

**IN THE COURT OF THE JUDICIAL FIRST CLASS
MAGISTRATE-II, NEDUMANGAD.**

Present:- Akshaya P.R., Judicial First-Class Magistrate-II,
Nedumangad
Saturday, 21st day of March,2026/ 30th Phalguna, 1947
ST 1093/2015

Complainant	:	State represented by the Sub Inspector of Police, Nedumangad Police Station in Crime No.1646/2014 <i>(By Smt. Little Flower. A., A. P. P. Sr. Gr.)</i>
Accused	:	Bijesh, S/o. Prameswaran Nair, Driver, KSRTC depot, From Kunchuveedu, Kallarkudiyil, Kathippara, Vellathooval, Idukki Advocate Sri. M.A. Kasim
Charge	:	Offences punishable U/s 279, 337, 338 of the I.P.C.
Plea	:	Not guilty
Finding	:	Not guilty
Sentence	:	The Accused is found not guilty of offences punishable U/s. 279, 337,338 of the I.P.C and he is acquitted u/s. 255(1) of the Cr.PC for the said offences. He is set at liberty. The Bail bond executed by the accused is hereby cancelled.

Description of accused

Sl. No.	Name of the Police Station and the Crime No. of the offence	Name	Father's name	Occupation	Residence	Age
1	2	3	4	5	6	7
1	Nedumangad P.S.Cr.No.261/2013	Bijesh	Parameswaran	driver	Vellathooval	40

DATE OF

occurrence	Report of complaint	Apprehension of accused	Released on bail	Commitment	Commencement of trial
8	9	10	11	12	13
15.12.201	2.6.2015	14.7.2017	14.7.2017	Nil	3.1.2023

4					
Commencement of evidence	Close of trial	Sentence or order	Service of copy of judgment or finding on accused	Expln. for delay and remarks	Period of detention
13(A)	14	15	16	17	18
4.2.2025	18.3.2026	21.3.2026	21.3.2026	No delay	Nil

This case having been finally heard on 18.3.2026 and the court on 21.3.2026 delivered the following: -

JUDGMENT

1. In this case the final report is filed by the Sub Inspector of Police, Nedumangad Police Station in Crime No.1646/2014 for the offences punishable u/s 279, 337, 338 of the Indian Penal Code, 1860 (hereinafter referred as I P C).

2. The Prosecution case in brief is that, the accused had driven the KSRTC bus bearing regn.no. RT 284 in a rash and negligent manner, so as to endanger human life through Nedumangad -Pazhakutty road at 9.45 hours on 15.12.2014. Then it hit on the PW1, pillion rider of motorcycle bearing regn. no. KL 21 G 3375 ridden in a caring manner and normal speed, causing him fell on the road. Out of this incident, fracture sustained to his fingers in the leg. Also, contusion and abrasion sustained to him. Thus, the accused is alleged to have committed offences punishable u/s 279, 337, 338 of the I.P.C.

3. On appearance of the accused, he was served with the copies of all relevant records relied upon by the prosecution. The accused has appointed lawyer of his choice. The Particulars of offences u/s 279, 337, 338 of the I.P.C

were read over and explained to the accused. To which he pleaded not guilty and claims to be tried. From the side of the Prosecution PWs 1 to 3 were examined and Exts.P1 to P11 were marked. The accused was questioned u/s.313(1)(b) Cr.P.C. and opportunity was granted to explain the circumstance came in evidence. He denied all the incriminating circumstance appeared in evidence against him.

4. Heard both sides and perused the records.

5. The points that arise for determination in this case are the following:

1. Has the accused drove the KSRTC bus in a rash and negligent manner and thereby committed offence punishable u/s. 279 of the I.P.C. as alleged by the prosecution?

2.Has the accused drove the vehicle in a rash and negligent manner and caused hurt to the defacto complainant and thereby committed offence punishable u/s. 337 of the I.P.C. as alleged by the prosecution?

3. Has the accused drove the vehicle in a rash and negligent manner and caused grievous hurt to the defacto complainant thereby committed offence punishable u/s. 338 of the I.P.C. as alleged by the prosecution?

4.What is the appropriate order or punishment, if any, to be awarded?

6. Point No.1 to 4: -

For the sake of brevity and to avoid repetitions, these points are considered together.

7. According to the prosecution, the accused drove the vehicle in a rash and negligent manner and rammed into the motorcycle ridden by PW1, causing multiple injuries to him. To prove its case, the prosecution examined 10 witnesses and marked Ext. P1 to P11.

