

**IN THE COURT OF THE JUDICIAL MAGISTRATE,
SULUR, COIMBATORE DISTRICT.**

Present: Thiru.T.Arunkumar, M.A.,M.L.,M.B.A.,

Judicial Magistrate, Sulur.

Monday, the 01st day of June 2026

Calendar Case No:424 of 2025

(CNR No.TNCB18-001439-2025)

1.	Serial Number of the Case	Calendar Case No:424 of 2025
2.	Name of the Complainant & Address	The State of Tamil Nadu, represented by the Inspector of Police, Sulur station in Crime No:1096 of 2017.
3.	Name, age, father's name and address of the Accused	Kulandai Sachin (20/2017), S/o. Arokiaraj, D.No.13/38/1, Visuva Nagar, Rameswaram, Ramanathapuram.
4.	Offence Complained of	Offence under Sections 279, 304-A of IPC.
5.	Date of Offence	06.12.2017.
6.	Date of Complaint	07.12.2017.
7.	Plea of the Accused and his Examination in Brief	Pleaded not guilty.
8.	Apprehension	01.03.2018.
9.	Released on bail	01.03.2018.
10.	Commencement of trial	13.11.2025.
11.	Close of trial	29.05.2026.
12.	Judgment Reserved on	29.05.2026.
13.	Judgment Pronounced on	01.06.2026.
14.	Sentence or Order	Acquitted.
15.	Explanation of Delay	No delay.
16.	Remarks	No remarks.

As per Amendment to the Criminal Rules of Practice 2019 dated 23.03.2022, the case summary is detailed below

Sl.No.	CASE SUMMARY			
i).	The period of remand of the accused	Name of the accused	Date of Remand	Release on
		Kulandai Sachin (20/2017), S/o. Arokiaraj, D.No.13/38/1, Visuva Nagar, Rameswaram, Ramanathapuram.	01.03.2018.	01.03.2018.
ii).	Date of filing of the complaint/ final report in the court	Filing of Complaint	Filing of Final report	
		-	24.04.2025.	
iii).	Date of committal of the cases to the Court of Sessions.	Nil	Nil	
iv).	Date of questioning of the accused under section 228, 240, 246 and 251 of the Code of Criminal Procedure, 1973, as the case may be;	Questioning under section 251(2) of Cr.P.C on 13.11.2025.		
v).	Filing of all miscellaneous petitions and their results including the results on challenge before superior Courts; except routine petitions like petitions under Section 317 of the Code;	Crl.M.P.No. & under section or prayer	Date of filing	Result

		MP 5/2026 – Petition u/s 294 of Cr.P.C	Filed on 27.05.2026	Allowed on 27.05.2026
vi).	Date of Examination in chief and cross	Name of the Witness	Date of Chief Examination	Date of Cross Examination
		PW1-Mr. Thomas PW2-Mrs. Raisy PW3-Mr. Kristo PW4-Mr. Thangaraju, Inspector of police.	04.02.2026. 04.02.2026. 04.02.2026. 27.05.2026.	04.02.2026. 04.02.2026. Hostile. 27.05.2026.
vii).	Date of examination of the accused under section 313 of the Code;	29.05.2026.		
viii).	Details of abscondance of an accused and his appearance / production, as the case may be; and	Nil		
ix).	Grant of stay by superior courts and the results thereof	Nil		
x).	Details of victim compensation ordered.	Nil		

This case cognizance was taken on file on 24.04.2025 and came up for final hearing on 29th day of May 2026 before this court, in the presence of Tmt.R.Senthamil Selvi, B.A.,B.L.,(Hons) Learned Assistant Public Prosecutor Grade-II for the State and Tmt. Tamilselvi, B.A., B.L., Learned Counsel appeared for the accused and having stood over for consideration till this day, upon perusing the records and on hearing both side arguments, this court doth delivers the following:

J U D G M E N T

1.The gist of the final report filed by the Inspector of Police, Sulur Police Station in Crime No:1096 of 2017 under Sections 279, 304-A of IPC is as follows:-

The Inspector of Police, Karumathampatty Police Station, filed the final report under Section 173(2) of the Code of Criminal Procedure against the accused. The case of the prosecution is that on 06.12.2017 at around 22:00 hours, within the jurisdiction of the Sulur Police Station on the Coimbatore to Trichy Road near the KMCH Hospital, a bicycle was being ridden by the deceased, Lawrence, was being crossed the road, during that time a Bajaj Pulsar two-wheeler, carrying two pillion passengers named Avanisundar and Sheldan, was driven by the accused, Kuzhanthai Sachin, from west to east in a rash, negligent, and reckless manner endangering human life, thereby colliding against the said bicycle, causing severe damage to the vehicle and inflicting multiple grievous injuries which subsequently caused his death. On completion of investigation charge sheet has been filed against the accused for the offenses u/s 279, 304-A of IPC.

