



Court: Judicial Magistrate, Sarwar, District Ajmer

Presiding officer : **Kartik Sharma (R.J.S.)**

Criminal regular no.: 441/23

CIS no. : 441/23

State of Rajasthan

... Prosecution

versus

Jeetram S/o shree Roopnarayan R/o Ambapura P.S. Malpura, Distt. Tonk

...Accused

Offence u/sec 279, 337,338 I.P.C.

Presence:

Assistant Public Prosecutorlearned counsel for prosecution
Adv Daulat Singh Rathore, Vinod Mehra, T.C. Dhakar..... learned
counsel for accused

JUDGEMENT

Date: 17/03/2026

1. The brief circumstances of this case are as follows that on 24.09.2023, the applicant Shri Sikandar son of Shri Ramesh Kanjar, age 32 years, resident of Tech No. 03 Ajgara, Police Station Marwad, District Kekri, appeared at the police station and submitted a written report to the effect that today on 24.9.23, at about five in the morning, the applicant's father Ramesh son of Bharosa, caste Kanjar, resident of Tech No. 03 Ajgara and Dhanraj son of Gyan Singh, caste Kanjar, resident of Tech No. 03 Ajgara, after relieving themselves from the toilet, were coming to our house from Balaji Temple Sarwad. When they reached near Kataria Farm near Kana Mali's house, the driver of the pickup jeep RJ 14 GP 5188 coming from Kekri, drove the pickup at high speed, carelessly and negligently and went on the wrong side and hit my father Ramesh ji and after hitting the pickup, the pickup overturned there itself. In the above accident, my father suffered injuries on his hand, head, chest, eye and other parts of the body and his tongue was also cut. After the incident, Ramesh ji was admitted to the district hospital in Kekri where he is currently undergoing treatment. I report that this accident occurred due to the fault of the above pickup driver, please take legal action. On the basis of this report, case number 281/2023 was registered under sections 279, 337 of the Indian Penal Code
2. The police after investigation filed a chargesheet against accused Jeetram on 18/11/23 for the offence of section 279,337,338 IPC.the court took cognizance of thr offence on the same date and the substance of accusation for the offence under section 279,337,338 IPC has been orally read over to the accused. The accused denied such accusation and asked for a trail.
3. The prosecution produced and examined following persons as part of their prosecution evidence:

PW1	Ramesh
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PW2	Satyaveer Singh
PW3	Dhanraj
PW4	Sikander
PW5	Kajod Mali
PW6	Prahlad
PW7	Narayan Ram
PW8	Sunil
PW09	Yashpal singh

4. The prosecution has produced and exhibited the following documents in order to prove their case:

EX P-01	Statement of Ramesh u/sec 161 CrPC
EX P-02	Letter by IO for mechanical inspection
EX P-03	Inspection report of vehicle RJ 14 GP 5188
EX P-04	Naksha Mauka
EX P-05	FIR
EX P-06	Incident report
EX P-06	Seizure memo of RJ14 GP 5188
EX P-07	Notice under sec 133 MV Act
EX P-08	Panchnama of pickup RJ14 GP 5188
EX P-8	Letter by IO to doctor for medical report
EX P-09	Injury report
EX P-10- EX P14	X ray plate and report
EX P 15	Notice under sec 134 MV Act
EX P16	Malkhana register

Note: Ex P-6 and EX P8 has been marked twice in the file

5. The statement of accused u/sec 313 CrPC has been recorded where accused has denied the evidence adduced against him. Accused didn't wish to produce any defence evidence hence the file was listed for final argument.
6. Final arguments were heard. The learned Assistant public prosecutor stated that the accused Jeetram was rash and negligent while driving the Pick up truck on 24/09/23 which resulted into a road accident . on account of his negligence injured ramesh suffered multiple Injuries. The prosecution has established its case beyond reasonable doubt against the accused hence demanded maximum sentence for the accused. In reply, the learned counsel for accused has stated that it was not established that the said Accused was driving the vehicle at the time of accident. The prosecution has failed to establish its case beyond reasonable doubt hence prayed the court to acquit and release the accused.
7. After hearing both the parties , the point of determination before the court is that ***“Whether Accused Jeetram, on the morning of 24/09/23, was rashly and negligently***



Driving the pick up Truck no RJ 14 GP 5188 which resulted into a Road accident and consequently multiple injuries on head,chest,eye and body of injured Mr. Ramesh?”

