



**IN THE COURT OF JUDICIAL MAGISTRATE,CHEYJAR**

**Present: THIRU. K.R.BALAJI,B.A.B.L.,(HONS)**

**JUDICIAL MAGISTRATE,**

**CHEYJAR.**

Tuesday, This 26<sup>th</sup> day of May 2026 (Thiruvalluvar Aandu 2057)

(Parabhava Aandu Vaigaasi 12<sup>th</sup> Day)

**Calender Case No.91/2022**

**CNR NO. TNTM0F0008992022**

...

The State rep.by

The Inspector of police,

Dusi police Station,

Crime No.616 of 2021.

...Complainant

//Versus//

Nandhakumar, Aged 54/2026,

S/o. Chinnasamy,

No.10B, Ananthajothi Street,

Adhi Sankara Nagar,

Orikkai Village,

Kanchipuram District.

.... Accused

**Case Summary as per R.O.C.No.814/2020//RG/F1 dated 07.04.2021 and Rule 106(4) of Criminal Rules of Practice :**

|                |                                                 |                                                                                                                                                                                                                                                                          |
|----------------|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.             | Serial Number                                   | C.C.No. 91/2022                                                                                                                                                                                                                                                          |
| 2.             | Name of the Police Station and<br>Crime Number  | Dusi Police Staion<br>Crime No.616 of 2021                                                                                                                                                                                                                               |
| 3.<br>4.<br>5. | Name of the Accused<br>Father's name<br>Address | Nandhakumar, Aged 54/2026,<br>S/o. Chinnasamy,<br>No.10B, Ananthajothi Street,<br>Adhi Sankara Nagar,<br>Orikkai Village,<br>Kanchipuram District.                                                                                                                       |
| 6.             | Occupation                                      | Government Bus Driver                                                                                                                                                                                                                                                    |
| 7.             | Occurrence date                                 | 27.09.2021                                                                                                                                                                                                                                                               |
| 9.             | Date of Complaint                               | 27.09.2021                                                                                                                                                                                                                                                               |
| 10.            | Date of Apprehension                            | 27.09.2021                                                                                                                                                                                                                                                               |
| 11.            | Release on bail                                 | 27.09.2021 (Station bail)                                                                                                                                                                                                                                                |
| 12.            | Date of Commitment                              | Not Applicable                                                                                                                                                                                                                                                           |
| 13.            | Date of Commencement of Trial                   | 23.02.2026                                                                                                                                                                                                                                                               |
| 14.            | Date of Closure of Trial                        | 22.05.2026                                                                                                                                                                                                                                                               |
| 15.            | Sentence or Order                               | In the result, this Court finds that the Accused is found not guilty of the offences u/s 279 and 304 A of IPC and therefore he is acquitted from the aforesaid accusations as per section 255(1) of Cr.P.C. The Bail bond of the accused shall stand cancelled after the |

|     |                                                   |                                                                                                                                                                                                             |
|-----|---------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |                                                   | lapse of limitation period for preferring appeal. No property has been involved in this case. Hence, there is no order as to such property.                                                                 |
| 16. | Service of copy of judgment or finding on accused | Yes                                                                                                                                                                                                         |
| 17. | Explanation of delay                              | The final report was filed by the police on 01.08.2022. The case was taken on file by this Court on 01.08.2022 and judgment is pronounced on 26.05.2025. Delay caused due to Non Co-operation of witnesses. |

This case came up for final hearing before this Court on 26.05.2026 in the presence of Learned Assistant Public Prosecutor for the state Mrs.Priyadarshini and Thiru.B.K.Saravanan, Learned counsel for the accused. After having perused the records of the case, and upon hearing arguments of both sides and having stood over for consideration till this day, this Court delivers the following:

### **JUDGMENT**

1. The Inspector of Police, Dusi Police station has filed a final report alleging that on September 25, 2021 at about 5.30 A.M, when the de-facto Complainant's sister Mrs.Lakshmi was walking along the Vandavasi-Kanchipuram Main road near Flower Market in Mangal Junction , the accused drove a Government Bus bearing Registration Number TN 21 N 2104 in a high speed and negligent manner without honking any horn. Ultimately, the