2. The Accused appeared on summons and he was furnished with the free copies of the case records in compliance with section 207 of Cr.P.C. After giving sufficient time, on the basis of contents in the final report the substance of accusation was explained to the accused in terms of Section 251 Cr.P.C. The accused denied the accusation under sections U/s.279, 304-A of IPC to be false and claimed to be tried. Thereafter the Prosecution witnesses were ordered to be examined by issuing summons to the witnesses.

3. It is the endeavour of the prosecution to prove the guilt of the accused beyond all reasonable doubts by adducing suitable evidence and relevant materials. The prosecution side has examined 4 witnesses out of 14 witnesses let in the final report to establish the guilt of the accused, LW2, LW3, LW5 to LW7 and LW9 to LW13 were dispensed by the prosecution and marked **Ex.P:1 to Ex.P:8**. No Material

objects were marked. On the side of the defense, no oral or documentary evidence were adduced and no Material objects were marked.

4. The case of prosecution as revealed by the prosecution witnesses and their evidence is as under:-

(4.1) PW-1 Thomas deposed that the deceased was his relative and further deposed that approximately 10 years ago, at around 09:00 PM, while he was returning home on his scooter, the deceased Lawrence, was observed crossing the road on a bicycle from south to north near KMCH Hospital. It was deposed that a two-wheeler coming from west to east collided with the bicycle. Consequently, Lawrence was thrown into the air, struck a nearby transformer, and fell. Three individuals were seen traveling on the offending two-wheeler. The victim was initially rushed to KMCH Hospital and he was subsequently shifted to the Coimbatore Government Hospital. It was later learned by PW1 that Lawrence had succumbed to his injuries. A complaint was lodged by PW1 at the police station, which was recorded by the police and marked as **Ex.P-1**.

(4.2) PW-2 Daisy deposed that the deceased was her husband and further deposed that on 06.12.2017 at around 10:00 PM, an accident involving her husband Lawrence near KMCH Hospital was reported to her by PW1 Thomas. It was informed to her that her husband was assisted by onlookers and taken to KMCH Hospital. Upon receiving the information, the Coimbatore Government Hospital was visited by her, where her husband had been shifted for higher medical treatment. Despite intensive care, he passed away without responding to treatment.

(4.3) PW-3 Christo deposed that a signature was affixed by him on a Observation Mahazar and the signature was marked as **Ex.P-2**. However, the exact date and month were not recollected. Since the prosecution's case was not supported by PW3, permission was sought and granted to treat him as a hostile witness.

(4.4) PW-4 Thangaraju a retired police officer deposed that on 07.12.2017 at 06:30 AM, while he working as the Inspector at Sular Police Station, a written complaint was received from Thomas. Based on the complaint, Sular P.S. Crime No. 1096/2017 under Sections 279 and 304-A of the IPC was registered. The First Information Report was marked as **Ex.P-3**. The case was subsequently taken up by Sub Inspector Mr. Raveendran. On 07.12.2017 at 07:30 AM, the accident site was visited in the presence of witnesses Christo and Jestu. An observation mahazar **Ex.P-4** and a rough sketch **Ex.P-5** were prepared. Statements of witnesses Thomas, Avanisandhar, Selvan, Christo, and Jestu were recorded.

(4.5) The inquest on the body of the deceased Lawrence was conducted at Coimbatore Government Hospital in the presence of panchayatdars and witnesses, and the Inquest Report was marked as **Ex.P-6**. The accused, who surrendered voluntarily at the station, was arrested and released on station bail. The offending two-wheeler was inspected by the Motor Vehicle Inspector following a formal requisition, and the MVI report was marked as **Ex.P-7**. The post-mortem report issued by Dr. Pandiswaran of Coimbatore Government Hospital was received and marked as **Ex.P-8**. After completion of the investigation the final criminal charge sheet against the accused under Sections 279 and 304-A of the IPC was formally filed on 02.03.2018.

5. EXAMINATION

(5.1) The accused then questioned under section 313(1)(b) Cr.P.C about the incriminating circumstances found in the evidence of the prosecution witnesses, whereas the accused denied their complicity with the crime and stated that they have witness. However, there is no witness examined on the defense side. Hence, on representation, defence side evidence is closed.

