

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

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

Judicial Magistrate, Sulur.

Tuesday, the 26th day of May 2026

Calendar Case No:584 of 2025

(CNR No.TNCB18-002429-2025)

1.	Serial Number of the Case	Calendar Case No:584 of 2025
2.	Name of the Complainant & Address	The State of Tamil Nadu, represented by the Inspector of Police, Karumathampatty Police station in Crime No.401 of 2024.
3.	Name, age, father's name and address of the Accused	Mr.Selvakumar (Aged 59/2024), S/o.Nataraj, 2/110 Raji Nagar Ext., Udumalai Road, Chinnampalayam, Pollachi.
4.	Offence Complained of	Offence under Sections 281, 106(1) of BNS.
5.	Date of Offence	11.09.2024.
6.	Date of Complaint	12.09.2024.
7.	Plea of the Accused and his Examination in Brief	Pleaded not guilty.
8.	Apprehension	18.09.2024.
9.	Released on bail	18.09.2024.
10.	Commencement of trial	17.11.2025.
11.	Close of trial	20.05.2026.
12.	Judgment Reserved on	20.05.2026.
13.	Judgment Pronounced on	26.05.2026.
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
		Mr.Selvakumar(Aged59/2024), S/o.Nataraj, 2/110 Raji Nagar Ext., Udumalai Road, Chinnampalayam, Pollachi.	18.09.2024.	18.09.2024.
ii).	Date of filing of the complaint/ final report in the court	Filing of Complaint	Filing of Final report	
		-	11.08.2025.	
iii).	Date of committal of the cases to the Court of Sessions.	Nil	Nil	
iv).	Date of questioning of the accused under section 263 of BNSS 2023, as the case may be;	Questioning under section 263(1) of BNSS on 17.11.2025..		
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	Crl.M.P.No. & under section or prayer	Date of filing	Result

	Code;			
			M.P.No.06/2026 - Petition u/s 294 Cr.P.C	Filed on 13.05.2026 Allowed on 13.05.2026
vi).	Date of Examination in chief and cross		Name of the Witness	Date of Chief Examination Date of Cross Examination
			PW1-Mrs.Shanmugapriya. PW2-Mr.Stalin Raj. PW3-Mr.Subramani. PW4-Mr.Thangaraj. PW5-Mr.Karthikeyan. PW6-Mr.Shanmugavelu, the Inspector of Police / the Investigating Officer.	04.03.2026 04.03.2026 04.03.2026 04.03.2026 29.04.2026 13.05.2026 04.03.2026 04.03.2026 04.03.2026 04.03.2026 29.04.2026 13.05.2026
vii).	Date of examination of the accused under section 313 of the Code;		15.05.2026	
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 22.08.2025 and came up for final hearing this the 20th 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 Thiru.K.Naveenkumar, B.A.,L.L.B., 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, Karumathampatty Police Station in Crime No:401 of 2024 under Sections 281, 106(1) of BNS is as follows:-

The Inspector of Police, Karumathampatty Police Station, had laid the final report in terms of Section 193 BNSS against the accused that on 11.09.2024 at 22.15 hrs, while the deceased Muthukumar was riding his two-wheeler vehicle along the Annur Road from South to North direction near the Maruthasalam Company compound wall and the Accused, being the driver of an Ashok Leyland Lorry bearing registration number TN 41 AF 4942, drove the said heavy vehicle from the opposite direction in a rash and negligent manner. While driving so the Accused lost control and violently collided with the two-wheeler driven by the deceased, Muthukumar by which he sustained multiple grievous injuries across his body and succumbed to his injuries, resulting in his death. Hence, the Inspector of Police filed the Charge sheet against the accused Rajasekar for the offences u/s.281 and 106(1) of BNS.

(2).After taking cognizance of the offence, the summons was issued to the accused and on his appearance, he was furnished with the copies of the documents which were relied by the prosecution in compliance of Section 230 of BNSS. As there was a prima facie case made out against the accused, he was questioned for offence under Sections 281 and 106(1) BNS and charge was framed against him for offence under Sections 281 and 106(1) of BNS and read over and explained. When the accused was questioned under Section 263 of BNSS on the charge framed against him, he pleaded not guilty 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 6 witnesses out of 15 witnesses let in the final report to establish the guilt of the accused, LW4, LW5, LW7, LW 9 to LW14 were dispensed by the prosecution and marked **Ex.P:1** to **Ex.P:10**. No Material objects were marked. On the side of the defence, 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) PW1 Mrs. Shanmugapriya deposed that the deceased was her husband. It was deposed that on 11.09.2024, at around 10:00 PM to 10:15 PM, information was received by her from one Stalin Raj that the deceased was hit by a lorry when he reached near Mars Company on the road leading from Valayapalayam to Kittampalayam, an accident was caused due to an oncoming lorry. Upon reaching the accident spot, her husband was found unconscious with severe bleeding injuries on his head, right hand, and right leg. He was subsequently shifted to the Coimbatore Government Hospital. Since the husband was in an unconscious state, a complaint statement **Ex.P-1** was given by the PW1 to the police on the next day. It was further deposed that the deceased succumbed to his injuries on the evening of the 12th. The inquest proceedings conducted on the 13th were also attended by her.

