

IN THE COURT OF THE JUDICIAL MAGISTRATE NO.I, POLLACHI**Present:- J.Saravanakumar, B.A., B.L., (Hons).,****Judicial Magistrate No.I, Pollachi****Friday, the 27th Day of March 2026****CC No.395/2022****CNR No.TNCB120017112022**

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State of Tamilnadu Rep.by its the Sub Inspector of Police,

Kinathukadavu Police Station,

(Cr.No.208/2019)

.... Complainant

/ Vs. /

Muthukumar (age 28/2019),

S/o.Angamuthu,

8/3,Nehru Nagar,

Singarampalayam,

Kinathukadavu.

... Accused

CASE SUMMARY

Sl. No.	Particulars	Details
1.	Period of remand of accused	Nil [Station bail]
2.	Date of filing of final report	20.07.2022
3	Date of questioning of accused u/s.251 Crpc	26.10.2022
4.	Filing of miscellaneous petitions	-
5.	Date of examination in chief and cross examination of witnesses	PW1- 17.03.2026 PW2- 18.03.2026 PW3- 18.03.2026 PW4- 25.03.2026 PW5- 26.03.2026
6.	Date of examination of accused u/s.313 (1)(b) Crpc	27.03.2026
7.	Details of abscondence of accused	Nil
8.	Grant of stay by superior Court	Nil

The case coming before me for final hearing on 27.03.2026, in the presence of Miss.N.Selvi, Learned Assistant Public Prosecutor Gr.II, Pollachi for the dejure complainant and Mr.V.Subramania Prabhakar, Learned Counsel for the accused and

after perusing the materials on record and hearing arguments of both sides and having stood over under consideration of this court till this date and this day, this court delivers the following:-

//JUDGMENT//

Case of the Prosecution:-

1. The Sub-Inspector of Police laid a final report against the sole accused for the offences punishable under Sections 279, 338 & 304 A IPC. The accusation against the sole accused are that on 30.12.2019, at about 8.00 pm., opposite to Adithya bakery, located near Cheran Nagar, Coimbatore-pollachi highway, while the defacto complainant was travelling by placing his wife as a pillion rider in his motor bike bearing registration number TN 38 AD 4551 XL Super from south to north direction, the accused by driving a private bus bearing registration number TN 37 BZ 6130 also in the same direction and behind the motor bike of the defacto complainant, dashed against the rear portion of the bike and committed the accident. In the said accident defacto complainant sustained injuries on his head and other parts of the body. The wife of defacto complainant sustained injuries on her head and died on the spot of occurrence. Thereby, the prosecution alleged that the accused had committed the aforesaid offences.

2. On perusal of the final report and the connected records, this Court took cognizance of the offences under Sections 279, 338 & 304A IPC. On appearance of the accused, copies of documents were furnished to him under Section 207 Cr.P.C.

3. After affording sufficient time opportunity, the particulars of substance of accusation were putforth to the accused and questioned. To which, the accused denied as false case, pleaded not guilty and prayed to have trial of the offences.

4. In order to prove the case of the prosecution, on the side of the prosecution, four witnesses were examined as P.W.1 to P.W.5 and Ex.P.1 to Ex.P.7 were marked.

Examination of Prosecution Witnesses:-

5. P.W.1 has stated that he is residing at Malayagoundanpalayam and is doing coolie work. About 2 to 3 years prior to his deposition, at about 07.00 p.m., after finishing his work at Kullisettipalayam, he and his wife were travelling towards Kovilpalayam in a two-wheeler belonging to one Gopalsamy. Near Cheran Nagar, a private bus hit the rear side of their two-wheeler and caused the accident. He lost consciousness and later, at the hospital, he was informed that his wife had died. The police recorded his complaint, which was marked as Ex.P.1. He further stated that he sustained injuries on the back of his neck, left side ribs, head and legs. He has categorically stated that he did not see the registration number of the bus or its driver who caused the accident and that the police enquired him in connection with the case.

6. P.W.2 has stated that he is residing at the same place and is doing coolie work. About 5 years prior, at about 07.30 p.m., his brother's wife Velumani met with a road accident and died. At the police station, his thumb impression was obtained as a witness. He has stated that the document shown to him does not contain his signature and that he had only affixed his thumb impression in the observation mahazar and that the signatures found therein are not his. He further stated that the police enquired him in connection with the case.

7. P.W.3 has stated that he is residing at Malayagoundanpalayam and is working in a private company as housekeeping staff. About 4 to 5 years prior, at about 07.30 p.m., near Cheran Nagar, his elder brother and sister-in-law met with an accident, in which his brother sustained injuries and his sister-in-law died. He saw her body at the Coimbatore Government Hospital. The police conducted enquiry in his presence and examined him.

8. P.W.4 has stated that he is residing at Kunjupalayam and is working as a conductor. About 5 to 6 years prior, at about 07.15 p.m., while he was issuing tickets to passengers inside the bus near Kovilpalayam, he heard a sudden sound of an

accident. When he got down and went to see, there was a crowd and he could not see anything and he returned to the bus. He further stated that the police enquired him in connection with the case.

9. P.W.5 has stated On 30.12.2019 at about 08.00 p.m., the then Sub-Inspector received a written complaint from P.W.1 and registered a case in Crime No.208/2019 under Sections 279, 338 and 304-A IPC, and the FIR was marked as Ex.P.2. He further stated that the Investigating Officer visited the place of occurrence, prepared observation mahazar and rough sketch in the presence of witnesses and examined witnesses. He further stated that the body of the deceased Velumani was sent for postmortem on the same day. He further deposed that the accused was later arrested and released on proper bail. The offending bus bearing Registration No. TN 37 BZ 6130 (Ashok Leyland) was subjected to Motor Vehicle Inspection on 02.01.2020 and the report was marked as Ex.P.5. The two-wheeler bearing Registration No. TN 38 AD 4551 was also subjected to inspection and the report was marked as Ex.P.6. He further stated that the postmortem doctor was examined and the postmortem certificate was obtained and marked as Ex.P.7, and after completion of investigation, final report was filed.

