

**IN THE COURT OF SPECIAL MOBILE MAGISTRATE PT&E
AT SRINAGAR**

CNR:	JKSG03-030931-2024
FileNo:	262/2024
Date of Institution:	22.05.2024
Reserved on:	05.03.2026
Date of Judgment:	06.03.2026

Union Territory of Jammu and Kashmir through Police Station Soura, Srinagar FIR No:19/2024 under Sections 279, 338 of the Indian Penal Code (IPC) and 3/181, 196 of Motor Vehicles Act, 1988

...Prosecution

Through:- Ld. APP Ms. Chasfeeda
Versus

Irfan Ahmad Rather S/o Mushtaq Ahmad Rather R/o Rather Mohalla Soura, Srinagar

...Accused

Through: Adv. Umer Mushtaq Malik &
Adv. Saima Ghulam

In the matter of: Judgment in case FIR No.FIR No: 19/2024 under Sections279, 338 of the Indian Penal Code (IPC) and 3/181, 196 of Motor Vehicles Act, 1988of Police Station Soura, Srinagar.

CORAM: MASSARAT JABEEN JOCode:JK00244

JUDGMENT

1. Through the medium of charge-sheet it had been alleged that accused had committed offences punishable under Sections 279, 338 of the Indian Penal Code (IPC) and 3/181, 196 of Motor Vehicles Act, 1988.Briefly stated,the facts of the prosecution case are that on

23.03.2024, the concerned police station information from reliable sources that the accused while riding his vehicle (bike) at Ellahi Bagh near Saint Solomon School, hit one pedestrian namely Abdul Majeed Shah, aged 70 years; and left him injured. The injured was rushed to SKIMS Soura for treatment. It is then reported that the accident took place due to rash and negligent driving of accused.

2. Upon receipt of this information, instant FIR was lodged and investigation was set into motion. The investigation was handed over to PW No.8. During the course of investigation, site plan was prepared, and the statements of witnesses were recorded. Doctor's opinion with respect to the injured was obtained and injury memo was prepared. The vehicle (motorcycle) bearing registration No. JK01AC-7072 involved in the matter was seized and seizure memo was prepared. During investigation, the accused failed to provide a valid driver's license and insurance certificate of the vehicle. After completion of investigation, the charge-sheet was presented before the Court against the accused for commission of offences in terms of Sections 279, 338 of the Indian Penal Code (IPC) and 3/181, 196 of Motor Vehicles Act, 1988.

3. The charge-sheet was presented before the Court on 22.05.2024 and the charges were framed against the accused on 05.11.2024. The statement of the accused was recorded who denied the allegations and claimed to be tried. The prosecution was accordingly directed to adduce evidence in support of their case. The prosecution despite being granted ample opportunities failed to produce even a solitary witness before the Court. The prosecution given final opportunity vide order dated 30.09.2025 and was directed to lead all its witnesses before the

Court, however, despite availing the opportunity, the prosecution failed to produce any witness before the Court, as such their right to lead evidence was closed on 05.03.2026.

4. Heard and Perused.

5. It is a settled principle of criminal jurisprudence that mere filing of a complaint or presentation of a charge-sheet does not by itself warrant conviction of an accused. The prosecution is under a legal obligation to substantiate the allegations through cogent and reliable evidence produced before the Court. In the present case, the prosecution has failed to examine even a single witness despite being afforded sufficient opportunities.

6. In the absence of any evidence, the prosecution has failed to discharge the burden of proving the guilt of the accused beyond all reasonable doubt. Accordingly, the accused is acquitted of all the charges levelled against him. His bail and surety bonds shall stand discharged. Seized property, if any, be released in favour of the rightful claimant against a proper receipt and after proper verification.

Disposed of. Be consigned to records under rules.

Announced:
06.03.2026.

**(MASSARAT JABEEN)
SPL. MOBILE MAGISTRATE/PT&E
AT SRINAGAR**