

IN THE COURT OF PRINCIPAL JUDICIAL MAGISTRATE OF FIRST CLASS,
PITHAPURAM.

Present :: Kum. M.Vijaya Rameswari
Principal Judicial Magistrate of First Class, Pithapuram
Monday, the 23rd day of March, 2026

CALENDER CASE NO.530/2022

Between:

State: Sub-Inspector of Police, Pithapuram Town Police Station.

...Complainant

And

Alapati Prasada Rao, S/o.Late Apparao, 51 years, C/SC Mala, D.No.11-4-131, Radhalapeta, Pithapuram. Driver of Lorry bearing No.AP05 TD 0559. Cell 9106235134.

... Accused

This case is coming on 24.02.2026 for final hearing before me in the presence of Learned Assistant Public Prosecutor for complainant-State and of Sri N.Manoj Kumar, Advocate for accused, and the matter having stood over for consideration till this day, this court delivered the following:

J U D G M E N T

1. The Sub-Inspector of Police, Pithapuram Town Police Station filed charge sheet against the accused in Cr.No.131/2022 on its file for the offence punishable under section 304-A of Indian Penal Code (in short IPC). (***One Balla Nuthana Kishore is herein after referred as 'Deceased'***)

2. Brief facts of the charge sheet are that deceased is the resident of Raghavendra Nagar, SC Colony, Yandapalli Village, U.Kothapalli Mandal and he is working as Supervisor in Sandhya Aqua at KSEZ Moolapeta Village Mandal and at that on 02.08.2022 at 9:00 A.M, the deceased went to his company and at 5:00 P.M, after completion of his duty, he returned back to his house on his Splendor motorcycle bearing No.AP28 AP 9979, on the way after crossing Drivers Colony, Pithapuram, and reached nearby Balaji Layout at 8:30 P.M, the accused drove the Tipper Lorry bearing No.AP05 TD 0559 in a rash and negligent manner at high speed while proceeding from Uppada side towards Pithapuram side without blowing horn and dashed the deceased, resulting the deceased fell down on the

road with his motorcycle and sustained severe bleeding injuries on his head and on the body, and he was shifted to hospital on 108 ambulance, where doctors declared the death of deceased and the same was informed to PW1 over phone.

2(i) On 03.08.2022, PW1 attended to Pithapuram police station and presented a report, PW8 received the report and registered the case in Crime No.131/2022 and investigated into. During the course of investigation, PW8 visited and inspected the scene of offence, prepared rough sketch, recorded the statements of witnesses, got drafted scene observation report, photographed the scene of offence, held inquest over the dead body of deceased in the presence of mediators and sent the dead body for postmortem examination.

2(ii) It is further submitted in the charge-sheet that the accused voluntarily surrendered before PW8 along with crime vehicle records on 05.08.2022 and he served notice under section 41-A Cr.P.C to the accused and after submitting sufficient sureties, the accused enlarged on bail, sent requisition to Motor Vehicles Inspector, Kakinada to inspect the crime vehicle. On receipt of postmortem certificate, Motor Vehicles Inspector report and on completion of investigation, PW8 filed charge sheet against the accused.

3. This case was taken on file against the accused for the offence under Section 304-A of Indian Penal Code.

4. On appearance of the accused, copies of documents were furnished to the accused as required under section 207 Cr. P. C.

5. Accused was examined under section 251 of Code of Criminal Procedure. The substance of accusation against accused for the offence under section 304-A of Indian Penal Code is read over and explained to accused in Telugu. Having heard and understanding the same, accused denied the same and pleaded not guilty and claimed for trial. Hence, the case proceeded for trial.

6. In support of the case of the prosecution, PWs.1 to 8 are examined and Exs.P1 to P8 are marked.

7. After closure of prosecution evidence, accused was examined under Section 313 Cr.P.C by explaining the incriminating material available against him, for which he denied the same. Accused did not choose to examine any defence witnesses and no documents were marked on behalf of the defence.

