

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE,
PAYYANNUR**

Present: Kum. Lakshmipriya. T. K.,
Judicial First Class Magistrate.

Thursday, the 26th day of March, 2026/05th day of Chaithra, 1948

CALENDER CASE No.1134/2019

Complainant : The SHO, Pariyaram MC Police Station,
Crime No.193/2019

(By APP Grade – I, Payyannur)

Accused : Satheesh. K., S/o Balakrishnan, Aged 42/19,
Kaippurath (H), Kadannappally, Padinharekkara.

(By Adv. Sri. K. P. Santhoshkumar)

Offence : U/s 279, 304A of IPC

Plea : Not Guilty.

Finding : Not Guilty.

Sentence or Order : Accused is acquitted u/s 255(1) of Cr.P.C.

The auto taxi bearing registration No. KL 13 AN 3851 which has been released to the owner vide kachit, shall become absolute after the expiry of the appeal period.

DESCRIPTION OF ACCUSED

Sl. No.	Name of the P.S.& No. Cr. of offence	Name	Father's Name	Occupation	Residence	Age
1.	Pariyaram MC, Cr.No.193/19	Satheesh K	Balakrishnan		Kadannappally	42/19

Date of:

1. Occurrence	: 10.04.2019
2. Complaint	: 11.04.2019
3. Apprehension	: 16.04.2019
4. Release on bail	: 16.04.2019
5. Commitment	: ...

6. Commencement of trial	: 13.02.2023
7. Commencement of evidence	: 10.01.2024
8. Close of trial	: 23.03.2026
9. Sentence or order	: 26.03.2026
10. Service copy of judgment	: Copy is ready
11. Explanation for delay	: No delay
12. Period of detention undergone during investigation, inquiry or trial for the purpose of section 428 CrPC	: ...

This case came up for consideration during today's proceedings and the court delivered the following: -

J U D G M E N T

This is a case initiated upon police report filed by Sub Inspector of police Pariyaram MC Police Station in Cr. No. 193/2019 for the offence punishable u/s 279, 304 A of IPC.

2. **Prosecution case in brief is as follows:** On 10.04.2019 at 12.20 hours at Pariyaram in Kadannappally amsom, the accused has driven an auto taxi bearing registration No. KL 13 AN 3851 in a rash and negligent manner from Pariyaram Medical College side to Embet side and hit a person named Narayanan, while he was walking the road side to Embet side and he fell down and caused grievous injury and succumbed to death on 22.05.2019. Thereby the accused said to have been committed the aforesaid offences.

3. The court took cognizance of offences and issued process against accused. On appearance of accused, copies of all relevant prosecution records are furnished to him. Particulars of offences were stated to him to which he pleaded not guilty and claimed to be tried.

4. On the side of prosecution PW1 to PW7 were examined and Ext P1 to P13 documents were marked. CW1, the defacto complainant and CW2 to CW5, the material witnesses did not turn up before the Court in spite of coercive steps taken against them. After examining the available witnesses, the Learned Asst. Public Prosecutor rightly given up the remaining witnesses and the prosecution evidence closed. After the witnesses for the prosecution was examined, accused was questioned u/s 313(1)(b) of Cr.PC. Accused denied all the incriminating circumstances that appeared in evidence against him. Thereafter the accused was called upon to enter his evidence, but no defence evidence was adduced on behalf of the accused.

5. Heard both sides.

6. Points arise for consideration:

1) Whether on 10.04.2019 at 12.20 hours at Pariyaram in Kadannappally amsom, the accused has driven an auto taxi bearing registration No. KL 13 AN 3851 in a rash or negligent manner so as to endanger human life or to be likely to cause hurt and thereby committed the offence u/s 279 of IPC?

2) Whether the accused had driven an auto taxi bearing registration No. KL 13 AN 3851 in a rash or negligent manner and caused death of one Ravikumar and thereby committed the offence u/s 304A of IPC?

3) If the offence is proved, what is the order as to sentence?

7. **Points No. 1 & 2:** These points are considered together for the sake of convenience. Prosecution has examined 7 witnesses in total and Ext.P1 to Ext.P13 documents were marked.