Government Bus rammed against the pedestrian who was walking along the road. Due to the impact of the collision, Mrs.Lakshmi sustained grievous injuries on her head and subsequently succumbed to her injuries in the Hospital. Therefore, the accused was charged for the offences u/s 279 and 304 A of Indian Penal Code (hereinafter referred to as IPC)

## **2. COGNIZANCE:-**

On perusal of the charge sheet, this court was satisfied that a prima facie case was made out against the accused. Hence this Court took Cognizance of the offences u/s 279 and 304 A of IPC and issued summons to the accused. After the receipt of summons, the accused person made his appearance before this Court. The Copies of the case records was furnished to him free of cost as per section 207 Cr.P.C.

## **3.SUBSTANCE OF ACCUSATION :-**

Upon perusal of the records, this Court was satisfied that there is ground for presuming that the accused has committed an offence and hence explained the substance of accusation u/s 279 and u/s 304 A of IPC. Having understood the accusation, Accused pleaded not guilty and he claimed to be tried. Hence, this court proceeded with the trial of the case.

## **4. PROSECUTION WITNESSES:-**

The Prosecution, in order to prove its case has examined about three witnesses as PW1 to PW3 and exhibited eight documents which were marked as Ex.P1 to Ex.P8. No Material Objects were marked on the Prosecution side and no further witnesses were adduced. Learned Assistant Public Prosecutor dispensed with the examination of remaining witnesses and hence Prosecution side evidence was closed.

**5. EVIDENCE OF THE PROSECUTION IN BRIEF:**

- i) PW1 Mr.Murugan is a daily wager who resides in Avvaiyar Street,Mathur Village. The deceased Mrs. Lakshmi is the sister of PW1. On September 25, 2021 at about 5.00 A.M, when the de-facto Complainant's sister Mrs.Lakshmi was walking along the Mangal Junction road in order to catch bus for her home. When Mrs.Lakshmi was walking along the Vandavasi-Kanchipuram Main road near a Flower market, a Government Bus came on the same road and collided against her. Due to the impact of the collision, Mrs.Lakshmi sustained grievous injuries over her head region. Upon seeing the crowd gathered near Flower Market, PW1 came to know that his sister was injured in the accident. PW1 immediately took his sister to Kanchipuram Government Hospital through 108 Ambulance service. Thereafter, PW1 proceeded to Dusi Police Station on the same day morning at about 9.00 A.M and lodged Ex.P1 Complaint against the Government Bus Driver. The Special Sub-Inspector of Police LW11 Mr.Ravichandran received the Complaint and registered Ex.P3 F.I.R. for the Crime No.616/2021 u/s 279 and 337 of IPC. But Mrs.Lakshmi succumbed to her injuries at about 7.45 P.M. on the same day.
- ii) After the registration of Ex.P3 F.I.R., LW11 proceeded to the scene of occurrence on the same day afternoon at 12.00 P.M. and prepared Ex.P2 Observation Mahazar and Ex.P4 Rough Sketch in the presence of PW2 Vishwanathan and LW7 Kumaravel. Then, he examined the witnesses and recorded their statements. Subsequently on the next day LW11 received intimation from Kanchipuram Hospital that the victim Mrs.Lakshmi had succumbed to her injuries. Thereafter LW11 altered the case sections from 279, 337 IPC to 279, 304 A of IPC vide Alteration Report Ex.P5. Then, on the next day on September 27, 2021, the Inspector LW12 Mr.Annadurai took up the case for further investigation and went to Kanchipuram

Government Hospital in the afternoon hours and conducted Inquest on the deceased Mrs.Lakshmi from 1.00 P.M. to 03.00 P.M. in the presence of inquest witnesses and prepared Ex.P6 Inquest Report. After that, LW12 arrested the accused in Dusi Police Station at about 05.00 P.M. on the same day.

