

**IN THE COURT OF THE III ADDITIONAL JUNIOR CIVIL JUDGE-CUM-
III ADDITIONAL JUDICIAL MAGISTRATE OF FIRST CLASS
MEDCHAL-MALKAJGIRI DISTRICT, AT KUSHAIGUDA**

PRESENT: Smt. Potedar Sarala Rekha
III Addl. Junior Civil Judge cum
III Addl. Judicial Magistrate of First Class,
Medchal Malkajgiri District, at Kushaiguda

Friday, this the 29th day of August, 2025

C.C No. 1087 of 2020

Between :

State : Rep. by the Sub-Inspector of Police, Police Station, Keesara,
Rachakonda.

...Complainant

AND

Bhanu Prakash Mekala, S/o. Konda Laxman, Aged 37 years,
Occ: BEL Employee, R/o. Plot No.32 & 33, Thirumala
Raghavendranagar, Nagaram Village, Keesara Mandal, Medchal
Malkajgiri District.

...Accused.

This case came before me for final hearing on 25.07.2025 in the presence of Assistant Public Prosecuting Officer for the State and Sri N.Srinivas, Advocate for accused, and after perusing the case records, upon hearing the arguments on both sides and having stood over for consideration till this date, this Court has delivered the following.

:: J U D G M E N T ::

The Sub-Inspector of Police, Keesara Police station filed charge sheet in Crime No.002 of 2020 against the accused for the offence punishable under Section 304-A of Indian Penal Code (hereinafter referred to as "IPC").

2. The brief facts of the case are that –

On 03.01.2020 at 1000 hours, a complaint was lodged by LW1 stating that her mother Chityala Varalaxmi was working in Sleepwell company as labour and as usually on 02.01.2020 after completing her work returned to home and on the way at around 07.00 p.m. when she crossed road and stood beside in the meantime the accused drove the I-20 car bearing No.TS08FT2425 in rash and negligent manner and dashed to her mother due to which she sustained head injury and immediately she was shifted to Gandhi Hospital where she was declared as brought dead at 09.37 p.m. and on getting information and by the time complainant reached over there her mother is found dead. Hence requested to take necessary action.

Basing upon complaint of LW1, the LW11/J.Narendhar Goud, Inspector of Police, PS, Keesara registered a case in Cr.No.002/2020 for offence under Secs.304-A IPC and entrusted investigation to LW12/Sri B.Srinivas, Sub-Inspector of Police. During the course of investigation, he visited the scene of offence and in the presence of panch witnesses conducted the scene of offence panchanama and drawn rough sketch. On 04.01.2020 he visited the Gandhi Hospital and in the presence of panch witnesses examined the deceased and

examined Lws.1 to 4 and conducted inquest panchanama over the dead body of the deceased. Later dead body was subjected to autopsy and LW9-Dr.K.Venkat Nagarju, Asst. Professor held autopsy over the dead body of the deceased and issued PME Report. LW10-Sri B.Amrutha Varshini inspected the crime vehicle and issued MVI Report. Issued 41-A Cr.P.C. notice to the accused.

Upon completion of investigation, Sub-Inspector of Police filed charge sheet against accused U/sec.304-A of IPC.

3. The cognizance was taken for the offence punishable under section 304-A of IPC against the accused person. On appearance of the accused person, copies of documents were furnished to him as contemplated under section 207 of Code of Criminal Procedure (hereinafter referred as "Cr.P.C").

4. The accused person was examined U/Sec.239 Cr.P.C., and after hearing both the accused, charge was framed against the accused for the offence under Sec. 304-A of IPC, read over and explained to him in his Vernacular language. The accused pleaded not guilty and claimed to be tried.

5. In order to prove its case, the prosecution examined as PWs 1 to 10 and Exs. P1 to P7 are marked through them.

6. After closure of the prosecution evidence, the accused was examined U/Sec.313 Cr.P.C. by explaining the incriminating material appearing against him in the prosecution evidence. The accused denied the same and reported no defence evidence.

7. Heard both sides. Perused the entire record.

8. Now the point that arises for determination is:

*“Whether the prosecution has established the guilt of accused for the offence under **Sec.304-A of IPC** beyond reasonable doubt”?*

POINT:

9. It is the case of causing death of rash and negligence act of accused who driven I-20 Car bearing No.TS08 TF 2425. According to the prosecution on 03.01.2020 at 1000 hours, a complaint was lodged by PW1 stating that on the same day at 07.00 p.m. her mother/deceased was returning home after completion of her work, on the way at around 7.00 p.m. when she was crossing the road and stood beside in the meantime the accused rider of I-20 Car bearing No. TS08 TF 2425 drove the vehicle in rash and negligent manner and dashed her due to which she fell down on the road and sustained head injury and when she was shifted to Gandhi Hospital she was declared brought dead.

