

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, KALPETTA,
WAYANAD.

Present:- Sri. Ubaidulla C,
Chief Judicial Magistrate,
Kalpetta.

Tuesday 16th day of June 2026
The 26th day of Jyaishta, 1948

CALENDAR CASE NO. 1082/2016

Complainant : State represented by the Sub
Inspector of Police, Kalpetta Crime
No. 208/07.
(By Sri.Nowshad M.A, DDP)

Accused : Abdhul Rafeek S/o Majeedh, aged
20/07, Manakath House,
Kodambuzha, Near Farok College

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

Plea : Not guilty

Finding : Not guilty

Sentence or order : Accused acquitted u/s 255(1) Cr.P.C

STATEMENT UNDER RULE 132 OF CRIMINAL RULES OF PRACTICE

Serial Number : CC 1082/16

Name of the PS and : SHO Kalpetta, Crime No.208/07
Crime No.

DESCRIPTION OF THE ACCUSED

Name of accused	Age	Father's Name	Calling	Residence	Taluk
Abdhul Rafeek	23	Majeedh	Coolie	Ramanatt ukara	Kozhikode

Offence	Report or complaint	Apprehension of accused	Release on Bail	Date of		Sentence or order	Explanation of delay and remarks
				Commencement of trial	Close of trial		
30.6.07	22.10.07	16.10.14	16.10.14	28.7.10	11.6.26	16.6.26	No delay

This case having been heard today and the Court passed the following

J U D G M E N T

This case arose on a final report filed by the Sub Inspector of Police, Kalpetta Police Station against the accused, alleging offences punishable u/s 279, and 304A of Indian Penal Code

2. The prosecution case, in brief, is that on 30.06.2007 at about 5.30 p.m., at Kalpetta Traffic Junction in Kalpetta Amsom, the accused was driving a jeep bearing Registration No. KL-09 B 2277 in a rash and negligent manner so as to endanger human life and the personal safety of others. While so driving, the accused allegedly hit a motorcycle bearing Registration No. KL-12 C 6620, which was proceeding from the Meppadi side towards Kalpetta and was being ridden by one Junais. As a result of the impact, Junais sustained grievous injuries and was initially taken to Leo Hospital and thereafter shifted to the Medical College Hospital for further treatment. While undergoing treatment, he succumbed to the injuries sustained in the accident on 01.07.2007. Accordingly, the prosecution alleges that the accused committed the offences punishable under

Sections 279 and 304A of the Indian Penal Code.

3. On filing of the final report cognizance was taken for the offences punishable u/s 279, and 304A of Indian Penal Code and the case was taken on file as CC 373/2007 the accused is absconding and the case is transferred to LPC register as LP 55/08. On 28/7/2010 the accused surrendered before this Court and the case was refiled as CC 177/2010 . On 17/7/2014 this case made over to JFCM Court II, Mananthavady and the case is refiled as CC 835/2014. Thereafter the case was transferred to this court as per order NO.5311/20-16 dated 10/08/2016. Thereafter the case was again renumbered as CC. 1082/2016.

4. On the side of the prosecution PW1 to PW6 were examined and Ext.P1 to Ext.P6 were marked. CW3, CW4 and CW10 were reported no more. The remaining witnesses were given up by the learned Deputy Director of Prosecution. After closing the prosecution evidence, accused was examined u/s 313(1)(b) of the Code of Criminal Procedure and he denied all the incriminating circumstances, that appeared in evidence against him. Thereafter the case was posted for defence evidence. No evidence was adduced on the side of the accused.

5. Heard both sides.

6. The points that arise for consideration are:-

- 1) Did the accused driving the vehicle in a rash and negligent manner ?

- 2) Did the accused caused the death of Junais by driving the above vehicle in a rash and negligent manner which causing his death ?
- 3) If so, what shall be sentence or order ?

Point No.1 and 2:-

7. For the sake of brevity and convenience, these points are considered together. As per the case of the prosecution, the deceased Junais was travelling in his motor cycle on 30/06/2007 and a Jeep which was coming from the opposite side hit the motorcycle and Junaidh fell on the road as a result of the same which resulted in causing his death.