8. CW1, the defacto complainant and CW2 to CW5, the material witnesses, did not turn up before the Court in spite of coercive steps taken against him.

9. CW6, CW8 & CW9 are the inquest witnesses, they categorically deposed that they have witnessed the inquest of the body of deceased Narayanan from Pariyaram Medical College and the inquest report is marked as Ext.P1.

10. PW4 is the Sub Inspector of Pariyaram MC PS who deposed that he took over the investigation on 22.05.2019 and he conducted the inquest of the body of deceased from Pariyaram Medical college hospital and he has prepared Ext.P1 inquest report and he identified the same. He further deposed that he has submitted a report for adding the section 304A of IPC which is marked as Ext.P2. He further stated that he has handed over the investigation to CW22 as he was transferred to Kozhikode Dist.

11. PW5 deposed that while he was working at Pariyaram MC police station, he has took charge of the investigation of the case and prepared scene mahazar on 12.04.2019 as pointed out by CW1, Vaisakh. Scene mahazar is marked as Ext.P3 and he has recorded the statement of CW1 to CW5 and on 16.04.2019 at 10.00 hours he prepared body mahazar of the offending vehicle No. KL 13 AN 3851 from the station compound which is marked as Ext.P4. The name and address report of the accused is marked as Ext.P5. He further stated that later he has handed over the investigation to CW21 as the injured was died.

12. PW6 is the SCPO of Pariyaram MC PS who deposed that on 11.04.2019 at 17.00 hours he recorded the FI Statement of Vaisakh, S/o Devadasan, Pappinisseri from the station which is marked as Ext.P6. He has registered the crime No.193/19 u/s 279,338 of IPC on the basis of Ext.P6 FIS and the FIR is marked as Ext.P7.

13. PW7 is the Sub Inspector of Pariyaram police station he has took charge of the investigation on 18.07.2019 and verified the CD file and recorded the statement of CW16 to CW18 and filed charge sheet against the accused u/s 279 & 304 A of IPC. He further deposed that he has produced the postmortem certificate of deceased from CW17 which is marked as Ext.P8 and produced the wound certificate from CW15 which marked as Ext.P9 and the site plan is marked as Ext.P10. The vehicle inspection report issued by CW14 is marked as Ext.P11 and his previous investigating officer arrested the accused and at that time 279,338 of IPC was only there and later section 304 A of IPC was added. The arrest memo and bail bond signed by Nitheesh is marked as Ext.P12 and Eext.P12(a) respectively. The vehicle is released to the owner as per kachit which is marked as Ext.P13.

14. I have gone through the entire evidence on record. It is the case of the prosecution that on 10 April 2019 at 12:20 p.m., at Pariyaram in Kadannappally amsom, the accused drove an auto taxi in a rash and negligent manner from the Pariyaram Medical College side towards Embet. During this drive, the vehicle struck Narayanan, who was walking along the roadside

towards Embet. As a result of the collision, Narayanan fell, sustained grievous injuries, and later succumbed to those injuries on 22nd May 2019.

15. Learned counsel for the accused argued that there is no eye witness and there is no evidence on record to incriminate the accused. On perusal of records it is found that the informant has not turned up before the court despite taking coercive steps against the accused. PW1 to PW3 are inquest witnesses and Ext.P1 inquest report is marked through PW1. PW4 to PW7 are the official witness. PW4 is the investigating officer who conducted the inquest. PW5 and PW7 is also investigating officer and Ext.P3 to P5 and P8 to P13 are marked through them. PW6 is the officer who recorded the FIS which is marked as Ext.P6 and FIR is marked as Ext.P7. They all deposed the various roles played by them but the same is not enough to prove the guilt of the accused.

16. The defacto complainant and other material witness have not turned up before the court despite coercive steps taken against them. As Inquest witnesses, PW1 to PW3 could only depose about the death of the victim. Apart from that nothing is coming forth from the evidence of this witness to connect the accused with the alleged crime. In order to convict the accused, it has to be proved that the accused has driven the vehicle and it was driven in a rash and negligent manner which would be normally proved by the eye witness but in this present case the eye witnesses have not turned up. Thus there is no other oral testimony which will help the prosecution to improve their case. Since there are no eye witnesses to support the case of prosecution, the Learned Asst.

