

**IN THE COURT OF SESSION, KOZHIKODE
DIVISION**

**Present: Sri. N.R. Krishnakumar, I Addl. Sessions
Judge**

Tuesday, the 7th day of April, 2026/17th Chaithram,
1946

Sessions Case No. 927/2023

Name of the accused	: Ahil. N. S/o Jayaprakasan. N
Charge	: U/s. 279 IPC and section 139 and 151 of Electricity Act.
Plea of the accused	: Not guilty.
Finding of the Judge	: The accused is found guilty under sections 279 IPC and section 139 of Electricity Act.
Sentence or Order	: The accused is sentenced to pay fine of Rs.1,000/-(Rupees one thousand only) under section 279 IPC and Rs.10,000/-(Rupees ten thousand only) u/s 139 of Electricity Act. In case of default of payment of fine, the accused shall undergo simple imprisonment for 15 days each under each count.
No. of Crime and name of Police station	: Crime No. 437/2023 of Chevayur Police Station, Kozhikode.
Prosecution conducted by	: Adv. Shamsudhin.N Addl. Public Prosecutor, Kozhikode.
Accused defended by	: Adv.Viswalekha

1. Name of Police Station : Chevayur Police Station, Kozhikode.
2. Crime No. of offence : Crime No.437/23

Description of the accused

Sl. No	Name	Father's Name	Occupation	Residence	Age
	3	4	5	6	7
1.	Akhil. N	Jayaprakan.N	-	Eyyarambil Kunnamangalam Kozhikode	25/23

Date of

8. Occurrence : 31-05-2023
9. Complaint : 04-06-2023
10. Apprehension : 30-10-2024
11. Released on bail : 30-10-2024
12. Commitment : -
13. Commencement of trial : 20-08-2025
14. Commencement of Evidence : 18-11-2025
15. Close of trial : 12-02-2026
16. Judgment : 07-04-2026
17. Sentence or order : 07-04-2026

Explanation of delay:-

The above case was made over to this court for disposal by the Sessions Judge. Records received on 20-10-23 and posted for preliminary hearing to

12-06-24. Charge framed on 20-08-25 and evidence commenced on 18-11-25 and trial closed on 12-02-26. Judgment was pronounced on 07-4-26 and sentence passed on 07-04-26.

18. period of Detention undergone during Investigation /Enquiry/Trial:

Nil

Prosecution Witness:

Rank	Prosecution witness No.	Name of witness	Description
1	PW1/CW2	Sampath. P.V	Line man KSEB- other witness
2	PW2/CW7	Sajeev Kumar	Police witness
3	PW3/CW8	Rajeevan. T	Police witness
4	PW4/CW9	Musthafa. A.K	Expert witness(AMVI)
5	PW5/CW1	Ragesh Babu T.	Complainant
6	PW6/CW4	Santhosh Kumar. N.	Witness who singd in the scene mahzar.
7	PW7/CW5	Dr. Sujith. A.K	Other witness
8	PW8/CW6	Saji Maniyadath	Police witness
9	PW9/CW10	Vinayan. R.S	Investigating Officer

Prosecution Exhibits: -

Exhibit No.	Description of the Exhibits	Proved by/attested by
P1	FIR No.437/23 Chevayur PS	PW2
P2	FIS	PW2
P3	Body Mahazar	PW3
P4	Accident Inspection report	PW4
P5	Damage estimate produced by KSEB	PW5
P6	Intimation letter to SHO Chevyur Ps	PW5
P7	Scene Mahazar	PW6
P8	Notice u/s 133 of MV Act	PW7
P9	Letter to SHO, Chevayur PS	PW7
P10	Name and address adding report	PW9
P11	Correction report regarding date of incident	PW9

Defence Witness:- Nil

Defence Exhibits:- Nil

Court Witness & Exhibits :- Nil

Material Objects :- Nil

J U D G M E N T

The accused stands charge sheeted by SHO, Chevayur Police Station in crime No.437/23 alleging

commission of offence punishable u/s 279 IPC and section 139 of Electricity Act, 2003.

2. Case of of the prosecution which can be seen from the records in brief is as follows:- On 31-05-2023 midnight at about 1.30 a.m, the accused drove car bearing No. KL-57-Q-3793 in a rash and negligent manner so as to endanger human life through Kozhikode-Wayanad road and hit on the concrete electric post of KSEB, which was erected on the northern road margin. Consequent to the hit of the car, electric post was broken and the KSEB had sustained a loss to the tune of Rs.23,574/-. So, according to the prosecution, the accused has committed the above mentioned offences.

3. The above mentioned crime was registered by Assistant Sub Inspector of Police, Chevayur police station (CW7) on the basis of the complaint given by CW1, Assistant Engineer. The investigation of the case was carried out by CW10, Sub Inspector. After completing the investigation, CW10 filed final report before this court.

4. After taking cognizance, summons was issued to the accused. When the accused appeared, he was released on bail and was served with copies of all prosecution records u/s 207 Cr.PC. Then after affording an opportunity of being heard, charge u/s 279 IPC and section 139 of Electricity Act was framed and read over to accused, to which he pleaded not guilty.

