



2025:KER:43245

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

WEDNESDAY, THE 11TH DAY OF JUNE 2025 / 21ST JYAISHTA, 1947

CRL.MC NO. 314 OF 2025

CRIME NO.690/2023 OF Anthikad Police Station, Thrissur

AGAINST THE ORDER/JUDGMENT DATED IN CC NO.483 OF 2024
OF JUDICIAL MAGISTRATE OF FIRST CLASS -II,THRISSUR

PETITIONER:

NOORMIDA,
AGED 36 YEARS
W/O. ANWAR,PALAKKAL HOUSE,AZHEEKKODE DESOM,
KODUNGALLOOR,THRISSUR, PIN - 680666

BY ADVS.
SRI.K.K.DHEERENDRAKRISHNAN
SMT.N.P.ASHA

RESPONDENT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA, PIN - 682031

OTHER PRESENT:

SR.PP.PUSHPALATHA M.K.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07.02.2025, THE COURT ON 11.06.2025 PASSED THE
FOLLOWING:



2025:KER:43245

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V.G.ARUN, J

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Crl.M.C.No.314 of 2025

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Dated this the 11th day of June, 2025**ORDER**

The petitioner is the 1st accused in Crime No.690 of 2023 of Anthikkad Police Station, now pending as C.C.No.483 of 2024 on the files of the Judicial First Class Magistrate Court-II, Thrissur, wherein the petitioner is facing the charge for the offence under Section 304A read with 34 of IPC. The circumstances leading to the registration of the crime are as under;

Based on the estimate prepared by the LSGD Assistant Engineer of Manalur Grama Panchayat/3rd accused, the contract for carrying out the tress work over the roof of the Manalur Family Health Centre was awarded to the petitioner. The petitioner in turn, entrusted the plumbing works on sub-contract to the 2nd accused. While the 2nd accused and his



2025:KER:43245

workers were carrying out the plumbing works on the roof top, at about 10:30 am on 10.06.2023, one of the workers, named Akhil, accidentally touched the 11KV line passing in close proximity to the building, suffered electric shock and died after falling from the building.

2. According to the learned counsel for the petitioner, even if the prosecution allegations are accepted in their entirety, the offence under Section 304A will not be attracted, since the plumbing work was given on sub-contract to the 2nd accused and the deceased was one of his workers. Moreover, the accident occurred when the deceased accidentally touched the live electric wire, which is not the result of any rash or negligent act on the petitioner's part.

3. Learned Public Prosecutor submitted that the 3rd accused had prepared the estimate and plan without obtaining proper approval and by accepting the contract and carrying out the work without considering the proximity of the electric lines and taking requisite measures, the petitioner had contributed to the accident.



2025:KER:43245

4. Indisputably, the tress work was awarded to the petitioner following the prescribed procedure and the petitioner gave the plumbing works on sub-contract to the 2nd accused. There is no dispute also to the fact that deceased Akhil was working under the 2nd accused. The question therefore is whether, on the admitted facts, the petitioner can be attributed with any rashness or negligence, so as to implicate him for the offence punishable under Section 304A of IPC, which reads as follows;

“304A-Causing death by negligence- Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”

5. The criminality as far as rash acts are concerned, lies in running the risk of doing such an act with recklessness or indifference as to the consequences. Criminal negligence occurs when there is gross and culpable neglect or failure to exercise the required care and precaution to guard against injury, either to the public generally or to an individual in



2025:KER:43245

particular, which, having regard to all the circumstances, was the imperative duty of the accused person to have adopted. In other words, negligence is the omission to do something which a reasonable man, guided upon the considerations which ordinarily regulate the conduct of human affairs, would do, or, the doing of something which a prudent and reasonable man would not do. Further, in order to attract the offence under Section 304A, the death must be the direct or proximate result of the rash or negligent act of the accused.

6. In the case at hand, the connecting link between the death and the petitioner is the entrustment of the tress work to the petitioner. The petitioner cannot be attributed with criminality in taking up the work, since the harm involved, due to the passing of live electric wires, adjacent to the building was not foreseeable. The unfortunate incident occurred when the worker stretched his hand while fixing the reducing coupling, as part of the plumbing work, and accidentally touched the live wire. In such circumstances, the petitioner cannot be attributed with either rashness or negligence.



2025:KER:43245

For the aforementioned reasons, the Crl.M.C is allowed. Annexure-II final report in Crime No.690 of 2023 of Anthikkad Police Station and all further proceedings, as against the petitioner, in C.C.No.483 of 2024 on the files of the Judicial First Class Magistrate Court-II, Thrissur, are quashed.

sd/-

V.G.ARUN, JUDGE

sj



2025:KER:43245

APPENDIX OF CRL.MC 314/2025

PETITIONER ANNEXURES

Annexure-I	TRUE COPY OF THE FIR ALONG WITH FIS IN CRIME NO. 690/2023 OF ANTHIKKAD POLICE STATION
Annexure-II	CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 690/2023 OF ANTHIKKAD POLICE STATION