

State of H.P. Versus Shilpa Rani
(CIS No. 133 of 2022)

**IN THE COURT OF ASHOK KUMAR, JUDICIAL
MAGISTRATE FIRST CLASS, PALAMPUR, DISTRICT
KANGRA, HIMACHAL PRADESH.**

CIS CNR No. : HPKA14-002990-2022
CIS Case Type : Police Challan.
CIS Case No. : 133/2022
CIS Case Year : 29.10.2022
Date of Decision : 19.02.2026

State of Himachal Pradesh

Versus

**Shilpa Rani D/o Surjeet Singh, R/o Village Gadh, PO
Bhoura, Tehsil Palampur, District Kangra, H.P.**

.....Accused person.

**Police Report u/Sec. 279, 337 &
338 of IPC. in case F.I.R., No. 144
of 2022 dated 26.08.2022 Police
Station Bhawarna, District
Kangra, (H.P.)**

For the State : Sh. Diwakar Sharma, Ld. APP.

For the Accused. : Sh. D.B Singh, Id. Advocate.

JUDGMENT:

Present challan has been put against the accused person to face trial for the commission of offences punishable under Sections 279, 337 & 338 of IPC. in case F.I.R., No. 144 of 2022 dated 26.08.2022 Police Station Bhawarna, District Kangra, (H.P.)

2. In brief, as per prosecution story that complainant Priyanka Thakur is computer science teacher and was posted as GSS Punner and living at her quarter at Nagarkot colony Adarsh Nagar Thakurdwara. On 26.08.2022 complainant was proceedings to her duty from her above said quarter to above said place of duty in her scooty bearing registration No. HP19D-1017 and at about 8:40 a.m reached

at Khaled road Thakurdwara. Where accused also reached while driving white coloured Maruti 800 car bearing registration No. HP 37A-4206 belonging to Vijay Kumar, on high speed, rashly and negligently and suddenly got turned towards Khaled road due to which she got collided with the said scooty of the complainant. Due to the said collision complainant fell from her said scooty, causing injuries on her person. Thereafter accused person and the said Vijay Kumar took the complainant in the said Maruti car to CHC Palampur for medical treatment from where due to absence of x-ray machine was referred to CHC Bhawarna vide rapat No. 14 and afterwards the doctor advise the complainant to go for further treatment either at Tanda or IGMCH. Therefore the said accident occurred due to high speed rash, negligent driving of the said Maruti Car by the accused person. The said matter was got reported to the police by the husband of the complainant vide rapat No. 50 upon which police visited the hospital vide rapat No. 12 and got recorded the statement of complainant under section 154 of Cr.P.C which was sent to police station for registration of FIR, accordingly, FIR was got registered against accused person. The matter was got investigated by the HC Jitender Kumar No. 50 who visited the spot, prepared the spot map, got clicked the photographs and got medically examined the complainant and procured the medical record thereto. I.O during the investigation also took into possession the offending vehicle and accidental vehicle alongwith the documents vide separate recovery memo. I.O released the accidental vehicle vide supurdari memo. I.O also took into possession the DL of Vijay Kumar and accused person vide separate memos and also got mechanically examined the offending vehicle and accidental vehicle and got procured the report thereto. I.O also got

recorded the statements of witnesses under section 161 Cr.P.C as per their version. After completion of investigation, challan was prepared and submitted in the Court.

3. The Court took cognizance and summoned the accused person. On the appearance of the accused person in the Court, copy of Challan was supplied to her in compliance of Section 207 Cr.P.C. and her statement to this effect was recorded separately. After hearing both the Learned Counsels and on finding a prima facie case against the accused person, notice of accusation for the offences punishable under Sections 279, 337 and 338 of IPC was framed against accused person & put to her to which she pleaded not guilty & claimed trial.

4. In order to prove its case, the prosecution has examined as many as 12 witnesses i.e PW-1 Ranjeet Kumar (witness to spot), PW-2 LHHG Santosh No. 9/2-14 (witness to spot), PW-3 Malkiyat Singh (witness to mechanical reports), PW-4 Rishi Kumar (witness to spot), PW-5 Vijay Kumar (co-passenger in offending vehicle), PW-6 Const. Amit Kumar No. 799 (witness to spot), PW-7 HHC Raj Kumar No. 677 (witness to memo), PW-8 ASI Vijesh Kumar (witness to memo), PW-9 Priyanka Thakur (complainant), PW-10 HC Manjeet Singh No. 23 (witness to rapar and FIR), PW-11 ASI Jitender Kumar (I.O), PW-12 Nav Kumar Katoch (witness to memo).

