

IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS, THIRUVALLA**Present: Smt. Arundhathi Dileep, Judicial Magistrate of the First Class****Monday the 16th day of March, 2026/ 25th day of Phalguna 1947 S.E.****CC 522/2016.**

Complainant : State represented by the Addl. Inspector of Police, Thiruvalla as per Crime No. 258/2016 of Thiruvalla Police Station.
[By Smt. Devi M G, Assistant Public Prosecutor, Grade – I, Thiruvalla]

Accused : Saju Abraham, Aged 23/16
S/o Abraham George
Pantrandil House, Vishavarsherrickara,
Kutattisseri Village.
(By Adv. Abhilash Gopan)

Offences : Under sections 279 and 304A of the Indian Penal Code.

Plea : Not Guilty.

Finding : Not Guilty.

Sentence/Order : Accused is acquitted under section 255(1) of the Code.

DESCRIPTION OF THE ACCUSED

Name	Father's name	Occupation	Residence	Age
Saju Abraham	Abraham George	Not Applicable	Kurattisseri	23/16

RELEVANT DATES

Offence	Complaint	Apprehension	Release on bail	Commencement of Trial
25/01/2016	09/05/2016	14/06/2024	14/06/2024	14/06/2024
Close of trial		Sentence of order	Explanation for delay	
12/03/2026		16/03/2026	No delay	

This case having been finally heard on 12/03/2026, the court on this day delivered the following:-

J U D G M E N T

- 1. The accused faces indictment for the offences punishable under sections 279 and 304A of the Indian Penal Code(hereinafter as IPC) as per Crime No. 258/2016 of Thiruvalla Police Station.***
- 2. The prosecution case as unraveled from the final report is as follows :-*** On 25/01/2016 at 19.10 hours., the accused drove a motorcycle, bearing registration number KL-30-B-4268 in a rash and negligent manner through Thiruvalla-Kumbazha Public Road from west to east and hit against Mathew George, relative of CW1, who was standing at the side of the aforesaid road and caused grievous injuries to his head. Later at 8.10 P.M., on the said day, the Mathew George had succumbed to his injuries. The accused had thus committed the above said offences.

3. On the basis of First Information Statement given by CW1, CW16, Additional Sub Inspector of Police, Thiruvalla Police Station registered the case as Crime No. 258/2016 and CW17, Additional Sub Inspector of Police, Thiruvalla Police Station carried out the investigation and the final report was laid before the Court. Cognizance was taken by the court under section 190(1)(b) of Code of Criminal Procedure (hereinafter as Code) and case was taken on file as CC 522/2016.
4. On appearance of the accused before the Court, copies of all the prosecution records were furnished to him as envisaged under section 207 of the Code. He was enlarged on bail. He was defended by lawyer of his choice. After hearing both sides and on perusal of entire prosecution records, particulars of the offences were read over and explained to the accused under **sections 279 and 304A of the Indian Penal Code** to which he pleaded not guilty and claimed to be tried.
5. To bring home the guilt of the accused, prosecution examined **PW1 to PW3** and marked **Exts. P1 to P9**. CW1 had expired before the commencement of the trial and other witnesses were given up by the learned Assistant Public Prosecutor. After completion of the prosecution evidence, the accused was examined u/s 313(1)(b) of the Code so as to enable him to explain about the incriminating circumstances that had surfaced against him. He denied all the incriminating circumstances appearing in evidence against him and pleaded innocence. No defence evidence was adduced.
6. **Heard both sides. Perused the records.**
7. **From the above facts and the prosecution evidence adduced, the following points arise for consideration :-**

1. *Whether the accused had on the 25/01/2016 at 19.10 hours., drove a motorcycle, bearing registration number KL-30-B-4268 in a rash or negligent manner and thereby committed the offence punishable u/s. 279 of IPC?*
 2. *Whether the accused had on on the 25/01/2016 at 19.10 hours., ,, caused the death of Mathew George by driving his motorcycle, bearing registration number KL-30-B-4268 in a rash and negligent manner and thereby committed the offence punishable u/s. 304A of IPC?*
 3. *Is the accused liable for conviction? If so, what shall be the appropriate sentence to be imposed in the event of conviction?*
8. Point Nos.1 and 2:- Both these points can be considered jointly for the sake of convenience.
9. CW2 was examined as PW1 and CW3 was examined as PW2. They had turned hostile by deposing that they had not witnessed the alleged incident.
10. CW17 was examined as PW3. During 2016 he was working as Additional Sub Inspector of Police at Thiruvalla Police Station. He had took over the investigation of the case. He had prepared Ext.P1 scene mahazar, Ext.P2 inquest report and Ext.P4 report specifying the name and address of the accused. He had submitted the Ext.P3 post-mortem certificate before the court. He had prepared the Ext.P5 vehicle mahazar. He had issued the Ext.P6 notice to the registered owner of the vehicle and had obtained a reply. He had arrested the accused and released him on bail by Ext.P7 bond. He had obtained the Ext.P8 certificate after getting the vehicle

tested by the AMVI. He had released the vehicle involved in the case on Ext.P9 bond. He had completed the investigation of the case and filed the charge sheet before the court.

