

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE**AMBALAPUZHA**

Present : Aiswarya Ann Jacob

Judicial Magistrate of First Class

Dated this, the 24th day of April, 2026**C. C. No. 615/2019**

Complainant : State of Kerala represented by the Sub
Inspector of police, Punnapra Police
Station in Crime No.1291/2018.

Rep. by A.P.P., Ambalapuzha

Accused : Kannan @ Akhil, aged 18/18 years,
S/o. Saju, Aniyam charuvilakkakth,
Near Aniyilakkadavu Bridge,
Kokkottela PO, Thiruvananthapuram.

Rep. by Adv M A Kasim

Offences : U/s. 279, 337, 338, 304 (A) of Indian Penal
Code and Sec. 3(1) r/w 181 of Motor
Vehicles Act

Plea : Not guilty

Finding : Not guilty

Sentence or Order : Accused is acquitted u/s.255(1) of
Cr.P.C.

DESCRIPTION OF THE ACCUSED

Sl. No.	Name of the Police Station and Crime No. of the offence	Name	Father's name	Occupation	Residence	Age
	Punnapra Police Station in Crime No. 1291/2018	Kannan @ Akhil	Saju		Aniyan charuvilakkakth, Near Aniyilakkadavu Bridge, Kokkottela PO, Thiruvananthapuram.	18/18

DATES OF

Occurrence	Complaint	Apprehension	Release on bail	Commitment	Commencement of trial	Commencement of Evidence
12.12.18	14.02.19	18.07.19	18.07.19	-	18.07.19	29.09.22

Close of trial	Sentence/ Order	Service of Copy of Judgment or finding on account	Explanation of delay	Period of detention undergone during investigation, inquiry of trial for the purpose of section 428 Cr.P.C.
22.04.26	24.04.26	...	No delay	...

This case having been heard on 22.04.2026 and the court on 24.04.2026 delivered the following :

J U D G M E N T

1. This is a case instituted on a final report filed by the Sub Inspector of police, Punnapra Police Station in Crime No.1291/2018, alleging commission of offences punishable u/s.279,337, 338, 304A of Indian Penal Code and Sec 3(1) r/w 181 of Motor Vehicles Act, against the accused.

2. Prosecution case in brief is that on 12.12.2018 at about 6:45 p.m., the accused drove a motorcycle bearing Registration No. KL-01-TC-97-1990 along the Kollam–Alappuzha NH 66 road, near Paravoor Junction, in a rash and negligent manner, without possessing the requisite driving licence. While so riding, the accused hit one Mr. Thomas, who was standing with his bicycle by the roadside, causing him to fall and sustain grievous injuries. He later succumbed to the injuries on 24.12.2018 while undergoing treatment at Kottayam Medical College. Thus, the accused is alleged to have committed the aforesaid offences.
3. On the appearance of the accused before the court, he was released on bail and copies of relevant prosecution records were furnished to him. Particulars of the offences punishable under Sections 279, 337, 338, 304A IPC, 3(1) r/w 181 of MV Act were read over and explained to the accused, to which he pleaded not guilty and claimed to be tried.
4. The prosecution examined PW1 to PW10 and Exts.P1 to P15 were marked. After closure of the evidence of prosecution, the accused was examined under section 313(1)(b) of Cr.PC. He denied all the incriminating circumstances which appeared in evidence against him. No evidence was adduced from the side of the accused.
5. Heard both sides.
6. The following points arose for consideration :
 1. Whether the accused drove a Bullet bearing registration No. KL-01-TC-97-1990 in a rash or negligent manner so as to endanger human life and committed the offence punishable under Section 279 Indian Penal Code?
 2. Whether the accused caused hurt to Mr. Thomas by doing an act rashly or negligently so as to endanger human life or personal safety of others and thereby committed an offence punishable under Section 337 IPC ?

