VERDICTUM.IN

Reserved on : 11.08.2026
Pronounced on : 16.10.2026

R

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 3658 OF 2022

BETWEEN:

SRI RAMANJALU
S/O LATE KULASHEKARAN
AGED ABOUT 48 YEARS
RESIDING AT NO.17, 2ND CROSS
SUVARNA LAYOUT, NAGARABHAVI
BENGALURU – 560 072.

...PETITIONER

(BY SRI SUNIL KUMAR S., ADVOCATE)

AND:

1. STATE OF KARNATAKA
   BY HAL P.S.
   REPRESENTED BY
   STATE PUBLIC PROSECUTOR
   HIGH COURT OF KARNATAKA
   HIGH COURT BUILDING
   BENGALURU – 560 001.

2. MUBHARAK ALI
   H.C - 8856

VERDICTUM.IN

AIRPORT TRAFFIC POLICE STATION
BENGALURU CITY – 560 017.

…RESPONDENTS

(BY SRI B.N.JAGADEESHA, SPP-I FOR R-1;
R-2 IS SERVED AND UNREPRESENTED)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE ENTIRE CHARGE SHEET IN CR.NO.245/2021 OF HAL POLICE STATION FOR THE OFFENCES P/U/S 353, 307, 279, 427, 506 OF IPC ON THE FILE OF XXIX ADDL.C.M.M,. MAYO HALL, BENGALURU IN C.C.NO.50442/2022.

THIS CRIMINAL PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 11.08.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

CAV ORDER

The petitioner-accused is before the Court calling in question proceedings in C.C.No.50442 of 2022 arising out of Crime No.245 of 2021 registered for offences punishable under Sections 279, 307, 353, 427 and 506 of the IPC.

VERDICTUM.IN

2. Heard Sri Sunil Kumar S, learned counsel appearing for the petitioner and Sri B.N.Jagadeesha, learned State Public Prosecutor-I appearing for respondent No.1.

3. Facts, in brief, germane are as follows: -

3.1. The petitioner is said to be working as a General Manager with ICICI Lombard General Insurance Company. The genesis of the *lis* lies in an incident that allegedly transpired on 23-10-2021. The 2nd respondent/complainant, a Head Constable attached to the HAL Airport Traffic Police Station, registers a complaint on 24-10-2021, narrating that, on the preceding day, while he was deployed on special duty to detect and prevent drunken driving, the petitioner, who was driving a Hyundai Creta car, allegedly attempted to evade the checking by speeding away from the spot. It is alleged that, when the complainant endeavoured to intercept the vehicle in discharge of his official duties, the petitioner, instead of bringing the vehicle to a halt, drove it in such a manner that it ran over the complainant, causing injuries to his thighs and feet, besides damaging the Department's drunken-driving detection machine (DD machine). The act is further alleged to have

VERDICTUM.IN

obstructed the complainant in the lawful discharge of his official duties. The complaint sets the criminal law into motion and results in registration of Crime No.245 of 2021.

3.2. On 25-10-2021, the Investigating Officer conducts a spot mahazar in the presence of two independent witnesses on the public road opposite to Vimanapura Post Office, within the jurisdiction of the HAL Police Station. Investigation thereafter runs its course and culminates in the filing of a charge sheet against the petitioner. The jurisdictional Court, by its order dated 01-02-2022, takes cognizance of the alleged offences and registers C.C.No.50442 of 2022 for offences punishable under Sections 279, 307, 353, 427 and 506 of the IPC. It is the registration of the crime, the ensuing charge sheet and the order taking cognizance, which have driven the petitioner to the doors of this Court, seeking obliteration of the criminal proceedings instituted against him.

4.1. Sri Sunil Kumar S., learned counsel appearing for the petitioner, would vehemently contend that the prosecution, in its enthusiasm to attribute criminality to the alleged incident, has invoked penal provisions of considerable gravity, without the

VERDICTUM.IN

foundational facts necessary to sustain their invocation. His principal submission is that the offence punishable under Section 307 of the IPC is wholly unsustainable, as neither the complaint nor the material collected during investigation discloses the indispensable element of intention or knowledge requisite to constitute an attempt to commit murder. He would submit that an allegation of a vehicle having caused injuries, by itself and divorced from the requisite *mens rea*, cannot be elevated to an accusation of attempt to murder.

4.2. The learned counsel would further contend that the ingredients of Section 353 of the IPC are equally conspicuous by their absence, as there is no material to suggest that the petitioner intentionally used criminal force or assaulted the complainant with the object of deterring him from discharging his official duties. Even the allegation of rash and negligent driving, according to the learned counsel, rests on mere assertion, rather than legally sustainable material. He would emphasize that the complainant has not suffered any grievous injury and that the entire prosecution is founded upon a distorted narration of the incident, resulting in the

VERDICTUM.IN

false implication of the petitioner. He would, therefore, seek quashment of the proceedings, contending that their continuation would amount to an abuse of the process of law.

5.1. Per contra, Sri B.N. Jagadeesha, learned State Public Prosecutor, would stoutly refute the submissions advanced on behalf of the petitioner. He would contend that the allegations, when viewed in their entirety and in the light of the material gathered during investigation, unmistakably disclose the commission of the offences alleged against the petitioner. The complainant, a uniformed public servant, was discharging the solemn duty of enforcing traffic discipline and detecting drunken driving, a menace that imperils the safety of every road user. The petitioner, who, according to the prosecution, appeared to be under the influence of alcohol, allegedly sought to escape scrutiny and, in that endeavour, drove his vehicle in a rash and reckless manner, resulting in injuries to the Head Constable who was attempting to perform his lawful duty.

5.2. The learned State Public Prosecutor would submit that such conduct cannot be trivialised as an ordinary traffic infraction,

VERDICTUM.IN

nor can the petitioner be permitted to escape the rigours of criminal law, merely because the injuries sustained by the complainant were not of a grievous nature. He would emphasize that the gravity of the alleged act must be appreciated not merely by the extent of the injuries ultimately suffered, but also by the circumstances in which the act was committed and the consequences it was capable of producing. To interdict the prosecution at its threshold, in the face of such allegations, would according to the learned State Public Prosecutor, amount to placing a premium upon conduct that strikes at the authority of law and endangers those entrusted with its enforcement. He would, therefore, seek dismissal of the petition.

6. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

7. The afore-narrated facts form the undisputed substratum of the *lis* and would brook no elaborate reiteration. The incident that unfolded on the night of 23-10-2021 is not in dispute. The petitioner is alleged to have driven his vehicle in a rash and negligent manner, resulting in injuries to a Police Head Constable

VERDICTUM.IN

who was then discharging his official duty of checking drunken driving. The occurrence of the incident is thus not in the realm of controversy; what remains contentious is the nature of the act, the criminality attributable to it and the offences that it would, in law, constitute. On the succeeding day, i.e., 24-10-2021, the injured Head Constable sets the criminal law in motion by registering the complaint, which becomes the genesis of the proceedings now called in question. The complaint reads as follows:

"ರವರಿಗೆ,

ಪೊಲೀಸ್ ಇನ್ಸ್ ಪೆಕ್ಟರ್
ಹೆಚ್.ಎ.ಎಲ್ ಪೊಲೀಸ್ ಠಾಣೆ
ಬೆಂಗಳೂರು ನಗರ

ಇಂದ,

ಮುಭಾರಕ್ ಆಲಿ, ಹೆಚ್ ಸಿ-8856
ಏರ್ ಪೋರ್ಟ್ ಸಂಚಾರ ಪೊಲೀಸ್ ಠಾಣೆ
ಬೆಂಗಳೂರು ನಗರ

ಮಾನ್ಯರೇ

ವಿಷಯ:- ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದಾಗ, ಹೋಂಡೈ ಕ್ರೆಟಾ, ನಂಬರ್: ಕೆ.ಎ-01-ಎಂ.ಎಸ್-3772 ಕಾರಿನ ಚಾಲಕ ರಾಮಾಂಜಲು, 48 ವರ್ಷ ಎಂಬುವವನು ಮಾರಣಾಂತಿಕ ಹಲ್ಲೆ ಮಾಡಿರುವ ಬಗ್ಗೆ ದೂರು.

***

VERDICTUM.IN

ನಾನು ಹೆಚ್.ಎ.ಎಲ್ ಏರ್‌ಪೋರ್ಟ್ ಸಂಚಾರ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ ಹೆಡ್ ಕಾನ್ಸ್‌ಟೇಬಲ್ ಆಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದೇನೆ. ನನಗೆ ದಿನಾಂಕ: 23-10-2021 ರಂದು ರಾತ್ರಿ 09:30 ಗಂಟೆಯಿಂದ ದಿನಾಂಕ: 24-10-2021 ರಂದು ಬೆಳಗಿನ ಜಾವ 01:30 ಗಂಟೆಯವರೆಗೆ ಮದ್ಯಪಾನ ಮಾಡಿ ವಾಹನ ಚಾಲನೆ ಮಾಡುವವರ ವಿರುದ್ಧ ಪ್ರಕರಣಗಳನ್ನು ದಾಖಲಿಸುವಂತೆ ವಿಶೇಷ ಕಾರ್ಯಾಚರಣೆ ಕರ್ತವ್ಯಕ್ಕೆ ನೇಮಕ ಮಾಡಲಾಗಿರುತ್ತದೆ.