8. Heard both sides. Perused the oral and documentary evidence on record.

9. Now the point for determination is,

“Whether the prosecution is able to establish the guilt of accused for the offence under section 304-A of IPC beyond all reasonable doubt?”

10. **POINT:**

To establish the offence under section 304(A) IPC, the prosecution has to prove the identity of the accused that he was the driver Tipper Lorry bearing No.AP05 TD 0559 by the time of offence, and death of deceased must be caused due to rash and negligent act of the accused. In this case, the death of deceased due to the accident is not in dispute. As it is the case of the prosecution that the death of deceased was caused due to hit of Tipper Lorry bearing No.AP05 TD 0559 with rash and negligent driving of the accused, to prove the same, the prosecution examined PWs 1 to 8 and got marked Ex.P1 to Ex.P8.

11. The brother of deceased is examined as PW1 and testified that on 02.08.2022 while his brother started from Pithapuram to go to Yandapalli on his bike bearing registration No.AP28 9979, while he reached near Balaji Layout, one tipper lorry bearing registration No.AP05 TD 0559 came in a speed manner without blowing horn, and hit his brother's bike, for which deceased sustained injuries on his head and backside of the head. PW2 made a phone call to him and informed about the accident. He came to know that driver of the tipper lorry ran away from the scene of offence of accident spot and he left the tipper lorry. The deceased instantaneously died on the spot. He went to the accident spot, from there he went to the police station and lodged report.

12. PW2 testified in his evidence that on 02.08.2022 at 8:00 P.M, while he was returning to his house at Yandapalli, he started from Pithapuram at 8:00 P.M, when he crossed the driver's colony layout towards the left side. He witnessed that one vehicle was going in front of him ie., the motorcycle bearing registered No.9979 and one tipper lorry bearing registered No.0559 came opposite to his bike and hit the bike. The driver of the tipper lorry failed to blow the horn and drove the lorry in a rash and negligent manner and dashed the bike which was going in front of the bike.

13. The rider of the motorcycle, who was going in front of him fell down from the bike and sustained injuries on his head, then he stopped his bike and noticed that injured is his villager. Immediately, he informed the same to parents of injured. Himself and passersby made a phone call to 108 ambulance, ambulance came and declared that injured was already succumbed to injuries. Parents of the deceased came to incident spot, the brother of deceased went to police station and lodged report.

14. He testified that he can identify the driver of the tipper lorry and police also conducted test identification parade with him and he identified the accused. Pw3 turned hostile. The father of deceased is examined as PW4, VRA is examined as PW5, who testified that she along with Yalla Nagalakshmi acted as mediators to the scene of offence, along with police and observed one motorcycle, tipper lorry bearing registration No.AP05 7D 0559 and dead body of the deceased Balla Nuthan Kishore. They prepared the scene observation report, and noted the boundaries. They also noticed electrical police beside to the scene of offence.

15. Scene of offence is abetting to the agricultural fields, towards eastern side. They prepared the scene observation report and photographed the scene, later, they conducted inquest over the dead body of the deceased and noticed injuries of the deceased on his right eye, back side of head, right shoulder, right elbow, right leg and chest.

16. PW6, medical officer who conducted autopsy over the dead body of the deceased opined that deceased died due to cardio respiratory arrest. PW7 is motor vehicle inspector, who inspected the crime vehicle ie., heavy goods vehicle bearing registration No.AP05 TD 0559 and found no damages to the vehicle. PW8 is the investigation officer, who registered the crime and did the entire investigation. He served Sec.41(A) Cr.P.C notice to the accused, and recorded the statements of the witnesses and filed charge-sheet after completion of investigation.

17. During the cross-examination of the prosecution witnesses, PW1 admitted that he came to know about the accident through PW2 and he is not the direct eye witness to the accident. It was elicited in the cross-examination of PW2 that he did not state to the police that he saw the accused at the scene of offence and he can identify the accused. However he stated that police conducted test identification parade with him in the police station. PW5 scene observation mediator admitted that trip sheet of the crime vehicle not seized from the crime vehicle at the scene of offence under the cover of scene observation report.

