HC-KAR

NC: 2026:KHC:64658
CRL.A No. 1057 of 2016

CNR: KAHC010330132016

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO.1057 OF 2016 (A)

BETWEEN:

STATE OF KARNATAKA
BY PUNJALAKATTE POLICE STATION,
BELTHANGADY TALUK,
D.K. DISTRICT, REPTD BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU - 574 214.

...APPELLANT

(BY SRI. K. NAGESHWARAPPA, HCGP)

AND:

VISHWANATH H.D.
BILLE NO. 11999
S/O H.S. DEVARAJ,
AGED ABOUT 37 YEARS,
GANDASI HOBLI,
HEGGATTE VILLAGE,
ARASIKERE TALUK,
HASSAN DISTRICT - 583 125. ...RESPONDENT

(BY SRI. SARAT CHANDRA BIJAI, ADVOCATE (ABSENT))

THIS CRL.A. IS FILED U/S.378(1) AND (3) OF CR.P.C PRAYING TO GRANT LEAVE TO APPEAL AND SET ASIDE THE JUDGEMENT AND ORDER DATED 08.01.2016 PASSED BY THE ADDL. CIVIL JUDGE AND JMFC, BELTHANGADI, IN C.C.NO.1148/2013 ACQUITTING THE RESPONDENT/ACCUSED OF THE OFFENCE P/U/S 279 AND 304(A) OF IPC AND ETC.,

Digitally signed by V MANJUSHA BAI
Location: HIGH COURT OF KARNATAKA

THIS CRL.A., COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

1. The State has preferred this appeal against the judgment of acquittal passed by the Additional Civil Judge and JMFC, Belthangady, D.K. in C.C.No.1148/2013 dated 08.01.2016.

2. The parties shall be referred to herein as arrayed before the Trial Court.

3. The brief facts leading to this appeal are as follows:

(a) The Circle Inspector of Police, Belthangady Circle has submitted the charge sheet against the accused for the offence punishable under Section 279 and 304A IPC. It is alleged by the prosecution that, on 08.09.2013, at about 07:00 p.m., near the mosque at Panakaje of Sonnaduru Village, Belthangady Taluk, on the Mangaluru-Dharmasthala National Highway, the accused, being the driver of KSRTC bus bearing registration No.KA-19/F-2719, drove the bus at a high speed and in a rash and negligent manner so as to endanger human life, and

dashed against a motorcycle bearing registration No.KA-20/H-8447, which was coming from the opposite direction. Due to impact of the accident, the rider of the motorcycle Goutham succumbed to injuries on the way to the hospital. Thus, the accused has committed the alleged offences.

(b) The accused appeared before the trial court and enlarged on bail. Substance of plea was recorded. The accused has pleaded not guilty and claimed to be tried.

(c) To prove the guilt of the accused, the prosecution has examined in all 12 witnesses as PWs.1 to 12 and 14 documents were marked as Exs.P1 to 14. On closure of evidence of the prosecution witnesses, the statement under Section 313 of Cr.P.C was recorded. The accused has totally denied the evidence of prosecution witnesses. However, he did not choose to lead any defence evidence on his behalf.

(d) Having heard the arguments on both sides, the trial court has acquitted the accused. Being aggrieved by this judgment of acquittal, the State has preferred this appeal.

4. The learned HCGP for the appellant would submit that the impugned judgment and order of acquittal passed by the trial court is opposed to law, facts and probabilities of the case. The reasons assigned by the trial court while passing the impugned judgment of acquittal are erroneous and the trial court has come to a wrong conclusion, resulting in miscarriage of justice. The trial court has not properly analyzed and appreciated the evidence of PWs.1 to 5 in its proper perspective, though there are material witnesses to the case of the prosecution. The trial court has acquitted the accused, though there is sufficient incriminating evidence, both oral and documentary, against him for the commission of the offences under Sections 279 and 304A IPC. Hence, he has sought for allowing this appeal.

5. Learned counsel for the respondent has remained absent. Hence, arguments are taken as Nil.

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

(1) Whether the State has made out grounds to interfere with the judgment of acquittal?

(2) What order?

7. My answer to the above points are as under:

Point No.1: Negative

Point No.2: As per Final order

Regarding Point No.1:

8. Before appreciation of the 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. The principles governing exercise of appellate jurisdiction while dealing with an appeal against judgment of acquittal under section 378 of Code of Criminal Procedure are, 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 possible view which could have been taken on the basis of the evidence on record; if the view taken is a possible 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 carefully examined the materials placed before this court.

10. PW.1-Raju, the father of the deceased Goutham, is not an eyewitness to the incident. He has clearly admitted in his cross-examination that he does not know as to how the accused was driving his vehicle. He has also admitted that he cannot state as to whose fault resulted in the accident. PW.2 - Manjunath, mahazar witness has deposed that PWs.3 to 5 have deposed in their evidence relating to the rash and negligent driving on the part of the accused. However, during the course of cross examination of PW.2, he has admitted that he has signed on the mahazar in the police station, but the contents of mahazar are not known to him. He has also admitted that the bus was being driven on the left side of the road, while the bike was coming from the opposite direction on the right side of the road, occupying only 2 feet of the road. During the course of cross examination of PW.3, he has admitted that he does not know as to whose fault resulted in the accident. Further, he has admitted that he has not witnessed the incident. PW.4 - Niyas has admitted that the width of the road was 30 feet, out

of which the width of asphalt road was 20 feet. The accused had occupied 17 feet of the road width for driving his vehicle, while the deceased was riding his bike on the remaining 3 feet. He has admitted that the deceased Goutham is his childhood friend. During the course of cross examination of PW.5, he has admitted that CW.2 and CW.3 were not at the spot and he has informed them through telephone. Considering the above, the trial court has observed that the prosecution has failed to prove the alleged ingredients of Section 279 and 304A IPC. Further, the trial court has observed that the prosecution has failed to prove that the accused was driving his vehicle in a rash and negligent manner so as to endanger human life and that the accident occurred due to his rash and negligent driving.

11. On re-appreciation and reconsideration of the entire evidence on record, I do not find any legal or factual error committed by the trial Court. Considering the facts and circumstances of the case and also keeping in mind the decisions of the Hon'ble Apex Court *supra*, I am of the opinion that the State has failed to place materials to interfere with the

impugned judgment of acquittal. Accordingly, I answer point No.1 in the negative.

Regarding point No.2:

12. For the aforesaid reasons and discussions, I proceed to pass the following:

ORDER

The Criminal Appeal is dismissed.

Registry is directed to send a copy of this judgment along with TCR to the trial court.

Sd/-
(G BASAVARAJA)
JUDGE

hkh.
List No.: 1 Sl No.: 32