ಅದರಂತೆ ನಾನು ಮತ್ತು ಠಾಣಾಧಿಕಾರಿಗಳಾದ ಶ್ರೀ ಕೃಷ್ಣಕುಮಾರ್.ಸಿ. ಪೊಲೀಸ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್, ಶ್ರೀ.ತುಕಾರಾಂ ಎ.ಎಸ್.ಐ ಮತ್ತು ಸಿಬ್ಬಂದಿಗಳಾದ ಶ್ರೀ.ಗುರಣ್ಣ ಬೆಟಗೇರಾ. ಪಿ.ಸಿ- 5139, ಶ್ರೀ.ವೇದಮೂರ್ತಿ..ಸಿ.ಎಸ್, ಹೆಚ್.ಸಿ-7806, ಶ್ರೀ.ಅಮರೇಶ್‌ತಳವಾರ ಪಿ.ಸಿ-18121, ಶ್ರೀ. ವಿಠ್ಠಲ್ ಬ್ಯಾಕೋಡ ಪಿ.ಸಿ-17083, ಶ್ರೀ.ಚೇತನ್.ಜಿ ಪಿ.ಸಿ.18118, ಶ್ರೀ.ಭೀಮಶಿ ಭಂಡಾರಿ ಪಿ.ಸಿ.-18306, ಶ್ರೀ.ಸಿದ್ದೇಶ ಪಿ.ಸಿ-13398 ರವರ ಜೊತೆಯಲ್ಲಿ ಠಾಣಾ ಸರಹದ್ದಿನಲ್ಲಿರುವ ಹೆಚ್.ಎ.ಎಲ್ ಅಂಚೆ ಕಚೇರಿ ಜಂಕ್ಷನ್ ಹತ್ತಿರ ರಾತ್ರಿ 09:30 ಗಂಟೆಯಿಂದ ಮದ್ಯಪಾನ ಮಾಡಿ ವಾಹನ ಚಲಾಯಿಸುವವರ ವಿರುದ್ಧ ಪ್ರಕರಣಗಳನ್ನು ದಾಖಲು ಮಾಡುವಾಗ್ಗೆ ರಾತ್ರಿ ಸುಮಾರು 10.45 ಗಂಟೆಯ ಸಮಯದಲ್ಲಿ ಒಂದು ಕಾರು ನಂಬರ್ KA-01-MS-3772 ರ ಚಾಲಕನು ಅಜಾಗರೂಕತೆಯಿಂದ ಕಾರನ್ನು ಚಲಾಯಿಸಿಕೊಂಡು ಬರುತ್ತಿದ್ದುದ್ದನ್ನು ಗಮನಿಸಿದ ನಮ್ಮ ಠಾಣಾಧಿಕಾರಿಗಳು ಕಾರನ್ನು ನಿಲ್ಲಿಸಿ ಇಲಾಖಾವತಿಯಿಂದ ನೀಡಲಾದ ಡಿ.ಡಿ. ಮೆಷಿನ್‌ನನ್ನು ಹಿಡಿದುಕೊಂಡು Passive Mode ನಲ್ಲಿ ಪರೀಕ್ಷಿಸಲು ಕಾರಿನ ಚಾಲಕನು ಮದ್ಯಪಾನ ಮಾಡಿರುವುದನ್ನು ಖಚಿತಪಡಿಸಿಕೊಳ್ಳಲು ಠಾಣಾಧಿಕಾರಿಗಳು ನನಗೆ ಕಾರನ್ನು ರಸ್ತೆಯ ಬದಿಯಲ್ಲಿ ನಿಲ್ಲಿಸಲು ಸೂಚಿಸಿದರು. ಅವರು ಸೂಚಿಸಿದ ಮೇರೆಗೆ ನಾನು ಬ್ಯಾರಿಕೇಡ್‌ನ ಸಹಾಯದೊಂದಿಗೆ, ಕಾರಿನ ಚಾಲಕನಿಗೆ ಸೌಜನ್ಯದಿಂದ ಕಾರನ್ನು ರಸ್ತೆಯ ಬದಿಯಲ್ಲಿ ನಿಲ್ಲಿಸುವಂತೆ ತಿಳಿಸಿದೆನು. ಆಗ ಕಾರಿನ ಚಾಲಕನು, ನಿನಗೆ ನನ್ನನ್ನು ತಡೆಯಲು ಯಾರು ಹೇಳಿದ್ದು, ನಾನು ಯಾರು ಗೊತ್ತ? ಉದ್ಧಟತನದಿಂದ ಮಾತನಾಡಿ, ನನ್ನ ಕರ್ತವ್ಯಕ್ಕೆ ಅಡ್ಡಿ ಪಡಿಸಿ ನಾನು ನಿನಗೆ ಏನು ಮಾಡುತ್ತೇನೆ ನೋಡು ಎಂದು ನಂತರ ಕಾರಿನ ಚಾಲಕನು ಏಕಾಏಕಿಯಾಗಿ ಉದ್ದೇಶ ಪೂರ್ವಕವಾಗಿ ನನ್ನನ್ನು ಸಾಯಿಸುವ ಉದ್ದೇಶದಿಂದ ವೇಗವಾಗಿ ಹಾಗೂ ನಿರ್ಲಕ್ಷ್ಯತನದಿಂದ ನನ್ನ ಮೇಲೆ ಚಲಾಯಿಸಿದಾಗ ನನಗೆ ಕಾರಿನ ಮುಂಭಾಗ ತಗುಲಿ ನಾನು ಕೆಳಗೆ ಬಿದ್ದಿರುತ್ತೇನೆ. ನಂತರ ಕಾರಿನ ಚಾಲಕ ನನ್ನನ್ನು ಸಾಯಿಸುವ ಉದ್ದೇಶದಿಂದ ನನ್ನ ಮೇಲೆ ಕಾರನ್ನು ಚಾಲನೆ ಮಾಡಿದ ಪರಿಣಾಮ ನನ್ನ ಕಾಲಿನ ತೊಡೆ ಮತ್ತು ಪಾದಗಳ ಮೇಲೆ ಹರಿದು ರಕ್ತಗಾಯವಾಗಿರುತ್ತದೆ. ನಂತರ ನನ್ನ ಪಕ್ಕದಲ್ಲೇ ಇದ್ದ ನಮ್ಮ ಠಾಣಾಧಿಕಾರಿಗಳು ಕಾರನ್ನು ನಿಲ್ಲಿಸಲು ಧಾವಿಸಿದಾಗ ಅವರ ಕೈನಲ್ಲಿ ಹಿಡಿದಿದ್ದ ಪಿ.ಡಿ.ಎ ಮೆಷಿನ್ ಕಾರಿನ ಕೆಳಗೆ ಸಿಕ್ಕಿ ಒಡೆದು ಹಾಳಾಗಿರುತ್ತದೆ. ರಕ್ತಸಿಕ್ತವಾಗಿ ಬಿದ್ದಿದ್ದ ನನ್ನನ್ನು ನಮ್ಮ ಠಾಣಾಧಿಕಾರಿಗಳು ಮತ್ತು ಸಿಬ್ಬಂದಿಗಳು ಹತ್ತಿರದಲ್ಲೆ ಇದ್ದ ಮಣಿಪಾಲ್ ಆಸ್ಪತ್ರೆಗೆ ಕರೆದುಕೊಂಡು ಹೋಗಿ ಚಿಕಿತ್ಸೆಗಾಗಿ ದಾಖಲು ಮಾಡಿರುತ್ತಾರೆ. ನನ್ನ ಮೇಲೆ ಕಾರು ಚಲಾಯಿಸಿದ ಚಾಲಕನ ಬಗ್ಗೆ ವಿಚಾರಿಸಿದಾಗ ರಾಮಾಂಜಲು, 48 ವರ್ಷ ಎಂದು ತಿಳಿದು ಬಂದಿರುತ್ತದೆ.

VERDICTUM.IN

ನಾನು ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದಾಗ ನನ್ನ ಕರ್ತವ್ಯಕ್ಕೆ ಅಡ್ಡ ಪಡಿಸಿ ನನ್ನನ್ನು ಸಾಯಿಸುವ ಉದ್ದೇಶದಿಂದ ನನ್ನ ಮೇಲೆ ಕಾರನ್ನು ಚಲಾಯಿಸಿದ ಕಾರ್ ನಂಬರ್-KA-01-MS-3772 ರ ಚಾಲಕ ರಾಮಾಂಜಲು 48 ವರ್ಷ ರವರ ವಿರುದ್ಧ ಕಾನೂನು ರೀತ್ಯಾ ಕ್ರಮ ಜರುಗಿಸಬೇಕಾಗಿ ಈ ಮೂಲಕ ತಮ್ಮಲ್ಲಿ ವಿನಂತಿಸಿಕೊಳ್ಳುತ್ತೇನೆ.

ತಮ್ಮ ವಿಶ್ವಾಸಿ
ಸಹಿ/-"

The police conduct investigation and file a charge sheet against the petitioner. The summary of the charge sheet as obtaining in Column No.7 reads as follows:

"ಬೆಂಗಳೂರು ನಗರ ಹೆಚ್.ಎ.ಎಲ್. ಪೊಲೀಸ್ ಠಾಣೆಯ ಸರಹದ್ದಿನ ವಿಮಾನಪುರ ಪೋಸ್ಟ್ ಆಫೀಸ್ ಮುಂಭಾಗ ದೊಮ್ಮಲೂರು ಮಾರತಹಳ್ಳಿ ಕಡೆಗೆ ಹೋಗುವ ಕಡೆಯಿಂದ ಸಾರ್ವಜನಿಕ ರಸ್ತೆಯಲ್ಲಿ ಸಾಕ್ಷಿ-2 ರವರ ಆದೇಶದಂತೆ ಸಾಕ್ಷಿ-01, ಮತ್ತು ಸಾಕ್ಷಿ-03 ರಿಂದ ಸಾಕ್ಷಿ-10 ರವರುಗಳು ದಿನಾಂಕ 23/10/2021 ರಂದು ರಾತ್ರಿ 09-30 ಗಂಟೆಯಿಂದ ದಿನಾಂಕ 24/10/2021 ರಂದು ಬೆಳಗಿನ ಜಾವ 01-30 ಗಂಟೆಯವರೆಗೆ ಮದ್ಯಪಾನ ಮಾಡಿ ವಾಹನ ಚಾಲನೆ ಮಾಡುವವರ ವಿರುದ್ಧ ಪ್ರಕರಣಗಳನ್ನು ದಾಖಲಿಸುವಂತೆ ವಿಶೇಷ ಕಾರ್ಯಚರಣೆ ಕರ್ತವ್ಯಕ್ಕೆ ನೇಮಕ ಮಾಡಲಾಗಿರುತ್ತದೆ.

ಅದರಂತೆ ಸಾಕ್ಷಿ-01 ರಿಂದ ಸಾಕ್ಷಿ-10 ರವರುಗಳು ವಿಮಾನಪುರ ಪೋಸ್ಟ್ ಆಫೀಸ್ ಮುಂಭಾಗ ದೊಮ್ಮಲೂರು ಕಡೆಯಿಂದ ಮಾರತಹಳ್ಳಿ ಕಡೆಗೆ ಹೋಗುವ ಸಾರ್ವಜನಿಕ ರಸ್ತೆಯಲ್ಲಿ ಮಧ್ಯಪಾನ ಮಾಡಿ ವಾಹನ ಚಾಲನೆ ಮಾಡುವವರ ವಿರುದ್ಧ ಪ್ರಕರಣ ದಾಖಲಿಸಲು ಮತ್ತು ದಾಖಲಾತಿಗಳನ್ನು ಪರಿಶೀಲಿಸಲು ಕರ್ತವ್ಯದಲ್ಲಿರುವಾಗ ದಿನಾಂಕ 23/10/2021 ರಂದು ರಾತ್ರಿ ಸುಮಾರು 10-45 ಗಂಟೆಯಲ್ಲಿ ಈ ದೋಷಾರೋಪಣ ಪಟ್ಟಿಯ ಕಾಲಂ ನಂ. 4 ರಲ್ಲಿ ಕಂಡ ಆರೋಪಿಯು ವಾಹನ ಸಂಖ್ಯೆ ಕೆಎ-01- ಎಂ.ಎಸ್-3772 ವಾಹನದ ಚಾಲಕನು ಅಜಾಗರೂಕತೆಯಿಂದ ಕಾರನ್ನು ಚಲಾಯಿಸಿಕೊಂಡು ಬರುತ್ತಿದ್ದುದ್ದನ್ನು ಗಮನಿಸಿದ ಸಾಕ್ಷಿ-2 ರವರು ಸಾಕ್ಷಿ-01 ರವರಿಗೆ ಕಾರನ್ನು ತಡೆದು ರಸ್ತೆ ಬದಿಯಲ್ಲಿ ನಿಲ್ಲಿಸಲು ಸೂಚಿಸಿದ ಮೇರೆಗೆ ಸಾಕ್ಷಿ-1 ರವರು ವಾಹನವನ್ನು ನಿಲ್ಲಿಸಲು ವಾಹನದ ಚಾಲಕನಿಗೆ ತಿಳಿಸಿದಾಗ ವಾಹನದ ಚಾಲಕನು

