

In the Court of the Judicial First Class Magistrate: Uravakonda

Present: Kum. Sai Kumari A, M.A.,LL.M. Judl First Class Magistrate,
Uravakonda.

Tuesday the 25th day of APRIL, 2017

C.C.No.1 of 2017

Between:

State Sub-Inspector of Police,
Uravakonda P.S
Complainant

..

Vs.

R.V.Siva Chandra Reddy S/o C.Kesava Reddy,
aged 32 years, resident of
Anantapuramu.

.. Accused

This case is coming on 24-04-2017 for final hearing before me in the presence of A.P.P for the state and of Sri P. Adi Narayana Reddy, advocate for the accused and upon hearing both sides and having perused the material on record, this court delivered the following:

Case is U/Sec. 304-A and 338 IPC.

J U D G M E N T

1) The Sub Inspector of Police, Uravakonda P.S has laid charge sheet against the accused for the offence punishable U/Sec.304-A and 338 IPC.

2) PW.1 D.Chenna Reddy gave a complaint to the Sub inspector of Police, Uravakonda P.S. Basing on the complaint of PW.1 Chenna Reddy, LW16 S.Maqbul Basha, ASI registered a case as in Cr.No.110 of 2016 U/Sec. 338 and 304-A IPC, after completion of investigation the complainant filed the charge sheet, as per charge sheet brief facts are as follows:

The deceased Syed Basha is resident of Anantapuramu and living by working as Lorry Mechnic. P.W.1 is having 4 lorries and one Bolero vehicle and he sends his 4 lorries for hire. On 2-11-2016 PW1 sent his lorry to Vidapnakal for hire basis, but said lorry was got breakdown near Vidapanakal village. On knowing the same, PW1 was deputed mechanics i.e., the deceased and PW2 in a Bolero vehicle AP 02-AL-1233 to Vidapanakal to repair the lorry. The accused is being driver of the crime Bolero vehicle. After

completion in Bolero vehicle. At about 11.50 p.m. the Bolero vehicle is on reaching near Pennahobilam Bridge, on Bellary-Ananthapuramu NH road, the accused driver of Bolero vehicle drove the vehicle with high speed in a rash and negligent manner, lost control over it and the vehicle turned turtle on road side. As a result, the deceased along with PW2 and the accused are sustained injuries. PW3 witnessed the accident and he did not sustain injuries. PW2 informed the accident information to PW1 through phone. Further the deceased informed the accident information to his wife ie.,PW4 through phone. The injured persons ie., PW2 the accused and the deceased were shifted from the place in a 108 Ambulance vehicle and admitted in Chandra Hospdital Hospital and enquired about the accident. As the deceased S.Basha condition is critical and serious, on the suggestions of the doctors, PW1, PW4, PW6 and others are shifted the deceased to Hyderabad and admitted in OWAISI Hospitals for better treatment on 6-11-2016. Due to infection the doctors are removed the deceased right leg upto thigh. Due to heavy hospital expenditures, on 15.11.2016 PW 4 and PW6 were discharged the deceased S.Basha from Hyderabad and returned to GGH, Anantapuramu on 16.11.2016 at 6.15 a.m. The duty doctor treated the deceased S. Basha and declared that he was died.

Basing on the statement of PW1, LW16 S. Maqbul Basha, ASI, registered a case in Cr.No.110/2016 U/ss 337 and 304-A IPC of Uravakonda P.S and investigated into. LW-16 conducted inquest over the dead body of the deceased in the presence of mediators and inquest panchayatdars and prepared inquest panchanama. LW 12 Dr.Harinatha Reddy examined PWs 1 to 3 and issued wound certificates and opined that the injuries sustained by them are simple in nature. LW13 Dr. Sreenivasa Naik, conducted autopsy over the dead body and conducted autopsy over the dead body and opined that the deceased died due to Septicemia shock resulting from multiple injuries. LW 15 G.V. Madhava Reddy, M.V. Inspector inspected the crime vehicle and issued accident report and opined that the accident was not occurred due to any mechanical defect of the crime vehicle.

3) During the course of investigation, on 8-12-2016 LW-17 P.Janardhan Naidu, SI of Police arrested the accused obtained necessary sureties by advising to attend the court to answer for the allegation attract Section 304-A IPC and after taking sufficient solvencies. Hence the accused is causing death by way of rash and negligent act.

4) This court taken the cognizance of offence against the accused Under Sections 304-A and 338 IPC. On appearance of accused copies furnished U/Sec.207 Cr.P.C.