18. They also not verified the crime vehicle records from the lorry. Police had not observed any skid marks at the accident spot to ascertain the speed of the crime vehicle. He admitted that the scene of offence is not fixed any land mark with a distance to the scene of offence.

19. During the cross-examination of the Motor Vehicle Inspector, he testified that he inspected the crime vehicle for one hour and prepared the report. Ex.P6 is the computer generated copy. He inspected the crime vehicle at 1:00 P.M. However he went to Kakinada, taken Ex.P6 computer generated copy of the MVI report at Dy.Transport Commissioner Office, Kakinada. He mentioned the name of the owner of the crime vehicle in Ex.P6. As per Ex.P6, there is no damages to the crime vehicle.

20. During the cross-examination of investigation officer, he admitted that none of the witnesses stated before him that he saw the accused at the scene of offence.

He did not conduct any test identification parade with accused with any witnesses. None of the prosecution witnesses also stated that they have prior acquaintance with accused. He had not collected the trip sheet of the crime vehicle and seized the crime vehicle records. He also admitted that he had not got inspected the vehicle of the deceased with MVI to ascertain whether there is any mechanical defect in the said vehicle.

21. No material objects were seized in the scene of offence like broke glass pieces etc., He admitted that skid marks are not available at the scene of offence to ascertain the speed of the crime vehicle. He admitted that as per the scene observation report, dead body of the deceased along with vehicle is ten feet far away from the crime vehicle and there is a distance of 12 feet between the crime vehicle of the deceased, for which he stated that it was already stationed and kept aside to visit the scene of offence.

22. While appreciating the evidence of the prosecution witnesses, there is no dispute with regarding to the death of the deceased. Here, the point for consideration is whether accused was the driver of the crime vehicle at the time of accident, if so, he drove the crime vehicle in a rash and negligent manner or not. As can be seen from the evidence of PW1, he testified in his chief-examination that after the accident, accused escaped from the scene of offence immediately after the accident and he came to know about the accident and said facts through PW2.

23. As per the examination in chief of PW2, he witnessed the accident and he is eye witness. He further testified that he saw the accused and he identified the accused. However during his cross-examination, he categorically admitted that he never stated before the police that he saw the accused and if see the accused, he can identify.

24. Moreover, the testimony of PW2 is exaggerated version by stating that police conducted test identification parade of the accused with him. However, PW8 categorically admitted in his cross-examination that he did not conduct test

identification parade with any prosecution witnesses and none of the prosecution witnesses, stated that they witnessed the accident. Cross-examination of PW2 coupled with the evidence of the PW8 categorically established that PW2 is not the direct eye witness to the accident and he witnessed the accident.

25. It was also elicited that skid marks were not present at the scene of offence to ascertain the speed of the crime vehicle. Moreover, there is no damages to the crime vehicle. PW8 admitted that he did not get inspect the vehicle of the deceased to ascertain whether there is any mechanical defects in the vehicle or not. It is a settled law that if two vehicles are involved in the accident, the investigation officer ought to have got inspect the vehicle of the deceased as well as crime vehicle to ascertain whether there is any mechanical defect in either of the vehicle. The investigation officer failed to do so.

26. The prosecution by examining PW1 to PW8 establishes that deceased died in an accident, but failed to prove that accused was the driver of the crime vehicle at the time of accident. Even as can be seen from the evidence of PW8, he served Sec.41(A) Cr.P.C notice to the accused on 05.08.2022, whereas accident was happened on 03.08.2022. The entire testimony of PW8 is silent how he connected the accused with crime vehicle. PW8 admitted in his cross-examination that he had not verified the records of the crime vehicle to connect the accused with crime vehicle. Therefore benefit of doubt is given to the accused for the offence punishable under section 304(A) IPC.