VERDICTUM.IN

ಸಾಕ್ಷಿ-1 ರವರಿಗೆ ನನ್ನ ವಾಹನವನ್ನು ತಡೆಯಲು ನಿನಗೆ ಯಾರು ಹೇಳಿದ್ದು? ನಾನು ಯಾರು ಗೊತ್ತಾ? ಎಂದು ಉದ್ದಟತನದಿಂದ ಮಾತನಾಡಿ ಕರ್ತವ್ಯಕ್ಕೆ ಅಡ್ಡಿಪಡಿಸಿ ನಾನು ನಿನಗೆ ಏನು ಮಾಡುತ್ತೇನೆ ನೋಡು ನಿಮ್ಮನ್ನೆಲ್ಲ ಸುಮ್ಮನೆ ಬಿಡುವುದಿಲ್ಲ ಎಂದು ಕಾರಿನ ಚಾಲಕನು ಏಕಾಏಕಿ ಉದ್ದೇಶ ಪೂರ್ವಕವಾಗಿ ಸಾಕ್ಷಿ-01 ರವರನ್ನು ಸಾಯಿಸುವ ಉದ್ದೇಶದಿಂದ ವೇಗವಾಗಿ ಹಾಗೂ ನಿರ್ಲಕ್ಷತನದಿಂದ ಸಾಕ್ಷಿ-01 ರವರ ಮೇಲೆ ಕಾಯಿ ಹಾಯಿಸಿದಾಗ ಸಾಕ್ಷಿ-01 ರವರು ಕೆಳಗೆ ಬಿದ್ದಾಗ ಅವರ ಮೇಲೆ ಕಾರು ಹಾಯಿಸಿದ್ದು, ತಕ್ಷಣ ಸಾಕ್ಷಿ-02 ರವರು ಸಾಕ್ಷಿ-01 ರವರನ್ನು ಕಾಪಾಡಲು ಹೋದಾಗ ಅವರ ಕೈಯಲ್ಲಿದ್ದ ಪಿ.ಡಿ.ಎ ಮಷಿನ್ ಕಾರಿನ ಕೆಳಗೆ ಸಿಕ್ಕಿ ಹೊಡೆದು ಹಾಳಾಗಿರುತ್ತದೆ.

ಕಾಲಂ ನಂ. 04 ರಲ್ಲಿ ಕಂಡ ಆರೋಪಿಯು ಸಾಕ್ಷಿ-01 ರಿಂದ 10 ರವರುಗಳ ಕರ್ತವ್ಯಕ್ಕೆ ಅಡ್ಡಿಪಡಿಸಿ ಅಜಾಗರೂಕತೆಯಿಂದ ನಿರ್ಲಕ್ಷತನದಿಂದ ವಾಹನ ಚಾಲನೆ ಮಾಡಿ, ಪ್ರಾಣ ಬೆದರಿಕೆ ಹಾಕಿ ಸರ್ಕಾರದ ವತಿಯಿಂದ ನೀಡಲಾಗಿ ಪಿ.ಡಿ.ಎ ಮಷಿನ್ ಜಖಂ ಗೊಳಿಸಿ, ಸಾಕ್ಷಿ-01 ರವರಿಗೆ ಸಾಯಿಸಲು ಪ್ರಯತ್ನ ಪಟ್ಟಿರುವುದು ನಡಸಿದ ತನಿಖೆಯಿಂದ ಸಾಕ್ಷಾಧಾರಗಳಿಂದ ಧೃಡಪಟ್ಟಿರುತ್ತದೆ.

ಆದ್ದರಿಂದ ಮೇಲ್ಕಂಡ ಕಲಂ ರೀತ್ಯಾ ಆರೋಪಿಯು ಶಿಕ್ಷಾರ್ಹ ಅಪರಾಧವೆಸಗಿರುವುದರಿಂದ ಈ ದೋಷಾರೋಪಣ ಪಟ್ಟಿ ಹೋರಿಸಲಾಗಿದೆ. "

8. What assumes significance at this juncture, and therefore merits particular notice, is the medical evidence appended to the charge sheet. The wound certificate dated 22-11-2021, pertaining to the medical examination conducted on 23-10-2021, records the history of a road traffic accident. The wound certificate reads as follows:

VERDICTUM.IN

Manipal Hospitals
LIFE'S ON
Manipal Hospital Bangalore

WOUND CERTIFICATE

No. : WC/ /

Date : 22/11/2021

NAME : Mr. Mubarak Ali
AGE / SEX : 40 Years ; male
HOSP. NO. : 2168928
I.P./O.P. : OP
DATE OF ADMISSION : —
DATE OF DISCHARGE : —

ADDRESS : Police Quarters, Audugodi, Bengaluru.

BROUGHT BY : Mr. Chetan (Colleague)
Date and time of examination → 23/10/2021 @ 11:50 PM

HISTORY :- Alleged history of road traffic accident on 23/10/2021 said to have occured on at around 10:45 PM near HAL post office, Bengaluru, wherein the subject while being pedestrian was hit by a car.
On examination he / she had the following injuries.

INJURIES :-
GE → Conscious and oriented.
Identification marks :-
1) Black mole on left cheek.
2) Scar over left arm.
External injuries / clinical findings :-
1) Abrasion over outer aspect of left eyebrow measuring 2cm x 1cm.
2) Abrasion over left infra-orbital region measuring 4cm x 2cm.

OPINION :-

P.T.O

98, HAL Airport Road, Bangalore - 560 017. Phone : +91 80 4011 9000, 2502 4444 Fax : +91 80 2526 6757
F - 424 R1

3) Abrasion over antero-lateral aspect of left arm measuring 5cm x 3cm.
4) Abrasion over back upper third of left forearm measuring 8cm x 6cm.
5) Abrasion over back upper third of right forearm measuring 6cm x 2cm.
6) Abrasion over back distal third of right thumb measuring 1cm x 1cm.
7) Abrasion over back of left hand measuring 2cm x 2cm.
8) Abrasion over front of left knee measuring 4cm x 3cm.
9) Abrasion over left medial malleolus measuring 2cm x 1cm.
10) Abrasion over dorsum of left foot measuring 4cm x 3cm.
11) Swelling and tenderness present over outer aspect of left knee joint.

X-ray of left knee - AP / lateral report dated 23/10/2021 vide no-2168928 → Displaced multi-fragmented fracture seen of the head of fibula.

OPINIONS :-
Injury No. 1 to 10 are simple in nature.
Injury No. 11 is grievous in nature.
Abrasions are red in colour.
All the injuries are fresh in nature.

Kaethik C. K.
(Dr. S. K. CARTHIK)
MANIPAL HOSPITAL
98, HAL AIRPORT ROAD,
BANGALORE - 560 017.

Police Sub Inspector
H.A.L. Police Station
Bengaluru - 560 037

VERDICTUM.IN

A perusal at the wound certificate would reveal injuries that are neither illusory nor inconsequential. It records as many as ten abrasions distributed over the face, arms, forearms, hand, left knee and left foot, besides swelling and tenderness of the left knee joint. More significantly, the radiological examination reveals a displaced, multi-fragmented fracture of the head of the fibula, an injury medically classified as grievous in nature. The discharge summary of the complainant lends further corroboration to the wound certificate, as it records treatment administered for the fracture of the left fibular head. **The medical records, therefore, unmistakably demonstrate that the incident was not one which merely resulted in superficial abrasions or transient bodily discomfort, but one which occasioned a fracture, an injury falling within the statutory contours of grievous hurt. The contention that the complainant had suffered no serious injury, must therefore be tested against this contemporaneous medical material, which speaks to the contrary. The medical evidence does not stand in isolation**. It finds corroborative support in the statements of witnesses recorded

VERDICTUM.IN

during investigation on 06-11-2021. The statements, insofar as they are germane to the controversy, read as follows:

"**ಹೆಚ್.ಎ.ಎಲ್ ಪೊಲೀಸ್ ಠಾಣೆ ಮೊ.ಸಂ:245/2021 ಕಲಂ: 353, 307, 506, 427, 279 ಐಪಿಸಿ**

ಕಲಂ 161 ಸಿ.ಆರ್.ಪಿ.ಸಿ. ರೀತ್ಯಾ ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆ:-

ಶ್ರೀ ಕೃಷ್ಣಕುಮಾರ್ ಸಿ. ಪೊಲೀಸ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್, ಹೆಚ್.ಎ.ಎಲ್. ಸಂಚಾರ ಪೊಲೀಸ್ ಠಾಣೆ. ಬೆಂಗಳೂರು ನಗರ.

ದಿನಾಂಕ: 06/11/2021.

ನಾನು ಹೆಚ್.ಎ.ಎಲ್. ಸಂಚಾರ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ ಪೊಲೀಸ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್ ಹಾಗೂ ಠಾಣಾಧಿಕಾರಿಯಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಿಕೊಂಡಿರುತ್ತೇನೆ.

ದಿನಾಂಕ:23-10-2021 ರಂದು ರಾತ್ರಿ 09:30 ಗಂಟೆಯಿಂದ ದಿನಾಂಕ:24-10-2021 ರಂದು ಬೆಳಗಿನ ಜಾವ 01:30 ಗಂಟೆಯವರೆಗೆ ಮದ್ಯಪಾನ ಮಾಡಿ ವಾಹನ ಚಾಲನೆ ಮಾಡುವವರ ವಿರುದ್ಧ ಪ್ರಕರಣಗಳನ್ನು ದಾಖಲಿಸುವಂತೆ ಮೇಲಾಧಿಕಾರಿಗಳ ನಿಸ್ತಂತು ಸಂದೇಶದ ಆದೇಶದಂತೆ ವಿಶೇಷ ಕಾರ್ಯಾಚರಣೆ ಕರ್ತವ್ಯಕ್ಕೆ ನಮ್ಮ ಠಾಣೆಯ ಅಧಿಕಾರಿ ಸಿಬ್ಬಂದಿಗಳಾದ ಎ.ಎಸ್.ಐ. ತುಕಾರಾಂ ಮತ್ತು ಸಿಬ್ಬಂದಿಗಳಾದ ಶ್ರೀ ಮುಬಾರಕ್ ಅಲಿ ಹೆಚ್.ಸಿ-8856, ಶ್ರೀ ವಿಠ್ಠಲ್ ಬ್ಯಾಕೋಡ್, ಪಿಸಿ-17083, ಶ್ರೀ ಸಿದ್ದೇಶ ಕೆ. ಪಿಸಿ-13398. ಶ್ರೀ ಭೀಮಶಿ ಎಸ್.ಭಂಡಾರಿ ಪಿಸಿ-18306, ಶ್ರೀ ಗುರಣ್ಣ ಬಟಗೇರಾ ಪಿಸಿ-15139, ಚೇತನ್ ಮಂಜುನಾಥ ಗೊಂಡ ಪಿಸಿ-18118, ಶ್ರೀ ವೇದಮೂರ್ತಿ ಸಿ.ಎಸ್. ಹೆಚ್.ಸಿ-7806, ಶ್ರೀ ಅಮರೇಶ್ ತಳವಾರ ಪಿಸಿ-18121 ರವರನ್ನು ನೇಮಕ ಮಾಡಿರುತ್ತದೆ. ನಾನು ಸಹ ಈ ಕಾರ್ಯಾಚರಣೆಯಲ್ಲಿ ಹೆಚ್.ಎ.ಎಲ್ ಅಂಚೆ ಕಚೇರಿ ಜಂಕ್ಷನ್ ಹತ್ತಿರ ರಾತ್ರಿ 09:30 ಗಂಟೆಯಿಂದ ಮದ್ಯಪಾನ ಮಾಡಿ ವಾಹನ ಚಲಾಯಿಸುವವರ ವಿರುದ್ಧ ಪ್ರಕರಣಗಳನ್ನು ದಾಖಲು ಮಾಡುವಾಗ್ಗೆ ರಾತ್ರಿ ಸುಮಾರು 10.45 ಗಂಟೆಯ ಸಮಯದಲ್ಲಿ ಒಂದು ಕಾರು ನಂಬರ್ KA-01-MS-3772 ರ ಚಾಲಕನು ಅಜಾಗರೂಕತೆಯಿಂದ ಕಾರನ್ನು ಚಲಾಯಿಸಿಕೊಂಡು ಬರುತ್ತಿದ್ದುದನ್ನು ಗಮನಿಸಿದ ನಾನು ಕಾರನ್ನು ನಿಲ್ಲಿಸಿ ಇಲಾಖಾವತಿಯಿಂದ ನೀಡಲಾದ ಡಿ.ಡಿ. ಮೆಷಿನ್‌ನನ್ನು ಹಿಡಿದುಕೊಂಡು Passive Mode ನಲ್ಲಿ ಪರೀಕ್ಷಿಸಲು ಕಾರಿನ ಚಾಲಕನು ಮದ್ಯಪಾನ

