

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

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

Dated this the 23rd day of March 2026/ 2nd Chaithra 1948 SE

**CC. No. 858 OF 2018**

State represented by the Sub Inspector of Police Valapad P.S in Cr.No.396/2018  (By Asst . Public Prosecutor Kodungallur)	:	Complainant
Ajayan, aged 36, S/o Balan, Kariyakkott house, Mullassery Village, Peruvallur desom. ( By Adv. Sri.K.S.Sulal )	:	Accused
Offence	:	U/s. 279 and 304(A) of IPC
Plea	:	Not guilty
Finding	:	Not guilty
Order	:	Accused is acquitted of the offences punishable U/s. 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	Ajayan	Balan	Nil	Peruvallur	36

**Date of**

Occurrence	Complaint	Appearance or apprehension	Release on bail	Comment of trial	Close of trial	Sentence or order	Explanation for delay	Period of detention undergone during investigation, inquiry or trial for the purpose of section 428 Cr.P.C
8.6.2018	8.6.2018	14.6.2018	14.6.2018	11.2.2019	18.3.2026	23.3.2026	No delay	-----

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 S.I. of Police, Valapad Police Station in Crime No. 396/2018 registered against the accused alleging commission of offences punishable U/ss. 279 and 304(A) of IPC.

2. The prosecution case is that on 08.06.2018 at about 08:30 a.m., the accused, who was riding the motorcycle KL-46-R-3409, was proceeding from Guruvayoor towards Kodungallur along NH-17. While riding the motorcycle at a high speed and in a rash and negligent manner so as to endanger human life, when he reached at Thalikulam, he struck Kunjumon who was crossing the road from east to west. As a result of the

impact, the said person was thrown onto the road and sustained serious head and other injuries. He was admitted to Thrissur Medical College Hospital for treatment, but succumbed to the injuries at about 14:10 hours while undergoing treatment. Thus, the accused is alleged to have committed the aforementioned offences.

3. On receipt of FIS from PW1, CW16 registered the crime against the accused and after completing the investigation, CW17 filed the final report before the court .

4. On appearance, the accused was released on bail and was represented by a counsel of his choice. Copies of all relevant prosecution records were furnished to him under Section 207 of Cr.P.C. After hearing both parties and perusing the records, particulars of offence were read over and explained to the accused, to which he pleaded not guilty and claimed to be tried.

5. From the side of the prosecution, PW1 to PW4 were examined and Exts. P1 to P8 were marked. After closing the prosecution evidence, the accused was questioned u/s 313(1)(b) Cr.P.C. He denied all the incriminating circumstances put to him and maintained that he is innocent.

6. The accused was called upon to enter into his defence evidence. No evidence was

adduced from the defence side.

7. Heard both sides.

The following points arise for consideration:

1. Whether the accused drove a motorcycle bearing No. KL 46 R 3409 through the Guruvayoor–Kodungallur NH-17 road in a rash and negligent manner as alleged by the prosecution?
2. Whether the vehicle driven by the accused hit the body of Kunjumon and he succumbed to the injuries sustained in the accident as alleged by the prosecution?
3. Whether the accused committed any of the aforementioned offences?
4. If the accused is found guilty, what should be the proper sentence or order?

**8. Point Nos. 1 to 3:–**

PW1 is the informant, PW2 is the witness to the inquest, PW3 is the occurrence witness, and PW4 is the Sub Inspector of Police, Valappad Police Station, who conducted the investigation and submitted the final report.

9. PW1 Subramanian deposed that his sister's husband Kunjumon died in a road traffic accident at Thalikulam while he was walking along the Kodungallur–

Thalikulam highway. He met with the accident and sustained serious injuries and thereafter succumbed to death. Regarding the incident, he gave a statement to the police. The First Information Statement was marked as Exhibit P1. He submitted that he had not witnessed the incident.

10. PW3 Jagan is an occurrence witness. However, he turned hostile to the prosecution by denying that he had witnessed the incident.

11. PW2 Saneesh Babu deposed that his colleague Kunjumon died following an accident. The police conducted the inquest on the body of the deceased Kunjumon at Medical College Hospital, Thrissur, and he signed the inquest report as a witness. The inquest report was marked as Exhibit P2.