6. DISCUSSION

The Point for determination is whether the prosecution has proved the guilt of the accused under sections 279, 304-A IPC beyond all reasonable doubts?

(6.1) In order to bring home the guilt for the aforesaid offence the prosecution is under an obligation to prove the following essential ingredients: (1) there was the death of a person, (2) the said death was caused by the accused, (3) the said act of the accused in causing the death of the person was rash or negligent but it did not amount to the culpable homicide.

7. In a nutshell in order to prove the same, the prosecution is required to prove the following facts :-

- (a). the identity of the accused being the driver of the offending vehicle.
- (b). the alleged accident is caused by the rash and negligent driving by the accused at a public place.
- (c). the rash and negligent driving resulted into the death of the deceased which is not amounting to the culpable homicide.

8. This court now proceed to consider the oral and documentary evidence produced by the prosecution in support of their case in the question to find out whether the prosecution has been successful in bringing the cogent evidence for justifying the conviction of the accused whether the accused has been able to cast a shadow on the prosecution case for securing his acquittal in the present case.

9. Final Arguments Advanced on the side of prosecution by Learned Assistant Public Prosecutor for state and defense. Evidence adduced on either side perused. The Learned Assistant Public Prosecutor for the state contended that the guilt of the accused has been proved by the prosecution beyond all reasonable doubts. While refuting the Arguments of the prosecution the learned counsels appearing for defense contended that the prosecution miserably failed to establish the accusation through the supportive evidence and materials.

10. EVALUATION OF EVIDENCE:

To establish its case, the prosecution examined 4 witnesses PW-1 to PW-4 and marked 8 documents **Ex.P-1** to **Ex.P-8**. No oral or documentary evidence was adduced on behalf of the defense.

PW-1 Thomas Represents himself as an eyewitness. He deposed that while returning home on his scooter, he saw the deceased crossing the road on a bicycle from south to north when a two-wheeler with three occupants riding from west to east struck him, propelling the deceased into an electric transformer. However, during cross-examination, PW-1 explicitly admitted that the place of occurrence had no street lighting and that the complaint **Ex.P-1** was entirely written by the police. Furthermore, his deposition introduced a massive temporal anomaly, stating the accident occurred approximately 10 years ago from his date of examination.

PW-2 Daisy the wife of the deceased. She is a hearsay witness who merely confirmed receiving information about the accident from PW-1 and witnessing her husband's subsequent demise at the Coimbatore Government Hospital.

PW-3 Christo An attesting witness to the Observation Mahazar. He turned completely hostile, failed to support the prosecution, and could not recollect the date, month, or the context of his signature on **Ex.P-2** and **Ex.P-4**.

11. POINTS FOR CONSIDERATION:

a) Whether the prosecution has proved beyond reasonable doubt that the accused drove the vehicle in a "rash and negligent" manner as required under Sections 279 and 304-A of the IPC?

b) Whether the identity of the accused as the driver of the offending vehicle stands established?

c) Whether the accused is liable to be convicted?

12. DISCUSSION

Point No. 1 & 2: Absence of Proof of Culpable Rashness/Negligence and Identity

To secure a conviction under Section 304-A of the IPC, the prosecution must establish a direct nexus between the death of the person and the rash or negligent act of the accused. The concept of criminal negligence requires a gross neglect of duty or a reckless indifference to human life, which goes far beyond mere civil liability or an error of judgment.

I. Total Failure to Prove "Rashness" or "Negligence"

The prosecution relies solely on the oral testimony of PW-1 to establish the manner of the accident. PW-1 used the standard boilerplate narrative that the vehicle came at a "high speed" and hit the deceased. It has been settled by the Apex Court that "high speed" is a completely relative term and cannot equate to criminal rashness or negligence per se.

In State of Karnataka v. Satish (1998) 8 SCC 493, the Supreme Court held:

"In the absence of any evidence of rashness or negligence in driving of the offending vehicle, it cannot be presumed that because the vehicle was driven at a high speed, the driver was rash or negligent."

The prosecution failed to examine the two pillion riders Avanisundar and Sheldan who were material independent witnesses to the actual speed and management of the two-wheeler. Their non-examination creates a fatal gap, drawing an adverse inference against the prosecution's narrative under Section 114(g) of the Indian Evidence Act.