8. The complainant Sikander had lodged this complaint that on 24/09/2023 the pick up truck number RJ 14 GP 5188 drove the pickup at high speed, carelessly and negligently and went on the wrong side and hit injured Ramesh and after hitting the pickup, the pickup overturned there itself. In this regard the court has examined the witness PW 1 Ramesh stated that a year ago, at dawn 5am he was hit by a pick up which was driven at high speed. The complainant suffered multiple injuries. The witness also turned hostile and stated that he did not know the colour and number of the said pick up truck. While cross examination by the APO he stated that sikander and dharaj has told him that the number of pick up truck is RJ14 GP5188 and he doesnot know that the pick up was driven by accused Jeetram. During cross examination by the accused counsel, he stated that during police bayaan, he did not state the number of pick up.
9. The eyewitness to the scene of incident Dhanraj was examined by the court as PW 02. The witness stated that on 24/09/23 his uncle Ramesh was coming back from the toilet where a pick up RJ14 GP 5188 driven pickup at high speed, carelessly and negligently and went on the wrong side and hit injured Ramesh and after hitting the pickup, the pickup overturned there itself. He also stated that after filing the report, both the owner and the driver of the vehicle arrived at the police station. The pickup driver's name was Jeetram, a resident of Ambapura Malpura. In his cross examination he stated that . I don't understand scene maps. My police statement was recorded a few days later. My police statement was recorded three days later. My police statement was recorded at the police station and the scene of the incident. My police statement was recorded twice. The deceased, Ramesh, is my maternal uncle. It's correct to say that Exhibit P4 was made at the police station. Ajkhud said it was made at the scene. I can't tell where the accident occurred by looking at Exhibit P4. It's correct that the road to the scene is a highway. It's correct to say that the road is empty in the early morning due to lack of traffic. The scene map, Exhibit P4, was prepared 2-3 days after my statement. Ajkhud said that the scene map was prepared in the evening of the incident. Sikandar, I, and Sunil were present when my statement was taken. It's true that I signed the scene map at the behest of the police. My uncle, Ramesh, has filed a claim. It is correct to say that we have received the claim amount. It is correct to say that we have filed this suit to obtain the claim amount.
10. Witness PW 04 Sikander was the complainant who reiterated the facts of the FIR. During cross examination he stated that he has not seen the incident. He also accepted that they we have filed this suit to obtain the claim amount.
11. Witness PW 05 Kajod mali is the owner of the pick up truck RJ14 GP 5188 wo in cross examination denies the inscription on Ex P 07 regarding the driver of said vehicle. He also states that it is not in his knowledge who was driving his pick up on the date of incident.



12. Witness PW 06 prahlad and PW 08 sunil are formal witness to the case.
13. Witness PW 02 Satyaveer establishes the mechanical report of the vehicle (Ex P 3).
Witness PW09 Yashpal singh proves the injury sustained by the injured.
14. Witness PW 07 Narayan ram is the investigating officer who during his cross examination states that It is correct to say that the notice was issued under Section 133 and Section 134 of the MV Act.The notices were given on the same day. It is correct to say that whether I gave notice under section 133 first or under MV Act first, it is not mentioned in Exhibit P7 and Exhibit P15. It is correct to say that the name of the driver is not mentioned in Exhibit P6. Sikandar, the complainant who lodged the report, did not mention the name of the driver in his statement. It is correct to say that no witness mentioned the name of the driver in his statement. It is correct to say that the vehicle was not present at the spot and is not shown in the spot map Exhibit 4. It is correct to say that Dhanraj did not tell the speed of the vehicle.
15. The complainant turned hostile and stated that he is unaware of the number of the Truck by which the accident was occurred. On perusal of FIR it is evident that the complainant has not mentioned any name of the driver who driving the said vehicle when accident occurred. Witness PW 03 Dhanraj only states that the truck was driven by accused Jeetram only but he states this fact after the owner and driver of the pick up arrives the Police station. The witness has not established the accused at the scene of accident. On cross examination the witness stated that we have filed this suit to obtain the claim amount. Witness PW 05 Kajod mali is the owner of the pick up truck RJ14 GP 5188 who in cross examination denies the inscription on Ex P 07 regarding the driver of said vehicle. He also states that it is not in his knowledge who was driving his pick up on the date of incident. There is no material evidence of record which shows that accused was driving the vehicle at the time of accident. In the light of above mentioned facts it is not proved beyond reasonable doubt that accused Jeetram was the driver of the said vehicle at the time of accident.
16. On perusal of witness examined and document exhibited , it is evidently clear that no evidence or witness was adduced to shows that there was rash and negligent conduct involved on part of accused Jeetram.
17. It is well founded in criminal jurisprudence that the prosecution is under an obligation to prove its case against the accused beyond reasonable doubt. The standard of proof to be adopted in criminal cases is not merely preponderance of probabilities but proof beyond reasonable doubt on the basis of cogent, convincing and reliable evidence. It is also well settled that in case of doubt, the benefit must necessarily be allowed to the accused. . In view of the discussion above, this Court is unable to accept that the prosecution has proved its case beyond reasonable doubt.

ORDER

18. In view of the aforesaid discussion, this Court is of the considered opinion that the prosecution has failed to prove its case beyond all reasonable shadow of doubts and the benefit of doubt ought to be granted to accused, who is entitled to be exonerated of the



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charge against him in the present case. Accordingly, accused Jeetram is hereby acquitted of the offence punishable under Section 279, 337,338 IPC.

The bail bond furnished by the accused for his regular appearance before the court is hereby deemed cancelled.

(Kartik Sharma)
Judicial magistrate, Sarwar
Distt. Ajmer

19. The Judgement has been Pronounced, Signed and Sealed in open court today on 17/03/2026.

(Kartik Sharma)
Judicial magistrate, Sarwar
Distt. Ajmer