

IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS, ERATTUPETTA

Present:- Sri. Krishna Prabhan R..
Judicial Magistrate of the First Class , Erattupetta

Monday, 16th day of March, 2026 / 25th day of Phalguna, 1947

CMP No. 1/2026 IN CC 582/2022

Petitioner/accused	:	Beena, Aged 48 W/o. Sasi, Nirappel House Cholathadam P.O Cholathadam Kara Poonjar Thekkekkara Village (By Adv. Jaison Joseph)
Respondent	:	State of Kerala represented by the SHO, Erattupetta (By Asst.Public Prosecutor, Erattupetta)
Order	:	Petition is dismissed.

This application having been finally heard on this day, the Court passed the following:-

ORDER

1. This is a petition filed u/s. 262(2) of BNSS.
2. **The averments in the petition in brief is as follows:-**

The petitioner is the accused in the aforesaid case. The offences alleged against her are u/s. 336 IPC and 199 A of M V Act. The prosecution case is that on 27/09/22 at 1.00p.m at Enthumpally bhagom, accused had given a scooter bearing Reg.No. KL 35 K 5408 which was in her possession to a CCL, who had not obtained license. She thereby committed the aforesaid offences. The petitioner had not committed any offences. The petitioner/accused had not

allowed the CCL to ride her vehicle. She has no knowledge about the offences committed if any, by the CCL in this case. The police did not produce any valid age proof of the CCL before this Court, which is also against the law of Juvenile Justice. As per Sec.199 A of MV Act, nothing in the section shall rendered such guardian or owner liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercises all due diligence to prevent the commission of such offence.

3. If the JJB finds that the minor child did not commit the offence or decide to terminate the proceedings, the case against the guardian or vehicle owner u/s.199 A cannot proceed leading to their acquittal or discharge. In this case, there is no allegation against the CCL and the case against this petitioner is baseless. There is no sufficient ground for proceeding against the petitioner. Hence she is entitled to a discharge.
4. Copy served to prosecution.
5. Heard both sides.
6. **Now the points that arise for determination are;**
 - (i). Whether this petition is allowable or not?
 - (ii). Order?
7. **Point No. (i)**

I have perused the available materials in hand. The report filed by the Inspector of Police, Erattupetta police station shows that a split charge against the CCL who allegedly drove the vehicle was filed before the Juvenile Justice Board , Kottayam on 30/12/22 and the case was taken on file by the Juvenile Justice Board. Hence I am of the view that it cannot be said that the charge against the accused to be groundless at this stage. The question whether the accused committed the alleged offence or not is a matter to be ascertained at the time of

trial. Hence she is not entitled to discharge at this stage.

8. **Point No.(ii)**

In the result of the aforesaid finding, this petition is dismissed.

Dictated to the Confidential Assistant transcribed and typed by her, corrected by me and pronounced in open Court on this the 16th day of March, 2026.

**Judicial Magistrate of the First Class
Erattupetta**