

FORM NO. 48(CPC)  
 CrI.Justice 470,000 17/144 1 4 2004 GPE @ Govt. of Kerala  
 CALENDAR AND JUDGMENT  
 (For use in cases where there is only one accused person)  
 District of Palakkad Calendar of Cases tried by  
 the Judicial Ist Class Magistrate of Ottapalam.

Date of							
Offence	Report or complaint	Apprehension of accused	Release on bail	Commencement of trial	Close of trial	Sentence or order	Explanation of delay and remarks
23.2.18	8.6.18	24.2.18	24.2.18	2.2.26	30.3.26	1.4.26	No delay

Judgment in Calender Case no. 482/2018 on the file of the  
 Judicial Ist Class Magistrate-1 of Ottapalam.

Complainant : State represented by Sub Inspector, Ottapalam Police Station. In crime no. 162/2018.

Sl.No	Name of accused	Age	Father's Name	Residence	Taluk
1.	Subash. R	36	Rajan	Athippatta	Alathur

Offences : U/ss 279, 304 (A) IPC.

Finding : Not guilty

Sentence or order : Accused is found not guilty of the offences punishable under sections 279, 304 (A) IPC. He is acquitted under sec. 255(1)Cr.PC of the above offences. His bail bond stands cancelled and he is set at liberty.

Judicial First Class Magistrate – I,  
 Ottappalam.

DOCKET

Date of receipt : .....	From
Remarks of the District Magistrate	The ..... Magistrate of. ....
Date of Despatch	To
“ Receipt ..... 20...	The Hon'ble District & Sessions Judge, Palakkad.
	Reply of the ..... Magistrate
	{of .....
Date of despatch } “ Receipt } .....	Calendar case no. .... of ..... 200.....
Remarks of the Subdivisional Magistrate	Date of judgment }
	“ of Despatch }
	“ of Calendar }
	“ of Receipt }

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST CLASS-1,  
OTTAPALAM**

Present. Miss. Sajitha. M. N  
Judicial First Class Magistrate

Wednesday, 1<sup>st</sup> day of April, 2026  
11<sup>th</sup> Chaithram, 1948 (S.E)

**Calender Case no. 482/2018**

Complainant : State represented by Sub Inspector, Ottapalam Police Station. In crime no. 162/2018.  
(By Sri. Muhammed Sajith, A.P.P. Gr.II, Ottapalam)

Accused : Subash. R aged 36 Years, S/o Rajan, Kizhakkethil House, Chirakkode, Athippatta (po), Alathur, Palakkad.  
(By Adv. Sri. K. T. Saithalavi)

Offence : U/ss 279, 304 (A) IPC.

Plea : Not guilty

Finding : Not guilty

Sentence or order : Accused is found not guilty of the offences punishable under sections 279, 304 (A) IPC. He is acquitted under sec. 255(1)Cr.PC of the above offences. His bail bond stands cancelled and he is set at liberty.

**Description of accused**

Sl.no	Name of accused	Age	Father's Name	Residence	Taluk
1.	Subash. R	36	Rajan	Athippatta	Alathur

## Date of

Offence	Report or complaint	Apprehension	Release on bail	Commencement of trial	Close of trial	Sentence or order
23.2.18	8.6.18	24.2.18	24.2.18	2.2.26	30.3.26	1.4.26

This case having been heard on 30.3.26 and the court on 1.4.26 passed the following.

### J U D G M E N T

The accused stands charge sheeted by the Sub Inspector, Ottapalam Police Station in crime no. 162/2018 alleging commission of offences punishable under sections 279, 304(A) of the Indian Penal Code. (Herein after referred to as IPC).

2. The prosecution case is that on 23.2.2018 at 11.55 hours, accused drove the bus bearing no. KL-51-A-5253 to Ottapalam bus stand in a rash and negligent manner so as to endanger humanlife, and bus hit CW1's husband Sivaraman, and the left tyre of the bus climb over the knee of Sivaraman and he sustained serious injuries on his leg and he succumbed to the injuries. Thus, the accused is alleged to have committed the above offences.

3. Cognizance was taken and summons was issued to the accused for having committed the offences punishable under sections 279, 304(A) IPC. The accused appeared before the court and he was released on bail. The copies of prosecution records were furnished to the accused and thus complied with

section 207 Cr.P.C. Particulars of the offences punishable u/s 279, 304(A) IPC were read over and explained to the accused. He pleaded not guilty. He was defended by a counsel of his choice.

4. CW1 to CW18 were cited as prosecution witnesses. Out of that CW1 was examined as PW1 and Ext.P1 was marked. The examination of other witnesses was given up by the learned Assistant Public Prosecutor. Since there were no incriminating circumstances brought out in evidence against the accused, examination under section 313(1)(b)Cr.PC was dispensed with. No defence evidence was adduced.

5. Heard both sides.

6. The points that arise for determination are: -

- 1 Did the accused on 23.2.2018 at 11.55 hours, drove the bus bearing no. KL-51-A-5253 to Ottapalam bus stand in a rash and negligent manner so as to endanger humanlife?
- 2 Whether the accused on 23.2.2018 at 11.55 hours, drove the bus bearing no. KL-51-A-5253 to Ottapalam bus stand in a rash and negligent manner so as to endanger humanlife and bus hit one Sivaraman, and the left tyre of the bus climb over the knee of Sivaraman and he sustained serious injuries on his leg and succumbed to the injuries?
- 3 Whether the accused is guilty of the offence as alleged? If found guilty, what is the order as to sentence?

7. **Point nos. 1 and 2** : - These points are considered together for the sake of brevity and convenience. PW1 is the defacto complainant in this case. She has given statement before police. She identified her signature in the statement. FIS is marked as Ext. P1. The deceased is her husband. She further deposed that she has not known on whose negligence the accident occurred. She declared hostile to the prosecution and she has no complaint against the accused.

8. PW1 was turned hostile to the prosecution. The examination of other witnesses was given up by learned Assistant Public Prosecutor, since the material witness did not support the prosecution case. Even though PW1 was asked questions which would be asked in cross examination, nothing was brought out in support of the prosecution case. It appears from the testimony of PW1 that the matter has been settled between the parties. There are no materials before this court to conclude that the accused has committed the above offence. Therefore, this court is inclined to acquit the accused.

9. **Point no. 3** : - In view of my finding on point nos. 1 and 2, accused is found not guilty of the offences punishable u/ss 279, 304(A) IPC. He is acquitted under sec. 255(1)Cr.P.C of the above offences. His bail bond stands cancelled and he is set at liberty.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open Court, this 1<sup>st</sup> day of April, 2026)

**Judicial First Class Magistrate-1,  
Ottapalam.**

**APPENDIX**

**WITNESSES EXAMINED FOR THE PROSECUTION**

PW 1 : Savithri (First Informant)

**WITNESSES EXAMINED FOR THE DEFENCE:** Nil

**EXHIBITS MARKED FOR THE PROSECUTION:**

Ext. P1 : FIS dated 23.2.2018 marked through PW1.

**EXHIBITS MARKED FOR THE DEFENCE:** Nil.

**Judicial First Class Magistrate-1, Ottapalam**