

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS
KODUNGALLUR**

Present:- Smt. Sherin R A., Judicial I Class Magistrate

Dated this the 25th day of March 2026/4th Chaithra 1948 SE

ST No. 212 OF 2019

State represented by the Inspector of Police Kodungallur P.S in Cr.No. 1786/2013 (By APP Kodungallur)	:	Complainant
Shajahan, aged 37, S/o Saidumuhammed, Karuppam veetil, Madavana desom, Eriyad Village. By Adv. Sri.V.S.Sirajudheen)	:	Accused
Offence	:	U/s.279 and 304(A) of IPC
Plea	:	Not guilty
Finding	:	Not guilty
Order	:	Accused is acquitted of the offences punishable 279 and 304(A) of IPC u/s.255(1) Cr.P.C. His bail bond stands cancelled and he is set at liberty.

Description of the accused

Sl.No	Name	Father's Name	Occupation	Residence	Age
1	Shajahan	Saithumuhammed	Driver	Madavana	37

Date of

Occurrence	Complaint	Appearance or apprehension	Release on bail	Commencement of trial	Close of trial	Sentence or order
21.6.2013	21.6.2013	24.6.2013	24.6.2013	-----	25.3.2026	25.3.2026

This case having been finally heard on today the court delivered the following:

JUDGMENT

This case was taken on file based on the final report submitted by the C.I. of Police, Kodungallur in Crime No.1786/2013 registered against the accused alleging commission of offences punishable U/ss.279 and 304 of IPC

2. Prosecution case in brief is as follows:- On 21.06.2013, at 19.00 hours, accused drove a bus bearing registration number KL 8 AA 4599, and when it reached at Padakkulam Sreenarayana Samskarika Building, a person named Rohith was going in front of the bus peddling a bicycle, and Rohith fell on a gutter and thrown out of the cycle. Even seeing this, the accused, bus driver, fully knowing that death of Rohit would be happen if bus hit on him, negligently drove the bus and the front tyre of the bus run over the body of Rohith and he sustained severe injuries and succumbed to the same. Thus, the accused is alleged to have committed the aforementioned offences.

3. On the basis of F.I. Statement given by CW1, CW23 registered the case and after investigation CW24 filed the final report before the court.

4. This case was originally taken on file as CP 105/2013 as the offences alleged were 279 and 304 IPC and committed to Hon'ble Session Court. The charge was

framed and read over to the accused. Thereafter case was transferred to this court altering the charge as 279 and 304 (A) IPC and renumbered as ST 212/2019. On appearance of the accused he was released on bail. He was defended by a counsel of his choice. The copies of the relevant records were furnished to him. . Altogether 24 witnesses were cited by the prosecution. From 9.6.2022 onwards, the case was posted for evidence by issuing summons to the witnesses. Despite repeated coercive steps taken against the witnesses, none of the witnesses were produced. CW1, CW2 and CW3 were present only on one posting date and they were bound over . Thereafter repeated coercive steps issued to CW1 to CW7, who are the material witnesses, and even after reporting the matter to Superintendent of Police, Rural the witnesses not turned up or produced. The accused are entitled to a fair and speedy trial. The persistent failure of the prosecution to produce the witnesses has resulted in undue and unexplained delay in the conduct of the trial. It cannot be permitted the proceedings to be kept pending indefinitely, particularly in the absence of any positive response or effort on the part of the prosecution to adduce evidence. Therefore, in the absence of any incriminating evidence against the accused and there being no material on record to connect them with the alleged offences, the accused is entitled to an acquittal under Section 255(1) CrPC.

In the result, the accused is acquitted under section 255(1) Cr.P.C

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 on this the 25th March 2026

Judicial First Class Magistrate,
Kodungallur

APPENDIX

Prosecution witness Nil

Defence witness : Nil

Court witness : Nil

Prosecution Exhibits:

Defence Exhibits: Nil

Court Exhibits : Nil

Material Objects : Nil

JUDICIAL FIRST CLASS MAGISTRATE,
KODUNGALLUR.