



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

TUESDAY, THE 16TH DAY OF SEPTEMBER 2025 / 25TH BHADRA, 1947

CRL.REV.PET NO. 1070 OF 2019

AGAINST THE ORDER DATED 31.8.2019 IN SC NO.988 OF 2017
OF ADDITIONAL SESSIONS COURT, KOZHIKODE

REVISION PETITIONER/ACCUSED:

RAJAN V.K., AGED 51 YEARS,
S/O.KUNHAPPU,MUDAKKANIRATH, OLARINTHU,
KOOOTHUPARAMBA, NOW RESIDING AT PARVATHI NILAYAM,
MANGATTIDAM P.O., KOOOTHUPARAMBA.

BY ADVS. SHRI.NIRMAL.S
SMT.VEENA HARI

RESPONDENT/COMPLAINANT:

1 STATE OF KERALA
REP.BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM-682031, REP.BY SUB INSPECTOR OF
POLICE, CITY TRAFFIC-POLICE STATION, CRIME
NO.3502/2016.

*ADDL R2 KARUNAKARAN, ANJANAM HOUSE, NADUVANOOR P.O.,
KOYILANDI ROAD, KOZHIKODE.
*(IMPLEADED AS PER ORDER DATED 05.10.2023 IN
CRL.M.A. 2/21).

BY ADV SRI.SHARAN SHAHIER
SRI.E.C.BINEESH-SR.PP

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 16.09.2025, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:



ORDER

The petitioner faced trial for the offences punishable under Section 304 of IPC and Section 134(a)(b) read with Section 187 of the Motor Vehicles Act.

2. The prosecution case in short is that on 7.12.2016 at 1.20 pm, the petitioner drove a bus bearing No.KL-58-R-711 in a high speed and hit against the motor cycle driven by one Mr. Arjun Karun causing him serious injuries and later he succumbed to the injuries. The prosecution allegation is that the petitioner had the intention and knowledge that by driving the bus in such a manner, he may cause death of others.

3. The petitioner appeared before the trial court and pleaded not guilty. Thereafter, he filed an application for discharge before the trial court. The trial court as per the impugned order dismissed the said application. It is challenging the said order this revision petition has been filed.

4. I have heard Smt. Veena Hari, the learned counsel for the petitioner, Sri. Sharan Shahier, the learned counsel for the respondent No.2 and Sri. Sangeetha Raj N.R, the learned Public Prosecutor.

5. The learned counsel for the petitioner submitted



that even if the entire allegations in the final report is believed in its entirety, no offence under Section 304 of the IPC is made out and hence, the trial court went wrong in dismissing the application for discharge. On the other hand, the learned counsel for the 2nd respondent and the learned Prosecutor submitted that there are prima facie materials on record to show that the petitioner drove the vehicle with the knowledge that by such driving, he may cause death to others and hence the ingredients of Section 304 of IPC had been attracted.

Inviting my attention to Annexure A1 copy of the FIR and Annexure A2 final report, the learned counsel for the revision petitioner highlighted that the case projected by the prosecution in the FIR and in the final report are totally contradictory. The allegation in the FIR is that, the bus as well as the bike were coming in opposite direction and there was a collusion. However, in the final report the case is that the bus and the motor cycle were proceeding in the same direction. The FIR was registered based on the statement given by the uncle of the deceased who was not an eye witness. Therefore, the said contradiction cannot be a ground to disbelieve the prosecution case. It is true that this is a case of accident. However, the question whether the petitioner drove the vehicle in a rash and negligent manner with



the knowledge or intention that such driving may cause death of a person is a matter to be decided at the time of trial. At this juncture, it cannot be prejudged whether there was intention or knowledge. Hence, I see no reason to interfere with the impugned order. Accordingly, the revision petition is dismissed, with liberty to the petitioner to take up all the contentions during trial. The trial court shall dispose of the case untrammelled by any of the observations made in this order.

sd/-

DR. KAUSER EDAPPAGATH

JUDGE

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APPENDIX OF CRL.REV.PET 1070/2019

PETITIONER ANNEXURES

ANNEXURE A1	TRUE COPY OF THE FIR NO.3502/2016 DATED 17/12/2016.
Annexure A2	The copy of the judgment in C.C. No. 866/2012 on the file of JFCM, Koyilandy