

IN THE COURT OF JUDICIAL MAGISTRATE OF THE FIRST CLASS-I,
CHERTHALA

Present:-Smt. Sherin K George, Judicial Magistrate of the First Class-I

Dated this, the 15th day of July, 2025

C. C. No.1096/2022

Complainant : State-represented by Sub Inspector of Police,
Pattanakkad police station in crime No.
615/2022.

[By APP, Cherthala-I]

Accused : Rajesh Augustine
[by Adv. Sri. Antony George]

Offences : under sections 279 and 304A of IPC

Plea : Not guilty

Finding : Not guilty

Sentence/order : Accused is acquitted under section 255(1) of
Cr.P.C.

DESCRIPTION OF ACCUSED

Sl. No.	Name	Father's/ Husband's name	Occupation	Residence	Age
1	Rajesh Augustin	Augusti Varkey	...	Thakidiyil House, Kothamangalam P.O., Kothamangalam Municipality Ward No.3, Ernakulam.	43/ 2022

DATE OF:-

Occurrence	Complaint	Appearance	Released on bail	Commence- ment of trial	Close of trial	Sentence or order
22/08/2022	10/07/22	17/11/2023	17/11/2023	02/07/25	07/03/25	15/07/2025
Service of copy of judgment or finding			Explanation for delay.			
....						

This case having been finally heard and this day the court delivered the
following:

J U D G M E N T

The accused stands facing trial for the offences punishable under sections 279 and 304 of IPC charge sheeted by the Sub Inspector of Police, Pattanakkad Police Station in crime No.615/2022.

2. Case of the prosecution is as follows:-At 6.00 a.m. on 22/08/2022, the accused while driving a Maruti Eeco vehicle bearing Reg.No.KL.05-AD.1846 along Alappuzha- Ernakulam National Highway road from north to south in a rash and negligent manner endangering human life. When the said vehicle reached near Holly Cross Hospital, Thankey junction, it hit one Sasi. Due to the impact of the hit, the said Sasi fell on the road and sustained severe injuries on his head. While undergoing treatment at Medical College Hospital, Vandanam, due to severe injuries, he succumbed to the same. Thereby, the accused is alleged to have committed the above said offences.

3. Final Report was filed before the court and the case was taken on file as **C.C.No.1096/2022**. Cognizance was taken for the offences punishable under sections 279 and 304(A) of IPC. Accused before the court and he was enlarged on bail. Copies of all relevant records were furnished to him and thereby mandate under Section 207 Cr.P.C. was complied with. After hearing on recording of plea, particulars of offences under sections 279 and 304A of IPC was stated to him to which he pleaded not guilty and claimed to be tried.

4. From the side of prosecution, PW1 and PW2 were examined and marked Exbt.P1 to P8. Since there was no incriminating circumstances against the accused, examination of accused under section 313(1)(b) of Cr.P.C. was dispensed with.

5. Heard both sides. Perused the records.

6. The points that arise for consideration are:

- 1) Whether the prosecution could prove that the accused, at 6.00 a.m. on 22/08/2022, while driving a Maruti Eeco vehicle bearing Reg.No.KL.05-AD.1846 in a rash and negligent manner endangering human life of deceased Sasi and thereby committed the offence under section 279 of IPC?
- 2) Whether the prosecution could prove that the accused, on the above said date and time, caused death of deceased Sasi by negligence and thereby committed the offence under section 304A of IPC?
- 3) If found guilty, order as to sentence?

7. **Point Nos.1 and 2:-**For the sake of convenience, these points are considered together. The informant was examined as PW1. PW1 deposed before the court that he had given a statement to the police regarding the same. Through him, Exbt.P1 First Information Statement got marked. PW1 further deposed that

deceased Sasi is his uncle and he died in the accident but he does not witness the incident. PW2 turned hostile to the prosecution by deposing that he does not witness the incident. In this case, counsel for accused submitted he has no objection in marking the the documents produced by the Investigating officer and the same is marked as Exbts.P2 to P8. Since PW1 and PW2 turned hostile to the prosecution case, the learned Asst. Public Prosecutor gave up the examination of remaining witnesses in the case and he is justified in doing so. From discussion, I am of the view that, the prosecution failed to adduce any evidence to link the accused with the offence in any manner so as to establish the guilt of the accused. Hence, point Nos.1 and 2 are found against the prosecution.

9. **Point No.3:-**In view of my finding on point Nos.1 and 2, this point does not arise for consideration. Hence, accused is found not guilty for the offences punishable under sections 279 and 304A of IPC and he is acquitted under section 255(1) of Cr.P.C.

In the result:

The accused is acquitted under section 255(1) of Cr.P.C. for the offences punishable under sections 279 and 304A of IPC. Bail bond executed by the accused stands cancelled and the accused 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 15th day of July, 2025.

Sherin K George,
Judicial Magistrate of the First Class-I,
Cherthala.

APPENDIX

Witnesses for Prosecution:

PW1 : Subeesh

PW2 : Bennykumar

Exhibits for Prosecution:

P1 : First Information Statement marked through PW1

P2 : Inquest report

P3 : Scene mahazar

P4 : Seizure mahazar

P5 : Address report

P6 : AMVI report

P7 : Post-mortem Certificate

P8 : First Information Report

Defence witness: Nil

Defence exhibits: Nil

Sherin K George,
Judicial Magistrate of the First Class-I,
Cherthala.