



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE JOBIN SEBASTIAN

MONDAY, THE 8TH DAY OF JUNE 2026 / 18TH JYAISHTA, 1948

CRL.REV.PET NO. 1046 OF 2025

CRIME NO.1338/2020 OF Palluruthy Police Station, Ernakulam

AGAINST THE ORDER DATED IN CRMP 5039/2023 IN SC
NO.60 OF 2022 OF SPECIAL C IDAMALAYAR INVN & 5 ADDITIONAL
DISTRICT COURT/RENT CONTROL APPELLATE AUTHORITY,
ERNAKULAM/ II ADDITIONAL MACT, EKM

REVISION PETITIONERS:

RAJESH.R
AGED 32 YEARS
S/O RAJAMANI, HOUSE NO 732(26/733A) ,KUDUMBI
COLONY, ALAPPUZHA MUNICIPALITY, NEAR THIRUVAMBADI
TEMPLE, ALAPPUZHA-688 002; NOW RESIDING AT
PONNARATH PARAMBU, ILLATHL NAGAR, PALLURUTHY ,
ERNAKULAM DISTRICT, PIN - 682006

BY ADVS.
SRI.K.S.DHANESH KUMAR
SMT.ANJANA SANJAY

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR HON'BLE HIGH
COURT OF KERALA AT ERNAKULAM, PIN - 682031
- 2 STATION HOUSE OFFICER
PALLURUTHY POLICE STATION, ERNAKULAM DISTRICT,
PIN - 682006



**THIS CRIMINAL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 08.06.2026, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**

**“CR”****ORDER****(Dated this the 08th day of June, 2026)**

The petitioner is the sole accused in S.C. No. 60 of 2022 on the file of the Additional Sessions Court-V, Ernakulam, charged with offences punishable under Sections 323, 506, and 302 of the Indian Penal Code. This petition has been filed under Sections 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, challenging Ext. P1 order whereby the petitioner's application under Section 227 of the Code of Criminal Procedure has been dismissed.

2. The prosecution case, in brief, is that on 25.10.2020 at about 7:15 p.m., the petitioner and the de facto complainant's mother engaged in a quarrel over a dispute relating to the dumping of waste into the drainage in front of the petitioner's residence. During the course of the said quarrel, it is alleged that the accused criminally intimidated the de facto complainant's mother and pushed her to the ground, as a result of which she suffered a cardiac arrest leading to her death. Thus, the accused are alleged to have committed the aforementioned offences.

3. Heard the learned counsel appearing for the



petitioner as well as the learned Public Prosecutor.

4. The main contention raised by the learned counsel for the revision petitioner, both before the learned Sessions Judge and before this Court, is that the ingredients to attract an offence under Section 304 IPC are not made out in the present case. It is submitted that the overt acts attributed to the accused are trivial in nature, and there is nothing to indicate the presence of the requisite mens rea to constitute the offence of culpable homicide not amounting to murder. According to the learned counsel, the allegation that the accused pushed the de facto complainant's mother is itself false. Moreover, even if the said allegation is taken at its face value, the said acts would at best constitute an offence of voluntarily causing simple hurt. According to the counsel, the post-mortem report also prima facie indicates that the deceased died due to cardiac arrest.

5. In this context, the crucial document to be considered is the autopsy report, which notes the following injuries:

- (i) Contusion measuring 1.8 x 1.5 x 0.1 cm seen on the inner aspect of the right arm, 10 cm above the elbow, appearing fresh.*
- (ii) Healing wound measuring 6 x 0.3 cm, oblique*



in nature, on the front of the right forearm, with its upper inner end 12 cm below the elbow, with areas of hypopigmentation and black scab at places.

6. As pointed out by the learned counsel for the petitioner, the postmortem certificate records the opinion that the cause of death is cardiac failure. However, certain ante-mortem injuries are also noted in the autopsy examination report.

7. Now it is apposite to refer to Section 299 of the Indian Penal Code, which defines culpable homicide. As per Section 299 IPC, whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

8. Explanation 1 to Section 299 further clarifies that a person who causes bodily injury to another who is labouring under a disorder, disease, or bodily infirmity, and thereby accelerates the death of that other, shall be deemed to have caused his death. Notably, in explanation 1, it is not mentioned that the person who caused the bodily injury in the circumstances mentioned in the said explanation shall be



deemed to have caused culpable homicide. So, the deeming is with respect to the cause of death and not with respect to culpability. Likewise, explanation 2 also provides a clarification on the question of death in cases wherein the deceased, to whom the injury was caused by the accused, could have recovered and the death could have been avoided if prompt and proper medical treatment had been given to him. Even in the said explanation, the culpability of the accused is not addressed; it merely clarifies the cause of death.

9. Homicide, in its generic sense, merely denotes the causing of death of a human being by another human being and does not, in every case, amount to murder or even culpable homicide not amounting to murder. Depending upon the facts and the mental element accompanying the act, the offence may fall within the lesser categories of voluntarily causing hurt or grievous hurt, or even causing death by rash or negligent act under Section 304A IPC. It is only when the act resulting in death is accompanied by the requisite *mens rea* namely, intention to cause death, intention to cause such bodily injury as is likely to cause death, or knowledge that the act is likely to cause death that the offence would fall within the ambit of culpable homicide under Section 299 IPC, and, in appropriate cases, amount to murder under Section 300 IPC.



10. Therefore, even if it is established that the death was caused by the act of the accused, an offence of culpable homicide would not be attracted automatically unless it is further established that the said act was committed with the requisite intention or knowledge. In any event, whether the act of the accused amounts to culpable homicide is a matter to be decided based on evidence at trial.

11. In the present case, there is a specific allegation that the accused pushed the deceased during the course of a quarrel. It is further alleged that the accused was aware of the deceased's cardiac condition. Although the accused disputes the allegation that he pushed the deceased, the truth of such contention can be determined only after an appreciation of the evidence. Likewise, the question as to whether the accused knew about the deceased's cardiac condition is also a matter of evidence. While considering an application under Section 227 of the Code of Criminal Procedure, the Court is not expected to conduct a mini-trial. At that stage, what is required to be considered is whether there are sufficient grounds to proceed against the accused. In the present case, I find no illegality or irregularity in the finding of the learned Additional Sessions Judge that there exist prima facie materials to proceed against the petitioner for the offences



alleged.

In the result, the revision petition fails and is accordingly dismissed.

Sd/-
JOBIN SEBASTIAN
JUDGE

AKH



APPENDIX OF CRL.REV.PET NO. 1046 OF 2025

PETITIONER ANNEXURES

Annexure A1	TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME 1338 OF 2020 DATED 25.10.2020
Annexure A2	TURE COPY OF THE FINAL REPORT IN CRIME 1338 OF 2020 DATED (NOT WRITTEN IN CHARGESHEET) FILED IN YEAR 2021
Annexure A3	CERTIFIED COPY OF THE ORDER OF HONB'LE ADDITIONAL DISTRICT AND SESSIONS COURT V, ERNAKULAM IN CRL.MP 5039 OF 2023 DATED 01.07.2025