

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, RAMANKARY

Present:-Sri. Arun Kumar P, Judicial First Class Magistrate

Dated, this day the 30th day of March, 2026**C.C.No. 81/2023**

Complainant : State-represented by the Sub Inspector
of Police, Ramankary Police Station in
crime no. 636/2022

Accused : Aniyam P (By A P P- Ramankary)

(By Adv. P Anilkumar)

Offence : U/ss. 279, 337, 338 of Indian Penal Code

Plea : Not guilty

Finding : Not guilty.

Sentence or order : Accused is acquitted u/s 255(1) CrPC
and is set at liberty.

DESCRIPTION OF THE ACCUSED:-

Sl. No	Accused	Father's name/Husband name	Occupation	Residence	Age
	Aniyam P	Purushothaman Nair		Ananda Bhavanam Veedu, Changanachery Muncipal 21, Perunna Muriyil, Perunna Village	55/22

DATE OF:-

Offence	Complaint	Appearance	Release on bail.	Commence-ment of trial	Close of trial	Sentence or Order.
24.12.2022	25.12.2022	03.03.2025	03.03.2025	03.03.2025	28.03.2026	30.03.2026

This case coming on this day for consideration, the court on the same day delivered the following:

J U D G M E N T

1. This is a case charge sheeted by the Sub Inspector of Police, Ramankary Police Station in Crime No. 636/2022 against the accused alleging the offences punishable u/ss. 279, 337, 338 of Indian Penal Code.

2. **Prosecution case in brief is as follows:-** Accused, who was the driver of KSRTC bus bearing registration number KL-15-8166, had driven the same in a rash and negligent manner through Alapuzha-Changanassery road from the west to eastern direction on 24.12.2022 at around 08.15 a.m. and when it reached at Ramankary Village Vezhapra muri and CW2- Purushan who was riding a bicycle from east to west and at that time the door on the side of the driver's seat had collided on his right hand muscle and he fell into the road and he sustained fracture on his right hand and sustained injury and thereby the accused is alleged to have committed offence punishable under Section 279, 337 and 338 of Indian Penal Code.

3. On submission of charge sheet by the investigating officer, cognizance was taken for the offences punishable u/ss. 279, 337, 338 of Indian Penal Code against the accused and the case was taken on file as CC.81/2023. On issuance of summons the accused person entered appearance. He was represented by a counsel

who filed vakalath. He was enlarged on bail. Copies of relevant records of prosecution case were furnished to him and thereby mandate u/s.207 of Cr.PC was duly complied with. Particulars of offences punishable u/ss.U/ss. 279, 337, 338 of Indian Penal Code and it was read over to the accused to which he pleaded not guilty and claimed to be tried.

4. From the side of the prosecution, six witnesses were examined as PW1 to PW6 and four documents were Exts.P1 to P4 were marked.

5. After the closure of prosecution evidence the accused was examined u/s.313(1)(b) Cr.Pc. for all incriminating circumstances appeared against him to which he denied and further submitted that he was falsely implicated in the case.

6. Heard the learned Assistant Public Prosecutor and the learned counsel for the accused.

7. **The points that arise for determination are:-**

1. *Whether accused driven KL 15- 8166 KSRTC bus on 24.12.2022 at 08.15 am , in a rash or negligent manner so as to endanger human life and thereby committed offence punishable u/s 279 Indian Penal Code?*
2. *Whether the accused caused hurt to PW2 Purushan by driving KSRTC bus bearing number KL 15- 8166 in rash or negligent manner and thereby committed offence punishable u/s 337 Indian Penal Code?*
3. *Whether the accused caused hurt and grievous hurt to PW2 Purushan by driving KSRTC bus bearing registration number KL 15- 8166 in a manner so rash and negligent as to endanger human life and thereby committed the offence punishable u/s. 338 of Indian Penal Code?*
4. *What is the order as to sentence, if any, to be passed against the accused?*

8. Point No.1 to 3:-In order to avoid repetition, all these points are considered together. The learned counsel for the accused had argued that there was no negligence on the part of the accused and the prosecution failed to prove from the evidence of PW1 to PW4 that the accused was negligent or was careless in his driving so as to cause the injury and also the medical evidence doesn't corroborate the version of PW1- Bimal and hence prosecution failed to prove the essential ingredients of the offences by cogent and the reliable evidence. Hence accused is to be acquitted for the offences alleged against him.

