HC-KAR

NC: 2026:KHC:59966
CRL.A No. 986 of 2022

CNR: KAHC010239982022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 986 OF 2022 (A)

BETWEEN:

1. THE STATE OF KARNATAKA
   BY PUTTUR TRAFFIC POLICE STATION
   PUTTUR, D. K.
   REP. BY THE STATE PUBLIC PROSECUTOR
   HIGH COURT BUILDING
   BENGALURU-560001

…APPELLANT

(BY SRI. K. NAGESHWARAPPA, HCGP.)

AND:

1. HARSHA S
   AGED ABOUT 39 YEARS
   S/O SHIVAYYA
   R/AT SHIVA KRIPA,
   BEHIND RANGALAXMI KALYANA MANTAPA,
   D. M. HALLI, THANNIRAHALLI,
   HASSAN-571187.

…RESPONDENT

(BY SRI. K. A. CHANDRASHEKARA., ADV.)

CRL.A. FILED U/S.378(1) AND (3) CR.P.C BY THE STATE P.P. FOR THE STATE PRAYING THAT THIS HONORABLE COURT MAY BE PLEASED TO GRANT LEAVE TO APPEAL AGAINST THE JUDGMENT AND ORDER DATED 15.12.2020 PASSED IN C.C.NO.2085/2017 ON THE FILE OF THE LEARNED PRINCIPAL SENIOR CIVIL JUDGE AND A.C.J.M., AT PUTTUR, D.K., THEREBY ACQUITTING THE ACCUSED- RESPONDENT OF THE OFFENCE P/U/S.279,337,338 AND 304-A OF IPC AND ETC.

Digitally signed by
LAKSHMINARAYAN N
Location: High Court
of Karnataka

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

State has preferred this appeal against the judgment of acquittal dated 15.12.2020 passed in CC No.2085 of 2017 by the Principal Senior Civil Judge and ACJM, at Puttur, Dakshina Kannada (for short, the "trial Court").

2. The brief facts leading to this appeal are that, Inspector of Police, Puttur Town Police Station, has laid charge-sheet against the accused for the offences punishable under Sections 279, 337, 338 and 304(A) of Indian Penal Code. It is alleged by the prosecution that on 7.11.2016 at 11:15 am, the accused being the driver of the car bearing Registration No.KA-50/N-5717, drove the same from Bangalore towards Mangalore on NH-75 within the jurisdiction of Puttur Traffic Police near Bedrodi of Bajatur Village, in a rash and negligent manner, and endangering human life and moved towards wrong side of

the road and dashed against the oncoming motorcycle bearing registration number KA-19/W-5787. The impact of which, the rider and the pillion Rider of the said motorcycle fell and sustained grievous injuries and succumbed to the accidental injuries. CW4-Smt. Subhashini, the inmate of the car sustained simple injuries, CW5-Smt. Sarvamangala, CW6-Smt. Kamalamma, and CW7-Shivayya sustained grievous injuries. Thus, the accused has committed the alleged offences.

3. Statement of accusation was recorded for the offence punishable and Sections 279, 337, 338 and 304(A) of IPC and the plea was read over to the accused. Accused pleaded not guilty and claimed to be tried. In order to prove the case, the prosecution has in examined 9 witnesses as PWs1 to 9 and got marked 21 documents as Exhibits P1 to P21. On closure of prosecution side evidence, the statement of the accused under Section 313 of CrPC was recorded. Accused has totally denied the

evidence of prosecution witnesses appearing against him, however, he did not choose to lead any defence evidence on his behalf. Having heard the arguments on both sides, the trial Court acquitted the accused. Being aggrieved by this judgment of acquittal, the State has preferred this appeal.

4. Sri K Nageshwarappa, learned HCGP appearing for the appellant-State, would submit that the impugned judgment is not sustainable in law. It is submitted that the learned Sessions Judge, while passing the judgment has reached a wrong conclusion which has resulted in substantial miscarriage of justice. The prosecution has established the case beyond reasonable doubt by examining the witness to the incident. PWs1 to 3 and also the medical evidence corroborating the evidence of eye-witnesses. It is further submitted that the evidence of eye-witnesses is further corroborated by medical evidence along with the report of Inspector of Motor Vehicles as per Exhibit P18 and also the sketch at Exhibit P3, which

establish the case of prosecution. The trial Judge has lost sight of the fact that nothing has been elicited to disbelieve the evidence of PWs1 to3 who are the eye-witnesses. The learned trial Judge has taken into consideration the minor discrepancies from the evidence of eye-witnesses which are bound to take in place of truthful witnesses because of lapse of time. The trial Court has not appreciated the evidence on record in its proper perspective and has reached a wrong conclusion. On all these grounds, it is sought to allow the appeal.

5. As against this Sri K A Chandrashekara, learned counsel appearing for the respondent would submit that the trial Court has properly appreciated the evidence on record in its proper perspective and has acquitted the respondent and the same does not call for interference in this appeal. Accordingly, he sought for dismissal of the appeal.

6. Having heard the arguments on both sides and on perusal of materials place before this court, the following points would arise for my consideration:

1. Whether the State has made out grounds to interfere with the impugned judgment of acquittal?

2. What order?

7. My answer to the above points are:

Point No.1: In the negative;
Point No.2: as per final order.

