

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS- II,
SOUTH PARAVUR, KOLLAM**

**Present :- Ms. Athira Chandran U.B.,
Judicial Magistrate of the First Class.**

Friday, the 12th day of June, 2026/ 22nd day of Jyeshtham, 1948

Calendar Case No. 1733/2015

Complainant : State - Represented by the Sub Inspector of Police,
Chathannur Police Station in Crime No. 90/2009.

*(Represented by Smt. Dhanya A. S.,
Assistant Public Prosecutor-II, Paravur)*

Accused No. : Shefeena Beevi, Aged 48, D/o. Ammasulfath Beevi,
Shefeena Manzil, Near M G M LPS,
Parakunnu, Navayikkulam Village.

(Represented by Adv. R Jayan)

Charge : Under sections 279 and 304A of IPC and sec. 134(a) and
(b) of the Motor Vehicles Act.

Plea : Not Guilty

Finding : Not Guilty

Sentence/Order : The accused is acquitted u/s. 255(1) of Cr. PC for the
offences punishable under sections 279 and 304A of IPC
and sec. 134(a) and (b) of the Motor Vehicles Act. Bail
bond executed by the accused stands cancelled and she is
set at liberty.

DESCRIPTION OF THE ACCUSED

Sl. No.	Name of the Police Station and the Crime No. of the offence	Name and Rank	Father's Name	Occupation	Residence	Age

1.	Chathannur Police Station crime no. 90/2009	Shefeena Beevi (1)	D/o. Ammasulfath Beevi	--	Shefeena Manzil, Near M G M LPS, Parakunnu, Navayikkulam Village.	48,
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DATE OF

Occurrence	Complaint	Apprehension	Release on bail	Commitment	Commencement of trial	Commencement of evidence	Close of trial
19.02.2009	20.10.2009	26.06.2013	26.06.2013	--	05.02.2019	29.05.2025	10.06.2026

Sentence or Order	Service of copy of judgment or finding on accused	Explanation for delay	Period of detention undergone during investigation, inquiry or trial for the purpose of Section 428 Cr. PC
12.06.2026	--	No Delay	--

This case having been finally heard on 10.06.2026 and the Court on 12.06.2026, delivered the following:-

J U D G M E N T

This case arose on a final report filed by the Sub Inspector of Police, Chathannur Police Station in crime no. 90/2009 against the accused alleging offences punishable under sections 279 and 304A of the Indian Penal Code, 1860 (herein after referred as IPC) and Sec. 134(a) and (b) of the Motor Vehicles Act.

2. The prosecution case, in brief, is that on 19.02.2009 at about 4.00 p.m., at Meenad Village, near Thirumukku Junction, on NH-47 road, the accused drove the car bearing registration No. KL-02-Y-479 in a rash and negligent manner so as to endanger human life. While so driving, the accused,

without reducing the speed, overtook another vehicle proceeding ahead and hit against the motorcycle bearing registration No. KL-01-AH-3559, which was proceeding towards east along the left side of the road. Due to the impact, the right front portion of the car hit the motorcycle with great force, causing the motorcycle to overturn and the rider, Bifin, aged 25 years, to be thrown onto the road. As a result, he sustained grievous injuries on his head and various parts of the body and while undergoing treatment, succumbed to the injuries. Thus, the accused is alleged to have committed an offence punishable under Section 279, 304A of the Indian Penal Code 1860 and section 134(a) and 134(b) of Motor vehicles Act.

3. First Information Statement was given before CW13, SI, Chathannur Police Station on 19.02.2009. The First Information Report was registered by CW13 on that date. Final report was filed by CW11 before this court and cognizance was taken before Judicial First Class Magistrate Court, Paravur on 20.10.2009 for the offences punishable under sections 279 and 304A of IPC and Sec. 134(a) and (b) of the Motor Vehicles Act and the case was taken on the files of Judicial First Class Magistrate Court, Paravur as CC 1024/2009. Eventhough summons was issued to the accused, the accused did not appear before this Court. Hence, after repeated coercive steps, Non Bailable Warrant and step was ordered against the accused. The said steps was returned executed. The matter was addressed to the Hon'ble Chief Judicial

Magistrate, Kollam for LP sanction. Sanction to transfer the case to the register of Long Pending case was received as per the order of the Hon'ble Chief Judicial Magistrate in order no. A2-421 dated 28.01.2013. Hence, the case was transferred to the register of Long Pending case and was refiled as LP 26/2013 and Non Bailable Warrant was ordered against the accused. The accused appeared before court on 26.06.2013. Hence, the case was taken from the register of Long Pending case and was refiled as CC. 768/2013. The case was transferred to this court after establishment of this court and taken on files of this court as CC 1733/2015.

4. Upon issuance of summons, the accused appeared before the court and she was released on bail. Copies of all relevant prosecution records were furnished to her U/s. 207 of the code of criminal procedure, 1973 (hereinafter referred as Cr.P.C). Upon perusal of the prosecution records and after hearing both parties, particulars of offences read over against the accused under sections 279 and 304A of the IPC and Sec. 134(a) and (b) of the Motor Vehicles Act . When the particulars of offence was read over and explained to the accused, she pleaded not guilty and claimed to be tried.