5. Thereafter on the side of prosecution, PW1 to PW9 were examined and Ext.P1 to P11 were marked.

6. After closing the evidence of prosecution, accused was questioned u/s 313 Cr.P.C. He denied all the incriminating circumstances put to him and said nothing in particular.

7. Since the case was not a fit case to invoke section 232 Cr.PC to terminate the proceedings, the accused was given opportunity to adduce evidence if any. However, the accused has not adduced any evidence on his side.

8 Heard the public prosecutor and counsel for the accused.

9. Now the points that arise for consideration are:-

1. Whether the accused drove car bearing No. KL-57-Q-3793 in a rash and negligent manner so as to endanger human life through any public road?
2. Whether the accused by doing any negligent act caused damages to electric post connected with supply of electricity and thereby caused monetary loss to KSEB?
3. Sentence or order?

10. Before considering the points, I shall first narrate the evidence available in this case and arguments of the advocates.

Evidence let in by the prosecution:

11. As stated above, on the side of prosecution, PW1 to 9 were examined. PW1 Sampath is the line man working in the KSEB, Vellimadukunnu section office, who went to the spot on getting information of the accident. He would depose before the court that on 30-05-2023 while he was doing night shift duty, at about 1.30 am, he got telephonic information about hitting of a vehicle on KSEB post at Moozhikkal. Immediately he went to the spot along with line man Santhosh. When they reached

at Moozhikkal, electric post bearing No. W155 was found broken on account of accident that was caused by car bearing No. KL-57-Q-3793. Immediately he and Santhosh cut off electricity passing through the line. The car and its driver which caused the accident were at the spot. PW1 identified accused as the driver of the car found at the spot. As the post was broken, supply could not be restored immediately. Only after replacing the broken post on the next day supply could be restored. To his understanding the accident occurred because of the negligence and rash driving of the car by the accused.

12. PW8 is the ASI of Chevayur police station who visited the place of occurrence soon after the accident. According to him, in the intervening night of 30-5-23 and 31-05-2023 he was assigned with night patrol duty. While he and party were doing night patrol duty, at about 1.30 hours, he got information of loss of electricity consequent to hit of a car on electric post at Moozhikkal. Soon he and party proceeded to the spot and found KSEB post bearing No. W155 lying broken as it was rammed by KL-57-Q3793 car. The car which caused the accident was

lying there. The accused was found standing near the car. On enquiry he told that the car was driven by him. PW8 further deposed that he contacted KSEB office and on the basis of his information two line men came there and they disconnected the power. The reason for the accident was over speed and negligence of the driver of the car. PW8 also identified accused as the driver of the car.

13. PW5 is the Assistant Engineer of Vellimad Electrical section who gave first information statement to the police. According to him on 31-05-2023 at 1.30 am a car hit on KSEB electric post situated on the road margin at Moozhikkal. As a result of the accident, the post was broken and electric supply was disrupted. The broken post was replaced with new post. Consequent to the accident, KSEB had sustained a loss to the tune of Rs.23,574/-. He prepared an estimate and assessed loss in accordance with the norms prevailing in KSEB. Ext.P5 is the estimate prepared by him and he had given Ext.P5 with Ext.P6 intimation to police. Since the owner of the car offered to settle the issue and to indemnify the loss

caused to the KSEB, no complaint was filed before the police immediately. But the owner did not keep up his word. Hence, on 4-6-2023, Ext.P2 complaint was given to the police.

14. PW2 Sajeev Kumar is the ASI who registered Ext.P1 FIR on the basis of the Ext.P1 complaint of PW5. PW3 is an attesting witness to Ext.P3 body mahazar. He was working as senior civil police officer at Chevayur police station. At the time of preparing Ex.P3, the front bumper and bonnet of the car was fully damaged and the bonnet was not in a position to open.

15. PW4 is the AMVI who inspected KL-57-Q-3793 car which involved in the accident. Ext.P4 is his report. There was no mechanical defect to the car.

16. PW6 Santhosh Kumar is a witness to Ext.P7 scene mahazar. He is a retired KSEB staff.

17. PW7 Dr. Sujith is the owner of KL-57-Q3793 car. His car met with an accident in the night on 31-5-2023. Subsequently police served a notice to him

and asked him to go to police station. He gave a reply to that notice. Notice and reply were marked as Exts.P8 and P9. According to PW7, police asked him to give Ext.P8 for releasing the vehicle to him. Anyway he admitted that at the time of the accident, the car was in the possession of accused who is his relative.

18. PW9 is the Sub Inspector who carried out the investigation of the case. He prepared Ext.P7 scene mahazar and recorded the statements of witnesses. He inspected the car involved in the case and prepared Ext.P3 body mahazar. He filed Ext.P10 report to add the name and address of the accused in FIR column. Since there was mistake in the date of accident in the FIR, he filed Ext.P11 report to correct it. After completing the investigation, he filed charge sheet against the accused.

Contention of the counsel for the accused.