II. Absolute Darkness and the Problem of Visual Identification

The most damaging blow to the prosecution's case comes from the mouth of their primary eyewitness, PW-1. In his cross-examination, PW-1 unequivocally admitted that there were no lights at the place of occurrence at 10:00 PM on that night. If the scene of the accident was completely dark, it becomes humanly

impossible for PW-1, who was himself riding a moving scooter, to clearly identify the facial identity of the rider of the incoming Bajaj Pulsar motorcycle, let alone observe the exact dynamics of the collision that when an accident occurs during late-night hours in an area without functional streetlights.

III. Complaint itself is doubtful

PW-1 admitted during cross-examination that the complaint was written by the police. This admission reduces Ex.P-1 from a spontaneous, unvarnished first account of a relative into a post-deliberation, police-drafted document. When the foundational document **Ex.P-1** is constructed by the police rather than narrated raw by the informant, it loses its corroborative value and points to an attempt to build a tailored case.

IV. Hostility of Independent Mahazar Witness

PW-3, the independent witness summoned to prove the site conditions via the Observation Mahazar, turned entirely hostile. The site features, the point of impact, and the exact positioning of the vehicles as mapped out in the Rough Sketch **Ex.P-5** remain uncorroborated by independent sources where the independent mahazar witnesses turn hostile and the eyewitnesses' testimonies are fraught with material contradictions regarding lighting conditions and visibility, the benefit of the doubt must inevitably be given to the accused.

13. In view of the aforesaid findings this Court is of the considered view that the prosecution has failed to prove the case beyond reasonable doubts that the accused drove his vehicle on a public way in a rash and negligent manner so as to endanger human life and personal safety of others and hit the same against the pedestrian and caused his death not amounting to the culpable homicide and thereby committed an offence punishable u/s.279 and 304-A IPC.

14. In result, the accused not found guilty of the charge under Sections u/s.279, and 304-A IPC and is therefore acquitted under Section 255(1) of the Code. The bail bonds executed by the accused stands cancelled after appeal or appeal period.

15. No case property is produced in this case. Hence no case property order.

This judgment is dictated by me to the typist and typed by her directly in the computer and after effecting necessary corrections pronounced by me in the open Court on this the 01st day of June 2026.

(Sd/-T.Arunkumar)

Judicial Magistrate,
Sulur.

As per the Judgment of the Hon'ble Supreme Court of India in Manoj Bhai Jetha Bhai Parmar Vs State of Gujarat 2025 INSC 143 dated 15.12.2025, the appendix is added :-

List of prosecution side witnesses Examined:

Prosecution Witness No.	Name of Witness	Description
1.	Mr. Thomas	Defacto Complainant
2.	Mrs. Raisy	Inquest witness
3.	Mr. Kristo	Observation Mahazar Witness
4.	Mr. Thangaraju	Investigation Officer

List of prosecution side Exhibited Documents:

Sl.No. of the exhibits	Description of the exhibit and its date	Date, when the exhibit was filed in the case	How marked	Proved by / attested by	Remarks
01.	Report dated 07.12.2017.	04.02.2026.	Ex.P:1	PW 1	Original
02.	Signature of PW3 in Observation Mahazar dated 07.12.2017.	04.02.2026.	Ex.P:2	PW 3	Original
03.	First Information Report dated 07.12.2017.	27.05.2026.	Ex.P:3	PW 4	Original
04.	Observation Mahazar dated 07.12.2017.	27.05.2026.	Ex.P:4	PW 4	Original
05.	Rough Sketch dated 07.12.2017.	27.05.2026.	Ex.P:5	PW 4	Original
06.	Inquest Report dated 07.12.2017.	27.05.2026.	Ex.P:6	PW 4	Original
07.	MV report for the vehicle bearing Registration No. TN-60-U-5155 dated 01.03.2018.	27.05.2026.	Ex.P:7	PW 4	Original
08.	Postmortem certificate dated 07.12.2017.	27.05.2026.	Ex.P:8	PW 4	Original

Prosecution side material objects:-

Material Object No.	Description of the Exhibit	Proved by / Attested by
01.	Nil	Nil

02.	Nil	Nil

List of witness on the side of the accused: Nil

List of exhibits on the side of the accused: Nil

Note:

- (1). The accused was on bail during the trial period.
- (2). No witnesses was detained for more than 3 hearings.
- (3). In the result the accused is acquitted under section 255(1) of Crpc for the offences under section 279,304(A) of IPC. The bail bonds executed by the accused stands cancelled after appeal or appeal period.
- (4). The result of the case informed to the police.
- (5). Copy of judgment submitted.
- (6). Office is directed to send entire case records to consignment after appeal or appeal period, if any.

(Sd/-T.Arunkumar)
Judicial Magistrate,
Sulur.