8. PW1 deposed before the Court that, at the relevant time, he was working as Head Constable at Kalpetta Police Station. On 01.07.2007, while he was on General Diary (G.D.) charge duty, CW1 came to the police station and informed him that one Junais had died as a result of a road traffic accident. PW1 stated that he recorded the statement given by CW1, which was marked as Ext.P1 First Information Statement. Based on the said statement, he registered Crime No. 208/2007 of Kalpetta Police Station for offences punishable under Sections 279 and 304A of the Indian Penal Code. The First Information Report prepared by him was marked as Ext.P2.

9. PW2, the de facto complainant in this case, deposed that he had lodged a complaint before the police, and the First

Information Statement (F.I. Statement) has already been marked as Ext.P1. He identified his signature therein. He further stated that, in the year 2007, his uncle's son, Junais, died in an accident at Kalpetta. Upon receiving information about the accident from another person, he proceeded to the scene of occurrence. Thereafter, Junais was taken to Leo Hospital and subsequently shifted to the Medical College Hospital for further treatment. While undergoing treatment at the Medical College Hospital, Junais succumbed to his injuries and died.

10. PW3 deposed before the Court that he did not know about the incident and that he had not witnessed the occurrence directly. He further stated that he did not know the driver of the vehicle involved in the accident. As PW3 retracted from his earlier statement, the learned Deputy Director of Prosecution was permitted to cross-examine him under Section 154 of the Evidence Act. During such cross-examination, PW3 stated that at the time of the incident he was standing on the road. However, he deposed that he did not know what had happened to the person riding the motorcycle. He further denied having given a statement to the police that the accused had driven the vehicle in a rash and negligent manner. He also denied the suggestion that he was deposing falsely in order to help the accused, who is a local resident, and that he was a regular passenger in the jeep driven by the accused.

11. PW4 deposed before the Court that he had not directly witnessed the incident. He stated that he did not see the accident in

question, did not know the place where the incident occurred, and did not know the driver of the vehicle involved in the case. As PW4 did not support the prosecution case, the learned Deputy Director of Prosecution was permitted to cross-examine him under Section 154 of the Indian Evidence Act. During such cross-examination, PW4 stated that the accident had occurred when he was returning after visiting Rajan Vaidyar. He further stated that he had travelled to see the Vaidyar in a jeep driven by Abdul Shafiq. However, he denied having given any statement to the police that the accident occurred because Abdul Shafiq drove the jeep at a high speed and in a rash and negligent manner and hit the motorcycle. He further stated that if it appeared in his statement that he had made such an allegation, he had nothing to say in that regard. The relevant contradictory portion of his alleged previous statement was marked as Ext.P3, subject to proof. PW4 also denied the suggestion that he was a regular passenger in the accused's jeep, that the accused was his friend and fellow countryman, and that he was deposing falsely before the Court in order to help the accused.

12. PW5, the Regional Transport Officer, deposed before the Court that on 10.07.2007 he was working as the Motor Vehicles Inspector in the Regional Transport Office, Kalpetta. On the basis of a requisition received from the Station House Officer, Traffic Unit, Kalpetta, he inspected the vehicle bearing Registration No. KL-12 C 6620, a Hero Honda motorcycle, at the premises of the police station. He stated that the damages noticed on the vehicle were recorded in Column No. 7 of the inspection report. Upon inspection,

he found that the braking system was in proper working condition and that there was no mechanical defect in the vehicle which could have contributed to the accident. The inspection certificate issued by him in respect of the said vehicle was marked as Ext.P4. PW5 further deposed that on the same day he inspected another vehicle bearing Registration No. KL-09 B 2277 at the premises of the police station. The damages noticed on that vehicle were also recorded in Column No. 7 of the inspection report. He found that the braking system was efficient and that there was no mechanical defect in the vehicle. According to PW5, the middle portion of the front bumper of the vehicle was damaged. The left-side indicator and headlight were broken. The left side of the bonnet, on its upper portion, was damaged, and the left-side mudguard was dented. The inspection certificate issued by him in respect of the vehicle bearing Registration No. KL-09 B 2277 was marked as Ext.P5. PW5 also noted that the front wheel and mudguard of the motorcycle bearing Registration No. KL-12 C 6620 were damaged. The left side of the steering handle was damaged, the cloth guard was damaged, the right-side crash guard was bent, and the right-side rear-view mirror was broken.