VERDICTUM.IN

ಮಾಡಿರುವುದನ್ನು ಖಚಿತಪಡಿಸಿಕೊಳ್ಳಲು ನಾನು ಮುಬಾರಕ್ ಅಲಿರವರನ್ನು ಕಾರನ್ನು ರಸ್ತೆಯ ಬದಿಯಲ್ಲಿ ನಿಲ್ಲಿಸಲು ಸೂಚಿಸಿದೆನು. ನಾನು ಸೂಚಿಸಿದ ಮೇರೆಗೆ ಮುಬಾರಕ್ ಅಲಿರವರು ಬ್ಯಾರಿಕೇಡ್‌ನ ಸಹಾಯದೊಂದಿಗೆ, ಕಾರಿನ ಚಾಲಕನಿಗೆ ಸೌಜನ್ಯದಿಂದ ಕಾರನ್ನು ರಸ್ತೆಯ ಬದಿಯಲ್ಲಿ ನಿಲ್ಲಿಸುವಂತೆ ತಿಳಿಸಿದರು. ಆಗ ಕಾರಿನ ಚಾಲಕನು, ಮುಬಾರಕ್ ಅಲಿ ರವರಿಗೆ ನಿನಗೆ ನನ್ನನ್ನು ತಡೆಯಲು ಯಾರು ಹೇಳಿದ್ದು ನಾನು ಯಾರು ಗೊತ್ತ? ಎಂದು ಉದ್ಧಟತನದಿಂದ ಮಾತನಾಡಿ, ಅಲಿರವರನ್ನು ಕಾರನ್ನು ರಸ್ತೆಯ ಅಲಿರವರು ಬ್ಯಾರಿಕೇಡ್‌ನ ಸಹಾಯದೊಂದಿಗೆ, ಕಾರಿನ ಚಾಲಕನಿಗೆ ಸೌಜನ್ಯದಿಂದ ಕಾರನ್ನು ರಸ್ತೆಯ ಬದಿಯಲ್ಲಿ ನಿಲ್ಲಿಸುವಂತೆ ತಿಳಿಸಿದರು. ಆಗ ಕಾರಿನ ಚಾಲಕನು, ಮುಬಾರಕ್ ಅಲಿ ರವರಿಗೆ ನಿನಗೆ ನನ್ನನ್ನು ತಡೆಯಲು ಯಾರು ಹೇಳಿದ್ದು ನಾನು ಯಾರು ಗೊತ್ತ? ಎಂದು ಉದ್ಧಟತನದಿಂದ ಮಾತನಾಡಿ, ನಮ್ಮಗಳ ಕರ್ತವ್ಯಕ್ಕೆ ಅಡ್ಡಿ ಪಡಿಸಿ ನಾನು ನಿನಗೆ ಏನು ಮಾಡುತ್ತೇನೆ ನೋಡು ಎಂದು ನಂತರ ಕಾರಿನ ಚಾಲಕನು ಏಕಾಏಕಿಯಾಗಿ ಉದ್ದೇಶ ಪೂರ್ವಕವಾಗಿ ಮುಬಾರಕ್ ಅಲಿರವರನ್ನು ಸಾಯಿಸುವ ಉದ್ದೇಶದಿಂದ ವೇಗವಾಗಿ ಹಾಗೂ ನಿರ್ಲಕ್ಷ್ಯತನದಿಂದ ಅವರ ಮೇಲೆ ಕಾರನ್ನು ಚಲಾಯಿಸಿದಾಗ ಅವರಿಗೆ ಕಾರಿನ ಮುಂಭಾಗ ತಗುಲಿ ಅವರು ಕೆಳಗೆ ಬಿದ್ದಿರುತ್ತಾರೆ. ನಂತರ ಕಾರಿನ ಚಾಲಕ ಅವರನ್ನು ಸಾಯಿಸುವ ಉದ್ದೇಶದಿಂದ ಅವರ ಮೇಲೆ ಕಾರನ್ನು ಚಾಲನೆ ಮಾಡಿದ ಪರಿಣಾಮ ಅವರ ಕಾಲಿನ ತೊಡೆ ಮತ್ತು ಪಾದಗಳ ಮೇಲೆ ಹರಿದು ರಕ್ತಗಾಯವಾಗಿರುತ್ತದೆ. ನಂತರ ಪಕ್ಕದಲ್ಲೇ ಇದ್ದ ನಾನು ಕಾರನ್ನು ನಿಲ್ಲಿಸಲು ಧಾವಿಸಿದಾಗ ಅವರ ನನ್ನ ಕೈ ನಲ್ಲಿ ಹಿಡಿದಿದ್ದ ಪಿ.ಡಿ.ಎ ಮೆಷಿನ್ ಕಾರಿನ ಕೆಳಗೆ ಸಿಕ್ಕಿ ಒಡೆದು ಹಾಳಾಗಿರುತ್ತದೆ. ರಕ್ತಸಿಕ್ತವಾಗಿ ಬಿದ್ದಿದ್ದ ಮುಬಾರಕ್ ಅಲಿ ರವರನ್ನು ನಾನು ಮತ್ತು ಸಿಬ್ಬಂದಿಗಳಿಗೆ ಹತ್ತಿರದಲ್ಲೆ ಇದ್ದ ಮಣಿಪಾಲ್ ಆಸ್ಪತ್ರೆಗೆ ಕರೆದುಕೊಂಡು ಹೋಗಿ ಚಿಕಿತ್ಸೆಗಾಗಿ ದಾಖಲು ಮಾಡಲು ಸೂಚಿಸಿ ನಾನು ಸಹ ತೆರಳಿರುತ್ತೇನೆ. ಮುಬಾರಕ್ ಅಲಿ ರವರ ಮೇಲೆ ಕಾರು ಹಾಯಿಸಿದ ವ್ಯಕ್ತಿಯ ಹೆಸರು ರಾಮಾಂಜಲು ಎಂದು ತಿಳಿದು ಬಂದಿರುತ್ತದೆ.

ನಾನು ಮತ್ತು ನಮ್ಮ ಠಾಣೆಯ ಇತರೆ ಅಧಿಕಾರಿ ಮತ್ತು ಸಿಬ್ಬಂದಿಗಳು ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದಾಗ ಅಜಾಗರೂಕತೆಯಿಂದ ಕಾರನ್ನು ಚಲಾಯಿಸಿ, ನಮ್ಮಗಳ ಕರ್ತವ್ಯಕ್ಕೆ ಅಡ್ಡಿ ಪಡಿಸಿ, ಪಿಡಿಎ ಮಷಿನ್ ಜಖಂಗೊಳಿಸಿ, ಪ್ರಾಣ ಬೆದರಿಕೆ ಹಾಕಿ ಮುಬಾರಕ್ ಅಲಿರವರನ್ನು ಸಾಯಿಸುವ ಉದ್ದೇಶದಿಂದ ಅವರ ಮೇಲೆ ಕಾರನ್ನು ಚಲಾಯಿಸಿದ ಕಾರ್ ನಂಬರ್-KA-01-MS-3772 ರ ಚಾಲಕ ರಾಮಾಂಜಲು 48 ವರ್ಷ ರವರ ವಿರುದ್ಧ ಕಾನೂನು ರೀತಿ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕೆಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

ನನ್ನ ಸಮಕ್ಷಮ ಓದಿಸಿ ಕೇಳಿದೆ ಸರಿಯಿದೆ.

ಸಹಿ/-

VERDICTUM.IN

....

"**ಹೆಚ್.ಎ.ಎಲ್ ಪೊಲೀಸ್ ಠಾಣೆ ಮೊ.ಸಂ:245/2021 ಕಲಂ: 353, 307, 506, 427, 279 ಐಪಿಸಿ**

ಕಲಂ 161 ಸಿ.ಆರ್.ಪಿ.ಸಿ. ರೀತ್ಯಾ ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆ:-

ಶ್ರೀ ತುಕಾರಾಂ ಸಹಾಯಕ ಪೊಲೀಸ್ ಸಬ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್, ಹೆಚ್.ಎ.ಎಲ್. ಸಂಚಾರ ಪೊಲೀಸ್ ಠಾಣೆ, ಬೆಂಗಳೂರು ನಗರ. **ಮೊ. ನಂ.**7795023324

ದಿನಾಂಕ:06/11/2021.

ನಾನು ಹೆಚ್.ಎ.ಎಲ್. ಸಂಚಾರ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ ಸಹಾಯಕ ಪೊಲೀಸ್ ಸಬ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್, ಆಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಿಕೊಂಡಿರುತ್ತೇನೆ.

ನನಗೆ ದಿನಾಂಕ: 23-10-2021 ರಂದು ರಾತ್ರಿ 09:30 ಗಂಟೆಯಿಂದ ದಿನಾಂಕ: 24-10-2021 ರಂದು ಬೆಳಗಿನ ಜಾವ 01:30 ಗಂಟೆಯವರೆಗೆ ಮದ್ಯಪಾನ ಮಾಡಿ ವಾಹನ ಚಾಲನೆ ಮಾಡುವವರ ವಿರುದ್ಧ ಪ್ರಕರಣಗಳನ್ನು ದಾಖಲಿಸುವಂತೆ ವಿಶೇಷ ಕಾರ್ಯಾಚರಣೆ ಕರ್ತವ್ಯಕ್ಕೆ ನೇಮಕ ಮಾಡಲಾಗಿರುತ್ತದೆ.