5) Accused is examined U/Sec.251 Cr.P.C. substance of acquisition read over and explained to the accused in Telugu, pleaded not guilty claimed to be tried for the offence U/Sec. 304-A and 338 IPC

6) On behalf of prosecution PW.1 to PW.6 are examined and marked as Exs.P1 to P5. LW5 Malli Bai, LW6 D.Khalander, LW7 S.Sajahan, LW8 Mahaboob Basha, LW9 S.Najuru, LW10 A.Shiva, LW11 B.S.Ravi Kumar, LW13 Dr. Sreenivasa Naik, LW14 Dr.Shanthiswaropp, LW15 G.V. Madhava Reddy, M.V. Inspector, LW16 S.Maqbul Bahsa, ASI. and LW17 P. Janardhan Naidu, SI of Police, were given up by the learned APP. Best reasons known to the prosecution for given up above said witnesses. On report of APP prosecution evidence is closed.

7) As 313 Cr.P.C examination of accused is dispensed with, there are no incriminating circumstances as deposed by prosecution witnesses against accused. Accused reported no defence evidence. Hence Defence evidence is closed

8) Arguments heard both side:-

9) Points for determination:-

1) Whether accused is the driver of crime Bolero No. AP-02-AL-1233?

2) Accused was drove the crime vehicle in rash and negligent manner?

3) Whether the accused is identified as the driver of crime vehicle?

4) Whether the accused is caused to death of deceased Syed Basha?

5) Whether prosecution proved a case beyond all reasonable doubt U/Sec. 304-A and 338 IPC ?

10) In order to prove the prosecution case complainant Chenna Reddy examined as Pw.1. He deposed that about 4 months back on one day while he was present in his house, at 12-00 noon he received a phone call from PW2 about the accident of his vehicle Bolero. He does not know the driver of the vehicle. He do not know how the accident was occurred. He does not know how many persons died and injured. He did not give complaint to the police. He does not know the contents of his complaint. The Police did not examine him. He is not support to the prosecution case, he is turned hostile. Witness identified his signature in the statement. Ex.P1 is the signature of P.W.1 in the complaint. His 161 Cr.P.C. statement marked as Ex.P2.

11) As per prosecution version, Lorry Mechanic is examined as PW2. He deposed that on 2-11-2016 at 11-00 P.M. he boarded the Bolero vehicle to go to Ananthapuramu at Vidapanakal village. AT 11-30 p.m. he reached near Penna Ahobilam, at that place one vehicle is came to opposite to Bolero vehicle. At that time the Bolero vehicle was turtle and fell down the said Bolero vehicle. He does not know the driver of the vehicle. He does not know the bearing number of crime vehicle. He along with deceased S.Basha were present in the vehicle. The deceased sustained injury to his right hand. The police did not examine him. He is not support to the prosecution case. He is turned hostile. His 161 Cr.P.C. statement is marked as Ex.P3.

12) As per prosecution version Lorry Mechanic examined as PW3. He deposed that about 4 months back on one day he came now about the accident and after that death of the Basha through some unknown persons. He does not know the accident was occurred. He does not know any facts of this case. The police did not examine him. He is not support to the prosecution case. He is turned hostile. His 161 Cr.P.C. statement is marked as Ex.P4.

13) As per prosecution version husband of the deceased examined as PW4. She deposed that on 2-11-2016 while she was present in her house, PW1 telephoned her and informed about the accident of her husband. Immediately, she came to Uravakonda CHC and found her husband with injuries. He sustained injuries to his right leg and small injuries all over the body. On the same day her husband shifted to Chandra Hospital, Anantapur, for better treatment. After 3 days her husband was shifted to Hyderabad Ashra Hospital for better treatment for the heavy expenses. They returned back along with her husband to GGH Anantapur for treatment after one week on 16-11-2016. On the same day her husband was died. She does not know which vehicle was dashed to vehicle of her husband. The police examined her. The police examined her.

14) As per prosecution version mother of the deceased examined as PW5. She deposed that on 2-11-2016 while she was present in her house, PW1 informed her about the accident of her son. Immediately she came to CHC Uravakonda and found her son with injuries. On the same day they shifted her son to Chandra Hospital, Anantapur for special treatment. On the next day, his son was shifted to one Hospital in Hyderabad. She does not know the name of the Hospital for special treatment. Her son right leg was removed in that hospital. Due to heavy expenses they returned to GGH Anantapuramu for treatment along with his son. On 15-11-2016 her son died.