10. After completion of prosecution evidence, the accused was questioned under Section 313 Cr.P.C. with regard to the incriminating circumstances appearing against him in the evidence of prosecution witnesses. The accused denied all the incriminating circumstances as false and stated that he has been falsely implicated due to matrimonial dispute. No witness was examined and no document was marked on the side of the accused.

11. Points to determined:-

- (i) whether on 30.12.2019 at about 08.00 p.m. near Cheran Nagar, the accused by driving the bus in a rash and negligent manner dashed against the motor bike of the defacto complainant and caused the accident; and

(ii) whether by such act, the accused caused grievous injuries to the defacto complainant and caused the death of his wife, thereby committing the offences punishable under Sections 279, 338 and 304-A IPC.

Discussion:-

12. In crux, the allegation against the accused is that by driving the bus in a rash and negligent manner, he dashed against the motor bike of the defacto complainant, resulting in injuries to P.W.1 and the death of his wife. In order to establish the guilt of the accused for the offences under Sections 279, 338 and 304-A IPC, the prosecution must prove that the accident occurred solely due to the rash and negligent driving of the accused and that the accused was the person who drove the offending vehicle at the relevant time.

13. On careful analysis of the evidence on record, this Court finds that the prosecution has failed to establish the identity of the accused as the driver of the offending vehicle. P.W.1, who is the injured eyewitness and the defacto complainant, has categorically stated that he did not see either the registration number of the bus or the driver of the vehicle. Thus, his evidence does not fix the identity of the accused as the person who drove the vehicle at the time of occurrence. When the sole eyewitness himself is unable to identify the accused, the very foundation of the prosecution case is rendered doubtful.

14. P.W.2 and P.W.3 are not eyewitnesses to the occurrence and their evidence is only hearsay in nature. Their testimonies do not in any manner establish the manner in which the accident occurred or the involvement of the accused. P.W.4, who was working as a conductor in the bus, has also not spoken anything about the manner of occurrence or the driver of the vehicle. He has only stated that he heard a sound and saw a crowd, which does not in any way support the prosecution case.

15. Though P.W.5 has spoken about the investigation and filing of the final report, it is settled law that the evidence of the Investigating Officer cannot by itself prove the guilt of the accused in the absence of substantive evidence. The Motor Vehicle Inspection Reports marked as Ex.P.5 and Ex.P.6 only show that the vehicles were subjected to inspection and do not establish rash and negligent driving on the part of the accused.

16. There is absolutely no direct evidence to show that the accused drove the vehicle in a rash and negligent manner. There is also no independent eyewitness examined to prove the manner of accident. In a case of this nature, mere occurrence of an accident resulting in death is not sufficient to fasten criminal liability unless the prosecution proves rashness or negligence on the part of the accused beyond reasonable doubt.

17. In the absence of any reliable and cogent evidence to prove the identity of the accused and the rash and negligent act attributed to him, this Court is of the considered view that the prosecution has failed to prove its case beyond reasonable doubt. Hence, the accused is entitled to the benefit of doubt and liable to be acquitted.

Result:-

In the result, the accused is found not guilty for the offences alleged under Sections 279, 338, 304A IPC and he is acquitted u/s.255(1) Crpc, for the said offences. The bail bond executed by the accused will stand discharged after the expiry of appeal period.

No order as to property as there was no property produced before this court.

Dictated to the typist and directly typed in the computer. Verified and pronounced by me in the open court, this 27th day of March 2026.

(Sd/J.Saravanakumar)
Judicial Magistrate No.I,
Pollachi.

Prosecution side witnesses and exhibits:-

PW1 - Murugan
PW2 - Kalisamy
PW3 - Mahali
PW4 - Sharma
PW5 - Mathivannan, S.I. o Police

Prosecution side documents:-

Ex.P1 - Complaint
Ex.P2 - First Information Report
Ex.P3 - Observation Mahazar
Ex.P4 - Rough Sketch
Ex.P5 - Motor Vehicle Inspection Report of vehicle TN 37 BZ 6130
Ex.P6 - Motor Vehicle Inspection Report of vehicle TN 38 AD 4551
Ex.P7 - Postmortem Certificate

Material Objects: Nil

Defence side witness:Nil

Defence side documents: Nil

(Sd/J.Saravanakumar)
Judicial Magistrate No.I,
Pollachi.

Particulars under rule 106 Criminal Practice 2019

Sl.No.	Description of accused	Date of
1	Name of the police station and the Crime number	Kinathukadavu Police Station, (Cr.No.208/2019)
2.	Name of the accused	Muthukumar
3.	Fathers Name	S/o.Angamuthu
4.	Occupation	Cooly
5.	Address	8/3,Nehru Nagar, Singarampalayam, Kinathukadavu.
6.	Age	28/2019
7.	Occurrence	30.12.2019
8.	Complaint	31.12.2019
9.	Apprehension	31.12.2019
10.	Order on bail	Nil [Station bail]
11.	Commitment	Not applicable
12.	Commencement of trial	26.10.2022
13.	Close of trial	26.03.2026
14.	Sentence or order	Accused is acquitted
15.	Service of copy of judgment an accused	27.03.2026
16.	Explanation of delay	No delay

(Sd/J.Saravanakumar)
Judicial Magistrate No.I,
Pollachi.