ಅದರಂತೆ ನಾನು ಮತ್ತು ಠಾಣಾಧಿಕಾರಿಗಳಾದ ಶ್ರೀ. ಕೃಷ್ಣಕುಮಾರ್.ಸಿ. ಪೊಲೀಸ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್, ಮತ್ತು ಸಿಬ್ಬಂದಿಗಳಾದ ಶ್ರೀ ಮುಬಾರಕ್ ಅಲಿ ಹೆಚ್.ಸಿ-8856, ಶ್ರೀ ವಿಠ್ಠಲ್ ಬ್ಯಾಕೋಡ್, ಪಿಸಿ-17083, ಶ್ರೀ ಸಿದ್ದೇಶ ಕೆ. ಪಿಸಿ-13398, ಶ್ರೀ ಭೀಮಶಿ ಎಸ್.ಭಂಡಾರಿ ಪಿಸಿ-18306, ಶ್ರೀ ಗುರಣ್ಣ ಬಟಗೇರಾ ಪಿಸಿ-15139, ಚೇತನ್ ಮಂಜುನಾಥ ಗೊಂಡ ಪಿಸಿ-18118, ಶ್ರೀ ವೇದಮೂರ್ತಿ ಸಿ.ಎಸ್. ಹೆಚ್.ಸಿ-7806, ಶ್ರೀ ಅಮರೇಶ್ ತಳವಾರ ಪಿಸಿ-18121 ರವರ ಜೊತೆಯಲ್ಲಿ ಠಾಣಾ ಸರಹದ್ದಿನಲ್ಲಿರುವ ಹೆಚ್.ಎ.ಎಲ್ ಅಂಚೆ ಕಚೇರಿ ಜಂಕ್ಷನ್ ಹತ್ತಿರ ರಾತ್ರಿ 09:30 ಗಂಟೆಯಿಂದ ಮದ್ಯಪಾನ ಮಾಡಿ ವಾಹನ ಚಲಾಯಿಸುವವರ ವಿರುದ್ಧ ಪ್ರಕರಣಗಳನ್ನು ದಾಖಲು ಮಾಡುವಾಗ್ಗೆ ರಾತ್ರಿ ಸುಮಾರು 10.45 ಗಂಟೆಯ ಸಮಯದಲ್ಲಿ ಒಂದು ಕಾರು ನಂಬರ್ KA-01-MS-3772 ರ ಚಾಲಕನು ಅಜಾಗರೂಕತೆಯಿಂದ ಕಾರನ್ನು ಚಲಾಯಿಸಿಕೊಂಡು ಬರುತ್ತಿದ್ದುದನ್ನು ಗಮನಿಸಿದ ನಮ್ಮ ಠಾಣಾಧಿಕಾರಿಗಳು ಕಾರನ್ನು ನಿಲ್ಲಿಸಿ ಇಲಾಖಾವತಿಯಿಂದ ನೀಡಲಾದ ಡಿ.ಡಿ. ಮೆಷಿನ್‌ನನ್ನು ಹಿಡಿದುಕೊಂಡು Passive Mode ನಲ್ಲಿ ಪರೀಕ್ಷಿಸಲು ಕಾರಿನ ಚಾಲಕನು ಮದ್ಯಪಾನ ಮಾಡಿರುವುದನ್ನು ಖಚಿತಪಡಿಸಿಕೊಳ್ಳಲು ಠಾಣಾಧಿಕಾರಿಗಳು ಮುಬಾರಕ್ ಅಲಿರವರನ್ನು ಕಾರನ್ನು ರಸ್ತೆಯ ಬದಿಯಲ್ಲಿ ನಿಲ್ಲಿಸಲು ಸೂಚಿಸಿದರು. ಅವರು ಸೂಚಿಸಿದ ಮೇರೆಗೆ ಮುಬಾರಕ್ ಅಲಿ ಬ್ಯಾರಿಕೇಡ್ ನ ಸಹಾಯದೊಂದಿಗೆ, ಕಾರಿನ ಚಾಲಕನಿಗೆ ಸೌಜನ್ಯದಿಂದ ಕಾರನ್ನು ರಸ್ತೆಯ ಬದಿಯಲ್ಲಿ ನಿಲ್ಲಿಸುವಂತೆ ತಿಳಿಸಿದರು. ಆಗ ಕಾರಿನ ಚಾಲಕನು, ಮುಬಾರಕ್ ಅಲಿ ರವರಿಗೆ ನಿನಗೆ ನನ್ನನ್ನು ತಡೆಯಲು ಯಾರು

VERDICTUM.IN

ಹೇಳಿದ್ದು, ನಾನು ಯಾರು ಗೊತ್ತ? ಎಂದು ಉದ್ಧಟತನದಿಂದ ಮಾತನಾಡಿ, ನಮ್ಮಗಳ ಕರ್ತವ್ಯಕ್ಕೆ ಅಡ್ಡಿ ಪಡಿಸಿ ನಾನು ನಿನಗೆ ಏನು ಮಾಡುತ್ತೇನೆ ನೋಡು ಎಂದು ನಂತರ ಕಾರಿನ ಚಾಲಕನು ಏಕಾಏಕಿಯಾಗಿ ಉದ್ದೇಶ ಪೂರ್ವಕ ವಾಗಿ ಮುಬಾರಕ್ ಅಲಿರವರನ್ನು ಸಾಯಿಸುವ ಉದ್ದೇಶದಿಂದ ವೇಗವಾಗಿ ಹಾಗೂ ನಿರ್ಲಕ್ಷ್ಯತನದಿಂದ ಅವರ ಮೇಲೆ ಕಾರನ್ನು ಚಲಾಯಿಸಿದಾಗ ಅವರಿಗೆ ಕಾರಿನ ಮುಂಭಾಗ ತಗುಲಿ ಅವರು ಕೆಳಗೆ ಬಿದ್ದಿರುತ್ತಾರೆ. ನಂತರ ಕಾರಿನ ಚಾಲಕ ಅವರನ್ನು ಸಾಯಿಸುವ ಉದ್ದೇಶದಿಂದ ಅವರ ಮೇಲೆ ಕಾರನ್ನು ಚಾಲನೆ ಮಾಡಿದ ಪರಿಣಾಮ ಅವರ ಕಾಲಿನ ತೊಡೆ ಮತ್ತು ಪಾದಗಳ ಮೇಲೆ ಹರಿದು ರಕ್ತಗಾಯವಾಗಿರುತ್ತದೆ. ನಂತರ ನನ್ನ ಪಕ್ಕದಲ್ಲೇ ಇದ್ದ ನಮ್ಮ ಠಾಣಾಧಿಕಾರಿಗಳು ಕಾರನ್ನು ನಿಲ್ಲಿಸಲು ಧಾವಿಸಿದಾಗ ಅವರ ಕೈನಲ್ಲಿ ಹಿಡಿದಿದ್ದ ಪಿ.ಡಿ.ಎ ಮೆಷಿನ್ ಕಾರಿನ ಕೆಳಗೆ ಸಿಕ್ಕಿ ಒಡೆದು ಹಾಳಾಗಿರುತ್ತದೆ. ರಕ್ತಸಿಕ್ತವಾಗಿ ಬಿದ್ದಿದ್ದ ಮುಬಾರಕ್ ಅಲಿ ರವರನ್ನು ನಮ್ಮ ಠಾಣಾಧಿಕಾರಿಗಳು ಮತ್ತು ಸಿಬ್ಬಂದಿಗಳು ಹತ್ತಿರದಲ್ಲೆ ಇದ್ದ ಮಣಿಪಾಲ್ ಆಸ್ಪತ್ರೆಗೆ ಕರೆದುಕೊಂಡು ಹೋಗಿ ಚಿಕಿತ್ಸೆಗಾಗಿ ದಾಖಲು ಮಾಡಿರುತ್ತಾರೆ. ಮುಬಾರಕ್ ಅಲಿ ರವರ ಕಾರು ಹಾಯಿಸಿದ ವ್ಯಕ್ತಿಯ ಹೆಸರು ರಾಮಾಂಜಲು ಎಂದು ತಿಳಿದು ಬಂದಿರುತ್ತದೆ.

ನಾನು ಮತ್ತು ನಮ್ಮ ಠಾಣೆಯ ಇತರೆ ಅಧಿಕಾರಿ ಮತ್ತು ಸಿಬ್ಬಂದಿಗಳು ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದಾಗ ಅಜಾಗರೂಕತೆಯಿಂದ ಕಾರನ್ನು ಚಲಾಯಿಸಿ. ನಮ್ಮಗಳ ಕರ್ತವ್ಯಕ್ಕೆ ಅಡ್ಡ ಪಡಿಸಿ, ಪಿಡಿಸ ಮಷಿನ್ ಜಖಂಗೊಳಿಸಿ, ಪ್ರಾಣ ಬೆದರಿಕೆ ಹಾಕಿ ಮುಬಾರಕ್ ಅಲಿರವರನ್ನು ಸಾಯಿಸುವ ಉದ್ದೇಶದಿಂದ ಅವರ ಮೇಲೆ ಕಾರನ್ನು ಚಲಾಯಿಸಿದ ಕಾರ್ ನಂಬರ್-KA-01-MS-3772 ರ ಚಾಲಕ ರಾಮಾಂಜಲು 48 ವರ್ಷ ರವರ ವಿರುದ್ಧ ಕಾನೂನು ರೀತಿ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕೆಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

ನನ್ನ ಸಮಕ್ಷಮ ಓದಿಸಿ ಕೇಳಿದೆ ಸರಿಯಿದೆ.
ಸಹಿ/-"

The statement of the Police Inspector, who was present at the spot in connection with the special drive against drunken driving, narrates the manner in which the vehicle driven by the petitioner was allegedly propelled recklessly and deliberately towards the complainant, resulting in injuries to the latter and damage to the Department's drunken-driving detection machine. The Assistant

VERDICTUM.IN

Sub-Inspector, who was also present at the scene, substantially corroborates the narration of the Police Inspector. Thus, the material gathered during investigation comprises not merely the version of the injured complainant, but also the accounts of police personnel stated to have witnessed the occurrence, supported by medical records evidencing grievous injury.

9. The question, however, does not conclude with the establishment of an injury, however serious it may be. The existence of an injury is one facet; the intention or knowledge accompanying the act that occasioned such injury is quite another. Criminal culpability must be determined not by the gravity of the consequence alone, but by the correspondence of the alleged conduct with the essential ingredients of the particular offence invoked. A grievous injury cannot, by its mere existence, be mechanically elevated into an attempt to murder; equally, the absence of a fatal consequence cannot, by itself, efface the criminality of an act otherwise attended by the requisite intention or knowledge. It is in this delicate distinction between the act committed, the consequence occasioned and the mental element

VERDICTUM.IN

accompanying its commission that the controversy in the case at hand must find its answer.

10. The issue that now falls for consideration is, whether the allegations in the complaint, the statements of the eyewitnesses and the medical material collected during investigation, taken together and accepted at their face value, disclose the essential ingredients of the offences punishable under Sections 279, 307, 353, 427 and 506 of the IPC. Each of these offences has its own distinct statutory ingredients, and the invocation of one cannot dispense with the necessity of establishing the foundational ingredients of another. The allegations must answer the statute; the statute cannot be made to bend to accommodate the allegations. I, therefore, deem it appropriate to examine the offences individually, in the light of their statutory ingredients and the material obtaining in the case at hand.

Section 279 of the IPC:

11. Section 279 of the IPC reads as follows:

VERDICTUM.IN

"**279. Rash driving or riding on a public way**.— Whoever drives any vehicle, or rides, on any public way in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both."

11.1. Section 279 has been interpreted by the Apex Court in **RAVI KAPUR v. STATE OF RAJASTHAN**[1] as follows:

"…. …. ….

11. In order to examine the merit or otherwise of Contentions (*b*) and (*c*) raised on behalf of the appellant, it is necessary for the Court to first and foremost examine (*a*) what is rash and negligent driving; and (*b*) whether it can be gathered from the attendant circumstances.

(A) Rash and negligent driving

12. Rash and negligent driving has to be examined in the light of the facts and circumstances of a given case. It is a fact incapable of being construed or seen in isolation. It must be examined in light of the attendant circumstances. A person who drives a vehicle on the road is liable to be held responsible for the act as well as for the result. It may not be always possible to determine with reference to the speed of a vehicle whether a person was driving rashly and negligently. Both these acts presuppose an abnormal conduct. Even when one is driving a vehicle at a slow speed but recklessly and negligently, it would amount to "rash and negligent driving" within the meaning of the language of Section 279 IPC. That is why the legislature in its wisdom has used the words "manner so rash or negligent as to endanger human life". The preliminary conditions, thus, are that (*a*) it is the manner in which the vehicle is driven; (*b*) it be driven either rashly or negligently; and (*c*) such rash or negligent driving should be such as to endanger human life. Once these

[1] **(2012) 9 SCC 284**

VERDICTUM.IN

ingredients are satisfied, the penalty contemplated under Section 279 IPC is attracted.

