

KADG620002592026



Presented on : 03-02-2026

Registered on : 03-02-2026

Decided on : 02-07-2026

Duration : 0 years, 4 months, 27 days

IN THE COURT OF CIVIL JUDGE AND J.M.F.C., JAGALUR

AT: JAGALUR

Present:- Sri Chethan R.,

B.A.L., L.L.B.

Civil Judge & J.M.F.C., Jagalur

Dated this the 02nd day of July 2026

C.C.No.60/2026

(Old CC.No 58/1995)

COMPLAINANT:

The State
By C.P.I., Jagalur Police Station,
Jagalur Taluk.

(By Asst. Public Prosecutor)

-V/S-

ACCUSED:

G.Kumar S/o Gangadharappa,
Age: 34 years, R/o Garadanagara Road,
Subhash Nagar, Basaveshwara Colony,
Arasikere, Hassan District.

(Accused By Sri HN., Advocate)

Date of incident	:	13/11/1994
Date of report	:	13/11/1994
Date of arrest of accused	:	-
Date of release of accused on bail	:	-
Period of accused in J.C.	:	-
Name of the complainant	:	Veerappa
Date of commencement of evidence	:	07/09/1996
Date of completion of evidence	:	23/02/2026
Offences charged	:	U/Sec. 279 and 304(A) of I.P.C.
Opinion of the Judge	:	Accused found not guilty.

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

1. This case emanates from the charge sheet filed by the SHO of Jagalur P.S. against accused person from Cr.No.208/1994 for the alleged commission of offences punishable U/Sec.279 and 304(A) of IPC.
2. It is the case of the prosecution is that on 13/11/1994 at 07 a.m. in Kalladevapura NH 13 highway road deceased Yathesh was walking towards left-side of the road, one lorry bearing no CNX-6462 drawing from Hospet towards Chitradurga was driving in rash and negligent manner had hit him and caused accident. Due to the accident, the said Yathesh died on spot.

The accident happened due to rash and negligence driving of accused vehicle CNX-6462. The CW1 given complaint against the accused for the offence and CW14 registered the complaint for the offence punishable under Section 279 and 304A IPC and after conducting investigation, the CW15 filed the charge sheet against the accused person.

3. On the basis of available materials this court took the cognizance of the offence and issued the summons to accused person. The accused person appeared before the court and were released on bail. The accused person was supplied with the copies of charge sheet in compliance of Sec.207 of Cr.P.C. There are sufficient materials available for acquisition against the accused person. This court has framed the substance of acquisition against the accused person for the alleged offences, the accused person pleaded not guilty and claimed for trial. Later matter was posted for prosecution evidence. The accused was remand absconding since from 13/12/1996, the Ld predecessor of the court have recorded evidence under section 299 Cr.PC and send requestion to Hon'ble Prl. District Judge Davangere, seeking permission to register the case as Long Pending Case, Accordingly the Hon'ble Prl. District Judge

Davangere by Order DJ-DVG 150/2001 dated 22/11/2001 permitted to register this case as Long Pending case. Later the accused was appeared Voluntarily on 28/01/2026 before this court. Accordingly this case was reopened and registrar case in C.C.Register III.

4. In order to prove the case of the prosecution, PW1 to PW.6 witnesses and got marked Exhibit P1 to Exhibit P8 documents Thereafter the prosecution has closed evidence on its side.
5. The accused person has examined under section 313 of Cr.P.C. They have denied all the incriminating evidences appearing on record against him and has not chosen to lead any evidence on his behalf. Hence matter was posted for arguments.
6. Heard the arguments advanced by learned A.P.P and the counsel for the accused. Perused the materials on record.
7. The points that arise for the consideration of this court are:

P O I N T S

- 1) Whether the prosecution proves beyond reasonable doubt that on 13/11/1994 at 7.00 A.M., in Kalladevapura N.H.13 highway road deceased Yathesh was walking towards left-side of the road, one lorry bearing no CNX-6462 drawing from Hospet towards Chitradurga was driving in rash and negligent manner had hit**

him and caused accident thereby accused person committed an offence punishable U/s. 279 IPC?

2) Whether the prosecution proves beyond reasonable doubt that on the above said date, time and place, both accused person by act of driving above said vehicles in the rash or negligence manner hit the deceased due to which he died, thereby accused committed an offence punishable U/s 304-A IPC?

3)What order or sentence?

8. My findings on the above points are as under:

POINT NO.1 : IN THE NEGATIVE

POINT NO.2 : IN THE NEGATIVE

POINT NO.3: AS PER FINAL ORDER

for the following:

REASONS

9. **Point No.1 and 2:** As these points are interconnected and require common application of evidence, they are taken up together for discussion, in order to avoid repetition.
10. In order to prove the case of the prosecution, prosecution got examined PW1 to PW 6 and got marked Exhibit P1 to Exhibit P8 documents. On going through the deposition of prosecution side, the CW1 got examined as PW1. He being informant in this case deposed about the deceased Yatesh at 7 am was attending his nature call, the Lorry coming from Hospete hit him, the

Yatesh died on spot, in his cross examination he denied suggestion put forth to him.

