

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

Present: Ms. Nova Jose

Judicial First Class Magistrate

Friday, 27th Day of March, 2026/06th Chaithram, 1948[S.E.]

Calendar Case No.711/2020

Complainant : State Rep.by the Sub Inspector of Police,
Tirurangadi Crime No.418/2020

[By Sri.Dileesh.A, APP, Parappanangadi]

Accused : Sameer Ali, Aged 43/20,
S/o Ahammed Marfi,
Vilakkandathil House,
C.K.Nagar, Tirurangadi.P.O.,

[Rep.by Sri.C.K.Sidhique, Advocate]

Offences : u/s 279 and 304(A) of the IPC.

Pleading : Not guilty

Finding : Not guilty

Sentence or order : Accused is found not guilty of the offences punishable u/s 279 and 304(A) of the IPC and hence he is acquitted of these offences u/s 278[1] of the BNSS.

1.	Serial Number	:	CC No.711/2020
2.	Name of Police Station and Crime Number of the offence	:	Tirurangadi Police Station, Cr.No.418/2020
Description of the accused			
3.	Name of Accused	:	Sameer Ali
4.	Father's Name	:	Ahammed Marfi
5.	Occupation	:	Driver
6.	Residence	:	Vilakkandathil House, C.K.Nagar, Tirurangadi.P.O.
7.	Age	:	43/20

Date of			
8.	Occurrence	:	09.05.2020
9.	Complaint	:	09.05.2020
10.	Apprehension	:	14.12.2022
11.	Release on bail	:	14.12.2022
12.	Commitment	:	Nil
13.	Commencement of trial	:	30.06.2023
14.	Close of trial	:	23.03.2026
15.	Sentence or order	:	27.03.2026
16.	Service of copy of Judgment or finding on accused	:	
17.	Explanation of delay	:	Nil
18.	Period of detention	:	Nil

This case having been finally heard on 23.03.2026 and the court on 27.03.2026 delivered the following:-

J U D G M E N T

1]. This is a case instituted upon a final report submitted by the Sub Inspector of Police, Tirurangadi police station against the accused alleging commission of offences punishable under sections 279 and 304(A) of the IPC in crime No.418/2020 of that police station.

2]. The prosecution case, in brief, is as follows:- On 09.05.2020 at 9.30 am, the accused was riding a scooter bearing registration No. KL-65-H-5173 through the Alinchuvadu – Kunnathuparamb road in a rash and negligent manner so as to endanger human life and as a result the scooter overturned, and Nafeesa, who was the pillion rider, fell onto the road, sustained severe injuries, and later succumbed to her injuries while undergoing treatment at MES Medical College Hospital, Perinthalmanna, on 11.05.2020 at 9:15 a.m. Thus the accused is alleged to have committed the offences punishable u/s 279 and 304(A) of the IPC.

3]. On filing of final report cognizance was taken for the offences u/s 279 and 304(A) of the IPC and the case was taken on file and summons was issued to the accused. Upon appearance of the accused bail was granted and copies of relevant prosecution records were furnished to him and thereby Sec. 207 of the CrPC was complied with. After furnishing the prosecution records, particulars of offences u/s 279 and 304(A) of the IPC was read over and explained to him to which he pleaded not guilty and claimed to be tried.

4]. Altogether, the prosecution had cited twelve witnesses. In order to prove its case, the prosecution examined PW1 to PW4 and Exhibits P1 to P10 were marked on their side. The remaining witnesses were given up by the learned APP. After examining the prosecution witnesses, since no incriminating circumstances were found against the accused, questioning under section 351(1)(b) BNSS was dispensed with. No defence evidence was adduced.

5]. Heard both sides. Perused the records.

6]. The following are the points that arise for consideration are:-

- 1] Whether the accused had ridden a scooter bearing registration No. KL-65-H-5173 through the Alinchuvadu – Kunnathuparamb road in a rash or negligent manner so as to endanger human life on 09.05.2020 at 9.30 am and thereby committed an offence punishable u/s 279 of the IPC as alleged by the prosecution?
- 2] Whether the accused had ridden a scooter bearing registration No. KL-65-H-5173 in a rash or negligent manner through the Alinchuvadu – Kunnathuparamb road

and caused death of Nafeesa, who was the pillion rider of the above said scooter on 09.05.2020 at 9.30 am. and thereby committed an offence punishable u/s 304(A) of the IPC as alleged by the prosecution??

