

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE,  
TALIPARAMBA

PRESENT : Sri. Anuraj.M.V.,

Judicial First Class Magistrate, Taliparamba

Dated this the 30<sup>th</sup> day of March, 2026/9<sup>th</sup> day of Chaithra, 1948

**Calender case No. 2056/2023**

Complainant : State represented by the S.I of  
Police, Sreekandapuram police station in  
Crime No. 729/2023  
(By Sri. Abdussatar.V.P. A.P.P.)

Accused : Sreedharan Vayora  
(By Adv. Sheems Thomas)

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	Occupation 5	Age 6
1	Sreedharan Vayora	Raman Nambiar	Vayora Odayoth (H), Sreekandapuram amsom, Vayakkara	-----	63/23

Date of :-

Occurrence	Complaint	Apprehension of appearance	Released on bail	Comment of trial	Close of trial	Sentence/Order	Explanation of delay
19-06-23	21-06-23	04-07-23	04-07-23	04-11-24	26-03-26	30-03-26	

### ***JUDGMENT***

This is a case charge-sheeted by the Sub Inspector of police, Sreekandapuram police station, in crime No. 729/23 against the accused alleging commission of offences punishable U/s. 279, 304(A) IPC.

2. The prosecution case, in brief, is as follows:- On 19.06.2023 at about 05.00 pm at Kaniyarvayal Thrikadamb in Sreekandapuram amsom, the accused driven the motorcycle bearing no. KL 59 U 3761 along with the deceased Komalavally in a rash and negligent manner as to endanger human life and it was capsized due to which the deceased 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 P14 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 motorcycle 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 motorcycle 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. PW1 is the informant who deposed that he hadn't witnessed the accident and he also deposed that he does not know the cause of the accident and does not know the driver of the vehicle at the time of the accident. The first information statement was lodged by PW1 is marked as Ext.P1. PW1 further deposed that he had no complaint against the accused.

6. PW2 to PW4 are the eyewitnesses to the accident but they deposed that they hadn't witnessed the accident. They further deposed that they does not know the cause of the accident.

7. PW5, then the Sub Inspector of police, Sreekandapuram police station deposed before the court that the first information statement and first information report was registered by Sub Inspector, Joshy Joseph. PW5 identified the handwriting and signature of Joshy Joseph and the first information report marked as Ext.P2. The scene mahazar was prepared by ASI Narayanan. PW5 identified the handwriting and signature of Narayanan and scene mahazar marked as Ext.P3. Report filed for adding section 338 IPC and inquest report was prepared by Villi and PW5 identified the handwriting and signature of Villi and section 338 IPC adding report was marked as Ext.P4 and inquest report marked as Ext.P5. Postmortem certificate marked as Ext.P6. Arrest memo was prepared at the time of arresting the accused marked as Ext.P7 and released the accused as per Ext.P8 bail bond. Site plan marked as Ext.P9. The report filed for incorporating the name and address of the accused marked as Ext.P10. The body of the deceased was released to his relatives as per Ext.P11. AMVI report marked as Ext.P12. The vehicle involved in the accident was released to it's owner and the same was marked as Ext.P13. Body mahazar marked as Ext.P14.

8. From the above discussion, it is proved that on 19.06.2023 at about 05.00 pm at Kaniyarvayal Thrikadamb in Sreekandapuram amsom, the deceased Komalavally was travelling in a motorcycle and it was

capsized due to which she sustained grievous injuries and later, she succumbed to his 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 30<sup>th</sup> day of March 2026)

Sd/-  
JUDICIAL FIRST CLASS MAGISTRATE,  
TALIPARAMBA

APPENDIXList of Prosecution/Defence/Court WitnessesA. Prosecution Witnesses

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witness
PW1	Joshy Joseph	Eyewitness
PW2	Shibu.V.V.	Eyewitness
PW3	Babu.C.	Eyewitness
PW4	Anil.N.	Eyewitness
PW5	Prakasan.P.P.	Police witness

B. Defence witness : NIL

C. Court witness : NIL

List of Prosecution/Defence/Court ExhibitsA. Prosecution Exhibits

Sl.No.	Exhibit number	Description
1	Ext.P1/PW1	First information statement dated 21.06.2023
2	Ext.P2/PW5	First information report dated 21.06.2023
3	Ext.P3/PW5	Scene mahazar dated 22.06.2023
4	Ext.P4/PW5	Section deleting report dated Nil
5	Ext.P5/PW5	Inquest report dated 24.06.2023
6	Ext.P6/PW5	Postmortem certificate dated 24.06.2023
7	Ext.P7/PW5	Arrest memo dated 04.07.2023
8	Ext.P8/PW5	Police bond dated 04.07.2023
9	Ext.P9/PW5	Site plan dated 12.07.2023

10	Ext.P10/PW5	Name and address report of the accused dated Nil
11	Ext.P11/PW5	Kacheettu dated 24.06.2023
12	Ext.P12/PW5	AMVI report dated 29.06.2023
13	Ext.P13/PW5	Kacheettu dated 04.07.2023
14	Ext.P14/PW5	Body mahazar dated 28.06.2023

- B. Defence Exhibits : NIL  
C. Court Exhibits : NIL  
D. Material Objects : NIL

Sd/-  
JUDICIAL FIRST CLASS MAGISTRATE,  
TALIPARAMBA

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