13. "Negligence" means omission to do something which a reasonable and prudent person guided by the considerations which ordinarily regulate human affairs would do or doing something which a prudent and reasonable person guided by similar considerations would not do. Negligence is not an absolute term but is a relative one; it is rather a comparative term. It is difficult to state with precision any mathematically exact formula by which negligence or lack of it can be infallibly measured in a given case. Whether there exists negligence per se or the course of conduct amounts to negligence will normally depend upon the attending and surrounding facts and circumstances which have to be taken into consideration by the court. In a given case, even not doing what one was ought to do can constitute negligence.

14. The court has to adopt another parameter i.e. "reasonable care" in determining the question of negligence or contributory negligence. The doctrine of reasonable care imposes an obligation or a duty upon a person (for example a driver) to care for the pedestrian on the road and this duty attains a higher degree when the pedestrians happen to be children of tender years. It is axiomatic to say that while driving a vehicle on a public way, there is an implicit duty cast on the drivers to see that their driving does not endanger the life of the right users of the road, may be either vehicular users or pedestrians. They are expected to take sufficient care to avoid danger to others.

15. The other principle that is pressed in aid by the courts in such cases is the doctrine of res ipsa loquitur. This doctrine serves two purposes — one that an accident may by its nature be more consistent with its being caused by negligence for which the opposite party is responsible than by any other causes and that in such a case, the mere fact of the accident is prima facie evidence of such negligence. Secondly, it is to avoid hardship in cases where the claimant is able to prove the accident but cannot prove how the accident occurred. The courts have also applied the principle of res ipsa loquitur in cases where no direct evidence was brought on record. The Act itself contains a provision which concerns with the consequences of driving dangerously alike the provision in IPC that the vehicle is driven

VERDICTUM.IN

in a manner dangerous to public life. Where a person does such an offence he is punished as per the provisions of Section 184 of the Act. The courts have also taken the concept of "culpable rashness" and "culpable negligence" into consideration in cases of road accidents. "Culpable rashness" is acting with the consciousness that mischievous and illegal consequences may follow but with the hope that they will not and often with the belief that the actor has taken sufficient precautions to prevent their happening. The imputability arises from acting despite consciousness (luxuria). "Culpable negligence" is acting without the consciousness that the illegal and mischievous effect will follow, but in circumstances which show that the actor has not exercised the caution incumbent upon him and that if he had, he would have had the consciousness. The imputability arises from the neglect of civic duty of circumspection. In such a case the mere fact of accident is prima facie evidence of such negligence. This maxim suggests that on the circumstances of a given case the res speaks and is eloquent because the facts stand unexplained, with the result that the natural and reasonable inference from the facts, not a conjectural inference, shows that the act is attributable to some person's negligent conduct. [Ref. Justice Rajesh Tandon's *An Exhaustive Commentary on Motor Vehicles Act, 1988* (1st Edn., 2010).]

…. …. ….

(B) Attendant circumstances and inference of rash and negligent driving

20. In light of the above, now we have to examine if negligence in the case of an accident can be gathered from the attendant circumstances. We have already held that the doctrine of res ipsa loquitur is equally applicable to the cases of accident and not merely to the civil jurisprudence. Thus, these principles can equally be extended to criminal cases provided the attendant circumstances and basic facts are proved. It may also be noticed that either the accident must be proved by proper and cogent evidence or it should be an admitted fact before this principle can be applied. This doctrine comes to aid at a subsequent stage where it is not clear as to how and due to whose negligence the accident occurred. The factum of accident having been established, the court with the aid of proper evidence may take assistance of the attendant circumstances and apply the doctrine of res ipsa loquitur. The mere fact of occurrence of an accident

VERDICTUM.IN

> does not necessarily imply that it must be owed to someone's negligence. In cases where negligence is the primary cause, it may not always be that direct evidence to prove it exists. In such cases, the circumstantial evidence may be adduced to prove negligence. Circumstantial evidence consists of facts that necessarily point to negligence as a logical conclusion rather than providing an outright demonstration thereof. Elements of this doctrine may be stated as:
>
> - The event would not have occurred but for someone's negligence.
> - The evidence on record rules out the possibility that actions of the victim or some third party could be the reason behind the event.
> - The accused was negligent and owed a duty of care towards the victim."

The Apex Court, while elucidating the scope and ambit of Section 279 of the IPC, has held that the offence would stand attracted upon the confluence of **three essential ingredients: firstly, the manner in which the vehicle is driven on a public way; secondly, such driving must be either rash or negligent; and thirdly, the rashness or negligence must be of such a degree as to endanger human life or be likely to cause hurt or injury to another person. When the allegations obtaining in the case at hand are tested on the touchstone of the aforesaid exposition of law, all three ingredients, prima facie, stand satisfied.** The petitioner is alleged to have driven his vehicle at a reckless speed, in an attempt to evade the checking undertaken by

VERDICTUM.IN

the traffic police, and, in that endeavour, to have driven towards the complainant, resulting in injuries which the medical records classify as grievous. The manner of driving, the alleged recklessness attending it and the consequent endangerment of human life are not matters resting on conjecture, but find prima facie support in the complaint, the statements of eyewitnesses and the medical material forming part of the charge sheet.

11.2. **It is not necessary, for attracting Section 279 of the IPC, that human life should actually be lost. The gravamen of the offence lies in the endangerment of human life by rash or negligent driving, and not merely in the consequence that ultimately ensues. In the case at hand, the consequence has travelled beyond mere apprehended danger, as the complainant has allegedly suffered a fracture on account of the incident**. The contention that the ingredients of Section 279 are altogether absent, therefore, cannot be countenanced at this stage. Whether the petitioner was, in fact, driving rashly or negligently, whether his conduct endangered human life and whether the injuries suffered by the complainant

VERDICTUM.IN

were the direct consequence of such driving are matters that must necessarily be tested on the anvil of evidence in a full-fledged trial. This Court, in exercise of its inherent jurisdiction, cannot embark upon a meticulous appreciation of evidence or conduct a miniature trial to pronounce upon the innocence or otherwise of the petitioner. **The material on record discloses a case warranting trial and not one deserving burial at its threshold. The petitioner must, therefore, face the rigours of trial, where the prosecution shall be required to establish the charge in accordance with law and the petitioner shall have every opportunity to demonstrate his defence.** Consequently, the prayer for quashment of the proceedings insofar as they concern the offence punishable under Section 279 of the IPC does not merit acceptance.

Section 307 of the IPC:

12. The next offence is the offence punishable under Section 307 of the IPC. Section 307 reads as follows:

> "**307. Attempt to murder**.—Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of

VERDICTUM.IN

> murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to imprisonment for life, or to such punishment as is hereinbefore mentioned."

Section 307 of the IPC predicates its application upon the commission of an overt act accompanied by the requisite intention or knowledge that, if death were to ensue as a consequence of such act, the offender would be guilty of murder. The gravamen of the offence lies not in the nature or magnitude of the injury ultimately inflicted, but in the intention or knowledge that animates the act and the circumstances in which it is perpetrated. Neither the infliction of a fatal injury nor the causing of grievous hurt is an indispensable prerequisite for attracting the offence of attempt to murder.

12.1. The Apex Court in **SURENDER KUMAR v. STATE OF HARYANA**[2] has held as follows:

"…. …. ….

[2] **2026 SCC OnLine SC 1912**

VERDICTUM.IN

7. We are of the opinion that the grievousness of the injuries or the possibility of injury which could have led to death, is not a necessary ingredient to attract Section 307. Section 307 reads thus:—

> *'S. 307 Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to imprisonment for life, or to such punishment as is hereinbefore mentioned.'*

8. It has two limbs, insofar as the punishment is concerned but only one regarding the culpability. The culpability being found if there is commission of any act with such intention or knowledge that the act could result in death; making the perpetrator guilty of murder. As regards punishment, the accused shall be punished with imprisonment of either description for a term which may extend to 10 years and shall also be liable to fine; which is the first limb. The second limb provides that if such act, caused with intention or knowledge, results in hurt to any person then the offender shall be liable either to imprisonment for life or to such punishment as provided in the first limb. Hurt, grievous or simple, is not a precondition to attract Section 307, but, if there is a hurt, be it simple or grievous, and the act causing such hurt is with the intention or knowledge that such act could have caused death; making the perpetrator guilty of murder, then a graver punishment is provided.

9. In *State of Madhya Pradesh* v. *Kashiram*[1], this Court held that to justify the conviction under Section 307, it would be sufficient if there is intent coupled with some overt act in execution thereof. It is not essential that there should be a bodily injury capable of causing death or even an injury in the nature of simple hurt. Relying on a number of decisions, it was held that the intention to kill or knowledge that death will occur, is a question of fact depending on a given case to find culpability under Section 307. The mere fact that the injury

VERDICTUM.IN

inflicted was simple or minor, will not by itself rule out the application of Section 307, since the determining question is the intention or knowledge.

10.*Chimanbhai Jagabhai Patel* v. *State of Gujarat*[2] found the ingredients under Section 307 to be; (i) the overt act of the accused, (ii) the intention or knowledge; to cause a bodily injury, which he knew would likely cause death, or such bodily injury which in the ordinary course of nature would lead to death, or that act is so imminently dangerous that in all probability death would be occasioned and (iii) that the accused had no excuse for incurring the risk of causing such death or injury. *Pasupuleti Siva Ramakrishna Rao* v. *State of Andhra Pradesh*[3] differentiated the punishments; as we found in the first and second limbs. One, the intention alone leading to a punishment of 10 years and if it is accompanied with hurt, then extending to life imprisonment. *State of M.P.* v. *Saleem alias Chamaru*[4] categorically held that to sustain a conviction under Section 307, there is no necessity for a bodily injury capable of causing death. A simple injury caused, would not as a corollary mean absence of intention to cause the death, which intention or knowledge has to be discerned from the circumstances surrounding the crime. *State of Madhya Pradesh* v. *Kanha alias Omprakash*[5] and *Jage Ram* v. *State of Haryana*[6] held that the absence of a fatal injury would not dislodge Section 307, but the nature or gravity of the injury and the nature of the weapon used could lead to an inference of intent and knowledge.

11. The nature of the hurt on which the courts laboured in the impugned orders, according to us, though relevant cannot on that sole basis result in a finding of attempt to murder. But the finding of the Sessions Court that there is no intention or knowledge alleged, could be taken as a reason or justification for not bringing in Section 307.

12. The trial had proceeded substantially, and it was at a late stage, the prayer was made to bring in Section 307. Both the medical certificates were available when the chargesheet was filed, since it was obtained during investigation. At the time of taking cognizance, the injured victim did not complain of Section 307 having not been incorporated, which was absent in

VERDICTUM.IN

the chargesheet itself. The injured were very conscious of the injuries sustained by them and were also aware of the manner in which the acts were perpetrated by the accused. No such case of an intention or knowledge as would attract Section 307 having been raised at the initial stage or at the stage of cognizance or when the evidence was being led; which the investigation also did not detect, the application made at the later stage, cannot be entertained and hence, the finding leading to rejection of incorporation of Section 307, is justified."