5. On the side of the prosecution PW1 to PW3 were examined and Ext. P1 to Ext. P15 were marked. CW1, CW2 and CW13 were examined as PW2, PW1 and PW3 respectively. The presence of CW3 and CW4 could not

be secured in spite of issuance of all coercive steps. Other witnesses were dispensed with as no purpose will be served and will only end in waste of valuable time of court. After all the prosecution witnesses were examined, the accused was examined under section 313(1)(b) of Cr.P.C to answer the incriminating evidence adduced against her. She denied the entire evidence and maintained the plea of innocence. No evidence was adduced from the side of defence.

6. Heard both sides and perused the records.

7. Considering the rival contentions and available materials on record, points that arose for consideration are as follows:-

1. Whether on 19.02.2009 at about 4.00 p.m., at Meenad Village, near

Thirumukku Junction on NH-47 road, the accused, being the driver of the car bearing registration No. KL-02-Y-479, drove the said vehicle in a rash or negligent manner so as to endanger human life and the personal safety of others, and thereby committed an offence punishable under Section 279 of the Indian Penal Code?

2. Whether on the same date, time and place, due to the rash and negligent driving of the accused, the car hit the motorcycle bearing registration No. KL-01-AH-3559, causing the death of Bifin, and thereby the

accused committed an offence punishable under Section 304A of the Indian Penal Code?

3. Whether on the same date, time and place, after the occurrence of the accident, the accused failed to stop the vehicle and give necessary information and assistance to the injured person and thereby committed offences punishable under Sections 134(a) and 134(b) of the Motor Vehicles Act?
4. If the accused are found guilty what shall be the order as to sentence?

8. Point No. 1 to 3 :- Considering the overlapping nature of the points and to maintain the brevity, these points are considered together. PW1 is the occurrence witness cited by the prosecution in this case. However, he deposed before the court that he had not witnessed the alleged accident. He also categorically stated that he did not know the cause of the accident and that he did not know who the accused in this case was. Since PW1 did not support the prosecution version, he was declared hostile to the prosecution.

9. PW2 is the first informant in this case. He deposed that he had given the First Information Statement and that the deceased was his maternal uncle's son. He stated that the alleged accident occurred on 19.02.2009 at about 3.00 to 3.30 p.m. near the petrol pump situated near Chathannoor Royal

Hospital. He deposed that while the deceased was travelling on a motorcycle, a car coming from the opposite direction hit the motorcycle and thereby the accident occurred. He further stated that the car went away without stopping after the accident. However, he admitted that he did not know the registration number of the offending vehicle. He further stated that he came to know about the incident only when he was informed that the deceased was taken to the hospital after the accident. The First Information Statement was marked through him as Exhibit P2. In cross-examination, PW2 categorically admitted that he had not witnessed the alleged accident.

10. PW3 is the Investigating Officer in this case. He deposed in tune with the prosecution case and stated that he conducted the inquest proceedings on the dead body of the deceased as instructed by CW10. The inquest report was marked through him as Exhibit P3. The FIR was marked as Exhibit P4. He identified the signature of CW10, with whom he had worked and whose signature and handwriting were familiar to him. He also identified the signature of CW10 in the scene mahazar, which was marked as Exhibit P5. The vehicle mahazar was marked as Exhibit P6. The bail bond executed by the accused was marked as Exhibit P7 and the address report of the accused was marked as Exhibit P8. The notice issued to the registered owner of the vehicle to ascertain the person who was driving the vehicle at the relevant time was marked as Exhibit P9. The release bonds of the vehicles involved in the case

were marked as Exhibits P10 and P11. The post-mortem certificate was marked as Exhibit P12. The AMVI reports of the vehicles were marked as Exhibits P13 and P14. In cross-examination, PW3 deposed that he had submitted the charge sheet after verifying the investigation conducted by CW10 and admitted the suggestion that he had not conducted any separate investigation in this case.

11. In order to prove the allegations, the prosecution mainly relies upon the evidence of PW1 to PW3. PW1 is the occurrence witness cited by the prosecution. However, PW1 did not support the prosecution case and deposed that he had not witnessed the alleged accident. He further stated that he did not know the cause of the accident and that he did not know the accused. Since PW1 failed to support the prosecution version, he was declared hostile. Hence, his evidence is of no assistance to the prosecution.

12. PW2 is the first informant in this case. Though he deposed that the deceased was his maternal uncle's son and that he had given the First Information Statement, he admitted that he had not witnessed the alleged accident. He stated that he came to know about the incident only when he was informed that the deceased was taken to the hospital. Though PW2 stated that a car coming from the opposite direction hit the motorcycle and that the car went away without stopping, he admitted that he did not know the registration

number of the offending vehicle. Therefore, the evidence of PW2 regarding the manner of occurrence is only based on hearsay information and cannot be relied upon to prove the rash and negligent driving of the accused.

