

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-I,
KAYAMKULAM**

Present:- Smt. Aiswaryarani, Judicial First Class Magistrate
Dated this the 30th day of April, 2026

CC. No. 1006/2021

Complainant : State represented by Sub Inspector of Police, Kayamkulam Police Station in Crime No. 265/2021.
(By Sri. Arun P, APP Sr. Grade, Kayamkulam)

Accused : Lenin, Aged 40/21, S/o. Jerone, Lenin Villa, Pattanthanam Muri, Mukunthapuram P O, Chavara Village.
(By Adv. George Varghese)

Offences : Punishable u/ss. 279, 338 of the Indian Penal Code, 1860.

Plea : Not guilty

Finding : Not guilty

Sentence or Order : Accused is found not guilty of the offences punishable under Section 279, 338 of the Indian Penal Code, 1860. and he is acquitted under Section 255(1) of the Code of Criminal Procedure, 1973.

DESCRIPTION OF THE ACCUSED

SL No	Police Station	Name	Fathers name	Religion	Occupation	Residence	Age
1	Kayamkulam	Lenin	Jerone			Chavara	40

DATE OF

Offence	Complaint	Apprehension	Release on bail	Commencement of trial	Close of Trial	Sentence or Order
17.11.21	18.02.21	04.08.22	04.08.22	07.10.22	30.04.26	30.04.26

The case having been finally heard on 30.04.26 the court on the same delivered the following :-

J U D G M E N T

The Sub Inspector of Police, Kayamkulam Police Station, filed the charge sheet against the accused for the offence punishable under Sections 279 and 338 of the Indian Penal Code, 1860.

2. Prosecution case, in brief, is as follows: The accused, while discharging his duty as a rider, drove the KSRTC bus bearing registration No. KL 15 A 1949 in a rash and negligent manner, endangering human life. He drove the bus at an excessive speed from north to south along the Thattarambalam-Kayamkulam Road, carrying PW1 and other passengers On 17.01.2021 at about 6:15 p.m., while the bus was proceeding along the said road, the accused suddenly applied brakes in a careless manner upon reaching a hump constructed across the road. As a result, when the bus mounted the hump, PW1, who was seated on the second seat on the right side from the rear portion of the bus, was thrown upwards and struck against the seat, thereby sustaining injuries. Thus, the accused alleged to have committed the above mentioned offences.

3. On filing the Final Report, the case was taken on file and summons was issued to the accused pursuant to which he appeared before the Court. He was enlarged on bail. Copies of the prosecution records were furnished to the accused. Particulars of offence under Sections 279 and 338 of the Indian Penal Code, 1860. were read over and explained to the accused in Malayalam to which he pleaded not guilty and claimed to be tried.

4. From the side of the prosecution, witness PW1 and PW2 were examined and document Ext. P1 was tendered in evidence and marked to prove the prosecution case. Though coercive steps were

taken against CW3, CW4 and CW5 the prosecution could not procure their presence. Hence, they were not examined to avoid undue hardship to the accused. The learned Assistant Public Prosecutor gave up CW6 and CW12 as their evidence would not improve the prosecution case.

5. After the prosecution witnesses were examined, since no circumstances appeared against the accused, the examination of the accused under Section 313(1)(b) of the Code of Criminal Procedure, 1973 was dispensed with. The accused was called upon to enter his defence. No oral or documentary evidence was adduced from the side of the defence.

6. Heard both sides and analysed the records.

7. The following points arise for consideration:-

1. *Whether the accused On 17.01.2021 at about 6:15 drove the vehicle bearing No. KL 15 A 1949 in rash and negligent manner so as to endanger human life under Section 279 of the Indian Penal Code, 1860?*
2. *Whether the accused drove the vehicle in rash and negligent manner so as to cause grievous hurt as under Section 338 of the Indian Penal Code, 1860?*
3. *What is the order or sentence if found guilty and convicted?*

8. **Point Nos. 1 and 2:-** For the sake of convenience and brevity and to avoid repetition of facts these points are considered together.

9. PW1, the author of Ext. P1 FI Statement deposed that the The sustained injuries in a motor vehicle accident which occurred on 17.11.2020. At the time of the incident, he was travelling in a KSRTC bus. He does not clearly remember the registration number of the bus. He is also unable to state the exact cause of the accident, but recalls that it occurred when the vehicle went over a hump. He does not remember the person who was driving the vehicle, and he did not identify the accused in the dock. PW2 deposed that he did not

recollect the incident and had not given any statement to police. Although coercive steps were taken against CW3, CW4 and CW5 the prosecution could not procure their presence. Hence, they were not examined to avoid undue hardship to the accused. In view of the testimony of PW1 and PW2, the learned Assistant Public Prosecutor has gave up the remaining witnesses, CW6 to CW12, as their evidence would not improve the prosecution case.

10. The witnesses examined by the prosecution did not support the prosecution's version. Resultantly, the facts necessary to prove the actus reus of the accused are not brought forth. The ingredients to satisfy the offences in question are not proved.

11. Furthermore, it is seen that there is nothing on record to show either the involvement or complicity of the accused in the alleged crime. The witnesses could not identify the accused and there is nothing on evidence to inculcate the accused. The involvement or the complicity of the accused in the alleged crime is also not proved. Therefore, the prosecution has not proved that accused committed the offences punishable under Sections 279, 338 of the Indian Penal Code, 1860.

12. **Point No. 3:** In the light of the findings in point numbers 1 and 2, the accused is found not guilty of the offences punishable under Sections 279, 338 of the Indian Penal Code, 1860.

13. In the result, the accused is acquitted of the said offence under Section 255(1) of the Code of Criminal Procedure, 1973. He is set at liberty and his sureties are discharged.

(Dictated to the C.A, transcribed by her, corrected and pronounced by me in the open court on this the 30th day of April , 2026)

Sd/-
Judicial First Class Magistrate-I

APPENDIX**WITNESSES EXAMINED FOR PROSECUTION:-**

Prosecution witness No.	Name of Witness	Description
PW1	Jessy	Injured witness
PW2	Beena	Eye witness

EXHIBITS MARKED FOR PROSECUTION:-

Exhibit No.	Description of the Exhibit	Proved by/Attested by
P1	FIS dated 18.02.21	PW1

Witness and Exhibit for defence: Nil

Sd/-
Judicial First Class Magistrate-I