12.2. The Apex Court further in **ABHISHEK v. STATE OF RAJASTHAN**[3] has held as follows:

"…. …. ….

8. The legal position concerning the ingredients and application of Section 307 of the IPC is well-settled. To attract Section 307 of the IPC, the Court must ascertain whether the act, irrespective of the ultimate outcome, was committed with such intention or knowledge and under such circumstances that, if death had been caused, the offender would have been guilty of murder. In *Balram Bama Patil* (supra), reiterated in *Saleem alias Chamaru* (supra) and *Jage Ram* (supra), this Court held that to justify a conviction under Section 307 of the IPC, it is not essential that a fatal or life-threatening bodily injury must actually be sustained and the nature, gravity and site of the wound may assist in determining the intention of the accused, intention or knowledge can and must be deduced from the totality of circumstances, including the nature of the weapons deployed, the persistence of the assault, the prior animosity between the parties and the manner in which the attack was launched. The relevant paragraph of *Jage Ram* (supra) is reproduced as under:

"***13.*** *In* State of M.P. *v.*Kashiram [State of M.P. *v.*Kashiram, *(2009) 4 SCC 26: (2009) 2 SCC (Cri) 40: AIR 2009 SC 1642], the scope of intention for attracting*

[3] **2026 SCC OnLine SC 2079**

VERDICTUM.IN

conviction under Section 307 IPC was elaborated and it was held as under: (SCC pp. 29-30, paras 12-13)

> *"12. … '13. It is sufficient to justify a conviction under Section 307 if there is present an intent coupled with some overt act in execution thereof. It is not essential that bodily injury capable of causing death should have been inflicted. The section makes a distinction between the act of the accused and its result, if any. The court has to see whether the act, irrespective of its result, was done with the intention or knowledge and under circumstances mentioned in the section. Therefore, an accused charged under Section 307 IPC cannot be acquitted merely because the injuries inflicted on the victim were in the nature of a simple hurt.*

14. This position was highlighted in State of Maharashtra *v.* Balram Bama Patil [State of Maharashtra *v.* Balram Bama Patil, *(1983) 2 SCC 28: 1983 SCC (Cri) 320]*, Girija Shankar *v.* State of U.P. [Girija Shankar *v.* State of U.P., *(2004) 3 SCC 793: 2004 SCC (Cri) 863] and* R. Prakash *v.* State of Karnataka [R. Prakash *v.* State of Karnataka, *(2004) 9 SCC*

***

16. Whether there was intention to kill or knowledge that death will be caused is a question of fact and would depend on the facts of a given case. The circumstances that the injury inflicted by the accused was simple or minor will not by itself rule out application of Section 307 IPC. The determinative question is the intention or knowledge, as the case may be, and not the nature of the injury.'

See State of M.P. *v.* Saleem [Saleem case, *(2005) 5 SCC 554: 2005 SCC (Cri) 1329], SCC pp. 559-60, paras 13-14 and 16.*

13. '6. Undue sympathy to impose inadequate sentence would do more harm to the justice system to undermine the public confidence in the efficacy of law and society could not long endure under such serious threats. It is, therefore, the duty of every court to award proper sentence having regard to the nature of the offence and the manner in which it was executed or committed, etc. This position was illuminatingly stated by this Court in Sevaka Perumal *v.* State of T.N. [Sevaka Perumal *v.* State of T.N., *(1991) 3 SCC 471: 1991 SCC*

VERDICTUM.IN

(Cri) 724]' (Saleem case [Saleem case, *(2005) 5 SCC 554: 2005 SCC (Cri) 1329], SCC p. 558, para 6)"*

9. Recently, in the case of *Surender Kumar* v. *State of Haryana*[4], this Court reiterated that the determining factor under Section 307 of the IPC is the requisite intention or knowledge coupled with an overt act and that the mere fact that the injury was caused on a non-vital part of the body would not, by itself, exclude the applicability of Section 307 of the IPC.

10. We are of the view that at the stage of framing charges under Sections 227 and 228 of the Criminal Procedure Code, 1973 (for brevity "Cr.P.C."), the Court is not required to hold a mini-trial or weigh the evidentiary material as if adjudicating guilt after a full-fledged trial and the Court is only required to examine whether the investigating material, statements of witnesses and records disclose a *prima facie* case and raise a suspicion against the accused.

11. In the facts of the present case, the materials collected during the investigation, including the statements recorded under Section 161 of the Cr. P.C., the spot inspection reports and the recoveries made under Section 27 of the IEA, reveal that **(a)** respondent No. 2 aggressively drove a heavy motor vehicle (a tractor) at high speed into the agricultural field of the appellant and repeatedly steered it towards the appellant and his family members, ultimately hitting the mother of the appellant, **(b)** respondent No. 2 and other co-accused persons, armed with sharp-edged cutting weapons (axes/*kashi*), launched an assault on the appellant and his father, **(c)** the medico legal certificates of the appellant and his family members reveal that both the appellant and his father suffered deep incised wounds measuring up to 7 cm × 3 cm extending bone-deep and 6 cm × 3 cm extending muscle-deep, and **(d)** the Charge Sheet also records the statement of the appellant that the accused persons surrounded the appellant and his family and attacked their heads with axes and when the appellant and his father raised their arms to protect their heads, the blow struck their shoulders resulting into deep incised wounds.

12. In view of these factual allegations against respondent No. 2, we are of the view that the High Court

VERDICTUM.IN

> committed an error in conducting a summary and technical assessment of the injuries and concluding that the offence under Section 307 of the IPC is not made out and the case could not travel beyond Section 308 of the IPC on the reasoning that the wounds were located on the limbs being the non-vital part of the body. The Additional Sessions Judge had evaluated the materials placed on record and thereafter framed the charge under Section 307 of the IPC against respondent No. 2. At this stage, it is also required to be observed that the High Court overlooked the statutory safeguards provided under Section 216 of the Cr. P.C., which vests power in any court to alter or add to any charge at any time before judgment is pronounced. Thus, if during the course of the trial, based on the evidence adduced, it emerges that the ingredients of Section 307 of the IPC are not established, the trial court is empowered under Section 216 of the Cr. P.C. to alter or amend the charge accordingly to Section 308 of the IPC or any other appropriate lesser offence. Therefore, the interference of the High Court at the threshold stage was unwarranted and cannot be sustained in law."

12.3. What assumes significance at this juncture, and therefore merits particular notice, is the medical evidence appended to the charge sheet. The wound certificate dated 22-11-2021, as quoted *supra,* pertaining to the medical examination conducted on 23-10-2021, records the history of a road traffic accident. **A perusal of the wound certificate would reveal injuries that are neither illusory nor inconsequential. It records as many as ten abrasions distributed over the face, arms, forearms, hand, left knee and left foot, besides swelling and tenderness of the left knee joint. More significantly, the**

VERDICTUM.IN

radiological examination reveals a displaced, multi-fragmented fracture of the head of the fibula, an injury medically classified as grievous in nature. The discharge summary of the complainant lends further corroboration to the wound certificate, as it records treatment administered for the fracture of the left fibular head. The medical records, therefore, unmistakably demonstrate that the incident was not one which merely resulted in superficial abrasions or transient bodily discomfort, but one which occasioned a fracture, an injury falling within the statutory contours of grievous hurt. The contention that the complainant had suffered no serious injury must, therefore, be tested against this contemporaneous medical material, which speaks to the contrary. The medical evidence does not stand in isolation. It finds corroborative support in the statements of witnesses recorded during investigation on 06-11-2021.

12.4. If the exposition of law by the Apex Court in the afore-quoted judgments is juxtaposed with the allegations obtaining in the case at hand, what would unmistakably emerge is that the

VERDICTUM.IN

ingredients of Section 307 of the IPC are, prima facie, discernible from the material on record. The allegation against the petitioner is not merely that he drove his vehicle in a rash and negligent manner, but that, in an endeavour to evade the checking undertaken by the traffic police, he allegedly propelled his vehicle towards the complainant, who was discharging his official duty, thereby causing injuries which the medical records classify as grievous. A motor vehicle, when driven in such a manner towards a human being, is capable of becoming an instrument of death. The distinction between an injury and a fatality, in circumstances of this nature, may rest upon nothing more than the slender thread of providence. The fact that the complainant survived the incident cannot, by itself, dilute the gravity of the act alleged or efface the intention or knowledge that may be gathered from the manner in which it was committed.

12.5. **The requisite *mens rea,* under Section 307 of the IPC, is not to be inferred merely because the act was capable of causing death; it must be discerned from the cumulative effect of the surrounding circumstances**. In the case at hand,

VERDICTUM.IN

the allegation of the vehicle having been deliberately driven towards the complainant, the attempt to evade lawful interception, the statements of the eyewitnesses and the injuries actually occasioned constitute material from which the requisite intention or knowledge may, prima facie, be inferred. The Apex Court, in its judgment rendered on 07-10-2026, quoted *supra*, was considering an allegation of an attempt by the accused to run over the complainant by employing a motor vehicle. The factual proximity of the said case to the one at hand lends significance to the principles elucidated therein.

12.6. **Therefore, in the light of the law laid down by the Apex Court and the material collected during investigation, the accusation under Section 307 of the IPC cannot be said to be so bereft of foundational ingredients as to warrant its obliteration at the threshold. The allegations disclose a case worthy of trial, and it is for the prosecution to establish the charge beyond reasonable doubt, affording the petitioner full opportunity to contest the accusation. To interdict the proceedings at this stage would be to substitute a**

VERDICTUM.IN

speculative assessment of innocence for the adjudicatory process ordained by law. The petitioner must, therefore, face a full-fledged trial, and the prayer for quashment of the proceedings insofar as they concern Section 307 of the IPC is liable to be rejected.

Section 353 of the IPC:

13. The next offence is Section 353 of the IPC. It reads as follows:

> "**353. Assault or criminal force to deter public servant from discharge of his duty**.—Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

Section 353 punishes an accused who commits assault or uses criminal force to deter a public servant from discharging of his official duty. The interpretation of Section 353 again need not detain this Court for long or delve deep into the matter.

VERDICTUM.IN

13.1. The Apex Court in **B.N. JOHN v. STATE OF UTTAR PRADESH**[4] holds as follows:-

"…. …. ….

42. For a prohibited act to come within the scope of the offence under Section 353IPC, such an act must qualify either as an assault or criminal force meant to deter public servant from discharge of his duty. Obviously, such an act cannot be a mere act of obstruction which is an offence under Section 186IPC. The offence contemplated under Section 353IPC is of a more serious nature involving criminal force, or assault which attracts more stringent punishment that may extend to two years. On the other hand, the offence of obstruction covered under Section 186IPC is punishable by imprisonment, which may extend to three months at the maximum.

43. A close examination of Section 353IPC would indicate that to invoke the aforesaid offence, there must be use of criminal force or assault on any public servant in the execution of his official duty or with the intent to prevent or deter such public servant from discharging his duty. It would be clear from a reading of the provisions of Section 186 as well as Section 353IPC that Section 353IPC is the aggravated form of offence where criminal force or assault is involved. Unlike in the case of Section 186IPC where voluntarily obstructing any public servant in discharge of his official function is sufficient to invoke the said section, in the case of offence under Section 353IPC as mentioned above, not only obstruction but actual use of criminal force or assault on the public servant is necessary.

… … …

56. There can be no doubt that there is a sea of difference between "creating disturbance" and the "assault" and "criminal force" terms mentioned under Section 353IPC and defined under Sections 350 and 351IPC, respectively.

