

**IN THE COURT OF THE JUDICIAL FIRST-CLASS MAGISTRATE,
KADAKKAL**

Present:- Sri.Amal S.R., Judicial First Class Magistrate

Wednesday, 3rd day of June, 2026/ 13th Jyaishta, 1948

CALENDAR CASE No. 08/2020

Complainant : State-represented by the Sub Inspector of Police,
Chadayamangalam Police Station Crime No. 950/2019.
(By A.P.P., Kadakkal)

Accused : Al -Ameen, aged 18/2019, S/o Semin, Al- ameen Cottage,
Vayakkal, Nilamel.
(By Adv. Sri. R.Rajeshkumar)

Offence : Under section 279, 338 of the Indian Penal Code & Sec.
3(1) r/w 181 of MV Act.

Plea : Not guilty

Finding : Not guilty

Sentence or order : The accused is found not guilty of the offence punishable
under sections 279, 338 of the Indian Penal Code & Sec.
3(1) r/w 181 of MV Act and he is acquitted under section
278(1) of BNSS 2023. His bail bond stands cancelled and he
is set at liberty.

Date of

Occurrence	Complaint	Apprehension	Release on bail	Commencement of trial	Commencement of evidence	Close of trial	Sentence or order	Period of detention undergone during investigation of trial for the purpose of Section 428 Cr.P.C
06.06.19	17.06.19	18.05.25	18.05.25	10.09.25	21.04.26	03.06.26	03.06.26	-

This case having been finally heard on 03.06.2026 and the Court on the same day delivered the following:-

JUDGMENT

The accused is put on trial upon a final report filed by the Sub Inspector of Police, Chadayamangalam Police Station Crime No. 950/2019 alleging commission of offence punishable under sections 279, 338 of the Indian Penal Code & Sec. 3(1) r/w 181 of MV Act.

2. Prosecution case in brief is as follows:- On 06.06.2019 at about 11.00 hours, the accused rode a scooter bearing Registration No. KL 24 Q 6523 along the Parippally–Madathara public road from east to west in a rash and negligent manner so as to endanger human life and without holding a valid driving licence. In the course of such riding, the accused hit the motorcycle bearing Registration No. KL 24 M 1358 ridden by CW1. Due to the impact of the accident, CW1 sustained fracture injuries on his right hand and finger of the left hand. Thus, the accused is alleged to have committed offences punishable under Sections 279 and 338 of the Indian Penal Code and Section 3(1) read with Section 181 of the Motor Vehicles Act.
3. This case is originated from the Ext.P1 First Information Statement given by PW1. On the basis of this, CW9 registered First Information Report and conducted investigation and laid charge sheet before the Court.
4. My predecessor in office took cognizance of the offences and issued process against the accused u/s.204 Cr.P.C. On appearance of the accused, he was enlarged on bail. The copies of all relevant prosecution records were furnished to him under section 207 of the Code of Criminal Procedure, 1973. The particulars of offences punishable under sections 279, 338 of the Indian Penal Code & Sec.

3(1) r/w 181 of MV Act were read over and explained to him to which he pleaded not guilty and claimed to be tried.

5. On the side of the prosecution, PW1 and PW2 examined. As the material witnesses failed to support the prosecution case, the learned Assistant Public Prosecutor gave up the remaining witnesses. In the absence of any incriminating evidence against the accused, questioning him under section 351(1)(b) of BNSS was dispensed with.

6. Heard both sides.

7. Points that arose for consideration are :-

- 1) Has the accused, on 06.06.2019 at about 11.00 Hrs, hours rode the Motor cycle bearing Reg. No No.KL 24 Q 6523 through Parippally – Madathara road, in a manner so rash and negligent as to endanger human life and thus committed offence punishable u/s. 279 of IPC?
- 2) Has the accused, the rash and negligent driving of the accused caused grievous hurt to PW1 as alleged and thus the accused committed offence punishable u/s 338 of IPC?
- 3) Has the accused rode the Motor cycle bearing KL 24 Q 6523 without valid driving license and thus the accused committed offence punishable u/s 3(1) r/w 181 of MV Act.
- 4) If the accused is found guilty, what is the order as to sentence?

2. **Points No. 1 to 3 :-** For the sake of convenience and to avoid repetition, and for brevity, these points are considered together.

3. The defacto complainant was examined as PW1. The First Information Statement is marked as Ext.P1. PW1 categorically deposed that he did not know the culprits.
4. PW2 did not support the prosecution case.
5. Seeing the plight of the case, the learned APP gave up the remaining witnesses. In the above circumstances the prosecution case stands as failed. Thus, point No.1 to 3 are found against the prosecution.
6. **Point No. 4**:- In view of the finding in Point No.1 to 3, the accused is found not guilty of the offence punishable under sections 279, 338 of the Indian Penal Code & Sec. 3(1) r/w 181 of MV Act and is acquitted under section 278(1) of BNSS 2023 of the Criminal Procedure Code, 1973. His bail bond stands cancelled and he is set at liberty.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this, the 03rd day of June 2026

Judicial Magistrate of First Class, Kadakkal

APPENDIX

List of Prosecution/Defence/Court Witnesses

A. Prosecution Witnesses

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
PW1	Muhammad Shan (CW1)	Occurrence Witness/ Complainant
PW2	Sathyaraja (CW2)	Occurrence witness

B. Defence Witness

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
	NIL	

C. Court Witnesses

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
	NIL	

List of Prosecution/Defence/Court Exhibits

A. Prosecution Exhibits

Sl.No	Exhibit Number	Description
	NIL	

B. Defence Exhibits

Sl.No.	Exhibit Number	Description
	NIL	

C. Court Exhibits

Sl.No.	Exhibit Number	Description
	NIL	

D. Material Objects

Sl.No.	Exhibit Number	Description
	NIL	

Judicial Magistrate of First Class, Kadakkal