11. It is the case of the prosecution that accused had drove his motorcycle in a rash and negligent manner through Thiruvalla – Kumbazha Public Road and caused death of Mathew George who was standing at the said road. It is pertinent to note that PW1 and PW2 the occurrence witnesses cited by the prosecution had turned hostile to the prosecution.
12. It is settled proposition of law that section 304 A IPC would be attracted only when the death is caused by the rash and negligent act, and that the death must be direct result of the rash or negligent act of the accused. A perusal of records shows that there is not even any shred of evidence to conclude that the accused was driving the motorcycle either negligently or rashly, at the relevant point of time, and the death of Mathew George was the direct outcome of the rash and negligent act of the accused in hitting him.
13. In the light of the above facts and circumstances, I am of the considered opinion that there is absolutely nothing on record to fasten criminal liability upon the accused and therefore, the prosecution has failed to prove the charge beyond shadow of reasonable doubt. Accordingly, these points can only be answered against the prosecution.

14. **Point No. 3:**

On the basis of the findings on Point Nos.1 and 2, the question of sentence is out of consideration. Therefore this point is also found against the prosecution and in favour of the accused.

In the result the accused is found not guilty of the offences punishable under sections 279 and 304A of the Indian Penal Code and he is acquitted under section 255(1) of Cr.P.C. His bail bond stands cancelled and he is set at liberty.

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

Sd/-

*Judicial Magistrate of the First Class
Thiruvalla.*

APPENDIX

A. Prosecution Witness

Rank	Name	Whether Eye witness, Police Witness, Expert Witness, Medical Witness, Other Witness
PW1	: Kuruvila Koshi examined on 03/02/2026.	Occurrence witness
PW2	: Robin K Varghese examined on 03/02/2026.	Occurrence witness
PW3	: Somasekharan Nair examined on 25/02/2026.	Police witness

B. Defence Witness

Rank	Name	Whether Eye witness, Police Witness, Expert Witness, Medical
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		Witness, Other Witness
<i>Nil</i>	<i>Nil</i>	<i>Nil</i>

C. Court Witness

Rank	Name	Whether Eye witness, Police Witness, Expert Witness, Medical Witness, Other Witness
<i>Nil</i>	<i>Nil</i>	<i>Nil</i>

List of Prosecution/Defence/Court Exhibits

A. Prosecution Exhibits

Sl.No	Exhibits Number	Description
<i>P1</i>	<i>:</i>	<i>Scene Mahazar through PW3 dated 26/01/2016.</i>
<i>P2</i>	<i>:</i>	<i>Inquest Report through PW3 dated 27/01/2016.</i>
<i>P3</i>	<i>:</i>	<i>Postmortem Certificate through PW3 dated 27/01/2016.</i>
<i>P4</i>	<i>:</i>	<i>Address Report through PW3.</i>
<i>P5</i>	<i>:</i>	<i>Vehicle Mahazar through PW3 dated 29/01/2016.</i>
<i>P6</i>	<i>:</i>	<i>Notice and Reply through PW3.</i>
<i>P7</i>	<i>:</i>	<i>Bail Bond through PW3 dated January, 2026.</i>
<i>P8</i>	<i>:</i>	<i>Report from MVI through PW3 dated 29/01/2016.</i>

P9	:	Kai chit through PW3.
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B. Defence Exhibits

<i>Sl.No</i>	<i>Exhibits Number</i>	<i>Description</i>
	<i>Nil</i>	<i>Nil</i>

C. Court Exhibits

<i>Sl.No</i>	<i>Exhibits Number</i>	<i>Description</i>
	<i>Nil</i>	<i>Nil</i>

D. Material Objects

<i>Sl.No</i>	<i>Exhibits Number</i>	<i>Description</i>
	<i>Nil</i>	<i>Nil</i>

Sd/-**Judicial Magistrate of the First Class,****Thiruvalla****// True copy //****Judicial Magistrate of the First Class,****Thiruvalla**