

**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.**

Thursday, the 11th day of June, 2026/ 21st day of Jyeshtham, 1948

Calendar Case No. 743/2016

Complainant : State - Represented by the Sub Inspector of Police,
Chathannur Police Station in Crime No. 741/2016.

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

Accused No. : Muhammad Ameen, Aged 34, S/o. Abdul Jaleel,
Summayya Manzil, Palli Junction, Perayam,
Thazhuthala Village.

(Represented by Adv.Vipil Krishnan)

Charge : Under sections 279 and 304A of IPC.

Plea : Not Guilty

Finding : Not Guilty

Sentence/Order : The accused is acquitted u/s. 278(1) of BNSS for the
offences punishable under sections 279 and 304A of IPC.
Bail bond executed by the accused stands cancelled and he
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. 741/2016	Muhammad Ameen (1)	Abdul Jaleel	--	Summayya Manzil, Palli Junction, Perayam, Thazhuthala Village.	34

DATE OF

Occurrence	Complaint	Apprehension	Release on bail	Commitment	Commencement of trial	Commencement of evidence	Close of trial
20.04.2016	03.06.2016	21.03.2025	21.03.2025	--	11.08.2025	04.12.2025	08.06.2026

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
11.06.2026	--	No Delay	--

This case having been finally heard on 08.06.2026 and the Court on 11.06.2026, 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. 741/2016 against the accused alleging offences punishable under sections 279 and 304A of the Indian Penal Code, 1860 (herein after referred as IPC).

2. The prosecution case in brief is that on 20.04.2016 at about 3.00 p.m., at Nedumchira Junction, Kaithakuzhi Cheri, Adichanalloor Village, the accused, being the driver of a private bus bearing registration No. KL 02 S 9428, drove the said vehicle from west to east along the Nedumchira Junction–T.B. Junction road in a rash and negligent manner and at a high speed so as to endanger human life. At that time, the CW1's neighbour, Shajahan, was riding a motorcycle bearing registration No. KL 21 C 2950 from east to west with his wife CW2 as the pillion rider. It is further alleged that the bus driven by the

accused hit the handle of the motorcycle, due to which Shajahan fell under the front right side wheel of the bus and the second witness fell on the road margin. As a result of the accident, Shajahan sustained fatal injuries including fracture of the ribs and succumbed to the injuries, and the CW2 sustained injuries. Hence, it is alleged that the accused committed offences punishable under Sections 279 and 304A of the Indian Penal Code.

3. First Information Statement was given before CW11, SI, Chathannur Police Station on 21.04.2016. The First Information Report was registered by CW11 on that date. Final report was filed by CW11 before this court and cognizance was taken by this court on 03.06.2016 for the offences punishable under sections 279 and 304A of IPC and the case was taken on the files of this court as CC 743/2016.

4. Upon issuance of summons, the accused appeared before the court and he was released on bail. Copies of all relevant prosecution records were furnished to him 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. When the particulars of offence was read

over and explained to the accused, he pleaded not guilty and claimed to be tried.

5. On the side of the prosecution PW1 to PW4 were examined and Ext. P1 to Ext. P16 were marked. CW2, CW3, CW4 and CW11 were examined as PW1, PW3, PW2 and PW4 respectively. The presence of CW1 could not be secured in spite of issuance of all coercive steps. Other witnesses were given up by the learned Assistant Public Prosecutor as no purpose will be served and will only end in waste of valuable time of court. As there exist no incriminating circumstances against the accused in prosecution evidence, the examination of the accused under section 351(1)(b) of BNSS was dispensed with. No defence evidence was adduced.

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 20.04.2016 at about 3.00 p.m., at Nedumchira Junction, Kaithakuzhi Cheri, Adichanalloor Village, the

accused, being the driver of the private bus bearing registration No. KL 02 S 9428, drove the said vehicle on the Nedumchira Junction–T.B. Junction road 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 bus hit the motorcycle bearing registration No. KL 21 C 2950, causing the death of Shajahan and thereby the accused committed an offence punishable under Section 304A of the Indian Penal Code?

3. If the accused are found guilty what shall be the order as to sentence?

8. Point No. 1 and 2 :- Considering the overlapping nature of the points and to maintain the brevity, these points are considered together. PW1 is the occurrence witness as well as the injured witness in this case. She deposed that the deceased Shajahan was her husband and that she knows about the alleged accident. She stated that on 20.04.2020, at about 3.00 p.m., while they were travelling on a two-wheeler near Kaithakuzhi, an accident occurred due to a vehicle collision. However, she categorically deposed that she did not

know the cause of the accident and that she did not know the registration number of the offending vehicle. She also stated that she had not given any such particulars to the police. Since PW1 did not support the prosecution version, she was declared hostile to the prosecution and the learned Assistant Public Prosecutor was permitted to put questions to her under Section 154 of the Indian Evidence Act. Her contradictory statement was marked as Exhibit P1 and Ext. P2.

9. PW2 is the witness to the inquest proceedings. He deposed that he had not witnessed the alleged accident. He stated that he knew the deceased Shajahan and that the incident which is the subject matter of the case was the accident in which Shajahan passed away. He further deposed that he was present during the inquest proceedings conducted on the dead body of Shajahan and identified his signature in the inquest report, which was marked as Exhibit P3.

10. PW3 is another occurrence witness cited by the prosecution. He deposed that he knew Shajahan and that he died due to an accident. However, he stated that he had not witnessed the alleged accident and did not know the

date of occurrence. He further deposed that he had accompanied Shajahan to the hospital. He denied having given any statement to the police stating that he had witnessed the accident, the cause of the accident, or the identity of the driver of the offending vehicle. Since PW3 also did not support the prosecution version, he was declared hostile to the prosecution and the learned Assistant Public Prosecutor was permitted to put questions to him under Section 154 of the Indian Evidence Act.

