

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-II,
ALAPPUZHA**

Present:-Ms.Seethal.M.Sasidharan, Judicial First Class Magistrate-II

Dated this the 24th day of April 2026 /4th Vaisakha 1948

C.C.No. 2692/22

Complainant		State of Kerala Represented by S.I of Police, Mannanchery in Crime no 789/22 (By Nageswary K.K, APP, JFMC– II Alappuzha)
Accused		Nazarudheen, 36/22 years, S/o Muhammed Yoosaf, Poorakalathil, Alappuzha Municipal, Poomthoppuward, Avalookkunnu, ward (By Adv. Jayan.C.Das)
Offences	:	Punishable u/S. 279& 304A of IPC.
Plea	:	Not guilty
Finding	:	The accused is found not guilty of the offence under section 279 & 304A of IPC.
Sentence or order	:	The accused is acquitted of the offences under section 279 & 304A of IPC , u/S.255(1) Cr.P.C

Description of the accused

Name	Father's/husband's Name	Occupation	Residence	Age
Nazarudheen	Muhammed Yoosaf		Poorakalathil, Alappuzha Municipal, Poomthoppu ward, Avalookkunnu,	36/22

Dates of

Occurrence	Complaint	Appearance	Period of detention undergone during investigation, inquiry of trial for the purpose of	Release on bail	Commencement of trial

			S.428 Cr.PC		
11.11.2022	02.12.2022	19.04.2024	-	06.06.2024	19.04.2024

Commencement of evidence	Close of trial	Sentence or order	Reason for delay
23.04.2025	24.04.2026	24.04.2026	-

This case having been finally heard on 24.04. 2026, the Court on 24.04.2026 delivered the following:-

J U D G M E N T

1. This case is instituted upon a final report filed by Sub Inspector of police, Mannanchery Police Station in crime number 789/22 against the accused alleging offences punishable under section 279 & 304A of Indian Penal Code (hereinafter referred to as IPC).
2. **Prosecution case in brief:-** On 11.11.2022 at 7.45 PM , the accused drove his car bearing registration number KL 31 J 398 in a rash and negligent manner from North to South along Alappuzha – Ernakulam NH road and when it reached near Kalavoor Junction it knocked down one Prasannan, who was crossing the road .He sustained greivous injuries and later succumbed to those injuries while undergoing treatment . Hence, the accused is alleged to have committed the offences under section 279 and 304 A of IPC.
3. On appearance , accused was enlarged on bail . Copy of prosecution records were served to accused in compliance with section 207 of the Code of Criminal Procedure(hereinafter referred to as CrPC.

Particulars of offences under section 279 and 304 A IPC, were read over to the accused. Accused pleaded not guilty and claimed to be tried.

4. In order to prove it's case, prosecution examined PW1 to PW3 and Exts P1 was marked . Remaining Prosecution witness were given up by learned Assistant Public Prosecutor. As there were no incriminating circumstance against the accused in prosecution evidence, his examination under 313(1)(b) of Code of Criminal Procedure was dispensed with. No evidence was adduced from the side of defence.
5. Heard and perused the records.
6. The following points arose for the consideration of this court : -
 - (1) Did the accused drive his car bearing registration number KL 31 J 398 in a rash and negligent manner endangering human life on 11.11.2022, at 7.45 pm along Alappuzha -Ernakulam NH road , thereby committing an offence punishable section 279 of IPC ?
 - (2) Did the death of Prasannan was due to the rash and negligent driving of the accused on the above mentioned date, time and place, thereby committing an offence punishable under section 304 A of IPC ?
 - (3) Sentence or Order ?
7. **Points No 1 and 3:-** For the sake of convenience and to avoid repetition of facts, these points are discussed together. The informant

in this case was examined as PW2. He deposed that the deceased prasannan is his brother and he died in a road accident . He further identified his signature in Ext P1 FIS .However he stated that he had only hearsay knowledge about the accident . PW1 and PW2 totally denied the case of the prosecution that they witnessed the accident . They also denied of having given any statement to the police in this regard .

8. On analysing the entire evidence before this court there are no materials connecting the accused with the alleged accident . None of the witnesses could depose that it was the accused who drove the alleged vehicle . Hence, it can be concluded that the prosecution has miserably failed to prove beyond reasonable doubt that it was the rash and negligent driving of the accused that resulted in the death of Prasannan . Thus , these points are found against the prosecution.
9. **Point No 3:- In light of the findings in point No 1 and 2, accused is found not guilty for the offences punishable under section 279 and 304A and hence is acquitted of the said offences under section 255 (1) CrPC. His bail bond stands cancelled and he shall be set at liberty.**

Dictated to the Confdl. Asst., typed by her, corrected by me and pronounced in open court on this 24th day of April 2026

Seethal.M. Sasidharan
Judicial First Class Magistrate-II

APPENDIX

A. Witnesses for prosecution:

Rank	Name	Whether Eye witness, Police witness,
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		Expert witness, Medical witness, other witness
PW1	Noushad	Eye witness
PW2	Devadev	Ether witness
PW3	Rajendran	Other witness

B. Defence Witness:- Nil

C.Court Witness:- Nil

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. prosecution Exhibits :-

Sl. No.	Exhibit Number	Description
1.	P1/PW1	First Information Statement dated 11.11.2022 proved on 13.03.2026

B. Defence Exhibits:- Nil

C.Court Exhibits:- Nil

D.Material Objects:-Nil

Judicial First Class Magistrate-II,
Alappuzha