

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, RAMANKARY

Present:-Sri. Arun Kumar P, Judicial First Class Magistrate

Dated, this day the 24th day of January, 2026**C.C.No. 167/2019**

Complainant : State-represented by the Sub Inspector
of Police, Ramankary Police Station in
crime no. 869/2019

(By A P P- Ramankary)

Accused : Aswin Ashok

(By Adv. B Sivadas)

Offence : U/ss. 279, 337, & 304 (A) of Indian Penal
Code, 3 (1) r/w 181 of Motor Vehicle Act

Plea : Not guilty

Finding : Not guilty.

Sentence or order : Accused is acquitted u/s 255(1) CrPC
and is set at liberty.

DESCRIPTION OF THE ACCUSED:-

Sl. No	Accused	Father's name/Husband name	Occupation	Residence	Age
	Aswin Ashok	Ashok Kumar		Paimbuzha Veedu, Kavumbhagam Municipal ward 28, Thiruvalla Taluk	18/ 18

DATE OF:-

Offence	Complaint	Appearance	Release on bail.	Commence-ment of trial	Close of trial	Sentence or Order.
23.11.2018	24.11.2018	10.10.2019	10.10.2019	30.09.2024	21.01.2026	24.01.2026

This case coming on this day for consideration, the court on the same day delivered the following:

J U D G M E N T

1. This is a case charge sheeted by the Sub Inspector of Police, Ramankary Police Station in Crime No. 869/2019 against the accused alleging the offences punishable u/ss.U/ss. 279, 337, & 304 (A) of Indian Penal Code, 3 (1) r/w 181 of Motor Vehicle Act.

2. **Prosecution case in brief is as follows:-** The accused, who is having not valid license, had driven motorcycle bearing registration number KL-27H-6888 on 23.11.2018 at around 06.15 p.m. at Velianad Village at Kidangara and he had collided the deceased Binu aged 21 years and he fell on the road and he was taken to Kottayam Medical College hospital and he succumbed to injuries on 23.11.2018 at 09.00 p.m. The accused had then hit CW2- Shajan, V.J and he sustained injuries on his face and his lips and thereby the accused is alleged to have committed offences punishable under Section 279, 337, 304A IPC, Section 3(1)r/w181 of Motor Vehicles Act.

3. On submission of charge sheet by the investigating officer, cognizance was taken for the offences punishable u/ss. U/ss. 279, 337 & 304 (A) of Indian Penal Code, 3 (1) r/w 181 of Motor Vehicle Act against the accused and the case was taken on file as CC.167/2019. On issuance of summons the accused person

entered appearance. He was represented by a counsel who filed vakalath. He was enlarged on bail. Copies of relevant records of prosecution case were furnished to him and thereby mandate u/s.207 of Cr.PC was duly complied with. Particulars of offences punishable u/ss.U/ss. 279, 337 & 304 (A) of Indian Penal Code, 3 (1) r/w 181 of Motor Vehicle Act and it was read over to the accused person to which they pleaded not guilty and claimed to be tried.

4. From the side of the prosecution, thirteen witnesses were examined as PW1 to PW13. Exts.P1 to P14 were marked.

5. After the closure of prosecution evidence the accused was examined u/s.313(1)(b) Cr.Pc. for all incriminating circumstances appeared against him to which he denied and further submitted that he was falsely implicated in the case. From the side of defence one document Exts.D1 was marked.

6. Heard the learned Assistant Public Prosecutor and the learned counsel for the accused.

7. **The points that arise for determination are:-**

1.Whether accused driven KL- 27-H 6888 car on 23.11.2018 at 06.15 pm, in a rash or negligent manner so as to endanger human life and thereby committed offence punishable u/s 279 Indian Penal Code?

2. Whether the accused caused hurt to PW2 Shajan and deceased Binu by driving vehicle bearing number KL- 27-H 6888 in rash or negligent manner and thereby committed offence punishable u/s 337 Indian Penal Code?

3. Whether the rash or negligent driving of the accused resulted in the death of Binu and thereby he committed the offence punishable u/s 304 (A) of Indian Penal Code?

4. Whether the accused had driving license to drive and thereby committed offence punishable u/s 3(1) r/w 181 of M.V Act?