Public Prosecutor has rightly given up the remaining witnesses. All other witnesses cited as the inquest witnesses and official witness. The prosecution has failed to cite independent witness and examine before the court. Likewise, the other witnesses also doesn't give any indication to the effect that the accident was occurred due to the negligence of the accused. None of the witnesses examined by the prosecution deposed that the accident was occurred due to the negligence of the accused and none of them identified that the accused had driven the vehicle at the relevant time of incident.

17. To bring home the guilt of accused person, the prosecution was required to prove the offence under section 279, 304A IPC beyond reasonable doubt. The star witnesses of the prosecution i.e., the complainant and eye witnesses have not turned up. There is no evidence to link the accused with the crime charged against them. Further, the ingredients of the offence are not fulfilled from the material on record. In the present case, as already noted above, the prosecution could not discharge the onus of proving the ingredients of offences in question and thus, the accused is entitled to benefit of doubt. In the absence of loyal and reliable evidence of an independent occurrence witness, the evidence of the official witness does not require further consideration to find the guilt of the accused. In short, the available evidences are insufficient to prove the guilt of the accused.

18. Ongoing through the entire evidence, I find that the prosecution has not succeeded to prove the case against the accused beyond reasonable doubt.

Therefore, having considering all the facts and circumstances of the case I am of the view that the prosecution has miserably failed to prove the case against the accused beyond reasonable doubt. Hence, this court finds that the accused is found not guilty of the offence alleged against him. Hence these points are answered against the prosecution.

19. **Point No.3:** In view of my findings on point No. 1 & 2, accused is found not guilty of the offence punishable u/s 279 & 304 A of IPC.

In the result,

(i) Accused is acquitted u/s 255(1) of Cr PC of the offences punishable u/s 279 & 304 A of IPC and his bail bond stands cancelled and he is set at liberty.

(ii) The auto taxi bearing registration No. KL 13 AN 3851 which has been released to the owner vide kachit, shall become absolute after the expiry of the appeal period.

(Dictated to Confidential Assistant, transcribed and typed her, corrected and pronounced by me, in open court this on the 26th day of March, 2026)

Sd/-
Judicial First Class Magistrate,
Payyannur.

APPENDIX:
WITNESSES FOR THE PROSECUTION

PW1	Jithinkumar P K	Inquest Witness
PW2	Ranjith T	Inquest Witness

PW3	K P Ravi	Inquest Witness
PW4	Nidheesh	Police witness
PW5	Samson C G	Investigating Officer
PW6	Narayanan	Police witness
PW7	Raveendran	Investigating officer

EXHIBITS FOR THE PROSECUTION:

Ext.P1/PW1	Inquest report dtd. 22.05.19
Ext.P2/PW4	Section adding report dtd. 22.05.19
Ext.P3/PW5	Scene Mahazar dtd. 12.04.19
Ext.P4/PW5	Body Mahazar dtd. Nil.
Ext.P5/PW5	Name and address report of accused dtd. Nil.
Ext.P6/PW6	F I Statement dtd. 11.04.19
Ext.P7/PW6	F I Report dtd. 11.04.19
Ext.P8/PW7	Postmortem certificate of deceased dtd.24.05.19
Ext.P9/PW7	Wound certificate of deceased dtd.18.05.19
Ext.P10/PW7	Site plan dtd.18.07.19
Ext.P11/PW7	MVI inspection report dtd.16.04.19
Ext.P12/PW7	Arrest memo dtd. 16.04.19
Ext.P12(a)/PW7	Bail bond dtd. 16.04.19
Ext.P13/PW7	Kachit dtd. 16.04.19

MATERIAL OBJECTS MARKED : Nil.

WITNESSES FOR THE DEFENCE : Nil.

EXHIBITS FOR THE DEFENCE : Nil.

MATERIAL OBJECTS MARKED : Nil.

Sd/-
Judicial First Class Magistrate,
Payyannur.

//True copy//

Judicial First Class Magistrate,
Payyannur.