8.PW1, the injured witness, deposed that he had given a statement to the police, which is marked as Ext.P1 (First Information Statement). He stated that he fell onto the road and sustained injuries. However, he did not support the prosecution case and stated that he did not know the reason for the accident.

9.PW4 deposed that he was the Station House Officer of Nedumangad Police Station on 18.02.2014. He stated that Witness No.10 recorded the statement of PW1, and based on the same, Crime No. 1646/2016 was registered. The FIR is marked as Ext.P2, which bears the signature of Witness No.10.The initial investigation was conducted by Witness No.8, who prepared the scene mahazar, marked as Ext.P3. The mahazars of the offending vehicles are marked as Exts.P4 and P5.PW4 further deposed that he took over the investigation thereafter. The accused appeared before the court with sureties and was released on bail; the bail bond is marked as Ext.P6. The vehicles involved in the incident were released, and the relevant report is marked as Ext.P7. The vehicles were inspected by the Motor Vehicle Inspector, and the inspection reports are marked

as Exts.P8 and P9. The wound certificate and treatment certificate of PW1 are marked as Exts.P10 and P11.Upon completion of the investigation, PW4 filed the final report before the court.

10. Coming to the contentions raised, the learned APP had vehemently contended that the accident was caused solely because of the rash driving of the KSRTC bus by the accused herein. The acts of this nature shall not be viewed leniently. In such a circumstance, the accused is only liable to be convicted for the offence.

11.From the side of the defence, learned counsel had urged that the accused person is innocent of the offence alleged. Further added that no specific allegation is made in their depositions of PW1to 3 regarding the rash and negligent act from the side of the accused person warranting his conviction. Further he had contended that Ext.P3 as well as P11 vehicle mahazar, prepared by AMVI of the vehicle involved in the accident, would convey that they are made after the elapse of months from the date of the incident. Hence its authenticity is under doubt. Therefore. the accused may be acquitted.

12. Definitely the accused would have driven the vehicle and it remain undisputed by the learned counsel. However no incriminating evidence is brought before the prove the accident to attract an offence as contemplated under section 279,337,338 IPC is doubtful. Further as known, the prosecution ought to have proved beyond doubt that the accused had driven the vehicle rashly or negligently. Here both the occurrence witnesses have not supported the

prosecution case. Hence I believe no cogent consistent material is brought before the court to reckon that accused has acted rashly or negligently. In such a circumstance, I believe this sole reason is enough to held the accused not guilty of the offence alleged. Accordingly, the prosecution has failed to prove its case of the accused driving the vehicle rashly or negligently beyond doubt warranting his conviction. Hence, the accused shall be acquitted and be imposed with no punishment.

Accordingly point No. 1 to 4 are found not in favour of the prosecution.

In the result, the accused is found not guilty for the offences punishable under section 279,337,338 of the I.P.C. and he is acquitted under section 255(1)of the Code of Criminal Procedure, 1973. The accused is set at liberty. The Bail bond executed by the accused is hereby cancelled. No material objects are marked for the purpose of this case.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court this the 21st day of March,2026.

Sd/-
Judicial I Class Magistrate-II,
Nedumangad

APPENDIX

Prosecution Witness:

PW1	Biju	Informant
PW2	Muhammad Shafi	Occurrence witness
PW3	Vinod	Occurrence witness
PW4	G. Ajayakumar	Investigation officer

Prosecution Exhibits:

Sl.No.	Exhibit Number	Description
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1	P1	First Information statement proved by PW1 on
2	P2	FIR proved by nPW4 on 17.1.2026
3	P3	Scene mahazar dated,proved by PW4 on 17.1.2026
4	P4	Vehicle mahazar proved by PW4 on 17.1.2026
5	P5	Vehicle mahazar proved by PW4 on 17.1.2026
6	P6	Bail bond proved by PW4
7	P7	Third party kychit dated,9.2.2015proved by PW4 on 17.1.2026
8	P8	MVI report dated,13.1.2015 proved by PW4 on 17.1.2026
9	P9	MVI report dated,13.1.2015 proved by PW4 on 17.1.2026
10	P10	Wound certificate,dated,15.12.2014 proved by PW4 on 17.1.2026
11	P11	Treatment certificate dated, 17.3.2015 proved by PW4 on 17.1.2026

Material objects marked: NIL

Sd/-

Judicial I Class Magistrate-II,
Nedumangad

(True copy)

Judicial I Class Magistrate-II,
Nedumangad