5. What is the order as to sentence, if any, to be passed against the accused?

8. Point No.1 to 4 :-In order to avoid repetition, all these points are considered together. The learned counsel for the accused had argued that the prosecution had not properly identified two other vehicles which were involved in the offence. He further argued that there was delay of three days in lodging the complaint which was not properly explained by the prosecution. He further argued that, the scene mahazer was also not properly prepared and it was not properly sent to the court on time. He further argued that neither the tyre mark at the place of occurrence was mentioned and if it would have been properly mentioned, it would have been easy for the Investigating Officer to locate the vehicle which was actually involved in the alleged offence. He further argued that there were inconsistencies in the version of the injured witness PW2- Shajan mon with that of PW3- Muhthaq and the Investigating Officer had not properly explained why there occurred a delay in lodging the First Information Report all these cast doubt in the version of the prosecution case and the prosecution had failed to prove the essential ingredients of the offence alleged against the accused. Hence, the accused is to be acquitted for the offence alleged against him.

9. Per contra, the learned APP submitted that the prosecution had by oral evidence of PW1 to PW3 and the medical evidence had proved that the injury sustained to the deceased was due to the road traffic accident and also the witnesses had deposed that it was due to the rash and negligent driving of the accused which resulted in the accident. Hence, the accused is to be convicted for the offence alleged against him.

10. PW1- Mithun deposed in examination-in-chief that he had witnessed the alleged incident. He deposed that on 23.11.2018 in between 06.30 and 07.00 p.m. the incident happened near Kidangara Bazar. He deposed that he knows the deceased Binu. He further deposed that, after having his food and he tried to cross the road for buying a mineral water, then an R15 bike bearing registration number KL-27H-6888 came from east to west and it was driven in a high speed and it collided with the deceased Binu. He further deposed that the deceased fell into the road and he fell in between an autorikshaw. He deposed that it was due to the high speed, negligence and rash driving of the person who had driven the motorcycle which resulted in the accident and regarding the incident he had given Ext. P1 First Information Statement before police. He deposed that, he could identify the person who had driven the motorcycle.

11. He deposed that on the alleged incident, he along with his friends were returning after having a trip to Vagamon. The incident happened at Kidangara Bridge. He was then asked that, from Kidangara Bridge the incident happened at

what distance to which he deposed that he couldn't remember the exact distance. He deposed that the incident happened at a place on the left side when going from eastern side to western side. He deposed that when Binu tried to cross the road and he was at the middle of the road and at that time the incident happened. Then he admitted that in the accident, two to three vehicles were involved. He then deposed that he couldn't remember whether a tempo traveller was involved in the incident and it is also deposed by him that he couldn't remember whether he had stated to the police that there was a tempo traveller. Then he deposed that the tempo traveller was moving from west to east. He then deposed that he had stated to police that after the collision, the tempo traveller also collided. He deposed that, after the collision the tempo traveller had stopped there. He deposed that he had not identified the person who had driven the tempo traveller. He deposed that he was trying to take his friend to hospital. He deposed that he had not identified the driver who had driven the autorikshaw and its number was also not noticed by him and he deposed that the motorcycle was driven by single person. He deposed that he had stated to police that he had not witnessed the person who had driven the motorcycle. He deposed that he had given statement to police on 23.11.2018 and then a suggestion was put to him that he had not witnessed the alleged incident and was falsely deposing before the court to which he denied the same. From his evidence also it is seen that two other vehicles were also involved in the alleged accident and he had not identified the persons who had driven the tempo traveller

and the autorikshaw and he could not notice their number. He deposed that the motorcycle in which the accused was travelling was driven by him alone. He deposed that the deceased when tried to cross the road and when he reached the middle portion of the road the incident occurred and he couldn't remember the exact distance. Hence, from his evidence it is seen that even though he deposed that the vehicle was driven in a high speed and he couldn't remember the registration number, but he didn't depose that by at what exact place the incident occurred and he deposed that the presence of two other vehicles was also there. All these casts doubt in the version of PW1. Hence his evidence needs corroboration.