11. The CW5 got examined as PW2. In the in the chief examination, he has stated that the deceased Yatesh is his son deposed about the deceased Yatesh at 7 am was attending his nature call, the Lorry coming from Hospete hit him, the Yatesh died on spot. His cross examination was deferred, later on service of summons return as PW2 died, hence he was unable to full examination.
12. The CW15 got examined as PW3. He is the IO in this case. In his chief examination he has stated about receipt of case file, preparing seizure of alleged vehicles involved in the accident, recording statement of witnesses and releasing the vehicles to its owner, receipt of would certificate, receipt of P.M. report, receipt of IMV report of vehicles and after finishing investigation he filed charge sheet against the accused. In his cross examination, he has denied suggestions put to him, nothing has been elicited from him.
13. The CW4 got examined as PW4, The CW 9 got examined as PW 5 who are the eye witness of the incident. In their chief examination they stated that in 1994 at 8 am near CW 9 hotel

one Lorry hit the Yatesh when the deceased Yatish was crossing the Highway, Lorry driver was stopped and was on spot, they did not know the Lorry number and the driver, they are unable to identify him. In the cross-examination by the accused counsel, they have stated that they did not seen the accident, they went to spot after the accident happened, they did not know Lorry number, they did not identify the accused, as many years passed.

14. The CW14 got examined as PW6. He is the IO in this case. In his chief examination he has stated about receipt of information, registering the FIR. In his cross examination, he has denied suggestions put to her, nothing has been elicited from her.
15. The Ld.A.P.P representing the complainant in the case has argued that PW.1 to PW.6 all witnesses examined by the prosecution side have supported the case of prosecution. That, the prosecution has successfully proved through cogent and corroborative oral and documentary evidence that the accused has committed the alleged offences and he should be punished with maximum punishment prescribed for the alleged offences.
16. On the other hand, the counsel for accused has vehemently argued that, except the official witnesses, no other witness has

supported the case of prosecution. Further, argued that, there is absolutely no evidence of any independent witness on record to show that, the accused have committed the alleged offence hence prayed to acquit the accused for the alleged offences.

17. On meticulously going through the records as such it is case of the prosecution that when the deceased Yatesh was coming towards left side of NH-13 near Kalladevapura village, accused drive rash and negligent manner was driving vehicle Lorry bearing No CNX-6462 from Hospete, hit the deceased Yatesh, he died on spot. But as per the deposition of PW1 and PW2 stated that the deceased Yatish was attending nature call the Lorry coming from Hospete hit him. In the chief examination of PW4 and PW5 who are the eye witness to the incident, have stated that the deceased Yatesh was crossing the NH-13 highway, the Lorry coming from Hospete hit him. As admittedly they have not supported the case of prosecution, though the Ld.APP with permission have thoroughly cross-examined them but nothing has been elicited from them in support of prosecution case. There is material contradiction to the case of prosecution. As such they did not know for what reasons the accident has happened and also, they did not know due to the

rash and negligent manner driving of accused the accident has happened. Under these circumstances the prosecution has failed to prove the manner of rash and negligence driving by the accused. As there is no evidence on record to show that, the alleged accident has been caused due to rash and negligent act of the accused. Further, there is no evidence on record to show that, the accused was the driver of offending vehicle as on the date of alleged accident. In such circumstances, none of the ingredients which constitute offence U/Sec.279 and 304(A) of I.P.C., have been established by the prosecution.

18. Therefore, in such circumstances and for the reasons stated supra, there is no other option before this Court, except to hold that the prosecution has utterly failed to prove the charges leveled against accused beyond all reasonable doubt, due to uncorroborated witnesses. As such, the accused is entitled for acquittal. Hence, this court answer Point No.1 and 2 in **Negative.**

19. **Point No.3:** In view of above conclusion, this court proceed to pass the following:

: O R D E R:

Accused found not guilty for the offence punishable U/Sec 279 and 304(A) IPC.

Under the powers confirmed upon this court U/Sec.255(1) of Cr.P.C. the accused is acquitted for the offence punishable U/Sec 279 and 304(A) IPC.

In compliance of section 437-A Cr.P.C the bail bond and surety bond of accused will continue for period of 6 months and thereafter stands cancelled.

Dictated to the Stenographer directly on the computer, transcript revised, corrected and then pronounced by me in the open Court on this 02nd day of July, 2026)..

(Chethan.R)
Civil Judge & J.M.F.C, Jagalur.

A N N E X U R E**List of witnesses examined on behalf of prosecution**

P.W.1	:	P.Veerappa
P.W.2	:	Basavarajappa
P.W.3	:	M B Basappa
P.W.4	:	Nagaraj
P.W.5	:	Suresh

P.W.6 : Narayana Rajaputh

List of documents exhibited on behalf of prosecution

Ex.P.1 : Complaint
Ex.P.2 and 4 : Inquest report
Ex.P.3 : Proclamation Mahazar
Ex.P.5 : Rough sketch
Ex.P.6 : Denied statement of PW.5
Ex.P.7 : IMV report
Ex.P.8 : Post Mortem report

List of material objects marked on behalf of prosecution

- NIL -

**List of witnesses examined & documents exhibited on behalf of
accused**

- NIL -

(Chethan.R)
Civil Judge & J.M.F.C, Jagalur.