19. The learned counsel for the accused would submit that the evidence adduced on the side of the prosecution is not sufficient to prove the prosecution charge beyond reasonable doubt. Admittedly nobody

witnessed the incident directly. The cause of accident as deposed by the prosecution witnesses cannot be accepted as they have no direct knowledge. The claim that the accused was driving the car at the time of the accident is also not proved. There is four days delay in lodging FIR and the delay is not explained.

Contention of the public prosecutor.

20. On the other hand, the learned public prosecutor would submit that the witnesses who went to the spot soon after the accident found the accused near the car as its driver. Their evidence coupled with the evidence of the owner of the car is sufficient to conclude that it was the accused who drove the car. It is true that there is no direct evidence. But, the circumstance that the car went out of the road and hit on the electric post which is situated one meter away from the tar end is sufficient to attribute negligence on the part of the accused especially in the light of his failure to explain the circumstances under which the car went out of the road. As such the evidence adduced by the prosecution is

sufficient to establish the charge framed against the accused.

21. Point Nos.1 and 2. For the sake of convenience, these points are discussed together. There is no dispute with regard to the fact that on 31-05-2023 at 1.30 hours concrete electric post of KSEB, which was erected on the side of Kozhikode - Wayanad national highway road at Moozhikkal, was broken as it was hit by KL-57-Q-3793 car. In the light of the rival contentions, the first question to be decided is whether the accused was driving the car at the time of the accident. It is true that there is no eye witness to the incident. Soon after the accident, PW8 ASI, who was doing patrol duty, reached the spot on getting information. When he reached the spot he found electric post in a broken condition. The car which hit on the post was lying there. The accused was found near the car. At that time itself the accused told PW8 that he was driving the car. Similar evidence was given by PW1 line man who reached the spot on getting information about the accident. PW7 is the owner of the car. The accused is his cousin brother. PW7 admitted the

involvement of his car in the accident as alleged by the prosecution on 31-05-2023. At the time of the accident, his was car was in the possession of the accused. The above portion of the evidence of PW7 is not challenged. Moreover, the accused himself has no specific case that the car was not driven by him at the time of the accident. Considering all these evidence, I have no hesitation to conclude that it was the accused who drove the car which caused the accident.

22. The report of AMVI would go to show that there was no mechanical defect to the car and the accident was not occurred due to mechanical defect. Whether the accident occurred because of the negligent or rash driving of the car by the accused is the next question to be decided. To prove the reason of the accident also there is no direct evidence. The prosecution is mainly relying on the circumstance of the car going out of the wide national high way road and proceeding further to one meter to dash on the electric post to suggest that the accident occurred because of the carelessness and negligence of the accused in driving the car. On a

perusal of the records, I find substance in the prosecution case. The scene mahazar would go to show that there are white lines drawn on the side of the national high road to facilitate drivers of the vehicles to identify the edge of the road especially during night. The road at the relevant place was straight having 200 meter clear vision to west and 75 meter vision to east. The electric post was on the north of the road margin. The distance to the electric post from the white line on the road was 1 meter. The car went out of the road and proceeded further through the mud margin and hit on the concrete electric post. Consequent to the violent hit, the hard concrete post was broken. So it can safely be presumed that the car was in hectic speed and the accused was not in a position to control it. The accused did not offer any explanation for his car going out of the tar road. The inability of the accused to give any explanation in this regard is sufficient to accept the evidence of the material witnesses that the accident was occurred because of the rash and negligent driving of the car by the accused.

23. PW5 Assistant Engineer has deposed that he assessed the loss caused to the Board and prepared Ext.P5 estimate report as per which he quantified the loss at Rs.23,574/-. Ext.A5 contains the details of the cost of articles and labour charges. He further gave a probable explanation for the delay in filing complaint also. As such I find no reason to disbelieve the evidence of PW5. Therefore, I have no hesitation to conclude that the accident occurred because of the rash and negligent driving of the car by the accused and in that process he broke the electric post of KSEB and caused loss to the Board. Thus I find the accused guilty u/s 279 IPC and section 139 of Electricity Act and he is convicted thereunder. Accused will be heard on sentence. These points are found accordingly.

(Dictated to the Confidential Assistant, typed by him directly on computer, corrected by me and pronounced in open Court on this the 7th day of April, 2026).

Sd/-
I Additional Sessions Judge, Kozhikode.

24 . **Point No.3:** Heard the accused and advocates on sentence. Accused pleaded mercy of the court. It is to be noted that the accused is not involved in any offence previously. Here also the incident occurred while the accused was driving car. Considering the overall facts and other circumstance including the nature of the offence committed by the accused, I am satisfied that imposition of fine is sufficient to meet the ends of justice.

25. Therefore the accused is sentenced to pay fine of Rs.1,000/-(Rupees one thousand only) under section 279 IPC and Rs.10,000/-(Rupees ten thousand only) u/s 139 of Electricity Act. In case of default of payment of fine, the accused shall undergo simple imprisonment for 15 days each under each count.

(Dictated to the Confidential Assistant, typed by him directly on computer, corrected by me and pronounced in open court, this, the 7th day of April, 2026)

Sd/-

I Additional Sessions Judge, Kozhikode

/True Copy /

I Additional Sessions Judge, Kozhikode

Fair/Copy of judgment
in SC.927/23

Dated: 07-04-2026.