57. "Criminal force" has been defined under Section 350IPC, which reads as follows:

---

[4] **(2025) 11 SCC 701**

VERDICTUM.IN

> "**350.** ***Criminal force***.—Whoever intentionally uses force to any person, without that person's consent, in order to the committing of any offence, or intending by the use of such force to cause, or knowing it to be likely that by the use of such force he will cause injury, fear or annoyance to the person to whom the force is used, is said to use criminal force to that other."

58. "Assault" has been defined under Section 351IPC which reads as follows:

> "**351.** ***Assault***.—Whoever makes any gesture, or any preparation intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault.
>
> *Explanation*.—Mere words do not amount to an assault. But the words which a person uses may give to his gestures or preparation such a meaning as may make those gestures or preparations amount to an assault."

59. If "disturbance" has to be construed as "assault" or "criminal force" without there being specific acts attributed to make such "disturbance" as "assault" or "criminal face" within the scope of Section 353IPC, it would amount to abuse of the process of law. While "disturbance" could also be caused by use of criminal force or assault, unless there are specific allegations with specific acts to that effect, mere allegation of "creating disturbance" cannot mean use of "criminal force" or "assault" within the scope of Section 353 IPC."

If the exposition of law by the Apex Court in the afore-quoted judgment is juxtaposed with the allegations obtaining in the case at hand, the ingredients of Section 353 of the IPC would also, prima facie, stand satisfied. The

VERDICTUM.IN

complainant, a Head Constable and indisputably a public servant, was engaged in the lawful discharge of his official duty of detecting and preventing drunken driving. The petitioner, instead of submitting himself to the lawful process of inspection, is alleged to have driven his vehicle in a rash and reckless manner towards the complainant, running over him and occasioning grievous injury, besides damaging the Department's PDA machine. The allegations, therefore, transcends the contours of a mere traffic infraction or an isolated act of negligent driving. They disclose, prima facie, the use of criminal force against a public servant while he was discharging his official duty, with the object of preventing or deterring him from performing that duty.

13.2. Section 353 of the IPC seeks to protect not merely the person of the public servant, but also the unhindered discharge of public duties in the larger interests of the administration of law. The provision, however, does not criminalise every act of resistance or every accidental injury caused to a public servant; it requires assault or use of criminal force accompanied by the requisite nexus

VERDICTUM.IN

with the discharge of official duty. In the case at hand, the allegation of the petitioner deliberately driving towards the complainant to escape inspection, coupled with the injuries occasioned and the damage caused to the equipment used in the performance of official duty, furnishes sufficient material to infer, at this stage, the requisite ingredients of the offence. Whether the act was deliberate, whether criminal force was employed with the intention of deterring the complainant from performing his duty, or whether the occurrence was merely accidental are matters that must necessarily be tested on the anvil of evidence.

13.3. **The protection afforded to a public servant in the lawful discharge of his duty cannot be rendered illusory by permitting an allegation of deliberate obstruction through criminal force to be extinguished without trial**. **Equally, the petitioner cannot be pronounced guilty merely upon the strength of the allegations. The prosecution must establish every ingredient of the offence in accordance with law. Suffice it to observe, that the material on record discloses a prima facie case warranting trial for the offence punishable**

VERDICTUM.IN

under Section 353 of the IPC. It is, therefore, for the petitioner to vindicate his defence in a full-fledged trial, and not for this Court, in exercise of its inherent jurisdiction, to undertake a premature adjudication upon disputed questions of fact. Consequently, the prayer for quashment of the proceedings insofar as they concern Section 353 of the IPC is equally devoid of merit.

Section 427 of the IPC:

14. The other offence is Section 427 of the IPC – mischief causing damage. Section 427 reads as follows:

> **427. Mischief causing damage to the amount of fifty rupees**.—Whoever commits mischief and thereby causes loss or damage to the amount of fifty rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

If the averments in the complaint and the summary of the charge sheet, extracted *supra*, are read in conjunction, what would unmistakably emerge is a specific allegation of damage caused to property in the course of the incident. The accusation is not confined to the injuries allegedly inflicted upon the complainant, but

VERDICTUM.IN

extends to the damage occasioned to the glass of the car and the Department's PDA machine. The charge sheet, the statements of witnesses accompanying it and the voluntary statement of the complainant, when considered cumulatively, disclose material indicative of destruction or diminution in the value or utility of the property concerned. The offence of mischief punishable under Section 427 of the IPC requires the commission of an act with the intention of causing, or with the knowledge of the likelihood of causing wrongful loss or damage to property, resulting in loss or damage of the statutorily prescribed value. The allegations obtaining in the case at hand, particularly the alleged deliberate act of driving the vehicle towards the complainant in an attempt to evade lawful inspection, coupled with the consequential damage to the equipment and the glass of the vehicle, furnish sufficient foundational material to warrant examination of the accusation at trial.

14.1. The criminality of an act is not to be measured merely by the injury it inflicts upon the human body; the deliberate destruction of property in the course of that act may constitute a

VERDICTUM.IN

distinct offence, provided its statutory ingredients are satisfied. Whether the damage alleged was occasioned by the petitioner, whether it was accompanied by the requisite intention or knowledge, and whether the pecuniary threshold contemplated under Section 427 of the IPC stands established are matters that must necessarily be determined upon evidence. At this stage, the material cannot be characterised as wholly bereft of the ingredients of mischief, so as to justify the obliteration of the proceedings at their inception. The allegations, therefore, disclose a prima facie case warranting trial for the offence punishable under Section 427 of the IPC as well. It is for the prosecution to establish the accusation in accordance with law and for the petitioner to contest the same in a full-fledged trial. Consequently, the prayer for quashment of the proceedings insofar as they concern Section 427 of the IPC does not merit acceptance.

Section 506 of the IPC:

15. What remains is an offence under Section 506 of the IPC – Criminal intimidation. Section 506 reads as follows:

VERDICTUM.IN

"**506. Punishment for criminal intimidation**.—Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

if threat be to cause death or grievous hurt, etc.—and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both."

The ingredients of Section 506 are found in Section 503. It reads as follows:

"**503. Criminal intimidation**.—Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threats, commits criminal intimidation.

Explanation.—A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.

Illustration

A, for the purpose of inducing *B* to desist from prosecuting a civil suit, threatens to burn *B*'s house. *A* is guilty of criminal intimidation."

VERDICTUM.IN

15.1. The allegations in the complaint and the summary of the charge sheet, extracted *supra*, further disclose that the petitioner, immediately before the occurrence, is alleged to have confronted the complainant with the words, "Who told you to stop me? Do you know who I am?" The utterance of these words is alleged to have been immediately followed by the petitioner driving his vehicle towards the complainant and running over his legs, resulting in grievous injuries. The words so uttered cannot be viewed in complete isolation from the conduct that allegedly succeeded them. Words, when accompanied by acts of violence, may acquire a significance far beyond their literal expression. What may otherwise appear to be an expression of arrogance or indignation may, when viewed in the setting of the accompanying conduct, assume the character of intimidation.

15.2. The allegation is that the petitioner, upon being intercepted by a public servant discharging his lawful duty, not merely questioned his authority, but immediately thereafter drove his vehicle towards him, causing bodily injury. Whether the words, read with the conduct that followed, were intended to cause alarm

VERDICTUM.IN

to the complainant or to compel him to refrain from performing an act which he was legally entitled and duty-bound to perform, is a matter that requires adjudication on evidence. The allegations, when read as a composite whole, furnish prima facie material warranting examination of the ingredients of criminal intimidation under Section 503, punishable under Section 506 of the IPC.

16. The cumulative effect of the allegations and the material gathered during investigation must now be considered. The incident cannot be dissected into isolated fragments, each divorced from the other, for it is the entirety of the transaction that lends character to the acts alleged against the petitioner. The words uttered, the attempt to evade inspection, the manner in which the vehicle was allegedly driven, the injuries occasioned to the complainant and the damage caused to the property are all circumstances forming part of one continuous transaction. **The petitioner is alleged to have driven his vehicle towards a police official, with the knowledge that such an act was capable of causing death. The complainant fortunately survived, but suffered a fracture medically classified as grievous. The question**

VERDICTUM.IN

whether the act was accompanied by the intention or knowledge requisite to constitute an offence under Section 307 of the IPC cannot, therefore, be foreclosed at the threshold. The material on record discloses sufficient circumstances from which the requisite *mens rea* may prima facie be inferred, leaving its ultimate determination to the trial Court.

17. Likewise, the allegation of rash and negligent driving cannot be viewed in a vacuum, shorn of the circumstances that preceded and accompanied the act. The alleged recklessness in driving a motor vehicle on a public road, in a manner endangering human life, brings the accusation within the prima facie contours of Section 279 of the IPC. The alleged use of the vehicle to inflict injury upon a public servant while he was discharging his official duty, with the object of preventing or deterring him from performing that duty, furnishes the foundational ingredients of Section 353 of the IPC. The damage allegedly caused to the Department's equipment and the glass of the vehicle supplies material warranting trial for the offence of mischief punishable

VERDICTUM.IN

under Section 427 of the IPC, subject to proof of the requisite intention or knowledge and the statutory threshold of damage. The words allegedly uttered by the petitioner, when examined in conjunction with the conduct immediately following them, also raise a triable accusation of criminal intimidation under Sections 503 and 506 of the IPC.

18. **The law does not countenance a motor vehicle being converted into an instrument of intimidation or violence against those entrusted with its enforcement. The authority of a public servant lawfully discharging his duty cannot be made to yield to the arrogance of an individual who considers himself beyond the reach of the law. The rule of law would lose much of its meaning if lawful enforcement could be met with alleged violence and the ensuing prosecution extinguished without the allegations being tested at trial. Equally, the solemn presumption of innocence that accompanies every accused remains undisturbed until the prosecution establishes guilt in accordance with law.**

VERDICTUM.IN

19. The jurisdiction under Section 482 of the Cr.P.C., though wide in its amplitude, is not intended to convert this Court into a trial Court or to undertake a meticulous dissection of evidence, before the prosecution has had an opportunity to establish its case. The inherent power exists to prevent abuse of the process of law and to secure the ends of justice; it cannot be invoked to prematurely terminate a prosecution which discloses the foundational ingredients of the offences alleged. A trial-worthy accusation cannot be obliterated merely because the accused disputes the allegations or proclaims his innocence. The truth or otherwise of the accusations must emerge from the crucible of trial, where the evidence will be tested, witnesses subjected to cross-examination and the competing versions adjudicated in accordance with law.

20. In the considered view of this Court, the complaint, the charge sheet, the statements of witnesses and the medical evidence read together, disclose a prima facie case warranting trial for the offences alleged against the petitioner. It is for the prosecution to prove its accusations beyond reasonable doubt and

VERDICTUM.IN

for the petitioner to vindicate his defence in a full-fledged trial. The petitioner cannot, therefore, seek an interdiction of the proceedings at their very inception. The petition is consequently bereft of merit and deserves to be rejected.

21. For the aforesaid reasons, finding no merit in the petition, the petition stands ***rejected.***

It is, however, made clear that the observations made in the course of this order are confined exclusively to the consideration of the petition under Section 482 of the Cr.P.C. and shall not be construed as findings on the guilt or otherwise of the petitioner. The concerned Court shall proceed with the matter independently, on the strength of the evidence placed before it and strictly in accordance with law, uninfluenced by any observation made herein.

Sd/-
(M.NAGAPRASANNA)
JUDGE

BKP