15) As per prosecution version inquestdar examined as PW6. He deposed that on 16-11-2016 he went to GGH Anantapuramu at 10-00 A.M. to saw S.Basha because of he was shifted to Hospital due to accident. He found the dead body of deceased S.Basha at GGH Anantapuram. At the Hospital, Uravakonda police asked his signature in the written paper. He does not know what purpose the police obtained his signature. He can identify his signature. Ex.P5 is the signature of PW6 in the inquest report. He is not support to the prosecution case. He is turned hostile.

16) Complainant cum eye witness examined as PW.1, another eye witness of the accident, examined as PW2, another eye witness examined as PW3, wife of the deceased examined as PW4, mother of the deceased examined as PW5, Inquest Panchayatdar examined as PW6 in this case, but they are not deposed anything about the driver of crime vehicle caused the accident and death of deceased Syed Basha. They are not identified the accused is driver of crime vehicle. They are not support to the prosecution case they are turned hostile. Ex.P1 is the signature of PW1 in the complaint, Ex. P2 is 161 Cr.P.C. statements of PW1. Ex.P3 is 161 Cr.P.C. statement of P.W.2. Ex.P4 is 161 Cr.P.C. statement of P.W.3. Ex.P5 is Signature of PW6 in the inquest report. There is no evidence cause of death of deceased S.Basha.. There is no evidence to the death of the deceased, accused caused death of deceased. There is no evidence about rash and negligent of the accused drove crime vehicle in rash and negligent manner, accused is the driver of crime vehicle, identification of accused.

17) As per above discussion, prosecution is fails to prove identification of accused, accused is the driver of crime vehicle, accused caused the death of the deceased.

18) In the result, accused is not found guilty for the offence U/Sec. 304-A and 338 IPC . Accordingly, accused is acquitted U/Sec. 255(1) Cr.P.C for the offence U/Sec.304-A and 338 IPC. Bail bonds of accused shall be in force up to 6 months.

Typed to dictation on Steno, corrected and pronounced by me in open court this the 25th day of April, 2017.

Judl.I Class Magistrate,
Uravakonda

Appendix of evidence
Witnesses examined for:

Prosecution:

PW1: D.Chenna Reddy
 PW2: K.Sreenivasulu
 PW3: D.Mohan Kumar
 PW4: S.Saheera Banu
 PW5: S.Rasollbee
 PW6: G.Ramesh

Defence:

-Nil-

Exhibits marked for the prosecution:

Ex.P1: Signature of PW.1 in the complaint.
 Ex.P2: Section 161 Cr.P.C Statement of PW.1
 Ex.P3: Section 161 Cr.P.C Statement of PW.2
 Ex.P4: Section 161 Cr.P.C Statement of PW.3
 Ex.P5: Signature of PW.6 in the inquest report.

Exhibits for the defence

-Nil-

Mos marked

-Nil-

JFCM

/true copy/
Judl.I.Cl.Magistrate,
Uravakonda

Calendar and Judgment
In the Court of the Judicial Magistrate of First Class, Uravakonda
CC No. 1 of 2017
Date of

Offence	Filing	Apprehension of accused	Release on bail	Commencement of trial	Close of trial	Judgment
2-11-2016	8-11-2016	8-12-2016	8-12-2016	20-2-2017	24-4-2017	25-4-2017

Between:
State repto. by Sub-Inspector of Police,
Uravakonda P.S
Complainant

...

And

Description of accused

Name of the accused	father's Name	Age	Village	Mandal	Calling
R.V.Siva Chandra Reddy	C.Kesava Reddy	32 yrs	Anantapura mu	Ananthapuramu	Driver

Offence:1. Causing death by rash or negligent act, punishable u/s 304-A IPC.
2. Causing grievous hurt by an act which endangers human life, punishable u/s 338 IPC
Plea of the accused: Pleaded not guilty
Finding of the court: Found not guilty
Sentence:- In the result, accused is not found guilty for the offence U/Sec. 304-A and 338 IPC . Accordingly, accused is acquitted U/Sec. 255(1) Cr.P.C for the offence U/Sec.304-A and 338 IPC. Bail bonds of accused shall be in force up to 6 months.

Explanation for delay & Remarks, if any: - This case was taken on file on 2-1-2017. After furnishing copies of documents, the accused was examined u/sec.251 Cr.P.C. on 1-2-2017. As prosecution failed to produce the witnesses on some adjournments case is adjourned from time to time. Trial was closed and arguments heard on 24.4.2017. Judgment was delivered on 25-4-2017. Hence the delay.

Judl.I Class Magistrate,
Uravakonda.

To:

**The Hon'ble I Addl. District & Sessions Judge,
Anantapuramu .**

Dis.No: dated: -04-2017