Redacted by NyayVidhan: the name of the deceased child (paragraph 10) is withheld. Text otherwise as issued by the Supreme Court of India.

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.5231/2026
(@Petition for Special Leave to Appeal (Crl.) No.3586/2025)

PAULSON **Appellant(s)**

VERSUS

THE STATE OF KERALA & ORS. **Respondent(s)**

O R D E R

1. Leave granted.

2. This Appeal arises from the Judgment and Order passed by the High Court of Kerala dated 17th October, 2024, by which the Criminal Appeal preferred by the appellant came to be partly allowed.

3. It appears from the materials on record that the appellant was put to trial in the Court of the 3rd Additional Sessions Judge, Fast Track Court No. 1, Thrissur in Sessions Case No. 397 of 2006 for the offence punishable under Sections 304, 304A, 308, and 429 of the Indian Penal Code, 1860 (for short, "the IPC") respectively.

4. At the end of the trial, the Trial Court held the appellant guilty of the offence punishable under Sections 304A and 429 of the IPC respectively i.e. for rash and negligent driving.

Signature Not Verified
Digitally signed by VISHAL ANAND
Date: 2026.01.04 17:11:42 IST
Reason:

5. The Trial Court acquitted the appellant insofar as the offence punishable under Section 304 and Section 308 of the IPC respectively is concerned.

6. The trial court sentenced the appellant to undergo one year of rigorous imprisonment with fine of Rs.3,000/- for the offence punishable under Section 304A of the IPC and simple imprisonment for a period of two months for the offence punishable under Section 429 of the IPC.

7. The appellant, being dissatisfied with the Judgment and Order of conviction and sentence passed by the Trial Court, went in appeal before the High Court. The High Court partly allowed the appeal. While affirming the Judgment and Order of conviction passed by the Trial Court, the High Court reduced the sentence from one year rigorous imprisonment to simple imprisonment for three months and ordered compensation to be paid of Rs.1,00,000/-.

8. In such circumstances, referred to above, the appellant is here before us with the present appeal.

9. We heard the learned counsel appearing for the appellant and on the other hand, the learned counsel appearing for the State.

10. It appears from the materials on record that the accident occurred on 3rd May, 2001 at around 4:00 AM in the morning. The appellant was driving a private bus. There were many passengers travelling in the said bus. It appears that all of a sudden, an elephant walked across the road, and the bus rammed into the elephant. Many passengers suffered injuries,

whereas one five-year-old boy named , who was travelling along with his parents in the bus, suffered fatal injuries.

11. Having regard to the concurrent findings recorded by the two Courts below insofar as the accusation of rash and negligent driving is concerned, we are not inclined to disturb the same. However, keeping in mind the fact that the incident is of 2001, we believe that the ends of justice would be met if we reduce the sentence to the period already undergone. However, we enhance the compensation from Rs.1,00,000/- to Rs.2,00,000/- to be paid to the parents of the victim within a period of eight weeks from today.

12. With the aforesaid, this appeal stands disposed of.

13. Pending applications, if any, also stand disposed of.

.....J
(J.B. PARDIWALA)

.....J
(MANMOHAN)

NEW DELHI;
4TH NOVEMBER, 2026.

ITEM NO.35 COURT NO.6 SECTION II-D

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Crl.) No.3586/2025

[Arising out of impugned final judgment and order dated 17-10-2024 in CRLA No. 1636/2007 passed by the High Court of Kerala at Ernakulam]

PAULSON Petitioner(s)

VERSUS

THE STATE OF KERALA & ORS. Respondent(s)

Date : 04-11-2026 This petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s) :
Mr. Shinoj K. Narayanan, Adv.
Mr. K. Rajeev, AOR
Ms. Niveditha R Menon, Adv.
Mr. Aditya Verma, Adv.
Mr. Tarun Kumar, Adv.

For Respondent(s) :
Mr. Aljo K. Joseph- 2529, AOR
Mr. Sashwat Mishra, Adv.
Mr. Ajay M, Adv.

Mr. Mukesh Kumar Singh, Adv.
Mr. Chirayu Sharma, Adv.
Mr. Narendra Kumar Goyal, Adv.
Mr. Ankush Kumar, Adv.
For M/s.Mukesh Kumar Singh And Co.- 2589, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. **Leave granted.**
2. **This appeal stands disposed of, in terms of the signed order.**
3. **Pending applications, if any, also stand disposed of.**

(VISHAL ANAND) (POOJA SHARMA)
DEPUTY REGISTRAR COURT MASTER (NSH)
(Signed Order is placed on the file)