12. PW2 – Shajan Mon deposed in examination-in-chief that he had sustained injury in the alleged road traffic accident which occurred at Kidangara. He went for purchasing gum at the evening and then the accident occurred and he couldn't remember the number of the vehicle and the vehicle was driven in a high speed and he had not witnessed the person who had driven the vehicle as he had adorned helmet. He had not given statement to police that he could identify the person who had driven the vehicle. He deposed that two persons were in the motorcycle and the person who was the pillion rider was having an age around 30 years.

13. Hence, from his evidence, it is seen that he had not witnessed the person, who had driven the vehicle, but he could identify that two persons were in the motorcycle which was against the version of PW1- Midhun. Hence, it is seen that the version of PW1 was not corroborated as it is inconsistent with the version of

PW1- Midhun. Even though he deposed that the motorcycle was driven in a high speed, but by whom it was driven had not come out. Hence his evidence is not helpful to prosecution.

14. PW3- Muhtaq deposed in examination-in-chief that the deceased Binu was his friend. He deposed that on 23.11.2018, he along with other friends had stopped at Kidangara for having dinner and there were four persons and they were coming from the eastern side and the deceased went to buy water and when he was crossing the road, a bike had come there in a high speed and hit him and Binu fell towards the opposite side and then an auto came and collided with him and there two other persons were also standing there, who were also collided and a tempo traveller also came therein which also collided and the person who had driven the motorcycle also fell down and the deceased was taken to Changanasery Hospital and then to Kottayam Medical College hospital and therein he succumbed to the injuries. He deposed that, it was due to the over speed and negligent driving of the bike rider, the incident occurred and the number of the bike was KL-27 H-6888 and he could identify the person who had driven the motorcycle.

15. During cross-examination he deposed that from the Kidangara bridge, for about three to four kilometer on the left side the incident occurred. He deposed that he doesn't remember the number of the motorcycle of his friend and he couldn't remember the registration number of the tempo traveller and the autorikshaw and he was standing on the northern side of the road. He had witnessed the auto driver

and the tempo driver. He had given their descriptions to the police officer also and the tempo traveller had sustained damages in the alleged incident. He deposed that his statement was recorded on that night itself. He then also deposed that the motor cycle was driven in a high speed. He deposed that from the Kidangara bridge towards northern side there was another road and he hasn't witnessed any vehicle coming from the northern side of that bridge. He deposed that from the place of occurrence, three injured persons were taken to hospital and he had given statement regarding the same to the police. He also given statement to police that how they sustained injuries and what injuries those patients also sustained. He was then put a suggestion that whether he had witnessed the "L" board in the motorcycle to which he deposed that he doesn't saw the same. The incident happened in between 06.15 and 06.30 p.m. Then another suggestion was also put to him that at that time there was darkness to which he deposed that there was sufficient light. He deposed that he had not identified the vehicle after the alleged incident. Then a suggestion was put to him that he was falsely deposing before court to which he denied the same.

16. Hence from his evidence it is seen that according to him two other persons also sustained injuries and they were also taken to the hospital and he had stated the same to the Investigating Officer regarding their injuries and according to him the bike was ridden in a high speed and he had identified the accused which was inconsistent with the version of PW2- Shajan mon who stated that the accused

wore helmet. But according to him the accused was not wearing helmet and also he also stated deposed not in tune with PW2 Shajan mon. According to him only the accused was driving the vehicle. But according to PW2 two persons were in the motorcycle and he couldn't remember the number of his friend's vehicle and he could easily remember the number of motorcycles which was involved in the accident, which according to him, he had not witnessed thereafter and no reason was stated for the same. According to him, he had given statement on the same day itself. Hence, his version is seen as not inconsistent with that of PW1- Midhun and it is against the version of PW2. Hence, his evidence is not helpful to prosecution and it does not corroborate the version of PW1.

17. PW4- Babu Varghese has deposed that he had not witnessed the alleged incident nor he gave any statement to police. Hence, his evidence is not helpful to prosecution.

18. PW5- Unnikrishnan deposed that he had produced the RC book and other relevant records of the vehicle to the Investigating Officer and he had witnessed the preparation of Ext. P2 seizure mahazar by the Investigating Officer.