5. After closure of prosecution evidence, statement of the accused was recorded under Section 313 Cr.P.C. wherein she has denied the prosecution story in toto. She has pleaded innocence. She was granted an opportunity to lead evidence in defence to which she stated that she do not want to lead evidence in her defence.

6. In the present case, following points arise for determination:-

Point no. 1 Whether the prosecution has proved beyond reasonable doubt that on 26.08.2022 at about 08:40 AM, at place Khaled raod Thakurdwara accused person was driving Maruti car 800 bearing registration No.HP-37A-4206 on public way in a rash and negligent manner so as to endanger human life and personal safety of others and got collided aforesaid mention car, with complainant's scooty bearing registration no. HP 19D-1017, causing simple as well as grievous injuries to the complainant on her person, as alleged?

Point No. 2. Final Order.

7. For the reasons to be recorded here-in-after while discussing the aforesaid points for determination my findings on the same are as under:-

Point No. 1	:	No.
Final order	:	Accused is acquitted for the offences punishable under sections 279, 337 & 338 of IPC as per the operative part of the judgment.

REASONS FOR FINDINGS

POINT No. 1:

8. During the course of arguments, Ld. Public Prosecutor has submitted that it is amply clear from the record that the present accident took place due to high speed, rash and negligent driving, of the offending vehicle. All the witnesses has well supported the case of the prosecution as such the prosecution has proved its case beyond the shadows of reasonable doubt hence, accused

liable to be convicted.

9. To the contrary, the Ld. defence counsel has submitted that the material witnesses had turned adverse to the case of the prosecution and did not supported the prosecution version. It is further submitted that accident has not taken place due to rash and negligent driving of the accused person. He further argued that material witnesses to the prosecution case has stated otherwise. It has also been added that the material corroboration and support to the case of the prosecution is lacking. Hence, accused is innocent, therefore, accused deserve to be acquitted.

10. It is the case of the prosecution that on 26.08.2022 at about 08:40 AM, at place Khaled raod Thakurdwara accused person was driving Maruti car 800 bearing registration No. HP-37A-4206 on public way in a rash and negligent manner and got collided the same with complainant's scooty bearing registration no. HP 19D-1017, causing simple as well as grievous injuries to the complainant on her person.

11. It is apparent from the testimonies of PW1, PW2, PW4, PW5, PW6, PW9, PW11, MLC Ext.P2/PW11, final opinion Ext.P12/PW11, x-ray Ext.P9/PW11, CT-scan Ext.P10/PW11 and discharge summary Ext.P11/PW11 that accused person has caused simple injuries as well as grievous injuries to the to the complainant. However, simply because an accident had taken place or some person had suffered injuries is not sufficient to prove the rashness or negligence of the accused but this fact is to be established independently by the prosecution. **(please see Tuka Ram versus State AIR 1971 Bombay 164)**. Therefore, it was for the prosecution to establish that rashness or negligence of

the accused which has caused the accident. Similarly, taking into possession of the offending vehicle is not sufficient to prove the rashness or negligence of the accused person in driving the offending vehicle.

12. PW-1, PW-4, PW-5 are the material witness to the case of the prosecution however, these witness have resiled from their previous statements got recorded under section 161 Cr.P.C upon which they have been got cross-examined at length by the Ld. APP for the state however, nothing came out which could have supported the case of the prosecution. In fact they have denied the prosecution story in toto. They have in one voice have categorically denied that when they were present on the spot then accused person came on high speed while driving the offending vehicle got turned the same towards Khaled road and got collided with scooty. They have denied that due to the said collision the aforesaid scooty and complainant fell down. PW-1 have denied that he came to know that present accident was occurred due to the negligence of the accused person. PW-4 in his cross-examination has denied that car bearing registration No. HP37A-4206 which was got collided was got driven by a girl and a one person was also sitting in the said car. He has stated that he does not know that injured lady was taken to hospital by accused and the said person. PW-5 in his cross-examination has stated that the present accident is not occurred due to the fault of the accused person however, the opposite side coming scooty suddenly applied the brake due to which it got skid and fell down. They have stated that they have not made any such statement to the police. Hence, the testimonies of these witnesses cannot be relied upon and prosecution cannot be able to derive any such advantage from the testimonies of these witnesses.