(4.2) PW-2 Stalin Raj deposed that the deceased was his friend. It was further deposed that on 11.11.2024 at around 10:00 PM, he was riding his two-wheeler past Kittampalayam from Karumathampatti. He was followed by Karthikeyan on another two-wheeler, while the deceased was riding ahead on a Pulsar motorcycle. It was witnessed that when they were passing near Mars Company, a lorry coming from Annur towards Karumathampatti collided into the motorcycle of the deceased. The registration number of the offending lorry could not be recalled by him. Severe injuries were sustained by the deceased on his head, hand, and leg. Information regarding the accident was immediately conveyed by him to the wife of the deceased via mobile phone.

(4.3) PW-3 Subramaniyan deposed that the deceased was his son-in-law. It was deposed that about 1.5 years ago, information was received by his wife regarding the

accident involving their son-in-law near Kittampalayam. The police enquiry was joined by him during the inquest.

(4.4) PW-4 Thangaraj deposed that information regarding the accident was received by him on 11.09.2024. On the following morning, the accident spot near Mars Company was visited by him, where a crowd and the police were found. The inspection of the site and the preparation of the rough sketch by the police were witnessed by him. The Observation Mahazar was signed by him and another witness, Chenniappan, and the same was marked as **Ex.P-2**.

(4.5) PW-5 Karthikeyan deposed that he was a friend of the deceased. It was deposed that on 11.09.2024 at about 10:15 PM, he was returning home on his two-wheeler behind Stalin Raj, who in turn was behind the deceased. It was observed that a lorry driven at high speed from Annur collided with the deceased's motorcycle near Mars Company. The deceased was found with severe head and bodily injuries. Information was passed to the family, and the deceased was shifted via ambulance. The offending lorry's registration number was identified by him as TN 41 AF 4942. The driver of the lorry was also seen and could be identified by him.

(4.6) PW-6 Thiru Shanmugavel deposed that he is currently working as the Inspector of Police at the Thondamuthur Police Station in Coimbatore District. On 12.09.2024, while he was an Inspector of Police at the Karumathampatty Police Station, a hospital intimation was received on 12.09.2024 at 11:00 AM from the Coimbatore Government Hospital. The hospital was visited by him, and since the victim was unable to speak, a complaint was recorded from PW-1 Shanmugapriya. A case was registered under Crime No. 401/2024 under Sections 281 and 125(a) of BNS. The First Information Report was marked as **Ex.P-3**. The accident spot was inspected on the same day at 12:00 PM in the presence of witnesses Thangaraj and Chenniappan. An Observation Mahazar and a Rough Sketch **Ex.P-4** were prepared. Statements of witnesses were also recorded. Upon receiving information regarding the demise of the victim, the penal sections were altered from 281, 125(a) BNS to 281,106(1) BNS, and the alteration report was marked as **Ex.P-5**. Inquest proceedings were conducted by him at the mortuary in the presence of panchayatdars and witnesses. Inquest report was marked as **Ex.P-6**. The offending lorry was seized, and an

inspection request was sent to the Motor Vehicles Inspector. The MV inspection reports for the lorry and the motorcycle were marked as **Ex.P-7** and **Ex.P-8** respectively. Statements were recorded from the medical officer, Dr. Kavitha, and the death certificate was obtained and marked as **Ex.P-9** and the corpse was then sent for Postmortem Examination before LW11 Dr.Nirmal Kumar, Government hospital, Coimbatore, he conducted Postmortem Examination on the body of deceased and obtained the **Ex.P-10** Postmortem Certificate. On completion of Investigation, on 04.11.2024, final report was filed against the Accused Selvakumar for offences under sections 281 and 106(1) of BNS, with this Prosecution evidence closed on the side of the prosecution.

(5). The accused was then questioned under section 351(1)(b) BNSS about the incriminating circumstances found in the evidence of the prosecution witnesses, whereas the accused denied his complicity with the crime and stated that he have witness. However, on representation, defence side evidence is closed.

(6). The Point for determination is whether the prosecution has proved the guilt of the accused under sections 281 and 106(1) of BNS beyond all reasonable doubts?

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 or 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 defence. 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 counsel appearing for defence contended that the prosecution miserably failed to establish the accusation through the supportive evidence and materials. And further, filed written arguments as per Section 352(1) BNSS.