19. During cross-examination, he deposed that if he had not handed over the license of the RC owner to the Investigating Officer and he was authorized by Ashok Kumar, to produce the records to the Investigating Officer and from his evidence it is seen that even though he had produced the records, he is not the RC owner and the license of the RC owner was not produced by him. Hence his

evidence alone will not incriminate the accused and it does not corroborate the version of PW1.

20. PW6 Santhosh Joy deposed in examination-in-chief that on 24.11.2018 while he was working as Assistant Professor and Assistant Police Surgeon at Medical College hospital Kottayam, he had conducted autopsy on the body of male Binu aged 21 years involved in road traffic accident and he had issued the post mortem certificate Ext. P3. He had opined that the injuries as to the cause of death was due to the injuries sustained to head, chest and abdomen and the injuries could be caused in a road traffic accident.

21. From his evidence and Ext. P3 it is seen that the deceased had sustained fatal injuries from the road traffic accident. But from which vehicle he had sustained those fatal injuries were not brought out from his evidence and hence it does not corroborate the version of PW1.

22. PW7- Dr. Linto T Mathew deposed in examination-in-chief that on 23.11.2018 while he was working as Senior Resident at Government Medical College Hospital, Kottayam, at 07.23 p.m. he had examined a patient named Shajan aged 23 years male with alleged history of road traffic accident while he was standing on the side of the road at 06.00 p.m. on 23.11.2018 at Kidangara and he was conscious, no history of vomiting and he had complained of chest pain. On examination, patient was conscious and oriented. Injuries are lacerated wound 3x0.5x0.1cm to left eyebrow, 2x1x0.2cm above left eyebrow, 3x0.5x0.1cm towards

left of nose, 0.5x0.5x0.5 towards left of mouth, aberration 1x1cm on forehead, aberration 0.5 x0.5 cm on the right elbow, left hand and X-ray showed no fracture and regarding that he had issued Ext.P4 wound certificate and the opinion regarding the injury could be as alleged. He also deposed that he had examined Binu, male aged 21 years with alleged history of road traffic accident. The patient lost consciousness after he was hit by the bike. No history of injuries. The injuries were on the pupil of his eye's, chest, and his abdomen was disoriented and dense. External injuries were lacerated wound 2x1cm at occipital area, lacerated wound 4x1. 5cm above ankle, lacerated wound 2x1x1cm with fracture, different abrasion and contusion over abdominal wall. The patient was not fully oriented and conscious and Blood Pressure was not recovered. Reviewable opinion could be as alleged and he had issued Ext.P5 wound certificate and he had issued Ext.P6 discharge certificate of Shajan.

23. During cross-examination, he deposed that in Ext. P4 and Ext. P5 wound certificate, the seal was not impressed therein. He also admitted that there was no date also in Ext. P4 and Ext. P5. He then deposed that date 24.11.2018 was mentioned therein. This date shows the date of preparation of the wound certificate.

24. From his evidence it is seen that he had examined two persons on the same day and had issued Ext. P4 and Ext. P5 wound certificate. But the prosecution failed to examine the person who was also injured along with the deceased and

from his opinion that from a road accident such injuries could be caused to the deceased. But by the act of the accused, such injuries could be caused, was not came out. Hence, his evidence will not assist PW1's evidence. Hence, his evidence is not helpful to prosecution.

25. PW8- Binu deposed in examination-in-chief that on 27.11.2018 while he was working as Motor Vehicle Inspector at Sub Regional Transport Office, Kuttanad, he had inspected the Motor Vehicle bearing registration number KL-27H-6888. He had prepared the inspection report and it bears his signature and seal. The damages noted are right hand side headlight was broken, right hand side of the headligh faring was broken, front right head side indicator broken, right hand side front under cowl broken, right head side of the engine guard broken, right hand side of wind mirror broken, the brake system was found deficient, there was no mechanical defects and he had issued Ext.P7 certificate regarding the same.

26. During cross examination he deposed that he received a letter from the Investigating Officer and his statement was not recorded by the Investigating Officer and he had inspected the vehicle after four days of the alleged incident. He had inspected the vehicle at the premises of Ramankary Police Station. He deposed that he doesn't know whether the pillion rider sustained injury in the alleged incident and he also doesn't know whether the pillion rider is having any sufficient license. He doesn't remember whether the vehicle is having any "L"-board. Then a

suggestion was put to him that the vehicle is having “L”-board and he had not properly verified the same to which he denied the same.