13. PW2 in his testimony before the court has only stated that an white coloured maruti car turned towards the Khaled road and got collided with the scooty coming from the opposite side, collision was great that driver of the scooty got fell on road. Whereas PW-9 in her testimony before the court has stated that she parked her scooty to the side of the road for clearance of traffic then at the said point of time an Alto car came from the opposite side on high speed and came to the wrong side of the road and got collided with her scooty and accident was got happened. Importantly, she was confronted with her above said statement, in her cross-examination upon which she has stated that she has given such statement to the police however, the same is not recorded in her statement under section 154 Cr.P.C. Therefore, the said testimonies of PW-2 and PW-5 shows the material contradictions and discrepancies in between them as well as to the case of the prosecution which would goes to suspect the very genesis of the case of the prosecution.

14. If the testimonies of these witnesses are taken away then there remains formal witnesses before them no accident occurred, whatever information is gathered i.e., on the basis of hearsay evidences, who have already denied the prosecution story.

15. Significantly, PW-6 in his cross-examination has stated that driver of the scooty on seeing the car coming towards to her got tremble and in such state got applied the brake suddenly and lost control upon the same and fell down. Self stated that driver of the car also jittered and collided with the scooty. Importantly, PW9 in her cross-examination has got admitted that she was taken to CHC Palampur then police has got recorded her statement mark X

which bears her signatures under red circle Ext.D1 and her mother-in-law signature under red circle Ext.D2. The very perusal of the said documents shows that she has made statement to the police that on seeing big car coming from the front side she applied for brake then her scooty got skid and she fell down alongwith the scooty. Therefore, the above statement shows the other view to the view of the prosecution. Therefore, when two views are deducible from the evidence on record benefit of doubt is to be given to accused. **(Please See Akshay Kumar Vs. State of H.P. Latest HLJ 2009(H.P.)72).**

16. It is the consistent case of the prosecution is that the accused person was driving the offending vehicle on high speed which led to the happening of the present accident. However, Speed of Vehicle without spelling out the rash or negligent act, speed is not decisive factor and rash and negligent act has to be established. **(Please see Kushal Singh Vs. State of H.P.) latest HLJ 2009(HP) 588.** Also, mere driving of a vehicle at a high speed or slow speed do not lead to an inference that negligent or rash driving has caused accident resulting in injuries. **(Please see State of H.P. Vs. Parmodh Singh Latest HLJ 2008(HP) 1360).** In the instant case there is no such evidence to establish on record rashness and negligence of the accused person.

17. Therefore, such circumstances does not point towards the guilt of the accused person which will cogently established leading to the conclusion that in all human probability it is only the accused who has committed the offence alleged. There are circumstantial evidence, however, that does not draws the inference of guilt of the accused person.

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18. After giving due contemplation to the entire facts and circumstances of the present case and further taking into consideration the iota of evidence examined by the prosecution in the present case the prosecution has failed to prove its case against the accused beyond all reasonable shadows of doubt.

19. Since, prosecution failed to prove that it was the accused person with whose fault the present accident occurred therefore, the accused cannot be fastened with liability of guilt. Hence, the prosecution has failed to prove his case against the accused under Section 279, 337 and 338 of Indian Penal Code as such Point No. 1 is answered against the prosecution.

FINAL ORDER:-

20. In the light of reasons and findings on above point, prosecution has not been able to prove its case beyond reasonable doubt under Section 279, 337 and 338 of Indian Penal Code against the accused person. Hence, the accused is acquitted. Her personal and surety bonds are cancelled and discharged. The case property i.e., above-said vehicle along with documents has already been released to the owner vide separate order. File after due completion be consigned to records.

**Announced in the open court today on this
19th day of February, 2026 in presence of Ld. APP and
accused person and her Ld. Counsel.**

M/-

**(Ashok Kumar)
Judicial Magistrate First Class
Palampur, District Kangra, H.P.**

Form 'A'
LIST OF WITNESSES

<u>Serial No.</u>	<u>Name of Witness</u>	<u>Whether the witness is of prosecution or that of defence</u>
PW-1.	Ranjeet Kumar	Prosecution witnesses
PW-2	LHHG Santosh	--do--
PW-3	Malkiyat Singh	--do--
PW-4	Rishi Kumar	--do--
PW-5	Vijay Kumar	--do--
PW-6	Const. Amit Kumar	--do--
PW-7	HHC Raj Kumar	--do--
PW-8	ASI Vijesh Kumar	--do--
PW-9	Priyanka Thakur	--do--
PW-10	HC Manjeet Singh	--do--
PW-11	ASI Jitender	--do--
PW-12	Nav Kumar Katoch	--do--