Regarding Point No.1:

8. Before appreciation of evidence on record, it is necessary to mention as to the judgments of the Hon'ble Apex Court in the case of CONSTABLE 907 SURENDRA SINGH AND ANOTHER v. STATE OF UTTARAKHAND reported in (2025)5 SCC 433; BABU SAHEBGOUDA RUDRAGOUDAR AND OTHERS v. STATE OF KARNATAKA reported in (2024)8 SCC 149; CHANDRAPPA v. STATE OF

KARNATAKA reported in (2007)4 SCC 415; and H.D. SUNDARA v. STATE OF KARNATAKA reported in (2023)9 SCC 581, wherein the Hon'ble Supreme Court has laid down the principles governing exercise of appellate jurisdiction while dealing with an appeal against judgment of acquittal under section 378 of Code of Criminal Procedure. That, the acquittal of the accused further strengthens the presumption of innocence; the appellate Court, while hearing an appeal against acquittal, is entitled to re-appreciate the oral and documentary evidence; the appellate Court, while deciding an appeal against acquittal, after re-appreciating the evidence, is required to consider whether the view taken by the trial Court is a plausible view which could have been taken on the basis of the evidence on record; if the view taken is a plausible view, the appellate Court cannot overturn the order of acquittal on the ground that another view was also possible; and the appellate Court can interfere with the order of acquittal only if it comes to a finding that the only

conclusion which can be recorded on the basis of the evidence on record was that the guilt of the accused was proved beyond a reasonable doubt and no other conclusion was possible. The interference by an appellate Court for reversing the judgment of acquittal recorded by the trial Court in favour of the accused has to be exercised only if the judgment of acquittal suffers from patent perversity; the same is based on a misreading/omission to consider material evidence on record; and that no two reasonable views are possible and only the view consistent with the guilt of the accused is possible from the evidence available on record.

9. I have examined the materials place before this court. To prove the guilt of the accused, prosecution has examined nine witnesses as PW1 to 9 and got marked 21 documents as exhibits P1 to P21. PWs1 to 3 are said to be the eye-witnesses. PW1-Prakash said to be the complainant, has deposed that on 7.11.2016 at 11.00 am, he was proceeding in a jeep from Golithotu of Uppinangadi

on Bangalore-Mangalore Highway, along with other inmates. When the vehicle reached Bedrodi of Bajathur village, one car overtook their Jeep and dashed against the motorbike coming from the opposite side. One lady was the pillion rider of the said motor vehicle. Both fell down and the car capsized towards the right side. He parked his jeep and went to the spot of accident. Sri Shivanand, the rider of the motorcycle, was acquainted to him. The pillion rider of the motorcycle was the sister of said Shivananda. They were not in a position to talk. Therefore, they were shifted to Puttur Hospital in an ambulance. The inmates of the car had also sustained injuries. Thereafter, he came to know about the death of rider and pillion Rider of the motorcycle. The accident occurred since the driver of the car drove the same in high speed and in rash and negligent manner. Then he lodged the complaint to the police as per Exhibit P1.

10. PW2-Shekhar Gowda has deposed that on 7.11.2016 between 11.00 and 11:30 am, he was in his

shop situated at Bedrodi. PW3-Vinod was also with him. At that time, a car was heading towards Mangaluru. At the same time, a bike was heading towards Bengaluru. The car hit the motorcycle and the accident took place. The car capsized and the inmates of the car sustained injuries. The rider of the motorcycle sustained grievous injuries and were shifted to hospital. He identified the photographs of the vehicles involved in accident marked as Exhibits P4 to P7. The accused was the driver at the time of the accident.

11. PW3-Vinod Gowda has deposed that on 7.11.2016, he was with PW2 near Bedrodi. At that time, the offending car was proceeding from Bangalore towards Mangalore. The motorbike were heading towards Bangalore. There was a head-on collision between these two vehicles and the car capsized towards the right side of the road and both bike rider and pillion rider sustained grievous injuries in the accident. The injured were shifted to hospital. Photographs of the vehicle involved in the accident were identified by him.

12. PW4-Subhashini has deposed that the accused is husband and accused was driving the car at the time of accident. She has deposed as to the accident, however, she has not deposed as to the rash and negligent act on the part of the accused. She has been treated as hostile witness and cross-examined by the prosecution.

13. PW5-Shivraj has deposed as the panchanama as per Exhibits P2 and P3 and the photographs Exhibit P4 to P7.

14. PW6-Sridhar Rao, Inspector of Motor Vehicles has deposed as to the inspection of vehicles involved in the accident and issuance of report as per Exhibit P18.

15. PW7-Lohith is the owner of the car, has deposed that at the time of accident, his elder brother was the driver of the car.

16. PW8-Dhamesh and PW9-Mahesh Prasad Police Officials, have deposed as to their respective investigation.

17. During the course of cross-examination of PW1, he has clearly admitted that he was sitting in the backside of the jeep and totally 10 passengers were travelling in the jeep. After the accident, by the time he went to the spot people had already gathered there. Further, he has deposited that he has not given any statement to the police. He has also admitted that he do not know as to who is the scribe of Exhibit P1.

18. PW2 has deposed that the accident took place about 180 meters away from his shop. The accident spot is not visible from his shop. The same has been explained in Exhibit P3 mahazar. Further, he has clearly admitted that he has visited the spot after the accident, and he has not given any statement to the police.

19. PW3 has also admitted as to the accident took place around 100 metres away from the shop where he was sitting. PW4 has not supported the case of prosecution.

20. On appreciation of the entire evidence on record, the trial Court has acquitted the accused. On appreciation, re-examination and reconsideration of the entire evidence and record, I do not find any legal or factual error to interfere with the impugned judgment of acquittal. Considering the facts and circumstances of the case and also keeping in mind the aforestated decisions of Hon'ble Supreme Court, I answer Point No.1 in the negative.

Regarding Point No.2:

21. For the reasons of afore, I proceed to pass the following:

O R D E R

Appeal is dismissed.

Sd/-
(G BASAVARAJA)
JUDGE

LNN
List No.: 1 Sl No.: 77