

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

Present:- Sri. Jayanthan L., Judicial First Class Magistrate.

Saturday, 21<sup>st</sup> day of March, 2026 / 30<sup>th</sup> day of Phalguna, 1947.

**C.C. 799 / 2016**

Complainant : State of Kerala represented by the Sub Inspector of Police, Kunnamkulam P S in crime No.2140/2013.  
(By Sri. P.Krishnakumar Assistant Public Prosecutor, Senior Grade, Kunnamkulam)

Accused : Jyothish Kumar, 30/2013 years, S/o.Mani, Kizhakoote House, Vellithiruthy, Marathamkodu.  
By Adv.Sri.C.S.Prathapan, Kunnamkulam.

Offence : U/s. 279 and 304 A IPC.

Plea : Not Guilty.

Finding : Not Guilty.

Sentence or Order : Accused is acquitted U/s. 255(1) Cr.P.C.

**Description of accused**

No	Name	Father's name	Occupation	Residence	Age
1	Jyothishkumar	Mani	Construction Work	Chowannur	39

**Date of :**

Offence	Complaint	Apprehension	Release on bail	Commencement of trial	Closure of trial	Sentence or order
13.9.2013	22.10.2013	21.11.2022		21.11.2022	21.03.2026	21.3.2026

This case having been finally heard on 21.3.2026 and the Court on the same day delivered the following:-

**JUDGMENT**

The Sub Inspector of Police, Kunnamkulam Police Station in crime No.2140/2013 filed charge sheet in the case against the accused with the allegation of the commission of the offences punishable u/Ss.279 and 304A of IPC.

2. The prosecution's case in brief is that, the accused on 13.09.2013 at about 8 pm drove the car bearing registration No. KL-07-AH/2136 on Wadakkanchery – Kunnamkulam Public Road in a rash and negligent manner so as to endanger human life and likely to cause hurt and when he reached at in front of Al-Ameen, Hospital it hit at one Sivadasan, who is the brother in law of CW1, which resulted falling of the above said Sivadasan he sustained grievous injuries at his stomach and other parts of his body and on 21.10.2013 at 8:50 hours, while he was undergoing treatment at Thrissur Medical College Hospital, he succumbed to the injuries sustained. Thus, the accused committed the above said offences.

3. On appearance of the accused, copies of all relevant prosecution records were furnished to him u/S.207 of the Cr.P.C. The accused was released on bail. Particulars of offence were read over and explained to him, to which he pleaded not guilty and claimed to be tried.

4. On the side of the prosecution PW1 to PW3 were examined and Ext.P1 was marked. No other materials are available to connect the accused with alleged offences. As there are no incriminating circumstances brought against the accused, examination u/s 313(1) (b) of Cr.P.C is dispensed with. No defence evidence was adduced by the accused.

5. Heard both sides.

6. Now the points that arise for determination are :-

- 1) Whether the accused on 13.09.2013 at about 8 pm, drove the bus bearing registration No. KL-07-AH/2136 on Wadakkanchery –

Kunnamkulam Public Road in a rash and negligent manner so as to endanger human life and likely to cause hurt as alleged ?

2) Whether the accused caused death of one Sivadasan, due to his rash or negligent driving at above mentioned place, on aforesaid day, at aforesaid time, as alleged?

3) Whether the accused is guilty of any of the offences alleged against him ? If found guilty, what should be the order as to sentence ?

7. **Points No.1 and 2** :- For the sake of convenience all these points are considered together. PW1 deposed that on 21.10.2013 during night his brother in law named Sivadasan died in a road traffic accident and he gave complaint before the police and PW1 identified the same before the court as Exhibit P1. During cross examination PW1 deposed that he had not witnessed the alleged incident and he deceased person is a mentally ill person.

8. PW2 and PW3 deposed that they had not witnessed the alleged incident.

9. Accordingly, from the evidence of above prosecution witnesses, it is clear that the person named Sivadasan died in the road traffic accident. PW1 who gave the complaint to the police deposed that he had not witnessed the alleged incident. The occurrence witnesses in this case also deposed that they had not witnessed the alleged incident. There are no incriminating circumstances against the accused herein. It is not possible to infer that the unfortunate event occurred due to the rash or negligent act of the accused herein. No one has seen the accused riding the vehicle and causing the accident. No other materials are available to connect the accused with alleged offences. So, the Learned Assistant Public Prosecutor rightly gave up the remaining witness. Accordingly, it is safe to conclude that the prosecution

failed to prove the case against the accused beyond reasonable doubt. These points are found against the prosecution.

10. **Point No.3** :- In view of my findings on points No. 1 and 2, the accused is found not guilty of the offence punishable u/s 279, 304(A) of I.P.C .

In the result, the accused is acquitted u/s. 255(1) of Cr.P.C. for the above mentioned offences and he is set at liberty. His bail bond stands cancelled.

(Dictated to the Confidential Assistant, transcribed by her, corrected by me and pronounced in open court on this the 21<sup>st</sup> day of March, 2026)

Judicial First Class Magistrate- Kunnamkulam.

#### APPENDIX

Witnesses examined for the prosecution:-

PW1	Balakrishnan / CW1	Defacto complainant
PW2	Johny/ CW2	Occurrence Witness
PW3	Shanmughan / CW3	Occurrence witness

Exhibit marked for the prosecution :-

1	Ext.P1 / PW1	First Information Statement dated 22.10.2013
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Material Objects marked:-Nil

Witness examined for the defence :-Nil

Exhibits marked for the defence :-Nil

Judicial First Class Magistrate- Kunnamkulam