- 3]. What is the finding? If found guilty what shall be the adequate sentence to be imposed on all or any of the accused?

Point Nos.1 and 2

7]. For the sake of convenience and for avoiding repetitions these points are considered together. The case was registered by the Sub Inspector of Police, Thenhipalam police station on the basis of complaint given by the defacto complainant as crime No.418/2020 of that station. To prove the case prosecution examined PW1 to PW4 and Ext.P1 to P10 were marked on their side. PW1 is the defacto complainant, PW2 is the attesting witnesses in the inquest report, PW3 is the eyewitness and PW4 is the investigating officer. Ext.P1 is the FIS, Ext.P2 is the inquest report, Ext.P3 is the scene mahazar, Ext.P4 is the seizure mahazar, Ext.P5 is the AMVI report, Ext.P6 is the postmortem certificate, Ext.P7 is the kaychit, Ext.P8 is the report to add the address of the accused, Ext.P9 is the report to add Sec.279,304(A) of the IPC in the FIR column and Ext.P10 is the FIR.

8]. CW1 – Abdul Rouf was examined as PW1. He deposed that he is the defacto complainant in the case. He further deposed that deceased was his brother's wife. He had given complaint to the police regarding the accident. The complaint so given (FIS dated 11.05.2020) was marked as Ext.P1. However he deposed that he had not seen the alleged accident directly. He also deposed that he did not know the number and driver of the

alleged auto-rickshaw. He deposed that he had not given any statement before the police as alleged by the prosecution. Thus PW1 has completely given a version against the case of the prosecution.

9]. PW2, who is the attesting witness deposed before the Court that he had not seen the alleged incident directly. Inquest report was marked through him as Ext.P2. PW3, the eyewitness deposed before the Court that he had not seen the alleged incident directly. PW4 has deposed that he conducted the investigation in the case and Ext.P3 to P10 were marked through him. The defacto complainant, eyewitness and material witness turned hostile to the prosecution case. There is no substantive evidence linking the accused to the alleged incident. None of the ingredients of the offences alleged are made out from the evidence of PW1 to PW4.

10]. Thus on going through the entire evidence on record as discussed above the prosecution has failed to establish this case. In criminal jurisprudence the benefit of doubt should always rest in favour of the accused until otherwise rebutted. Thus analysing the entire facts discussed as above, the prosecution has failed to establish the guilt of the accused beyond reasonable doubt and hence the accused is found not guilty of the offences punishable u/s 279, 304(A) of the IPC. Hence these points are answered in favour of the accused.

POINT No.3

In view of the findings on point Nos.1 and 2, the accused is found not guilty of offences punishable u/s 279, 304(A) of the IPC. Hence he is

acquitted u/s 278(1) of the BNSS. His bail bond stands discharged and he is set at liberty.

[Dictated to the Confidential Assistant, transcribed by him, corrected by me and pronounced in open Court this, the 27th Day of March, 2026.]

Sd/-
Judicial First Class Magistrate
Parappanangadi.

Appendix:

Witness examined for prosecution:-

Prosecution Witness No.	Name of Witness	Description
1.	Sri. Abdul Rouf	Defacto Complainant
2.	Sri. Sidhique	Inquest witness
3.	Sri. Ramshad	Eyewitness
4.	Sri. Jaya Prakash	Investigating Officer

Exhibits marked for prosecution

Exhibit No.	Description of the Exhibit	Proved by/Attested by
Ext.P1	FIS dated 11.05.2020	PW1
Ext.P2	Inquest report dated 13.05.2020	PW2
Ext.P3	Scene mahazar dated 14.05.2020	PW4
Ext.P4	Seizure mahazar dated 14.05.2020	PW4
Ext.P5	MVI report dated 28.05.2020	PW4
Ext.P6	Postmortem certificate dated 13.05.2020	PW4
Ext.P7	Kaychit dated 13.06.2020	PW4
Ext.P8	Report to add name and address of accused	PW4
Ext.P9	Report to add Sec.279,304(A) of the IPC in the FIR column	PW4
Ext.P10.	FIR dated 11.05.2020	PW4

Witness examined for defence :

Defence Witness No.	Name of Witness	Description
	Nil	

Exhibits marked for defence :

Exhibit No.	Description of the Exhibit	Proved by/Attested by
	Nil	

Material objects marked :

Material Object No.	Description of the Exhibit	Proved by/Attested by
	Nil	

Sd/-
Judicial First Class Magistrate
Parappanangadi.

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