

IN THE COURT OF THE ADDL.DISTRICT JUDGE-III, ALAPPUZHA  
Present : Sri. Suhaib M., Additional District & Sessions Judge – III  
Wednesday the 11<sup>th</sup> day of March 2026 /20<sup>th</sup> Phalguna, 1947

**Crl.MP 1068/2025 in S.C No.936/2024**

**(Crime No: 611/2017 of Aroor Police Station)**

**Petitioner** : Deepak, aged 30/2018, S/o.Vijayakumar,  
Mevila Veettil, Vazhappalli West P.O,  
Changanassery, Kizhakkekarayil,  
Kottayam.

**(By Adv.K.Madhavan Pillai)**

**Respondent** : State of Kerala, represented by the SHO,  
Aroor Police Station, Through the  
Additional Public Prosecutor, Alappuzha.

This Petition is having been finally heard on 06.03.2026 and the court on 11.03.2026 passed the following:-

**ORDER**

This is an application filed by the accused in SC No.936/2024 for discharge.

2. The contention in the petition in brief is as follows:- The petitioner is the 3<sup>rd</sup> accused in the final report. The offences alleged are Sections 279, 304, 308 r/w 34 of IPC and 146 r/w 196 of Motor Vehicles Act. Aroor Police had registered the case as Crime No.617/2017. 2<sup>nd</sup> accused is the registered owner of the car bearing registration No. KL/01-AR-7972. The allegation of prosecution is that the said vehicle in the possession of the 3<sup>rd</sup> accused on the basis of vehicle sale agreement was given to 1<sup>st</sup> accused for driving on public road and accordingly on 11.05.2017 at 5.30 pm., the 1<sup>st</sup> accused drove the vehicle in a manner rash or negligent and caused accident by running into a bus stop near to Aroor Ambalam junction causing death of Rugmini and another and causing hurt to 13 others. The petitioner/A3 is not the owner of the car and the car was not

in his possession. He was made accused showing the reason that he was a traveller in the car. A petition submitted before the Hon'ble High Court for quashing final report as CrI.MC.No.2278/2019 was disposed giving liberty to the petitioner to file application for discharge. Since there is no prima facie case against the petitioner, he may be discharged.

3. The respondent/SHO, Aroor Police Station did not submit any objection on this application.

4. Heard both sides.

5. The following is the point that would arise for consideration:-

Whether the petitioner is entitled for discharge as prayed for?

6. **The point:-** As per the allegation against the prosecution, the 1<sup>st</sup> accused was driving the vehicle at the time of the accident. Two persons by name Sunil Kumar and Rugmini had died sustaining injuries in the accident and 13 others sustained simple and grievous hurt. As per the allegation, the petitioner/A3 was travelling in the offending car at the time of accident. There is no allegation that he had abetted 1<sup>st</sup> accused to drive the car in a manner rash or negligent. There is no allegation that the petitioner had driven the car at the time of the accident. There is no allegation that the accident took place on account of pre-determined plan to cause hurt to injured or deceased. Therefore, the alleged offences u/ss.279, 304 and 308 r/w 34 of IPC will not attract against

the petitioner/A3. There is allegation of commission of offence u/s.146 r/w 196 of MV Act. No document has been produced to show that the petitioner was the owner of the car at the time of the accident. There is no document to find that he had handed over the car to the 1<sup>st</sup> accused. Therefore S.146 r/w 196 of MV Act will not attract against him. Having gone through the available records, I could not find any prima facie case against the petitioner/A3 for framing charge against him for the offences alleged. I do find that there is no sufficient ground for proceeding against the petitioner.

In the result, this application is allowed and the petitioner/A3 is discharged u/s.227 of Cr.PC of the offences u/ss. 279, 304, 308 r/w 34 of IPC and 146 r/w 196 of Motor Vehicles Act.

*(Dictated to the Confidential Assistant, data entered by her, corrected and pronounced by me, in open court on this the 11<sup>th</sup> day of March, 2026).*

Sd/-  
Suhaib M  
Additional Sessions Judge-III

**Appendix-NIL**

Id/-  
Additional Sessions Judge-III