3. Whether the accused caused grievous hurt to Mr. Thomas by doing an act rashly or negligently so as to endanger human life or personal safety of others and thereby committed an offence punishable under Section 338 IPC ?
4. Whether the accused drove the vehicle at the aforesaid time and place, without having a valid driving licence thereby committing an offence punishable under Section 3(1) read with Section 181 of the MV Act?
5. Whether the accused caused the death of a person by doing a rash or negligent act and thereby committed an offence punishable under Section 304A Indian Penal Code ?
6. What shall be the sentence or order?
7. **Point nos.(i) to (v) :** For the sake of convenience and to avoid repetition, these points are considered together. The prosecution levelled against the accused is that he drove a Bullet bearing No KL-01-TC-97-1990 in a rash or negligent manner without possessing a valid driving licence so as to endanger human life which when involved in an accident caused the death Mr. Thomas thereby resulting in the final report indicting the accused persons for the offence punishable u/s. 279, 337, 338, 304A of Indian Penal Code and Sec 3(1) r/w 181 of Motor Vehicles Act.
8. The defacto complainant was examined as PW1 and testified that he had not witnessed the accident but had lodged Exhibit P1. PW2 and PW3 being an occurrence witness to the incident deposed to have only witnessed a body lying on the road and testified to have not seen a Bullet hitting the deceased thereby turning hostile to the case of the prosecution. PW4 and PW5 also turned hostile and denied witnessing the alleged accident. PW6 was an attesor to Exhibit P2, PW7 was an attesor to Exhibit P3 and PW8 was an attesor to Exhibit P4. PW9 was Sub Inspector of police at Punnapra Police station, who had prepared Exhibit P5 inquest report.

9. PW10 was the Investigating officer in the case. Ext P6 to P12 were marked through him. Apart from this Ext P13 to P15 were marked subject to proof. Since no evidence was adduced to prove Ext P13 to P15, they are not considered in evidence. PW10 even submitted that he had not enquired about the person who had actually drove the vehicle at the relevant time and that this fact is not seen corroborated by any evidence.
10. Since all the material witnesses turned hostile to the case of the prosecution, the remaining witnesses were given up by the learned APP. Thus, the inevitable conclusion that could be drawn is that the prosecution has failed to prove the allegations levelled against the accused. Hence, the point nos.(i) to (v) are answered against the prosecution. Accordingly, this point is found against the prosecution.
11. **Point no.(vi)** : In the light of my findings on point nos. .(i) to (v), accused is found not guilty of the offences punishable u/s.279, 337, 338, 304 A of IPC and 3(1) r/w 181 of MV Act and he is acquitted u/s.255(1) of Cr.P.C. The accused is set at liberty and the bail bond executed by him stands cancelled.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in the open court, on this, the 24th day of April, 2026).

Judicial Magistrate of First Class
Ambalapuzha

APPENDIX

Witnesses for the Prosecution :

PW1 : Jishnu

PW2 : Sujith

PW3 : Sunil

- PW4 : Anas
- PW5 : Jiji R Thomas
- PW6 : Anas M
- PW7 : Jayamohan
- PW8 : Vageeshwaran
- PW9 : Abdul Rahim
- PW10 : Ajayamohan

Exhibits for the Prosecution :

- P1 : First information statement marked through PW1 on 05.04.2022
- P2 : Third party Kaicheet marked through PW6 on 05.06.2024
- P3 : Scene mahazar marked through PW8 on 06.08.2024.
- P4 : Inspection report marked through PW8 on 04.09.2024
- P5 : Inquest report marked through PW9 on 06.02.2023
- P6 : FIR marked through PW10 on 22.04.2026
- P7 : Property List marked through PW10 on 22.04.2026
- P8 : Section addition report marked through PW10 on 22.04.2026
- P9 : Bail bond marked through PW10 on 22.04.2026
- P10 : Address Report marked through PW10 on 22.04.2026
- P11 : Report for transfer the case from Nyayalaya marked through PW10 on 22.04.2026
- P12 : Kacheet marked through PW10 on 22.04.2026

- P13 : Wound Certificate marked through PW10 on 22.04.2026
- P14 : Discharge petition marked through PW10 on 22.04.2026
- P15 : Postmortem Certificate proved through PW10 on 22.04.2026

Witnesses/Exhibits for Defence : NIL

Court Witnesses/Exhibits : NIL

Material objects marked : NIL

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