27. With the above said observation, I safely come to a conclusion that the prosecution failed to establish the guilt of the accused for the offence under section 304-A IPC beyond all reasonable doubt and the accused is entitled for acquittal. Accordingly point is answered.

28. In the result, the accused is found not guilty for the offence under Section 304-A IPC. Accordingly, accused is acquitted for the said offence under Section 255(1) Cr.P.C. Bail bonds of accused shall be in force for a period of six months

from the date of this judgment as per Section 437-A of Cr.P.C and thereafter shall stand cancelled. There is no order as to property.

Typed to my dictation to the Personal Assistant, corrected and pronounced by me in open court, this the 23rd day of March, 2026.

Sd/- Kum.M.Vijaya Rameswari
Principal Judicial Magistrate of First Class,
Pithapuram.

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

For Prosecution:

For Defence: None.

PW1/11.07.2024 : Balla Srinu Babu
PW2/25.07.2024 : S.Dora Babu
PW3/20.08.2024 : Chittibathula Rambabu
PW4/18.09.2024 : Balla Dharmaraju
PW5/04.02.2026 : K.Rama Kumari
PW6/12.02.2026 : Dr.G.Sara Victoria
PW7/12.02.2026 : M.Chinna Rao, Retd., Asst.,M.V.Inspector
PW8/18.02.2026 : B.Sankar Rao, SI of Police

EXHIBITS MARKED

For Prosecution:

Ex.P1/PW1 : Report of PW1
Ex.P2/PW3 : 161 Cr.P.C statement of PW3
Ex.P3/PW5 : Scene observation report
Ex.P4/PW5 : Inquest report
Ex.P5/PW6 : P.M.Report
Ex.P6/PW7 : Motor Vehicle Inspector report
Ex.P7/PW8 : FIR in Cr.No.131/2021
Ex.P8/PW8 : Rough sketch

For Defence: Nil.

MATERIAL OBJECTS MARKED- Nil

Sd/- Kum.M.Vijaya Rameswari
Principal Judicial Magistrate of First Class,
Pithapuram.

// t.c.f.b.o //

PJFCM
PTP

CALENDAR AND JUDGMENT

IN THE COURT OF PRINCIPAL JUDICIAL MAGISTRATE OF FIRST CLASS,
PITHAPURAM.

Present :: Kum. M.Vijaya Rameswari
Principal Judicial Magistrate of First Class, Pithapuram
C.C.No.530/2022

Date of offence : 02.08.2022
Date of report or complaint : 03.08.2022
Date of apprehension of the accused : 05.08.2022
Date of Release on bail : 05.08.2022
Date of commencement of trial : 11.07.2024
Date of close of trial: : 18.02.2026
Date of sentence or order : 23.03.2026
Explanation of delay or remarks : Due to non production of
witnesses by the prosecution.
Name of the Complainant : State: Sub-Inspector of Police,
Pithapuram Town P.S.
Name of the accused :
Alapati Prasada Rao, S/o.Late Apparao, 51 years, C/SC Mala, D.No.11-4-131,
Radhalapeta, Pithapuram. Driver of Lorry bearing No.AP05 TD 0559. Cell
9106235134.
Offence : Under Section 304-A IPC
Finding : Found not guilty.
Sentence :

In the result, the accused is found not guilty for the offence under
Section 304-A IPC. Accordingly, accused is acquitted for the said offence under
Section 255(1) Cr.P.C. Bail bonds of accused shall be in force for a period of six
months from the date of this judgment as per Section 437-A of Cr.P.C and thereafter
shall stand cancelled. There is no order as to property.

Sd/- Kum.M.Vijaya Rameswari
Principal Judicial Magistrate of First Class,
Pithapuram.

Copies submitted to:

1. The Hon'ble Chief Judicial Magistrate, East Godavari, Rajamahendravaram.
2. The Superintendent of Police, Kakinada.

// t.c.f.b.o //

PJFCM
PTP