13. PW6, an attesting witness to Ext.P6 Scene Mahazar, deposed before the Court that while he was travelling in an autorickshaw, the police stopped him in front of the Kalpetta Ayyappa Temple and informed him that an accident had occurred at that place. He stated that, at the direction of the police, he affixed his signature on the mahazar. He identified his signature therein. The Scene Mahazar was marked as Ext.P6.

14. On evaluating the evidence from the side of the prosecution it could be seen that none of the witnesses have supported the case of the prosecution. From the evidence adduced it is clear that an incident took place on 30/06/2007 at 17.30 hours near Kalpetta Ayyappa Temple in which a Jeep bearing No. KL-9B 2277 hit on the motor cycle of one Junais which resulted in causing his death. But there is no evidence to prove that the accused who was the driver of the jeep at that time and he was driven the bus in a rash and negligent manner. So, the prosecution has failed to prove that the accused caused death of Junais by driving the jeep in a rash and negligent manner. So, these points are found against the prosecution.

Point No. 3 :-

15. From the discussions in points No.1 and 2 it is clear that the prosecution has failed to prove that it was the accused who caused death of Junais by driving the Jeep bearing No. KL 9B 2277 in a rash and negligent manner. So accused is found not guilty of the offences punishable u/s 279, and 304A of Indian Penal Code and he acquitted for the said offences u/s 255(1) Cr.P.C. The bail bond executed by the accused stands cancelled and he is set at liberty forthwith.

(Corrected and pronounced by me in open court this the 16th day of June 2026)

sd/-

CHIEF JUDICIAL MAGISTRATE

A P P E N D I XWitness examined for Prosecution:-

PW1	:	Muralidharan V
PW2	:	Rahim
PW3	:	Beeran
PW4	:	Athamu
PW5	:	E.S Unnikrishnan
PW6	:	Chithragadhan

Exhibits marked for Prosecution:-

Ext.P1	1.7.07	F.I. Statement
Ext.P2	1.7.07	F.I.R
Ext.P3	--	Relevant portion in 161 statement CW18
Ext.P4	10.7.07	AMVI Report
Ext.P5	10.07.07	AMVI Report
Ext.P6	--	Scene Mahasar

Witness Examined for Defence	:	NIL
Exhibits Marked for Defence	:	NIL
Material Object marked	:	NIL

sd/-

CHIEF JUDICIAL MAGISTRATE

//True copy//

CHIEF JUDICIAL MAGISTRATE
KALPETTA

CALENDAR AND JUDGMENT

District of Wayanad Calendar of a cases tried by
the Chief Judicial Magistrate, Kalpetta

Offence	Report or complaint	Apprehension of accused	Release on bail	Commencement of trial	Close of trial	Sentence or order	Explanation of delay and remarks
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Judgment in CC.1082/2016 on the file of the Chief Judicial
Magistrate Kalpetta, Wayanad.

Complainant : SHO Kalpetta in Cr. 208/07

Name of accused	Age	Father's name	Caste or religion	Calling	Residence	Taluk
Abdhul Rafeek	23	Majeedh	Muslim	Coolie	Ramanattukara	Kozhikode

Offence : u/s 279 and 304A of IPC
Finding : Not Guilty
Sentence or order : Accused is acquitted u/s 255(1) CrPC.

CHIEF JUDICIAL MAGISTRATE
KALPETTA

DOCKET

Date of Receipt.....
Remarks of the District
Magistrate.....

From
The Chief Judicial Magistrate,
Kalpetta

Date of Despatch

To
The Honourable Sessions, Judge
Kalpetta, Wayanad
Calendar Case No :-CC.1082/16

Date of receipt
Reply of the.....Magistrate
Date of despatch.....
Date of receipt.....
Remarks of the Sub divisional Magistrate

Date of Judgement -16/06/2026
Date of Despatch 17/06/2026