



CNR: KAHC010119092022

NC: 2026:KHC:52116  
CRL.A No. 463 of 2022

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 22<sup>ND</sup> DAY OF SEPTEMBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE G BASAVARAJA**

**CRIMINAL APPEAL NO. 463 OF 2022 (A)**

**BETWEEN:**

THE STATE OF KARNATAKA,  
STATION HOUSE OFFICER,  
SULLIA POLICE STATION,  
REP BY STATE PUBLIC PROSECUTOR,  
HIGH COURT BUILDING,  
BENGALURU.

...APPELLANT

(BY SRI. K. NAGESHWARAPPA, HCGP)

**AND:**

AMAL JOSH,  
S/O JOSH,,  
AGED ABOUT 25 YEARS,  
RESIDENT OF PERUMPATHARA HOUSE,  
BETTAPALAM POST, PULUPALLI,  
VYANADU, DISTRICT KERALA STATE.

...RESPONDENT

(BY SRI. PRAJITH C., ADVOCATE)

THIS CRL.A IS FILED UNDER SECTION 378(1) AND (3) CR.P.C BY THE S.P.P. FOR THE STATE PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO GRANT LEAVE TO APPEAL AGAINST THE JUDGMENT AND ORDER OF ACQUITTAL DATED:09.08.2021 ON THE FILE OF SENIOR CIVIL JUDGE AND J.M.F.C., SULLIA, D.K. DISTRICT IN C.C.NO.171/2016, ACQUITTING THE ACCUSED/RESPONDENT FOR THE OFFENCE



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P/U/S 279, 337, 338 AND 304A OF IPC AND SET ASIDE THE AFORESAID IMPUGNED JUDGMENT AND ORDER OF ACQUITTAL DATED 09.08.2021 ON THE FILE OF SENIOR CIVIL JUDGE AND J.M.F.C., SULLIA, D.K. DISTRICT IN C.C.NO.171/2016, ACQUITTING THE ACCUSED/RESPONDENT FOR THE OFFENCE P/U/S 279, 337, 338 AND 304A OF IPC AND ETC.,

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

**ORAL JUDGMENT**

Heard on admission.

2. The State has preferred this appeal challenging the judgment of acquittal passed by the Senior Civil Judge and JMFC, Sullia, D.K, in C.C.No.171/2016 dated 09.08.2021.

3. The brief facts of the case are that on 24.10.2015, at about 3.10 p.m. on Mani Mysore State Highway, near Parivarakana, Sullia, Kasaba, the driver of Jeep bearing No.KL-12/A/547 drove the same in a rash and negligent manner and dashed against the pulsar bike



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bearing No.KA-19-EB-4031, which was coming from opposite side, as a result the driver of two wheeler and pillion rider fell down and sustained injuries. The jeep was turtled in the said spot, as the driver was not able to control the jeep, as a result of the accident, the pillion rider Kishor Kumar succumbed and the inmates of jeep also sustained grievous injuries. Thus, accused has committed the alleged offences. As per the charge sheet, PWs-2 to 5 are the inmates of the offending vehicle. They have deposed that they had been to Dharmasthala along with family members and while returning on 24.10.2015, at about 2.30 p.m. from Sullia to Madikeri they have started journey in the alleged jeep.

4. The trial Court has observed that the testimony of PWs-2 to 5 make it clear that PW-1 being the rider of two wheeler drove it in a negligent manner at curve and applied sudden break, thereby the pickup van/accused vehicle coming from the back side, touched the two



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wheeler, as a result the accident occurred. The trial Court further observed that it is clear that there is no negligence or rash driving of the accused as alleged by the prosecution.

5. The trial Court has observed that PW-6 Anil Kumar, who claims to be the eye witness cum spot mahazar witness to the accident, has deposed as to the accident, but he has not deposed as to the rash and negligent act on the part of the accused. PW-6 has admitted in his cross-examination that he was having sufficient knowledge about the Court proceedings. The trial Court has observed the demeanor of the witness, which indicates that he was trying to create some story against the prosecution case. Accordingly, the trial Court has rejected his evidence, that his evidence is not trustworthy and the same is under cloud.

6. The trial Court has properly appreciated the evidence of other witnesses and after appreciation of



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evidence on record in its proper perspective, acquitted the accused. On a careful examination of the entire witnesses on record, I do not find any legal or factual error in the impugned judgment of acquittal passed by the trial Court. Hence, it is not a fit case to admit. Accordingly, I proceed to pass the following:

ORDER

Appeal is ***dismissed*** at the stage of admission itself.

Sd/-  
(G BASAVARAJA)  
JUDGE

RR  
List No.: 1 Sl No.: 27