- iii) Thereafter on February 12, 2022, the Inspector LW12 examined the doctor LW10 Preethi who conducted autopsy of the deceased and obtained Post Mortem Report Ex.P8 of deceased. Thereafter, he examined Motor vehicle Inspector LW9 Mr.Krishnan and obtained Ex.P7 Motor Vehicle Inspection Report pertaining to Government Bus bearing Registration Number TN 21 N 2104. Finally, LW12 completed his investigation and filed a final report against the accused u/s 279 and 304A of IPC.

#### **6. 313 PROCEEDINGS:-**

After the completion of prosecution evidence, Accused was questioned u/s. 313 (1)(b) of Cr.P.C. The Incriminating circumstances were put forth to him. He denied the entire incriminating circumstances put forth to him. No oral or documentary evidence were produced by the defence side. No exhibits and material objects were marked. Hence the defence side evidence was closed.

#### **7. POINTS FOR DETERMINATION:**

Upon hearing the arguments of both sides and having perused the connected documents and records, the questions that arises for consideration are :

|      |                                                                                                                                                      |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| i)   | Whether the Accused person drove the Government Bus bearing Registration Number TN 21 N 2104 on the day of occurrence?                               |
| ii)  | Whether the driver of the government bus drove the aforesaid vehicle in a rash or negligent manner thereby causing death to pedestrian Mrs.Lakshmi ? |
| iii) | Whether the Prosecution has proved the case beyond all reasonable doubt as against the Accused?                                                      |

### **8. APPRECIATION OF EVIDENCE AND DISCUSSION:**

#### **I) WHETHER THE ACCUSED PERSON DROVE THE GOVERNMENT BUS BEARING REGISTRATION NUMBER TN 21 N 2104 ON THE DAY OF OCCURRENCE?**

- i) Before we delve in to the points for consideration, it is important to note that the Prosecution bears the burden of proof in criminal cases. As per section 101 of the Indian Evidence Act,1872 (hereinafter referred to as IEA), the burden is upon the prosecution to prove the case beyond reasonable doubt as against accused.
- ii) The case of the prosecution is that accused drove a Government bus in a rash manner and thus rammed against the deceased pedestrian Mrs.Lakshmi who was strolling near Flower Market of Mangal Junction situated along the Vandavasi-Kanchipuram Main road in order to find bus for her home. The Prosecution has examined about three witnesses PW1 to PW3 to prove its case.

- iii) Coming back to the points for determination, the first point to be determined is whether the accused drove the Government Bus bearing Registration Number TN 21 N 2104 on the alleged date of occurrence. So, it is necessary to check whether aforesaid point has been established by the prosecution through evidence.
- iv) PW1 Mr.Murugan is the de-facto Complainant. He is the younger brother of the deceased Mrs.Lakshmi. Upon perusing his evidence in extenso, it could be seen that PW1 has not personally witnessed the accident and that he is just a hearsay witness. PW1 reached the accident spot only after he saw the crowd gathering near Chandran's house in Flower Market area. The rest of the witness examined by the Prosecution are Observation Mahazar witness PW2 Mr.Vishwanathan and Sub-Inspector of Police PW3 Mr.Palanivel. Though PW2 has deposed regarding the preparation of Ex.P2 Observation Mahazar and Ex.P4 Rough Sketch in the accident spot, he is not an eye witness to the accident. Hence, his evidence could not be relied upon for determining the fact as to whether accused was the driver of the offending Government Bus at the relevant point of accident.
- v) Hence, the sole testimony remaining with the prosecution is the testimony of Sub-Inspector PW3 Mr. Pazhanivel. He was examined as additional witness by the Prosecution in place of original Investigation officers LW11 Mr. Ravi Chandran and LW12 Mr.Annadurai. Admittedly, both the Investigation Officers LW11 and LW12 are not eye witnesses to the accident. LW11 Mr. Ravi Chandran has registered an FIR based upon the Ex.P1 Complaint lodged by PW1 and subsequently, he has prepared Observation Mahazar and Rough Sketch. Further LW12 has filed the final report based upon the statements given by the witnesses during his investigation as well as the statements recorded by Initial Investigation officer LW11 Mr. Ravichandran.



