

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-I,
CHANGANACHERRY**

Present:- Sri.Anil Kumar. T.S, Judicial I Class Magistrate.

Dated this the, 30th day of May, 2026
09th day of Jyaishta, 1948

CC No. 1624/2018

Complainant : State represented by the Sub Inspector of Police,
Changanacherry Police Station in
Crime No.2209/2017.
(By Smt.Rishna Rahim, APP, Changanacherry)

Accused : Shajahan, Aged 35/17, S/o Hameed,
Koduvelil (H), Chathanam Kulam,
Mangadu Village, Kollam.
(By Adv.M S Pradeep)

Offence : U/s.279, 337 and 304(A) of the Indian Penal Code,
1860.

Plea : Not guilty

Finding : Not guilty

Sentence/Order : Accused is acquitted u/s.255(1) of Cr.P.C. His bail bond
stands discharged and he is set at liberty.

Date of:-

Offence	Report of complaint	Apprehen sion/ Appearan ce of accused	Release on bail	Commence ment of trial	Close of trial	Sentence of order	Explanation for delay and remarks
06.10.17	10.10.17	12.10.17	12.10.17	03.11.21	26.05.26	30.05.26	----

Description of Accused

Name of accused	Age	Father's Name	Caste or Religion	Callin g	Residence	Taluk
Shajahan	35/17	Hameed	---	---	Koduvelil	Kollam

This case having been finally heard on 26.05.2026 and posted for judgment to 30.05.2026 and the court on the same day delivered the following:-

J U D G M E N T

The final report in this case has been filed by the Sub Inspector of Police, Changanacherry Police Station against the accused, in Crime No.2209/2017 alleging the offences punishable u/s.279, 337 and 304A of the Indian Penal Code, 1860.

2) Prosecution case in brief is as follows:- On 06.10.2017 at 9.30 am, the accused drove a car bearing registration number KL-04-S-179 in a rash and negligent manner through MC Road and hit the scooter bearing registration number KL-04-AD-5182 near Thuruthi LP school in Vazhappally Panchayat. The scooter rider and pillion passenger sustained serious injuries, and the scooter rider succumbed to the injuries. Thus, the accused committed the offences punishable under Sections 279, 337 and 304A of the IPC.

3) In this case, final report was filed and cognizance of above offences was taken by this court. On receiving summons, the accused appeared before the court and he was enlarged on bail. After furnishing copies of all relevant prosecution records, the particulars of offences were read over and explained to the accused to which he pleaded not guilty and claimed to be tried.

4) In evidence, PW1 to PW15 were examined and Exts.P1 to P11 were marked from the side of the prosecution. On closing the prosecution evidence, the accused were examined under Section 313(1) (b) of the Code of Criminal Procedure, 1973. The accused denied all the incriminating circumstances appearing in evidence. No defence evidence was adduced.

5) Heard both sides.

6) The points for consideration are:

- i. Whether the accused drove a car with registration number KL-04-S-179 rashly and negligently at high speed on M.C. Road on 06.10.2017 at 9.30 a.m and thereby committing an offence punishable under Section 279 of the IPC?
- ii. Whether the accused caused hurt to the rider and passenger of a scooter with registration number KL-04-AD-5182 near Thuruthi LP school in Vazhappally Panchayat by his rash and negligent driving of a car with registration number KL-04-S-179 on 06.10.2017 at 9.30 a.m and thereby committed the offence punishable under Section 337 of IPC?
- iii. Whether the accused caused death of rider of a scooter with registration number KL-04-AD-5182 near Thuruthi LP school in Vazhappally Panchayat by his rash and negligent driving of a car with registration number KL-04-S-179 and thereby committed the offence punishable under Section 304 A of IPC?
- iv. Sentence or order, if any ?

7) Heard both sides.

8) **Point nos. 1 to 3:-** For the sake of convenience point nos.1 to 3 are considered together. PW1 was riding as a passenger on her husband's scooter. According to her, an Alto car while overtaking another vehicle, collided with their scooter. She and her husband fell down and sustained injuries. They sought treatment at Government Hospital, Changanacherry. Her husband died while under treatment. She has not noticed the driver of the Car. PW4 is the de facto complainant. His sister sustained injuries and his brother-in-law died in the accident. He is not an eye witness to the accident. Ext.P1 is the complaint given by her.

9) PW2 is another occurrence witness. He is an autorickshaw driver. He deposed that an Alto car hit the scooter but he has not actually seen the car hitting the car. PW3 is another occurrence witness. He also deposed that an accident happened on the relevant date and a car and bike collided but he has not seen the car hitting the scooter.

10) In this case, the two occurrence witnesses did not fully support the prosecution's case. They have no idea regarding the cause of the accident. From the evidence of PW1 also, the cause of the accident cannot be determined. In cross-examination she deposed that the accident happened while they entered into the MC road from a pocket road, but she deposed that there was no negligence on their part. As per Ext.P3 scene mahazer, the spot of accident is almost the middle of the MC road. But PW1 deposed that accident was not happened at the middle of the road. In Ext.P3 scene mahazer the positions of the vehicles or any other signs of an accident

are not noted at the spot of accident. Thus the prosecution failed to prove the exact spot of accident and the real cause of accident.