27. From his evidence it is seen that even though he had noted several damages of the motorcycle which was alleged to be involved in the alleged incident. But he deposes that he doesn't know whether the vehicle was driven by two persons or not and also he couldn't notice whether the vehicle is having any mechanical problem or not and there were several damages to the vehicle. Whether those damages could be caused in the accident or not, when two other vehicles were also involved and it was not seized by the Investigating Officer and inspected by him, when it is deposed by the witnesses that two other vehicles were also involved, hence the alleged accident cannot be inflicted upon the vehicle which was inspected by the Motor Vehicle Inspector and this evidence also will not assist the prosecution.

28. PW9, Jolly Antony deposed an examination in chief that, on 24.11.2018 while he was working as Sub Inspector of police at Ramankary police station, PW1- Amidhun appeared before the police station and given Ext. P1 First Information Statement and based on that he had registered Ext. P8 First Information Report and thereafter he had conducted the inquest report Ext. P9 upon the body of Binu and thereafter his post mortem certificate was obtained and thereafter he went to the place of occurrence and prepared Ext. P9. Inquest Report and thereafter the vehicle was seized as per seizure mahazar and thereafter issued notice to the owner of the vehicle and CW11- Unnikrishnan had submitted the

documents of the vehicle which was also seized as per Ext P2 seizure mahazar and thereafter accused was arrested and released on Ext. P11 bail bond and thereafter submitted report showing the name and address of the accused and the vehicle was released to the accused. The vehicle was released to the RC owner as per Ext. P13 kacheet. Thereafter submitted Death Certificate of CW15 and also the wound certificate of the witnesses and thereafter concluded investigation and submitted charge sheet before court.

29. During cross-examination, he admitted that for the incident which happened on 23.11.2018 at 06.15 p.m ., they got information at 03.00 p.m. on 24.11.2018. The First Information Report was submitted before the court on 26.11.2018 and no reason was shown in the column number 8 of First Information report for the delay in lodging the First Information Statement and submitting First Information Report before the court. He then admitted that in the road traffic accident, another autorikshaw was also involved, but there was no tempo traveller and he had not investigated who had driven the autorikshaw and no other motorcycle was involved in the alleged incident. He admitted that the place of occurrence was on the northern side of the tar road at about 1.05 meters towards south. He admitted that in that region the pedestrian need not stand there. He deposed that in the motorcycle only the accused was driving. He admitted that the license of the accused was not seized. He then denied a suggestion that there was also a pillion rider. Then he was put an omission in the statement of PW1- Midhun that whether

he had given statement that he could identify the person who had driven the motorcycle to which he answered that PW1 had stated that he could identify the person. But it was not seen in the statement of PW1. He deposed that further investigation was conducted in the case.

30. Hence from his evidence it is seen that there were several omissions and inconsistencies in the version of PW1 and other witnesses. As according to him only the accused had driven the motorcycle. But according to some witnesses there were two persons in the bike and he also admitted that another autorickshaw was also involved which was not investigated by him. According to other witnesses, autorickshaw and tempo traveller were also involved and it was also not seized and inspected. So it is seen that by which vehicle the incident had occurred was not clearly established by the prosecution. Hence, his evidence is also not helpful to prosecution.

31. PW10 - Ravi Sankar deposed in examination in chief that on 18.05.2022 while he was working as Inspector of Police at Ramakary Police Station, he had obtained permission from Hon'ble Judicial First Class Magistrate Court, Ramankary for conducting further investigation and he had conducted further investigation and submitted Ext. P14 further investigation report before court and thereafter he had recorded the statement of other additional witnesses and had verified the charge sheet submitted by PW9 and thereafter submitted charge sheet before the court.

