



CNR: KAHC010378772024

NC: 2026:KHC:50416
CRL.A No. 1411 of 2024

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 16TH DAY OF SEPTEMBER, 2026**

BEFORE

**THE HON'BLE MR. JUSTICE G BASAVARAJA
CRIMINAL APPEAL NO. 1411 OF 2024 (A-)**

BETWEEN:

1. THE STATE OF KARNATAKA BY
TARIKERE POLICE
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU-560001

...APPELLANT

(BY SRI. K. NAGESHWARAPPA, HCGP.)

AND:

1. CHANNAIAH
S/O LATE RAMAIAH
AGED ABOUT 61 YEARS
R/O DOOR NO.31,
BANASANDRA
TURUVEKERE TALUK
TUMKUR DISTRICT-572227.
2. ANIRUDD M P
S/O LATE PUTTASWAMY
AGED ABOUT 33 YEARS
R/O 38/55, 13TH E CROSS
KANTIRAVA COLONY
AGRAHARA DASARAHALLI
BENGALURU-560010.

...RESPONDENTS

(BY R1 SERVED AND UNREPRESENTED,
SRI. K. N. SHASHIDHAR, ADV. FOR R2.)



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CRL.A. FILED U/S.378(1) (3) CR.P.C BY THE S.P.P FOR THE STATE PRAYING THAT THIS HONBLE COURT MAY BE PLEASED TO MAY BE PLEASED TO GRANT LEAVE TO APPEAL AGAINST THE IMPUGNED JUDGMENT AND ORDER DATED 09.01.2024 PASSED IN C.C.NO.195/2018 C/W C.C.NO.677/2020 ON THE FILE OF THE SENIOR CIVIL JUDGE AND PRINCIPAL JMFC TARIKERE ACQUITTING THE RESPONDENT/ACCUSED FOR THE OFFENCE P/U/S/ 279,337,338,304-A 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

1. Heard on admission.
2. The State has preferred this appeal against the judgment of acquittal dated 09.01.2024 passed in CC.No.195/2018 clubbed with CC.No.677/2020 by the Senior Civil Judge and Principal JMFC., Tarikere (for short, 'the Trial Court').
3. The Tarikere Police have submitted the charge sheet against the accused for the commission of offence under Sections 279, 337, 338, 304(A) of IPC. It is alleged by the prosecution that, on 14.05.2017 around 09.45 pm, the deceased Umesh Babu S/o Maruthi being the driver of



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Lorry bearing No.KA-14/A-0891 has parked the same left side of the road near by B.Ed College of Gantekanive village due to cut of vacuum pipe. He secured the Mechanics i.e, CWs.9 and 10 from Bhadravathi and getting repaired his lorry was sitting in-front of the lorry and was focusing mobile torch light. At that time, the accused No.1 herein drove his lorry bearing No.KA-14/B-5679 in rash and negligent manner, so as to endanger to human life and dashed the lorry of the deceased from his back which was parked for repair. Due to which, the lorry bearing No.KA-14/A-0891 moved further and ran on the driver Umesh Babu. He sustained grievous injuries in the said accident and was taken to Government Hospital, Bhadravathi. The Mechanics i.e., CWs.9 and 10 also sustained simple injuries.

4. Accused No.2 drove his Swift Dezire Car bearing No.KA-02/ML-8966 in rash and negligent manner and dashed the same to lorry bearing No.KA-14/B-5679. Due to which, the cleaner of said lorry i.e., CW.9 sustained



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grievous injuries and thereby the accused No.1 herein has committed the offences punishable under Sections 279, 337, 338 and 304A of IPC. Whereas the accused No.2 has committed the offences punishable under Sections 279 and 338 of IPC.

5. To prove the guilt of the accused prosecution has examined, in all, 12 witnesses as PW.1 to PW.12. 19 documents were marked as Exs.P1 to P19. Statement under Section 313 of Cr.P.C was recorded. Accused have totally denied the evidence appearing against them. However, they did not choose to lead any defence evidence on their behalf.

6. Having heard the arguments on both sides, the Trial Court has acquitted the accused. Being aggrieved by the judgment of acquittal, State has preferred this appeal.

7. The learned HCGP, Sri Nageshwarappa K has submitted his argument that the impugned judgment and order of acquittal passed by the Trial Court is illegal,



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perverse and contrary to law, evidence and materials on record. PW7 and PW9 who are the eye witnesses have clearly deposed as to the rash and negligent driving of the accused. The accused has not given any explanation at the time of recording statement under Section 313 of Cr.P.C. Same is not considered by the Trial Court. PW5-the Motor Vehicle Inspector, has clearly deposed that there is no mechanical defect and system is in working condition. It clearly goes to show that the Court below have passed the judgment mechanically and acquitted the accused. On all these grounds, it is sought to allow the appeal.

8. I have examined the materials placed before this Court. The Trial Court has clearly observed that, the prosecution has cited 32 witnesses in the charge sheet and out of them 12 witnesses were examined. PW1 is the sister of the deceased and informant as well. She supported the case of the prosecution in-part and she never deposed anything about the second accident. However, she is only a hearsay witness. Her evidence does



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not require much discussion. PW2 is the person who has conducted fault investigation. PW3 is cited as eyewitness in the charge sheet. But he has not deposed anything as to the alleged accident. PW4 is also alleged to be another eyewitness. He has deposed something about the alleged incident and specifically stated that he was not present at the time when the car dashed against the tanker lorry. In the cross examination, he admitted that since the road runs in upward direction, the vehicle used to run slowly in the spot of accident. It means there is no scope to drive the vehicles in high speed near the spot of accident. The evidence of PW6 is formal in nature. He has deposed only as to registration of the crime. PW8 is said to be another witness to the spot and seizure mahazar. PW7 is one of the mechanic. He has deposed that vehicle bearing Lorry bearing No.KA-14/A-0891 was parked beside the road due to brake failure. Whereas the M.V Inspector stated that the accident has not caused due to mechanical issue. The evidence of PW5 and PW7 do not corroborate each other.



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PW9 another mechanic who was present at the spot has admitted that, he has not seen the driver of the vehicle. No one has shown the driver to him. PW10 who is alleged to be the cleaner of offending lorry, has specifically deposed that accident took place due to rash and negligent driving of lorry by accused No.1. But his evidence is not supported by other witnesses.

9. A careful examination of the entire evidence of the prosecution witnesses, I am of the opinion that the Trial Court has properly appreciated the evidence on record in accordance with law and facts. Hence, I do not find any legal or factual error in the impugned judgment of acquittal passed by the Trial Court. Hence, the appeal is **dismissed** at the stage of 'Admission' itself.

Sd/-
(G BASAVARAJA)
JUDGE

DHA
LIST NO.: 1 SL NO.: 51