- vi) It is a well settled proposition of law that *“While Police testimony may be considered credible for tangible recoveries under section 27 of the Evidence Act 1872, it cannot be relied upon to substantiate prosecution witness statements recorded under section 161 Cr.P.C., as such statements lack substantive evidentiary value and may only be used to contradict the witness during trial”*. The aforesaid proposition was recently reiterated by Hon’ble Supreme Court in **RENUKA PRASAD V THE STATE REPRESENTED BY ASSISTANT SUPERINTENDENT OF POLICE 2025 INSC 657**. Now coming to the present case at hand, it could be seen that none of the prosecution witnesses have deposed that they personally witnessed the accident. Hence, in such circumstances, the testimony of Sub-Inspector PW3 solely based upon the witness statements recorded under section 161 Cr.P.C is inadmissible as substantive evidence under section 162 of Cr.P.C.
- vii) Though, none of the Prosecution witnesses have seen the accused driving the Government Bus on the alleged date of occurrence, the accused himself has admitted during Initial questioning u/s 251 Cr.P.C that he was driving the Government Bus bearing Registration Number TN 21 N 2104 on September 25, 2021. Upon perusing the final report and Ex.P7 motor vehicle inspection report, it is seen that the vehicle which was alleged to have caused the accident is Government Bus bearing Registration No. TN 21 N 2104.

*Hence, in view of the aforesaid admission made by accused, it is very well established that accused was man behind the wheels of Government Bus bearing Registration Number TN 21 N 2104 on the alleged date of accident.*

*Point no.(i) is decided in the affirmative.*

- II) **WHETHER THE DRIVER OF THE GOVERNMENT BUS DROVE THE AFORESAID VEHICLE IN A RASH OR NEGLIGENT MANNER THEREBY CAUSING DEATH TO PEDESTRIAN MRS.LAKSHMI ?**
- III) **WHETHER THE PROSECUTION HAS PROVED THE CASE BEYOND ALL REASONABLE DOUBT AS AGAINST THE ACCUSED?**

*The aforesaid issues are interlinked and hence, for the sake of avoiding repetition of evidence, both the issues are analyzed and answered together*

- i) Upon determination of Point No. I, it is clear that the accused drove the Government bus on the day of occurrence. It is now important to determine whether the accused drove the Bus in rash or negligent manner and thereby caused death of the victim. Upon perusing evidence of PW1 to PW3 in extenso, it could be seen that none of the Prosecution witnesses have personally seen the accident. The fact that there are no eye witnesses to the accident was admitted by the Sub-Inspector PW3 Mr.Palanivel during his Cross Examination. The same is extracted from cross examination of PW3 as follows “இந்த வழக்கில் கண்ணுற்ற சாட்சிகள் யாரும் இல்லை என்றால் சரிதான்”.
- ii) The aforesaid fact has been expressly admitted by PW3 and hence, it need be proved as per section 58 of Indian Evidence Act, 1872. So, there are no direct eye witnesses to state regarding the rash or negligent driving of the accused. Also, the manner in which aforesaid Government Bus was driven or the manner in which

accident occurred could not be ascertained. No specific evidence has been led by the prosecution in order to prove the aforesaid factum of rashness or negligence.

- iii) There is no direct evidence in the present case to establish the factum of rash or negligent act of the accused. Hence, it becomes important to see whether the attendant circumstances could establish the rash or negligent act by the accused. Upon perusing the Motor vehicle inspection report Ex.P7, it could be seen that the Bus has not sustained any damages. Hence, the documentary evidence of Ex.P7 does not prove the factum of rashness or negligence on the part of accused driver. Further, Ex.P4 Rough Sketch also shows only the location of the accident spot. The Preliminary Investigation officer LW11 has failed to mention about the alleged Government Bus in the Rough Sketch.
- iv) Further, no tire marks or skid marks could be seen in Ex.P4 Rough Sketch. Only the scene of occurrence has been drawn without any representation of offending vehicle and the actual tire marks or skid marks of the alleged vehicle involved in the accident. Hence, it could not be inferred that the Government Bus was either driven in a rash or negligent manner or that the accident occurred due to the rash or negligent act by the driver. Hence, the documentary evidence of Ex.P4 Rough Sketch also does not lend any credence to the case of the Prosecution.
- v) In the present case on hand, there is no evidence available with the prosecution to indicate that the accused acted in a manner which could be considered as rash or negligent. The Investigation Officer LW12 Mr.Annadurai has failed to examine any eye witnesses in this

