unmesh B. Shriram)
Judicial Magistrate First Class,
Sironcha, Dist. Gadchiroli.



Certificate

I affirm that the contents of this P.D.F file Judgment are same word to word, as per the original Judgment.

Name of the Stenographer : Vithal V. Mithewad (Stenographer G-III)
Court Name : Civil Judge (Jr.Dn.), Sironcha
Date : 28/04/2026.
Order signed by the Presiding
Officer on : 28/04/2026.
Order uploaded on : 28/04/2026.

(V. V. Mithewad)
Stenographer Grade-III
Civil and Criminal Court, Sironcha.