12. PW4 P.C. Chacko deposed that while he was working as the Sub-Inspector of Valappad Police Station on 09.06.2018, he took over the investigation of this case and conducted the inquest on the body of the deceased Kunjumon. He identified Exhibit P2 inquest report. He further stated that, as shown by PW1, he prepared the scene mahazar. According to PW4, the place of occurrence is the premises of NH-47, a public road, about 50 metres south of Thalikulam Junction. The scene mahazar was marked as Exhibit P3. According to PW4, he seized the motorcycle bearing No. KL 46 R 3409, which was found at the place of occurrence. After inspection of the vehicle by the MVI, the vehicle was released on kaicheet. The kaicheet was marked as Exhibit P5. The AMVI report was marked as Exhibit P6. On 14.06.2018, the

accused surrendered before him at the police station, and he arrested the accused and released him on bail. The arrest memo was marked as Exhibit P7 and the bail bond was marked as Exhibit P8. He also submitted Exhibit P9 report adding the name and address of the accused in the FIR. A document pertaining to the seizure of the vehicle was also issued. He collected Exhibit P10 post-mortem report (mistakenly recorded as Ext. P9 in the deposition) from CW15 and submitted the same before the court. He recorded the statements of the witnesses and, upon completion of the investigation, submitted the final report before the court.

13. In order to bring home the guilt of the accused for the offences punishable under Sections 279 and 304(A) of IPC, the prosecution has to prove beyond reasonable doubt that the accused was driving the vehicle in a rash and negligent manner and that such rash and negligent driving resulted in the death of the deceased Kunjumon.

14. In the present case, PW1 is the informant. His evidence would show that he had not witnessed the incident. His testimony only establishes that the deceased, who was his sister's husband, sustained injuries in a road traffic accident and later succumbed to those injuries. Therefore, the evidence of PW1 does not in any manner prove the alleged incident.

15. PW3 was cited as the occurrence witness. However, PW3 turned hostile to the prosecution and denied having witnessed the incident. PW2 is only a witness to

the inquest conducted on the body of the deceased. His testimony does not throw any light on the manner in which the incident occurred.

16. PW4 is the Investigating Officer who conducted the investigation and submitted the final report. The evidence of PW4 is formal in nature and mainly relates to the procedural aspects of the investigation.

17. Thus, in the present case, there is absolutely no reliable ocular evidence to prove that the accused was riding the motorcycle in a rash and negligent manner or that the accident occurred due to his act.

18.. In view of the above discussions , I am of the view that prosecution failed to prove the guilt of the accused beyond reasonable doubt. Hence, accused is entitled for an order of acquittal. The points are found accordingly against the prosecution.

19. **Point No.4:** In view of my findings on point Nos 1 to 3, this point does not arise for consideration.

1. In the result, accused is found not guilty for the offence under section 279 and 304(A) IPC and he is acquitted of the said offences u/s.255(1) Cr.P.C.

2. The bail bond stands cancelled and accused is set at liberty forthwith.

Dictated to the Confidential Assistant transcribed and typed by her, corrected and pronounced by me in open court on this the 23<sup>rd</sup> March 2026

JUDICIAL FIRST CLASS MAGISTRATE,  
KODUNGALLUR.

APPENDIX

**Prosecution witness**

PW1	Subrahmanian	CW1	First informant	26.12.2022
PW2	Saneesh Babu	CW3	Inquest witness	8.8.2024
PW3	Jagan	CW9	Eye witness	18.6.2025
PW4	Chacko	CW1	SIP Valapad	

7

**Defence witness :** Nil

**Court witness :** Nil

**Prosecution Exhibits:**

1	P1/PW1	P1. F.I.Statement
2	P2/PW2	Inquest report
3	P3/PW4	Scene mahazar
4	P4/PW4	Seizure mahazar
5	P5/PW4	Kaicheet
6	P6/PW4	AMVI REport
7	P7/PW4	Arrest memo
8	P8/PW4	Bail bond
9	P9/PW4	report adding the name and address of the accused

**Defence Exhibits:** Nil

**Court Exhibits :** Nil

**Material Objects :** Nil

JUDICIAL FIRST CLASS MAGISTRATE,  
KODUNGALLUR.