case. Even the alleged passengers in Government Bus have not been cited as witnesses by the Investigation Officer. The conductor of the bus was also not cited as witness by the Investigation Officer. The conductor of the Government Bus would have offered some clarity upon the story of Prosecution. But, no eye witnesses were examined by the Investigation Officer to show the manner of the accident. The attendant circumstances in this case were also insufficient to invoke the maxim ‘*res ipsa loquitur*’ (the thing speaks for itself). ***Hence, for the aforesaid reasons, this Court feels that the prosecution has failed to prove that accused drove the Government Bus in a rash or negligent manner.***

- vi) As a result, all of these aforesaid factors raise reasonable doubts about the case of the prosecution. The most fundamental principle of Criminal law is “*in dubio pro reo*” meaning “in case of doubt, in favour of the accused”. Everyone is presumed to be innocent until proven guilty. The prosecution has failed to discharge its burden and as a result, the benefit of the doubt should be given in favour of the accused. In light of the foregoing discussions, this Court holds that the prosecution has miserably failed to prove the accusation against the accused beyond all reasonable doubt. ***Therefore Point No. II and III are answered in the negative.***
- vii) In order to warrant a conviction u/s 304 A IPC , it must be established by the Prosecution that the accident was the direct result of the negligence or rashness of the Accused. The act of the accused and the death of the victim should be causa causans and not mere sine qua non. ***Upon determination of Point No. II and III , it is clear that the accident was not a direct result of rash or negligent act of the***

*accused and that the prosecution has failed to establish the case against accused beyond all reasonable doubt.*

**9. DECISION:**

In the result, this Court finds that the Accused is found not guilty of the offences u/s 279 and 304 A of IPC and therefore he is acquitted from the aforesaid accusations as per section 255(1) of Cr.P.C. The Bail bond of the accused shall stand cancelled after the lapse of limitation period for preferring appeal. No property has been involved in this case. Hence, there is no order as to such property.

This judgment was typed by me in my laptop and pronounced by me in the Open Court on this the 26<sup>th</sup> day of May, 2026.

Judicial Magistrate,  
Cheyyar.

**Appendix – A**

**Prosecution side Witness:**

| S.No | Rank of Witness | Name of the Witness | Remarks                     |
|------|-----------------|---------------------|-----------------------------|
| 1.   | PW1             | Murugan             | De-facto complainant        |
| 2.   | PW2             | Vishwanathan        | Observation Mahazar witness |
| 3.   | PW3             | Palanivel           | Sub-Inspector               |

**Appendix - B****Prosecution side Exhibits:**

| S.No | Exhibit | Description of document         |
|------|---------|---------------------------------|
| 1.   | Ex.P1   | Complaint                       |
| 2.   | Ex.P2   | Observation Mahazar             |
| 3.   | Ex.P3   | F.I.R                           |
| 4.   | Ex.P4   | Rough Sketch                    |
| 5.   | Ex.P5   | Alteration Report               |
| 6.   | Ex.P.6  | Inquest Report                  |
| 7.   | Ex.P.7  | Motor Vehicle Inspection Report |
| 8.   | Ex.P.8  | Post Mortem Certificate         |

**Appendix – C**

Material objects - NIL

**Appendix – D**

Defence side witness : - NIL

**Appendix – E**

Defence side Exhibits - NIL

**Note:**

1. No witnesses were detained more than three times.
2. Nature of the disposal communicated to the concerned Police.
3. The Accused was on bail during the pronouncement of Judgment.

Judicial Magistrate,  
Cheyyar.