10. To prove the offence punishable U/sec.304-A of IPC, the prosecution shall establish that;

i) On 03.01.2020 at 07.00 p.m. the deceased was returning back home from work.

ii) When the deceased was crossing the road and standing aside the accused who was driving the crime vehicle bearing No.TS08 TF 2425 driven the crime vehicle in rash and negligent manner, dashed the deceased.

iii) The deceased person fell down and sustained injuries on her head.

11. To prove the above facts and circumstances prosecution relied upon the testimony of the witnesses. PW1 to PW4 were examined as witnesses.

12. PW1 who is the defacto complainant and daughter of the deceased deposed that she lodged the present complaint in this case and the deceased/Ch.Varalaxmi was her mother and she used to work at sleepway mattresses situated at Satyanarayana Colony as labour and on 02.01.2020 at about 6.30 p.m. when her mother/deceased was returning from work to home and when she was waiting for an auto at Satyanarayana Colony bus stop, meantime one i-20 Car bearing No.TS08 TF 2425 came from Rampally Cross Roads and was proceeding towards Rampally,

dashed her mother/deceased, due to which she sustained head injury and injuries over other body parts and she received a call from unknown person and he informed her about the accident. She immediately rushed to Gandhi Hospital and found her mother succumbed to injuries. Thereafter she lodged the present complaint

In her cross-examination she stated that at the time of accident she was at her house and came to know about the accident at 7.30 p.m.. She has not stated the mobile number from which she received call and after receiving the information about the accident she rushed to the hospital. She admitted that the accident occurred on 03.01.2020 and lodged complaint on 04.01.2020. She denied other suggestions.

13. PW2 who is the son of the deceased deposed on the similar lines of the evidence of PW1 and he also stated that he received the call from unknown person and he informed him about the accident.

In his cross-examination he stated that at the at the time of accident he was at work place and came to know about the accident at 9.00 p.m. to 9.30 p.m.. He has not stated the mobile number from which he received call. He admitted that he has not stated that he received a call from unknown persons informing about the accident

and on 04.01.2020 he went to the hospital. He denied other suggestions.

14. From the evidence of PW1 and 2 who deposed about the date of the accident, time of the accident and the manner of the accident and the deceased who sustained injuries and then succumbed to death.

15. PW3 one of the panch witness for the inquest panchanama deposed that on 04.01.2020 at around 12.00 p.m. police conducted inquest panchanama over the dead body of the deceased/chittyalal Varalaxmi at Gandhi Hospital Mortuary in her presence and in the presence of LW8/V.Muttaiah and they both signed on it.

In her cross-examination she stated that the deceased was their church member and LW8/V.Muttaiah is her husband and that she has not received any written notice and further she denied the suggestions.

16. PW4 one of the panch witness for scene of offence panchanama deposed that on 03.01.2020 at about 11.00 a.m. the police conducted scene of offence panchanama in her presence and in the presence of LW6/P.Sravan kumar and they both signed on it.

In her cross-examination she deposed that LW6/P.Sravan Kumar is her friend and she has not received any written notice from the police to act as panch witness in this case. She admitted that after column No.2, in crime details Form the place of scene is kept blank and further admitted that the police obtained her signatures at Police Station. She denied further suggestions.

Prosecution is able to establish the place of the death of the deceased.

17. PW5, another panch witness for inquest panchanama deposed on the similar lines of PW3 and in his cross-examination he stated that the Doctor called him over phone by informing about the accident occurred to the deceased/Ch.Varalaxmi and as PW1 was not in a condition to talk therefore the doctor took her phone and called him and that the deceased was their church member and he has acquaintance with the deceased, PW1 and PW2 and he denied further suggestions. From the evidence of PW3 and 5 Prosecution is able to establish the manner of the death of the deceased.

18. PW6 is the Doctor who conducted autopsy over the dead body of the deceased deposed that on 04.01.2020 at about 1405 hours he received requisition from the Inspector of Police, PS Keesara to

conduct autopsy over the dead body of the deceased/Ch.Varalaxmi and accordingly he conducted autopsy over the dead body of the deceased/Ch.Varalaxmi and he commenced autopsy between 1415 hours to 1545 hours and during the autopsy he found antimortem injuries mentioned in Column NO.9 in his PME Report and opined that the cause of the death of the deceased to the best of his knowledge and belief was due to head injury and according he issued PME Report. In his cross-examination he stated that it is not possible to sustain the injuries mentioned in Column NO.9 of EX.P4 if a person falls from stairs and he denied other suggestions. From the evidence of PW9 it is affirmed the death of the deceased. Prosecution is able to establish the cause and manner of the death of the deceased.

19. PW7 who is the Motor Vehicle Inspector deposed in her chief examination that on 13.03.2020 she received a requisition from the Inspector of Police Station, Keesara and vehicle bearing No.TS08 FT 2425 was brought to her for inspection and on the same day at about 05.00 p.m. she has inspected the vehicle and found small dent at bonnet of the vehicle and opined that the accident was not occurred due to mechanical defects of the vehicle. Accordingly she

issued MVI Report marked under Ex.P5, which shows the negligent act on the part of the accused.