11) Further, there is no clear evidence to show that it was the accused who drove the car during the relevant time. PW8 is the registered owner of the car. She deposed she had handed over the car to Saheer without changing her name in the registration certificate. Saheer is examined as PW9. He deposed that his friend (the accused) drove the car at the relevant time. But he is not an eye witness to the accident and therefore he is not competent to say that it was the accused who drove the car at the time of accident. PW15 Additional Sub Inspector conducted investigation of the case. His evidence also does not reveal how he identified the accused. In the absence of clear evidence that it was the accused who drove the car during the relevant time, he can not be held guilty of the offence punishable under Section 304 A of IPC.

12) Further, in order fasten liability of an offence under Section 304 A of IPC, the prosecution must establish that the immediate and proximate cause of death was the negligence of the accused. To impose criminal liability under 304 A of IPC, it is necessary that the death should have been the direct result of a rash and negligent act of the accused and that act must be the proximate and efficient cause without the intervention of another's negligence. It must be the causa causans; it is not enough that it may have been the cause sine qua non. (Dr.Sudharsan vs The State of Tamil Nadu - 2025 Supreme(Online)(Mad) 58303).

13) In the present case, the alleged accident occurred on 6.10.2017, and the injured passed away on 10.10.2017. Ext.P10 FIR, was registered under Section

174 of the Criminal Procedure Code, citing that the death was due to symptoms associated with alcohol withdrawal. Furthermore, Ext.P1 FIS indicates that the injured was not in a critical condition during the first three days following the accident, aside from a fracture to his leg. However, he experienced a seizure after three days, which doctors attributed to withdrawal symptoms. PW13, Medical Officer at Department of Forensic Medicine, Medical College Hospital, Kottayam conducted autopsy of the body of the deceased. Ext.P7 is the postmortem certificate. PW13 stated that the cause of death was a head injury. However, in this case, wound certificate has not been produced and there is no evidence to demonstrate that the deceased suffered a head injury in the alleged accident. It is noteworthy that PW1 testified that the injured was wearing a helmet at the time of the accident. Furthermore, neither PW1 nor PW15 has opinion that the deceased sustained a head injury in the accident. No bleeding head injury is noted Ext.P2 inquest report as well. In the above circumstances, it can not be concluded that the accused died solely due to the impact of the accident, which means the prosecution failed to prove the offence punishable under section 304A of IPC against the accused. Thus an overall analysis of the evidence on record leads to the conclusion that the prosecution miserably failed to prove the charges against the accused. Hence the accused deserves acquittal.

In the result, the accused is found not guilty of the offences punishable under section 279, 337 and 304A of the Indian Penal Code and he is acquitted under section 255(1) of Cr.P.C. The accused shall be released forthwith if his custody is not necessary in connection with any other case.

Interim custody of item no.1 in the property list No.T.610/17 (car bearing Reg.No.KL-04-S-179) dated 12.10.2017 shall be made absolute after the period of appeal.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court, this the 30th day of May, 2026)

Judicial First Class Magistrate – I
Changanacherry

APPENDIX

Witnesses examined for the Prosecution:-

PW1/CW2	- Sri.Praseetha	06.06.2022
PW2/CW3	- Sri.Anil P Chacko	06.06.2022
PW3/CW4	- Sri.Chacko Mathai	06.06.2022
PW4/CW1	- Sri.Harilal	19.10.2023
PW5/CW6	- Sri.Bijumon	19.10.2023
PW6/CW7	- Sri.Binoy Kurian	03.07.2025
PW7/CW12	- Sri.Janandhanan	21.07.2025
PW8/CW13	Sri.Sabeena	23.09.2025
PW9/CW14	Sri.Saheer Salam	23.09.2025
PW10/CW17	Dr. Bindhu Balakrishnan	29.01.2026
PW11/CW15	- Sri.Renjith	10.02.2026
PW12/CW19	- Sri.Biju Sathypal	10.02.2026
PW13/CW18	- Dr. Reshma A A	24.02.2026
PW14/CW16	- Sri.Sivakumar S N	24.02.2026
PW15/CW20	- Sri.Sabu K S	13.05.2026

Exhibits marked for the Prosecution:-

P1	- FIS marked through PW4	19.10.2023
P2	- Inquest marked through PW5	19.10.2023

P3	- Scene mahazer marked through PW7	21.07.2025
P4	- Third party kacheet marked through PW9	23.09.2025
P5	- Wound certificare marked through PW9	29.01.2026
P6	- Vehicle mahazer marked through PW11	10.02.2026
P7	- Post mortem certificate marked through PW13	24.02.2026
P8	- AMVI report marked through PW14	24.02.2026
P9	- AMVI report marked through PW14	24.02.2026
P10	- FIR marked through PW15	13.05.2026
P11	- Bail bond marked through PW15	13.05.2026

Witness examined for the defence :-

Nil

Exhibits marked for the defence :-

Nil

Material Objects Marked:-

Nil

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Changanacherry