



HC-KAR

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 17TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
CRIMINAL PETITION NO.105196 OF 2025
(482 OF Cr.PC/528 OF BNSS)

BETWEEN:

SAMBAJI S/O. SIDDRAI KADOLKAR,
AGE: 51 YEARS, OCC: AGRICULTURE,
R/O. PLOT NO.1118, KAKATI,
DIST. BELAGAVI.

...PETITIONER

(BY SRI VITTHAL S. TELI, ADVOCATE)

AND:

THE STATE OF KARNATAKA,
BY P.S.I., BELAGAVI TRAFFIC SOUTH
POLICE STATION,
R/BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
DHARWAD, BENCH DHARWAD.

...RESPONDENT

(BY SRI ABHISHEK MALIPATIL, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023, PRAYING TO QUASH ABATED CHARGESHEET FILED AGAINST DECEASED SAIRAJ (A-1) IN C.C.NO.470/2021 IN BELAGAVI TRAFFIC NORTH P.S.CR.NO.14/2021, ON THE FILE OF JMFC-II FOR OFFENCES UNDER 279, 338, 304(A) OF THE IPC, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION COMING ON FOR ADMISSION, THIS DAY ORDER WAS MADE THEREIN AS UNDER:





CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR)

This petition is filed under Section 482 of the Code of Criminal Procedure, 1973¹ / Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023² by the petitioner with the following prayer:

"Wherefore, it is respectfully prayed that this Hon'ble Court be pleased to quash abated chargesheet filed against deceased Sairaj (A-1) in CC No.470/2021 in Belagavi Traffic North P.S Crime No.14/2021 on the file of JMFC-II for offences under 279, 338, 304(A) of the IPC, in the interests of justice and equity."

2. One Mohan Hugar was driving a car bearing registration No.KA-22/MB-3446 from Belagavi District Stadium towards K.L.E. main road with high speed and in a rash and negligent manner. When he reached in front of the Belagavi District Sports Complex, at that time, the deceased-Sairaj Kadolkar, was proceeding on his motorcycle bearing registration No.KA-22/EY-

¹ Hereinafter referred to as the 'Cr.P.C.'

² Hereinafter referred to as the 'BNSS, 2023'



8677 from Ramdev Circle towards K.L.E. Hospital main road. At that moment, the driver of the car bearing registration No.KA-22/MB-3446 collided with the motorcycle bearing registration No.KA-22/EY-8677, as a result of which, Sairaj Kadolkar sustained severe injuries and succumbed to the injuries. During the course of investigation, Investigating Officer filed charge sheet against the deceased, who was riding the motorcycle bearing registration No.KA-22/EY-8677.

3. Learned counsel for the petitioner, who is the father of the deceased-Sairaj Kadolkar submitted that the entire accident was caused due to the rash and negligent driving of the car driver and not due to any fault on the part of the deceased. Therefore, it is contended that a wrong charge sheet has been filed.

4. Heard the arguments of the learned counsel for the petitioner and the learned counsel for the respondent. Perused the material available on record.

5. Upon considering the charge sheet materials, especially the sketch, it is evident that car driver was coming from a narrow road and was approaching the main road. Therefore, it



was the duty of the car driver to stop, watch and then proceed cautiously. However, instead of doing so, the driver drove the car at a high speed and in a rash and negligent manner, resulting into accident. The driver of the motorcycle, the deceased-Sairaj Kadolkar, was travelling on the main road. Considering the scenario of the accident, there is no negligence found on part of the deceased, who was driving the motorcycle. Just because the deceased did not possess a driving licence, it cannot be concluded that he was driving in a rash and negligent manner. Absence of driving licence is distinct from rash and negligent driving. But the charge sheet was also filed against the deceased as an abated charge sheet insofar as the driver of motorcycle is concerned. Therefore, arraigning the deceased as accused No.1 in the charge sheet is not correct. Accordingly, the petition is liable to be allowed.

6. Hence, I proceed to pass the following:

ORDER

a) The petition is ***allowed***.



b) The charge sheet filed insofar as against the deceased as accused No.1 registered in Crime No.14/2021 of Belagavi North Traffic Police Station, for the offence punishable under Sections 279, 338 and 304(A) of IPC, pending in C.C.No.470/2021 on the file of JMFC-II Court, Belagavi, is hereby set aside.

**Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE**

PMP /CT-AN
List No.: 2 Sl No.: 13