9. Per contra, the learned APP submitted that the prosecution had by oral evidence of PW1 to PW4 and it was corroborated by the version of PW6 and also the document produced by the Motor Vehicle Inspector and the wound certificate had corroborated the case of PW1 and also the version of PW2 and the prosecution case was proved by cause and the reliable evidence and the accused is to be convicted for the offence alleged against him.

10. PW1- Bimal deposed in examination-in-chief that PW2- Purushan is his father and his father sustained injury on 24.12.2022 at Vezhapra while his father was riding a bicycle and it collided with the KSRTC and he fell down and his hand got fractured and regarding that he had given Ext. P1 First Information Statement. From his evidence it is seen that he had initiated the criminal law in motion. Apart

from that nothing incriminating will come out so as to implicate the accused for the alleged offences.

11. PW2 – Purushan deposed in examination-in-chief that on 24.12.2022 at around 08.30 p.m. while he was riding a motorcycle, riding a bicycle on the Alappuzha - Changanachery road, then KSRTC bus came and driver had negligently opened the door of the side of the driver's seat and it collided on this bicycle and he fell down and he was taken to Changanassery hospital and thereafter to Alappuzha Medical College hospital. He further deposed that the KSRTC bus was overtaking another vehicle and hence the door which was lying open collided with his bicycle. He deposed that he doesn't remember the number of the KSRTC bus and he had identified the accused in dock.

12. During cross-examination, he deposed that he had given statement after two weeks of the alleged incident. Then another omission was put to him that whether he had given statement that the KSRTC bus tried to overtake another vehicle and hence it collided with his bicycle to which he answered that he had given such a statement to police. He further deposed that he doesn't remember whether after falling down from the bicycle he got fractured or by hitting with the door he got fractured. Then a suggestion was put to him that he only had hearsay knowledge that the KSRTC bus was overtaking another vehicle to which he denied the same.

Hence from his evidence it is seen that there was delay in lodging the First Information Statement that it was not satisfactorily explained by him and also the omission that the KSRTC bus was overtaking another vehicle and also his deposition in examination in chief that the door had collided with his cycle. But according to the prosecution case, the door of the KSRTC bus had collided with his cycle and his right hand muscle. All these are discrepancies and it is inconsistent with the version of prosecution and the omission is also seen as fatal. Hence, his evidence is not helpful to prosecution.

13. PW3 – Sinu D deposed in examination chief that during 2023 while he was working as Senior Civil Police Officer at Ramankary Police Station he had witnessed the preparation of Ext. P2 scene mahazar. During cross-examination, he deposed that as per the instruction of the Investigating Officer, he had put the signature. Hence, his evidence is not helpful to assist the prosecution in proving that the accused had been involved in the alleged offence at the place of occurrence.

14. PW4 Anandhu deposed in examination-in-chief that On 24.12.2022 at around 08.00 a.m. the incident happened at the Titanic Bridge. He was going to Vezhapra for his job and then a KSRTC bus tried to overtake another bus and it was going from Changanasery to Alappuzha and a cycle was coming from east to

west. The side door of the driver was opened and it had collided with the rider of the bicycle and he fell down and he was taken to hospital. He further took time and identified the accused in dock.

15. Hence, from his evidence also it is seen that his version is also different from that of the prosecution that the KSRTC bus was overtaking another vehicle and the side door of the driver had collided with PW2- Purushan and he fell down and he sustained injury and he had identified the accused after taking time. His version is against the version of PW2. According to PW2- Purushan, the door had collided with his bicycle. But according to PW4, the door had collided with PW2. Hence, his version doesn't corroborate the version of PW2 and is also not helpful to prosecution.

16. PW5 Manumon deposed in examination-in-chief that on 05.01.2023 while he was working as Assistant Motor Vehicle Inspector at Kuttanadu, he had inspected the KSRTC bus bearing registration number KL 15-8166 and there was no damages to the KSRTC bus and he had issued Ext. P3 report regarding the same. From his evidence also, nothing incriminating was brought out against the accused.