<u>Exhibit</u>	<u>Dated</u>	<u>Description</u>
Ext.D1	23.12.2025	Signature of PW-9
Ext.D2	23.12.2025	Signature of mother-in-law of PW-9
Ext.D3	23.01.2026	Rapat
Ext.D4	23.01.2026	Rapat
Ext.P1/PW3	21.08.2025	Mechanical report of offending vehicle
Ext.P2/PW3	21.08.2025	Mechanical report of accidental vehicle
Ext.P1/PW5	28.10.2025	Memo of offending vehicle
Ext.P2/PW5	28.10.2025	Memo of driving licence of PW-5
Ext.P1/PW6	29.10.2025	Memo of accidental vehicle
Ext.P2/PW6	29.10.2025	Certificate U/S 65-B IEA
Ext.P1/PW8	30.10.2025	Memo of supurdari of AV
Ext.P1/PW9	23.12.2025	Statement of complainant under section 154 of Cr.P.C

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Ext.P1/PW10	24.12.2025	Rapat
Ext.P2/PW10	24.12.2025	FIR
Ext.P3/PW10	24.12.2025	Endorsement
Ext.P4/PW10	24.12.2025	Certificate U/S 65-B IEA
Ext.P5/PW10	24.12.2025	Extract of Malkhana
Ext.P6/PW10	24.12.2025	Extract of Malkhana
Ext.P1/PW11	23.01.2026	Application
Ext.P2/PW11	23.01.2026	MLC
Ext.P3/PW11	23.01.2026	Sketch map
Ext.P4/PW11 to	23.01.2026	Photographs
Ext.P7/PW11		
Ext.P8/PW11	23.01.2026	Certificate of PW-5
Ext.P9/PW11	23.01.2026	X-ray
Ext.P10/PW11	23.01.2026	CT-scan
Ext.P11/PW11	23.01.2026	Discharge summary
Ext.P12/PW11	23.01.2026	Final opinion
Ext.P13/PW11	23.01.2026	Statement of Ranjeet Kumar under section 161 Cr.P.C.
Ext.P14/PW11	23.01.2026	Statement of Rishi Kumar under section 161 Cr.P.C.
Ext.P15/PW11	23.01.2026	Statement of Vijay Kumar under section 161 Cr.P.C.
Ext.P16/PW11	23.01.2026	Statement of Nav Katoch under section 161 Cr.P.C.
Ext.P17/PW11	23.01.2026	Statement of Pardeep Chand Katoch under section 161 Cr.P.C.
Ext.P18/PW11	23.01.2026	Statement of Nishant Singh under section 161 Cr.P.C.
Ext.P19/PW11	23.01.2026	Statement of Pardeep Chand Katoch under section 161 Cr.P.C.
Ext.P20/PW11	23.01.2026	Statement of Nishant Singh under section 161 Cr.P.C.

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Ext.P21/PW11	23.01.2026	Statement of Vijay Kumar under section 161 Cr.P.C.
Ext.P22/PW11	23.01.2026	Statement of Vijay Chand Katoch under section 161 Cr.P.C.
Ext.P1/PW12	23.01.2026	RC
Ext.P2/PW12	23.01.2026	Insurance of offending vehicle
Ext.P3/PW12	23.01.2026	Learner licence of accused
Ext.P4/PW12	23.01.2025	Driving licence of PW5

(Ashok Kumar)
Judicial Magistrate First Class
Palampur, District Kangra, H.P.

**IN THE COURT OF ASHOK KUAMR, JUDICIAL
MAGISTRATE FIRST CLASS, PALAMPUR, DISTRICT
KANGRA, HIMACHAL PRADESH.**

Detail of personal and surety bonds u/s 437(A) Cr.P.C.

Sr.No	Name and address of accused	Name and address of surety
1.	Shilpa Rani S/o Sh. Surjeet Singh, R/o Village Gandh, P.O Bhoura, Tehsil Palampur, District Kangra, H.P.	Sh. Kalyan Singh S/o Sh. Jogidner Singh @ Rajinder Pal, R/o Village Rodi, P.O Khalet, Tehsil Palampur, District Kangra, H.P.

**(Ashok Kumar)
Judicial Magistrate First Class
Palampur, District Kangra, H.P.**