11. PW4 is the Investigating Officer in this case. He deposed that on 21.04.2016, while he was working as the Station House Officer of Chathannoor Police Station, on the basis of the First Information Statement given by CW1, he registered Crime No.741/2016 under Sections 279 and 304A of the Indian Penal Code. The First Information Statement and FIR were marked as Exhibits P4 and P5 respectively. He further deposed that he conducted the inquest proceedings on the dead body of Shajahan and prepared the scene mahazar, which was marked as Exhibit P6. The notice issued to the registered owner of the vehicle and the reply received were marked as Exhibits P7 and P8. He further deposed that the wound certificate relating to CW2 was

received and that the post-mortem certificate was marked as Exhibit P16. In cross-examination, he denied the suggestion that without conducting a proper investigation, a false charge sheet was filed.

12. In order to prove the occurrence, the prosecution mainly relied upon the evidence of PW1 and PW3, who are cited as occurrence witnesses. PW1 is also the injured witness and the wife of the deceased. Though PW1 admitted that she was travelling along with the deceased in the two-wheeler and that an accident occurred near Kaithakuzhi, she categorically stated that she did not know the cause of the accident and that she did not know the registration number of the offending vehicle. She further stated that she had not given such particulars to the police. Thus, PW1 failed to identify the offending vehicle or attribute any rashness or negligence on the part of the accused. Since PW1 did not support the prosecution case, she was declared hostile. Even though the prosecution was permitted to put questions under Section 154 of the Indian Evidence Act, nothing sufficient was brought out to establish the prosecution allegations.

13. PW3, another occurrence witness, also did not support the prosecution case. He deposed that he had not witnessed the accident and that he did not know the date of occurrence. Though he stated that he knew the deceased and had accompanied him to the hospital, he denied having given any statement to the police regarding the manner of accident, the cause of accident or the identity of the driver of the offending vehicle. Hence, PW3 was also declared hostile. The evidence of PW2 is only with respect to the inquest proceedings and he has not witnessed the occurrence. His evidence is limited to the fact that he knew the deceased and was present during the inquest proceedings. Therefore, the evidence of PW2 does not advance the prosecution case regarding the manner in which the accident occurred.

14. The remaining evidence relied upon by the prosecution is the evidence of PW4, the Investigating Officer. PW4 deposed about the registration of the crime, preparation of the scene mahazar, conduct of inquest proceedings and collection of various records. The documents marked through him, including the FIR, scene mahazar and post-mortem certificate, would only show that an investigation was conducted regarding the alleged accident

and that Shajahan died in the said incident. However, the mere production of these documents cannot establish the rashness or negligence of the accused. PW4 is not an eyewitness to the occurrence and his evidence regarding the manner of accident is based only on the statements allegedly given during investigation.

15. The prosecution has failed to produce any reliable eyewitness evidence to prove that the accused was driving the vehicle in a rash or negligent manner. There is also no satisfactory evidence to establish that the accident occurred due to the act or omission of the accused. The fact that Shajahan died in a motor vehicle accident is not sufficient by itself to hold the accused guilty of the offences alleged. For attracting Section 279 IPC, the prosecution must prove rash or negligent driving on a public way, and for Section 304A IPC, it must further prove that such rash or negligent act was the proximate cause of death. In the absence of convincing evidence regarding these essential ingredients, the accused cannot be held liable.

16. On an appreciation of the entire evidence available on record, this court finds that the prosecution has failed to prove the guilt of the accused

beyond reasonable doubt. The evidence of the material witnesses does not support the prosecution version and there is no other incriminating evidence connecting the accused with the alleged offences. Hence, the benefit of doubt shall go to the accused. Therefore, Point Nos. 1 and 2 are answered in the negative.

17. **As to Point No. 3:-** In the view of the findings of point no. 1 and 2, 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 the accused is acquitted u/s. 278(1) BNSS for the offences punishable under sections 279 and 304A of IPC. Bail bond executed by the accused stands cancelled and he is set at liberty.

The interim custody of the vehicle produced in this case as per T. No. 146/2016 shall be absolute after the appeal period. The property produced before the court as per TR 147/2016 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 11th 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. Raseena (CW2)	Occurrence witness
PW2	Mr. Devarajan (CW3)	Police witness
PW3	Mr. Thomas Jacob (CW4)	Occurrence witness
PW4	SI Roopesh Raj (CW11)	Investigating Officer

Exhibit for prosecution:

Exhibit No.	Description of the Exhibit	Proved by /Attested by
P1	Potion of sec. 161 Cr. PC statement	PW1 04.12.2025
P2	Potion of sec. 161 Cr. PC statement	PW1 04.12.2025
P3	Inquest report	PW2 on 27.02.2026
P4	First Information Statement	PW4 on 05.06.2026
P5	First Information Report	PW4 on 05.06.2026
P6	Scene mahazar	PW4 on 05.06.2026
P7	Notice	PW4 on 05.06.2026
P8	Reply to notice	PW4 on 05.06.2026
P9	Address report	PW4 on 05.06.2026
P10	Vehicle Mahazar	PW4 on 05.06.2026
P11	Bail Bond	PW4 on 05.06.2026
P12	Vehicle Inspection Certificate	PW4 on 05.06.2026
P13	Vehicle Inspection Certificate	PW4 on 05.06.2026

P14	Third party bond	PW4 on 05.06.2026
P15	Third party bond	PW4 on 05.06.2026
P16	Postmortem Certificate.	PW4 on 05.06.2026

Witnesses for Defence :-

Prosecution witness no.	Name of Witness	Description
Nil		

Exhibit for Defence:

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

Material Objects :-

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

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