(10). IDENTITY OF THE ACCUSED AND THE OFFENDING VEHICLE:-

(10.1). The first and foremost ingredients for proving the case against the accused is the establishment of the identity of the accused by the prosecution being the one who caused the present accident as the same is most essential for fixing the guilt of the accused. The accused is identified by the witnesses who are examined as PW2 and PW5 as being the person who caused the death of the deceased by the accused by driving the offending vehicle bearing no. TN 41 AF 4942 in a rash and negligent manner. PW5 is the eye witness and PW4 is the eye witness/Observation Mahazar witness deposed that on 12.09.2024 while they were returning to their house in a two wheeler, the lorry which drove by the accused had hit against the deceased and further identified the accused as the driver of the offending vehicle. Hence, the prosecution has proved the identity of the accused in this case beyond reasonable doubt.

(11). CAUSE OF INJURIES:-

(11.1). The second foremost essential ingredients to be proved by the prosecution for securing the conviction of the accused for the offence punishable u/s.281, 106(1) BNS is that the death of the person is the direct result of rash and negligent act of the accused. The prosecution had alleged that the deceased Saravanakumar sustained head injury and died in the hospital. The Rough sketch **Ex.P:4** is proved by PW6. **Ex.P:6** Inquest report, **Ex.P-9** death certificate of the deceased and **Ex.P:10** Postmortem report of the deceased are supporting the prosecution version regarding the death was due to “MULTIPLE INJURIES AND ITS COMPLICATIONS”.

(12). RASHNESS OR NEGLIGENCE:-

(12.1) The other most essential ingredients to be proved by the prosecution for the offence under sections 281/106(1) BNS against the accused is "Rash and Negligent Driving".

(12.2). Before proceeding further, it is necessary to analysis what section 106(1) BNS say about rash or negligent driving. The section 304-A does not exactly specify what is meant by word rash and negligence. As per Straight J. Criminal rashness " is doing a dangerous or Wanton Act with the knowledge that it is so, and that it may cause injury, but without intention to cause such injury, or with the knowledge that such injury will probably be caused". The criminality lies in running the risk or doing of such an act with recklessness or indifference as to its consequences. Criminal negligence "is the gross and culpable neglect or failure to exercise reasonable and proper care and precautions to guard against any injury either to the public generally or to an individual in particular, which having regard to all the circumstances out of which the consequences has arisen, it was the imperative duty of the accused persons to have adopted".

(13). These observation approved by **Hon'ble Supreme Court in Bala Chandra Vs. State of Maharashtra (AIR 1968SC1319)**. In the said case, the Hon'ble Supreme Court has observed :

"Criminal negligence is the gross and culpable neglect or failure to exercise that reasonable and proper care and precautions to guard against any injury either to the public generally or to an individual in particular, which having regard to all the circumstances out of which the consequences has arisen, it was the imperative duty of the accused person to have adopted".

(14). In a case of rash or negligent driving, the test is whether the prosecution has proved that :-

(i).The accused was driving the vehicle in such a manner so as to create an obvious and serious risk of causing physical injury to some other person who might happens to be using the road or of doing substantial damages to the property.

(ii). In driving the vehicle in that manner the accused did so without having given any thought to the possibility of there being such risk or, having recognized that there was

some risk involved, had nonetheless gone on to take it.

(iii).The rash or negligent act must be the proximate cause of injury of the injured.

(15). The Investigation Officer examined LW1 to LW15 witnesses in this case and recorded their respective 161 Cr.P.C statements. On perusal of the witness list, LW1 is the defacto complainant/hearsay witness, LW2 and LW3 are the eye witness, LW4 to LW6 are witness to inquest, LW7 and LW8 are witness to Observation Mahazar and Rough Sketch. LW9 is Motor Vehicle Inspector inspected the vehicle involved in the accident and LW11 who conducted autopsy on the body of the deceased.

(16). The prosecution examined PW2 Stalin Raj and PW5 Karthikeyan as eye witnesses in this case. Both PW2 and PW5 deposed that on 11.09.2024, at about 10.00 pm, while they were proceeding near Mars company, the accused vehicle from opposite side hit the deceased Saravanakumar, he sustained head injuries and immediately, he was taken to the hospital and on 11.09.2024, he succumbed to the injuries.

(17). This court must engage in an elaborate, critical analysis of the oral testimonies to evaluate the internal consistency of the prosecution's case. A meticulous examination of the depositions reveals profound, irreconcilable conflicts regarding the fundamental timeline of the crime. PW1, PW4, PW5, and the Investigating Officer, PW6, categorically state that the accident occurred on 11.09.2024. However, PW2, who is introduced as a vital eyewitness and a close friend of the deceased riding right behind him, explicitly deposed under oath that the accident occurred on 11.11.2024. Furthermore, PW3, the father-in-law of the deceased, introduced another layer of temporal confusion by deposing that his wife received information regarding the accident "about 1.5 years ago." This court cannot gloss over these discrepancies as simple human memory lapses. If the accident truly took place on 11.11.2024 as stated by the direct eyewitness PW2, then the entire investigative machinery propounded by PW6 collapses, because the final charge sheet itself was already filed on 04.11.2024. The prosecution has failed to provide any re-examination or explanatory material to mend this gaping tear in its factual timeline, leaving the court with no fixed, reliable date for the occurrence of the crime.