13. PW3 is the Investigating Officer. He deposed regarding the steps taken during the investigation and identified the documents prepared during the investigation. He admitted in cross-examination that he submitted the charge sheet after verifying the investigation conducted by CW10 and that he had not conducted any separate investigation in this case. Therefore, his evidence is limited to the investigation conducted and does not establish the manner of accident or the identity of the person responsible for the accident.

14. To attract the offence under Section 279 of IPC, the prosecution has to prove that the accused was driving the vehicle in a rash or negligent manner so as to endanger human life or the safety of others. In the present case, there is no direct evidence regarding the manner of driving of the vehicle by the accused. The only occurrence witness did not support the prosecution, and the first informant himself admitted that he had not witnessed the accident. The prosecution has therefore failed to prove the essential ingredient of rashness or negligence beyond reasonable doubt.

15. For proving the offence under Section 304A of IPC, the prosecution has to establish that the death of the deceased was the direct result of the rash or negligent act of the accused. Though the death of Bifin in the accident is not in dispute, the prosecution has failed to prove that the accident occurred due to the rash or negligent driving of the accused. The medical records and post-mortem certificate only establish the cause of death but do not prove the culpable act of the accused.

16. Regarding the offences under Sections 134(a) and 134(b) of the Motor Vehicles Act, the prosecution has to prove that the accused was involved in the accident and thereafter failed to stop the vehicle and provide necessary assistance or information. Since the prosecution has failed to establish beyond reasonable doubt that the accused was the driver of the offending vehicle and that she was involved in the accident, the said offences also cannot be proved.

17. The documents produced by the prosecution are only formal documents relating to the investigation and the accident. They do not by themselves prove the guilt of the accused. The burden is upon the prosecution to prove the case beyond reasonable doubt. In the present case, the evidence available on record is insufficient to establish the identity of the accused as the driver of the offending vehicle or the rash and negligent act alleged against her. Therefore, this court finds that the prosecution has failed to prove the

allegations against the accused beyond reasonable doubt. The accused is entitled to the benefit of doubt. Accordingly, Point Nos.1 to 3 are found against the prosecution

18. **As to Point No. 4:-** In the view of the findings of point no. 1 to 3, there is no question of passing any sentence against the accused.

In the result, the accused is found not guilty of the offences punishable under sections 279 and 304A of IPC and sec. 134(a) and (b) of the Motor Vehicles Act and the accused is acquitted u/s. 255(1) Cr. PC for the offences punishable under sections 279 and 304A of IPC and sec. 134(a) and (b) of the Motor Vehicles Act. Bail bond executed by the accused stands cancelled and she is set at liberty.

The property produced before the court as per TR 68/2009 being valueless shall be destroyed after the appeal period.

(Dictated to the Confidential Assistant directly, corrected and pronounced by me, in open court, on this the 12th day of June, 2026.)

Sd/-

**Judicial Magistrate of the First Class- II,
Paravur**

APPENDIX

Witnesses for prosecution :-

Prosecution witness no.	Name of Witness	Description
PW1	Mr. Kairali (CW2)	Occurrence witness
PW2	Mr. Anoop (CW1)	Complainant
PW3	SI R Krishnan (CW13)	Investigating Officer

Exhibit for prosecution:-

Exhibit No.	Description of the Exhibit	Proved by /Attested by
P1	Potion of sec. 161 Cr. PC statement	PW1 on 29.05.2025
P2	First Information Statement dated 19.02.2009	PW2 on 18.12.2025
P3	Inquest report dated 20.02.2009	PW3 on 04.05.2026
P4	First Information Report dated 19.02.2009	PW3 on 04.05.2026
P5	Scene mahazar dated 20.02.2009	PW3 on 04.05.2026
P6	Vehicle mahazar	PW3 on 04.05.2026
P7	Bail bond dated 01.03.2009	PW3 on 04.05.2026
P8	Address report dated 24.02.2009	PW3 on 04.05.2026
P9	Notice to RC Owner dated 24.02.2009	PW3 on 04.05.2026
P10	Third party bond dated nil	PW3 on 04.05.2026
P11	Third party bond dated nil	PW3 on 04.05.2026
P12	Postmortem Certificate dated 20.02.2009	PW3 on 04.05.2026
P13	Inspection report dated 24.02.2009	PW3 on 04.05.2026
P14	Inspection report dated 24.02.2009	PW3 on 04.05.2026
P15	Mahazar dated 20.02.2009	PW3 on 04.05.2026

Witnesses for Defence :-

Prosecution witness no.	Name of Witness	Description
Nil		

Exhibit for Defence:

Exhibit No.	Description of the Exhibit	Proved by /Attested by
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Nil

Material Objects :-

Material Object No.	Description of the Exhibit	Proved by/Attested by
Nil		

Sd/-
**Judicial Magistrate of the First Class-II,
 Paravur**