

**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. 214/2022

Complainant : State-represented by the Sub Inspector of Police,
Chadayamangalam Police Station Crime No. 1557/2021.
(By A.P.P., Kadakkal)

Accused : Thahath, aged 27/21, S/o Badarudeen,
Thadatharikath Veedu, Munnumukk, Chithara, Pangodu
Village, Kollam.
(By Adv. Sri. Ansari.A)

Offence : Under section 279, 337, 338, 304-A of the Indian Penal
Code & Sec. 146 r/w 196 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, 337, 338, 304-A of the Indian Penal
Code & Sec. 146 r/w 196 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	Complainant	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
12.11.21	12.12.21	13.11.25	13.11.25	24.11.25	31.03.26	03.06.26	03.06.26	-
			5			6	6	

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. 1557/2021 alleging commission of offence punishable under sections 279, 337, 338, 304-A of the Indian Penal Code & Sec. 146 r/w 196 of MV Act

2. Prosecution case in brief is as follows:- On 11.12.2021 at about 08.00 p.m., the accused drove an autorickshaw bearing Registration No. KL 24 N 7032 along the Anchal–Ayoor public road from west to east without valid insurance coverage and in a rash and negligent manner so as to endanger human life. In the course of such driving, the accused hit the rear side of a tipper lorry parked on the side of the Anchal–Ayoor road. Due to the impact of the accident, Rajendran Pillai and CW2 sustained grievous injuries including fractures and subsequently succumbed to the injuries. Thus, the accused is alleged to have committed offences punishable under Sections 279, 337, 338 and 304A of the Indian Penal Code and Section 146 read with Section 196 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, CW22 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 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. In this case the presence of material witnesses was not procured even if repeated coercive steps are ordered and thus there is no purpose in examining the remaining witnesses. Thus, the prosecution evidence stands closed. In the absence of any incriminating evidence against the accused, questioning him under section 313 of Cr.P.C was dispensed with.
6. Heard both sides.
7. Points that arose for consideration are :-
 - 1) *Whether the accused, on 11.12.2021 at about 8.00 p.m., drove the autorickshaw bearing Registration No. KL 24 N 7032 through the Anchal–Ayoor road in a rash and negligent manner so as to endanger human life and thereby committed the offence punishable under Section 279 of the IPC?*
 - 2) *Whether the rash and negligent driving of the accused caused hurt to CW1 and PW1 as alleged and thereby committed the offence punishable under Section 337 of the IPC?*
 - 3) *Whether the rash and negligent driving of the accused caused grievous hurt to CW1 and PW1 as alleged and thereby committed the offence punishable under Section 338 of the IPC?*
 - 4) *Whether the accused drove the autorickshaw bearing Registration No. KL 24 N 7032 without valid insurance coverage and thereby committed the offence punishable under Section 146 read with Section 196 of the Motor Vehicles Act?*
 - 5) *If the accused is found guilty, what is the order as to sentence?*

2. **Points No. 1 to 4:-** For the sake of convenience and to avoid repetition, and for brevity, these points are considered together.
3. CW2 and CW4 were examined as PW1 and PW2 respectively. Both witnesses deposed that they had not witnessed the incident and had not given any statement before the police stating that they had seen the occurrence. Though the learned Assistant Public Prosecutor was permitted to put questions to them under Section 154 of the Indian Evidence Act, nothing could be elicited in support of the prosecution case.
4. In the present case, the police have submitted a report stating the whereabouts of CW2 and CW3, who are cited as material witnesses. They have further expressed their inability to secure the presence of the said witnesses before this Court. It is evident that CW2 and CW3 are crucial witnesses whose evidence is essential for proving the prosecution case, and in their absence, the substratum of the prosecution case is seriously affected.
5. Despite granting sufficient opportunities and adopting coercive steps, the prosecution has failed to procure the attendance of these material witnesses. In such circumstances, no useful purpose would be served by adjourning the matter further or by proceeding with the examination of the remaining witnesses, whose evidence would not advance the prosecution case in any meaningful manner. The evidence of PW1 in no way helped the prosecution to prove the allegations against the accused.
6. Accordingly, this Court is constrained to close the prosecution evidence. In the absence of substantive and reliable evidence to establish the allegations against the accused, the prosecution has failed to prove its case beyond reasonable doubt.

Hence, the prosecution case stands failed. Thus, point No.1 to 4 are found against the prosecution.

7. **Point No. 5**:- In view of the finding in Point No.1 to 4, the accused is found not guilty of the offence punishable under sections 279, 337, 338 of the Indian Penal Code & Sec. 146 r/w 196 of MV Act and is acquitted under section 255(1) 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	Balachandran Pillai (CW2)	Eye witness
PW2	Sivakumar (CW4)	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