In her cross-examination PW7 stated that she did not visit the scene of offence to measure the width of the road as mentioned in Column No.4 of MVI Report/Ex.P5 and she do not remember whether an acknowledgment was given to police upon receiving the requisition from the police and no photos and videographs were taken at the time of inspecting the crime vehicle and she admitted that there is a rule to inspect the crime vehicle at the scene of offence and she added that there is also a clause to the said rule to avoid inconvenience of the public crime vehicle can be brought to the safe place for inspection and that Column No.16 to 18 are mentioned as per the requisition received from the Police and she denied other suggestions. Nothing adverse was elicited to the case of prosecution. Prosecution is able to establish that there is no mechanical defect to the crime vehicle and there is a small dent on the vehicle.

20. PW8 another panch witness turned hostile and did not support the case of the prosecution.

21. PW9 one of the investigation officer deposed that on 03.01.2020 at about 1000 hours, LW11/J.Narender Goud, Inspector

of police received a complaint from PW1 and basing on which he registered a case in crime No.002/2019 U/s.304-A of IPC and registered an FIR and thereafter investigation was entrusted to him and during the course of investigation, he examined and recorded the statement of PW1, PW2, LW3/J.Venkat Narayana and LW4/T.Venkateshwar Rao. On the same day he visited the scene of offence and conducted scene of offence panchanama in the presence of PW4 and PW8 and later on the same day he went to Gandhi Hospital and conducted inquest panchanama on over the dead body of the deceased in the presence of PW3 and PW5 and thereafter PW6 conducted autopsy over the dead body and issued PME Report and he collected Ex.P4/PME Report from PW6 and addressed a letter to MVI/PW7 for inspection of crime vehicle and PW7 has examined the crime vehicle and issued a MVI Report and thereafter he collected MVI from PW7. Later he issued 41-A Cr.P.C. notice to the accused person on 03.01.2020.

In his cross examination he stated that he did not serve any notice to any of the panch witness and he did not examine the persons who shifted the deceased to the hospital and there is no CCTV Camera installed at the scene of offence as such, the footage

was not collected. He further admitted that the location of crime vehicle is not shown in the CDF/Ex.P2 and there is a delay of 71 days in addressing a letter to MVI and no delay reasons were mentioned and that the crime vehicle is under custody until completion of investigation. He denied other suggestions.

22. PW10, another investigating officer deposed that on 20.03.2020 he received CD file from PW9, veriifed investigation done by him, found it in proper line and after completion of charge-sheet filed chargesheet against the accused. Nothing was elicited in his cross examination.

23. From the evidence of PW1 and 2 who are the daughter and sons of the deceased, prosecution is able to establish the guilt of the deceased, Date, time, place and manner of the death of the deceased. But all three witnesses have deposed that they have received phone call from the unknown person but it is not mentioned by the prosecution who has witnessed the alleged accident and accused is the driver of the crime vehicle and drove in rash and negligent manner. Except PW1 and 2 there are no other independent witnesses who has witnessed the alleged accident were examined.

In such circumstances without there being any evidence available on record as to the rash and negligent manner of the driver of the crime vehicle, benefit of doubt goes to the accused.

24. In view of the above discussion, this court find that the prosecution has failed to prove the case against the accused for the offence U/sec.304-A of IPC beyond all reasonable doubt and the point is answered accordingly in favour of prosecution.

25. IN THE RESULT, the accused is found NOT GUILTY for the offence under Sections 304-A of Indian Penal Code and accordingly the accused is acquitted for the said offence under Section 255 (1) of Cr.P.C. The bail bonds of accused if any shall remain in force for a period of six months so as to bind them to appear before appellate court if any appeal is preferred against the judgment as per Section 437-A of Cr.P.C. As seen from the record that no case property was deposited before this court. Therefore, no specific order is passed in that regard.

Typed to my dictation by Stenographer Gr.III, corrected and pronounced by me in open Court on this 29th day of August, 2025.

III Addl. Junior Civil Judge-cum
III Addl. Judicial Magistrate of First Class,
At Kushaiguda

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

FOR PROSECUTION:

PW1- Ch.Naga Sindhu
PW2- Ch.Satish
PW3- Mercy Priya
PW4-Mohd. Waheed
PW5- V.Muthaiah
PW6- Dr.K.Venkata Nagaraju
PW7- B.Amrutha Varshini
PW8- Sravan Kumar
PW9- B.Srinivas
PW10-N.Ramesh

FOR DEFENCE:

None

EXHIBITS MARKED

FOR PROSECUTION:

Ex.P1- Complaint
Ex.P2- Inquest panchanama
Ex.P3- Crime Detail Form.
Ex.P4- PME report
Ex.P5- MVI Report
Ex.P6- Signature of PW1 on Scene of offence panchanama
Ex.P7- First Information Report

FOR DEFENCE:

Nil.

MATERIAL OBJECTS:-

Nil.

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