32. During cross-examination, he deposed that he had interrogated CW15, the vehicle inspector, but the said fact was not mentioned in the charge sheet. Then another question was put to him that whether he had interrogated CW17 to which he answered that he had investigated and interrogated CW17. He categorically denied that in the road traffic accident, no autoricksh and traveller was involved. He deposed that he had not identified the witnesses with the driver of the tempo traveller and after the accident the motorcycle fell to a person who was standing at adjacent shop by name Shajan and then he fell down in the tar road and before that Binu was also hit by the motorcycle. But the tempo traveller was not involved in the accident and he had not investigated the same. He also deposed that only the accused had driven the motorcycle. He deposed that two persons had sustained injury in the road traffic accident. He deposed that there was no L – board impressed in the motorcycle. Ext. D1 learner's license was shown to him and he admitted the same. He made another suggestion that at the place of occurrence there was an L-board in the vehicle. He also denied another version that there was a pillion rider in the motorbike.

33. Hence from his evidence it is seen that there were several discrepancies in the version of PW1- Midhun and other witnesses as according to him there was only a motorcycle which was involved in the alleged incident and no involvement of any tempo traveller and autorikshaw and the motorcycle was driven by only the

accused person and so these are inconsistent with the version of the material witnesses and hence the evidence is not helpful to prosecution.

34. PW11- Madhu deposed in an examination-in-chief that he had witnessed the preparation of the inquest of deceased and even though he had witnessed the same, it will not incriminate the accused for the offences alleged against him.

35. PW12- Saralanandan turned hostile towards the prosecution by deposing that he had not witnessed the road traffic accident nor he gave any statement before police and he was not falsely deposing before the court and such evidence is not helpful to prosecution.

36. PW13- Arjun deposed in examination-in-chief that he had witnessed the preparation of Ext. P9 inquest report.

37. From his evidence also, it is not proved that the accused was involved in the road traffic accident.

38. Hon'ble Apex Court in Ravi Kapur v. State of Rajasthan reported in AIR 2012 SC 2986 wherein Hon'ble Apex Court held that , whether there exists negligence or the course of conduct, amounts to negligent will normally depend upon the attending and surrounding facts and circumstances which have to be taken into consideration by the court. The court has to adopt another parameter ie,. reasonable care in determining the question of negligence or contributory negligence. The doctrine of reasonable care imposes an obligation or duty upon a person i.e. driver to care for the pedestrian on the road, and this duty attains a

higher degree when the pedestrian happens to be of tender age. The other principle that is presided by the courts in such cases is the doctrine of *res ipsa loquitur*. This doctrine serves two purposes. One that an accident may by its nature be more consistent with its being caused by negligence, for which the opposite party is responsible than by any other causes and that in such a case the mere fact of the accident is *prima facie* evidence of such negligence. Secondly, it is to avoid hardship in cases where the claimant is able to prove the accident but cannot prove how the accident occurred. The court have also applied the principle of *res ipsa loquitur* in cases where no direct evidence was brought on record. Two elements or both of which may be proved to establish the guilt of an accused are rashness or negligence. A person may cause death by rash or negligent act which may have nothing to do with driving at all. Negligent and rashness to be punishable in terms of 304A of IPC must be attributable to a state of mind wherein the criminality arises because of no error in judgment but of a deliberation in the mind risking the crime as Whereas the life of the person who may lose his life as a result of crime. Section 304A of IPC discloses that criminality may be that apart from any *mens rea*. There may be no motive or intention still a person may venture or practice such rashness or negligence which may cause the death of other. The death so caused is not the determining factor. Reckless means that it would have been apparent to him that there was a real risk of it having. The relevant harmful consequences. But granted, this recklessness covers a whole range of state of mind,

from failing to give any thought at all to whether or not there is any risk of those harmful consequences, to recognizing the existence of the risk and nevertheless decoding, deciding or deciding to ignore it. Criminal negligence is the failure to exercise duty with reasonable and proper care and precaution, guarding against injury to the public generally or to any individual in particular. It is the imperative duty of the driver of a vehicle to adopt such reasonable and proper care and precaution.

