

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE,
TALIPARAMBA

PRESENT : Sri. Anuraj.M.V.,

Judicial First Class Magistrate, Taliparamba

Dated this the 25th day of March, 2026/4th day of Chaithra, 1948

Calender case No. 1414/2019

Complainant : State represented by the S.I of
Police, Sreekandapuram police station in
Crime No. 111/2019
(By Sri. Abdussatar.V.P. A.P.P.)

Accused : Shaheer
(By Adv. A.V.Sajith Kumar)

Offence : U/s. 279, 304A) IPC

Plea : Not guilty

Finding : Not guilty

Sentence/Order : Accused is acquitted U/s. 255(1) of
Cr.PC.

Description of accused

Sl. No 1	Name 2	Father's Name 3	Residence 4	Occupatio n 5	Age 6
1	Shaheer	Muhammad	O.P.House, Chengalayi amsom, Kundamkai	-----	30/19

Date of :-

Occurrence	Complaint	Apprehension of appearance	Released on bail	Commencement of trial	Close of trial	Sentence/ Order	Explanation of delay
21-02-19	21-02-19	24-02-19	15-01-20	12-10-22	23-03-26	25-03-26	

JUDGMENT

This is a case charge-sheeted by the Sub Inspector of police, Sreekandapuram police station, in crime No. 111/19 against the accused alleging commission of offences punishable U/s. 279, 304(A) IPC.

2. The prosecution case, in brief, is as follows:- On 21.02.2019 at about 01.30 pm at Chengalayi, while the deceased Rohini.K.V. was crossing the road, the accused driven the autorickshaw bearing no. KL 59 S 2293 in a rash and negligent manner as to endanger human life and hit at the deceased due to which she sustained grievous injuries and later, she succumbed to her injuries. Thus, the accused committed the offences punishable U/s. 279, 304(A) IPC.

3. Accused appeared before the court and he was released on bail. Copies were furnished. Particulars of offence were read over and explained to the accused. He pleaded not guilty and claimed to be tried. Prosecution examined PW1 to PW5 witnesses and Ext.P1 to P11 documents were marked. After closing the prosecution evidence, accused was questioned u/s.313(1)(b) of Cr.PC and he denied all the incriminating circumstances appearing in evidence against him. Thereafter, accused was called upon to

enter his defence and to adduce his evidence. No evidence was adduced on the side of defence.

4. The following points arise for consideration.

- (1) Has the prosecution proved that the accused driven the autorickshaw in a rash and negligent manner as to endanger human life through public road and thereby committed the offence punishable U/s. 279 of IPC?
- (2) Has the prosecution proved that the accused driven the autorickshaw in a rash and negligent manner as to endanger human life caused the death of the deceased and thereby committed the offence punishable U/s. 304(A) of IPC?
- (3) If found guilty what is the order as to sentence and punishment?

5. **Point Nos. 1 and 2 :-** For the sake of convenience and to avoid repeated discussion of the same evidence, these points are considered together. The presence of CW1 couldn't be secured by the prosecution inspite of repeated coercive steps. Warrant was issued against CW1 but he was not present before the court and steps were also executed against him. PW1 is an attesting witness to Ext.P1 inquest report.

6. PW2 to PW4 are the eyewitness to the accident but they deposed that they hadn't witnessed the accident.

7. PW5 who was then the police officer at Sreekandapuram police station deposed before the court that the first information report was registered by Raghunathan.K.V. PW5 identified the handwriting and

signature of Raghunathan.K.V. and the first information report was marked as Ext.P2. The first information statement was recorded by SCPO, Hareesh and PW5 identified the handwriting and signature of Hareesh and first information statement was marked as Ext.P3. Inquest report and scene mahazar was prepared by Prakasan. PW5 identified the handwriting and signature of Prakasan and scene mahazar marked as Ext.P4. Postmortem certificate marked as Ext.P5. Arrest memo was prepared at the time of arresting the accused and the arrest memo marked as Ext.P6 and released the accused as per Ext.P7 bail bond. The vehicle involved in the accident was released to it's owner as per Ext.P8 kacheettu. The correct name and address report of the accused was prepared by S.I.Prakasan. PW5 identified the signature of Prakasan and Name and address report marked as Ex.P9. Site plan marked as Ext.P10. The Motor vehicle Inspector inspected the vehicle involved in the accident and the report marked as Ext.P11. After completed the investigation, he filed final report.

8. From the above discussion, it is proved that on 21.02.2019 at about 01.30 pm at Chengalayi, an autorickshaw hit at the deceased due to which she sustained grievous injuries and later, she succumbed to her injuries.

9. Though the learned APP put questions to PW1 to PW5, which might be asked in cross-examination, nothing could be brought out to discredit the witnesses.

10. From the above discussion, it is proved that an accident occurred at the scene of occurrence, but the prosecution failed to prove that the accused was the person who had driven the vehicle at the time of

occurrence. The prosecution also failed to prove that the accident occurred due to the rash and negligent act of the accused.

11. On an overall appreciation of evidence of records, I am satisfied that the prosecution failed to prove the guilt of the accused beyond reasonable doubt. Hence, the points are answered in favour of the accused.

12. **Point No. 3 :-** In the light of the discussions above, it is found that the accused is not guilty of the offences punishable u/s. 279, 304(A) IPC and is acquitted of the offences u/s. 255 (1) Cr.PC. He is set at liberty and is discharged of the bail bond.

(Dictated to the confidential assistant, transcribed and typed by her corrected and pronounced by me in open court, on this, the 25th day of March 2026)

Sd/-
JUDICIAL FIRST CLASS MAGISTRATE,
TALIPARAMBA

APPENDIX

List of Prosecution/Defence/Court Witnesses

A. Prosecution Witnesses

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witness
PW1	A.Narayanan	Occurrence witness
PW2	Janardhanan	Eyewitness
PW3	Shariq	Eyewitness
PW4	Muhammad kunhi	Eyewitness
PW5	Shajid.K.	Police witness

B. Defence witness : NIL

C. Court witness : NIL

List of Prosecution/Defence/Court Exhibits

A. Prosecution Exhibits

Sl.No.	Exhibit number	Description
1	Ext.P1/PW1	Inquest report dated 22.02.2019
2	Ext.P2/PW5	First information report dated 21.02.2019
3	Ext.P3/PW5	First information statement dated 21.02.2019
4	Ext.P4/PW5	Scene mahazar dated 23.02.2019
5	Ext.P5/PW5	Postmortem certificate dated 23.02.2019
6	Ext.P6/PW5	Arrest memo dated 24.02.2019
7	Ext.P7/PW5	Bail bond dated 24.02.2019
8	Ext.P8/PW5	Kacheettu dated 07.03.2019
9	Ext.P9/PW5	Name and address report of the accused dated 06.04.2019
10	Ext.P10/PW5	Site plan dated 06.04.2019
11	Ext.P11/PW5	AMVI report dated 26.02.2019

B. Defence Exhibits : NIL

C. Court Exhibits : NIL

D. Material Objects : NIL

Sd/-
JUDICIAL FIRST CLASS MAGISTRATE,
TALIPARAMBA

//True copy//