17. PW6 Dr. Meera Shenai deposed in examination-in-chief that when she was working as Junior Consultant at General Hospital Changanachery on 24.12.2022 at

around 08.50 a.m. she had examined a patient named Purushan aged 74 years at Ramankary with alleged history of road traffic accident at 08.50 a.m. that the door of the driver seat of the KSRTC bus collided with him and he fell down and sustained injury. On examination she had noted deep wound injuries on the right shoulder, on the mid-upper arm and pain and bleeding plus fracture was suspected and she had issued Ext. P4 wound certificate. She opined that the injuries could be as alleged by the prosecution and injuries were fresh.

18. During cross-examination, she admitted that the bicycle rider, while riding the bicycle, if fall on a hard substance in the road, such an injury could be caused.

19. Hence, from her evidence, it is seen that even though the PW2- Purushan had sustained injury, but that will not be sufficient to bring the guilt of the accused that such injury was caused by the accused. When PW2- Purushan had deposed that the door had collided with his bicycle, but the independent witness PW4 had deposed that the door had collided with his right hand and the prosecution case is also that the door had collided with his right hand. So all these are inconsistent and when there is inconsistent version with regard to the material witnesses, the medical evidence will not assist. Hence her evidence is also not helpful to prosecution. Hence, from the evidence of PW2, it is seen that his version is that the door of the KSRTC bus driver had hit on his bicycle and he fell down. It is against

the prosecution case. PW4- Anandhu who is an independent witness also deposed that the door of the KSRTC bus driver had collided on his right hand. All these are inconsistent versions and hence, their case is that the KSRTC bus tried to overtake another vehicle, but the prosecution doesn't have such a case and there was no damage to the KSRTC bus. There was no damage on the door of the KSRTC bus and it is deposed by them that the accused was driving in a high speed, at that time when the door was also not damaged, then how accused opened that door. If the door was damaged, then if he doesn't use any reasonable care to let the door open, then he can be seen as a careless on the part of the accused. But here the Vehicle Inspector who had inspected the KSRTC bus had submitted report which doesn't show any damage to the KSRTC bus. Hence, the prosecution had failed to establish the essential ingredients of the offence punishable against the accused by cogent and the reliable evidence. Hence, his version is not seen believable and the offence alleged cannot be attributed towards the accused. Hence, the accused is to be acquitted for the offences alleged, as the prosecution failed to prove the essential ingredient beyond reasonable doubt and the accused is entitled to get the benefit of reasonable doubt, these points are found against the prosecution.

20. Point No.4 :-From point no.1 to 3, it is found that the accused had not committed the offences alleged against him and hence he is not found guilty of

offence punishable u/s. U/ss. 279, 337, 338 of Indian Penal Code alleged against him. Hence, he is acquitted for the aforesaid offence u/s.255(1) of Cr.PC. The bail bond of accused stands cancelled and he is set at liberty.

21. No property is produced in this case.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open Court on this the 30th day of March, 2026

sd/-
Judicial First Class Magistrate

APPENDIX

Rank	WITNESSES FOR PROSECUTION:-	Whether Eye witness, Police witness, Expert witness, Medical witness,
PW1	Bimal	Informant, eye witness
PW2	Purushan	injured
PW3	Sinu D	Mahazer witness
PW4	Ananthu	Eye witness
PW5	Manu Mon MVD	Expert Witness
PW6	Dr. Meera Shenai	Medical Witness

Exhibits for the prosecution:-

- P1. First Information Statement dated 25.12.2022 proved through PW1 on 17.03.2025.
- P2. Seizure mahazer dated 05.01.2023 proved through PW3 on 17.06.2025.

- P3. Report from Motor Vehicle Inspector dated 10.01.2023 proved through PW5 on 03.11.2025.
- P4. Wound certificate dated 24.12.22 proved through PW6 on 07.01.2026.

Witnesses for the defence:-Nil

Exhibits for the defence:-Nil

sd/-

Judicial First Class Magistrate