39. In the light of the above decision of Apex Court, it cannot be proved that the accident can be gathered from the attended circumstances. When it is admitted by the witnesses that there was presence of two other vehicles, that is one tempo traveller and an autorikshaw, and was not properly investigated by the Investigating Officer. It may be noticed that either the accident must be proved by proper and cogent evidence or it should be an admitted fact before the principle of *res ipsa loquitur* is applicable. The doctrine comes to aid at a subsequent stage, where it is not clear as to how and due to whose negligence the accident occurred. The factum of accident having been established, the Court will, with the aid of proper evidence, may take assistance of attended circumstances and apply the doctrine of *res ipsa loquitur*. Here, the said doctrine cannot be applied since it is not proved by proper evidence that the alleged vehicle alone was involved in the accident. The mere fact of occurrence of an accident does not necessarily imply that it must be owned to someone's negligence. Even the circumstantial evidence

cannot come to aid to prove that the accused was negligent. When it is not come out in evidence that the vehicle which was driven by the accused was involved in the accident, when two other vehicles were also admitted to be present therein by the witnesses and it is admitted by the Investigating Officer that one vehicle an Autorikshaw was involved, but he had not properly investigated the involvement of the same in the crime. Hence the prosecution failed to prove the essential ingredient of offence alleged against the accused by cogent and reliable evidence. Hence the accused is entitled to get the benefit of reasonable doubt. And so the offence alleged cannot be attributed towards him. These points are found against the prosecution.

40. The learned APP is fair enough to concede that the available materials on record are not sufficient to bring home the guilt of the accused. From the materials submitted by the prosecution and oral evidence of the witnesses, I find that the prosecution had miserably failed to establish the offences alleged against the accused. Hence, these points are found against the prosecution.

41. Point No.5:-From point no.1 to 4, it is found that the accused had not committed the offences alleged against him and hence he is not found guilty of offence punishable u/s. U/ss. 279, 337, & 304 (A) of Indian Penal Code, 3 (1) r/w 181 of Motor Vehicle Act alleged against him. Hence, he is acquitted for the aforesaid offence u/s.255(1) of Cr.PC. The bail bond of accused stands cancelled and he is set at liberty.

42. No property is produced in this case.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open Court on this the 24th day of January, 2026

sd/-
Judicial First Class Magistrate

APPENDIX

Rank	WITNESSES FOR PROSECUTION:-	Whether Eye witness, Police witness, Expert witness, Medical witness,
PW1	Midhun	Eye witness, Informant
PW2	Shajan Mon	Eye witness, injured
PW3	Muhthaq	Eye witness
PW4	Babu	Mahazer witness
PW5	Unnikrishnan	Mahazer Witness
PW6	Dr. Santhosh Joy	Medical witness
PW7	Dr. Linto T Mathew	Medical witness
PW8	Binukuttan Pillai	Police witness
PW9	Jolly Antony	Police witness
PW10	Ravi Sankar (Additional witness)	Police witness
PW11	Madhu	Mahazer witness
PW12	Saralanandan	Eye witness
PW13	Arjun	Mahazer witness

Exhibits for the prosecution:-

- P1. First Information Statement dated 24.11.2018 proved through PW1 on 17.10.2024.
- P2. Record mahazer dated 27.11.2018 proved through PW 6 on 30.01.2025.
- P3. Postmortem certificate dated 24.11.2018 proved through PW6 on 30.01.2025.
- P4. Wound certificate dated 23.11.2018 proved through PW7 on 13.03.2025.
- P5. Wound certificate dated 23.11.2018 proved through PW7 on 13.03.2025.
- P6. Discharge certificate dated 23.11.2018 proved through PW7 on 13.03.2025.

- P7. Report from Vehicle Inspector dated 27.11.2018 proved through PW8 on 22.05.2025.
- P8. First Information Report dated 24.11.2018 proved through PW9 on 16.06.2025.
- P9. Inquest report dated 24.11.2018 proved through PW9 on 16.06.2025.
- P10. Scene mahazer dated 24.11.2018 proved through PW9 on 16.06.2025.
- P11. Bail Bond dated 10.12.2018 proved through PW9 on 16.06.2025.
- P12. Address Report dated 10.12.2018 proved through PW9 on 16.06.2025.
- P13. Third party kacheet dated 10.12.2018 proved through PW9 on 16.06.2025
- P14. Report dated 18.05.2022 proved through PW10 on 16.09.2025.

Witnesses for the defence:-Nil

Exhibits for the defence:-

- D1. Learners License proved through PW10 on 19.06.2025.

sd/-

Judicial First Class Magistrate