(18). Beyond the chronological failures, a catastrophic structural mismatch exists between the witness testimonies and the specific evidentiary findings regarding the identity

of the offending vehicle. The foundational narrative delivered by the eyewitnesses PW1, PW2, PW5, and the official testimony of PW6 consistently establishes that the deceased was struck by an oncoming heavy commercial lorry. PW5 went so far as to identify this vehicle by its registration number, explicitly stating it was TN 41 AF 4942. Yet, an examination of the prosecution's primary pleadings and findings in Paragraph 10.1 introduces a completely alien matrix of facts. The accused was driving a two-wheeler bearing registration number TN-39-BC-2563, and that he hit the deceased while maneuvering this motorcycle. This leaves the court with a profound evidentiary void. The prosecution has fundamentally failed to bridge the gap between a heavy commercial lorry (TN 41 AF 4942) and a completely separate light two-wheeler (TN-39-BC-2563). For a court to convict an accused for rash and negligent driving, the identity of the instrument of the crime must be absolute and beyond question. The prosecution cannot expect this court to convict an accused when its own records vacillate wildly between a lorry and a motorcycle.

(19). This factual confusion deepens upon an elaborate review of the roles assigned to the witnesses themselves, which reveals an alarming mischaracterization of testimonies. PW4, Thangaraj, explicitly deposed that he merely received information regarding the accident and visited the scene the following morning, on 12.09.2024. He stated that he observed the police crowd, watched the preparation of the rough sketch, and signed the Observation Mahazar Ex.P-2 alongside another witness, Chenniappan. This explicitly relegates PW4 to the status of a post-incident procedural witness. However, Paragraph 10.1 of the case record completely reframes his reality, explicitly characterizing PW4 as a direct, active eyewitness who was supposedly riding a two-wheeler toward Kothapalayam alongside PW5 and directly witnessed the accused strike the deceased. This gross transposition of a standard Mahazar witness into an active eyewitness shatters the objective credibility of the prosecution's case presentation. It highlights a reckless amalgamation of facts that prevents this court from placing any reliance on how the evidence was collected, processed, and structured.

(20). This court must further analyze whether the essential legal ingredients of criminal rashness and negligence have been established under the law. To sustain a conviction under Sections 281 and 106(1) of the BNS, the prosecution must show that the accused exhibited a reckless state of mind, a complete indifference to consequences, or a

degree of negligence that makes injury a foreseeable certainty. The evidence on record falls drastically short of this standard. PW2 explicitly admitted in his deposition that he could not even recall or identify the registration number of the offending lorry at the time of the incident, thereby diluting his reliability as a tracking witness. PW5, while identifying a registration number, merely offered a generalized, subjective statement that the lorry was driven at "high speed." It is a well-settled and long-standing principle of criminal jurisprudence that the mere use of the phrase "high speed" does not automatically translate into criminal rashness or negligence. Speed is a relative concept, and without precise objective evidence regarding the width of the road, traffic density, braking distance, or the specific trajectory of the vehicle none of which were substantiated or corroborated by the rough sketch **Ex.P-4** or the testimony of PW6 an allegation of criminal negligence cannot stand. Given that the prosecution has completely obscured whether the accused was driving a lorry or a two-wheeler, any evaluation of his driving mannerisms becomes an exercise in pure speculation.

(21). It is a core, unyielding tenet of criminal law that the prosecution must prove its case beyond all reasonable doubts on the strength of its own evidence. It can never build a bridge to a conviction using the weaknesses, silences, or lack of evidence on the part of the defense. In this case, the structural contradictions are not minor or peripheral; they are foundational and fatal. The prosecution has failed to establish a consistent date for the accident, has failed to present a uniform description of the offending vehicle, has mixed up an entirely different registration number, and has erroneously converted a post-incident Mahazar witness into a direct eyewitness. When the identity of the vehicle, the timeline of the event, and the nature of the testimony are all cast in deep doubt, the benefit of such pervasive and overwhelming doubt must naturally and automatically be extended to the accused.

(22). Consequently, this court holds that the prosecution has miserably failed to prove the charges against the accused beyond a reasonable doubt. Acting under Section 271 of the BNSS, the accused Selvakumar is hereby acquitted of the offenses under Sections 281 and 106(1) of the BNS. His bail bonds shall stand cancelled, and his sureties are discharged.

(23). In result, the accused is not found guilty of the charge under Section 281 and 106(1) BNS and is therefore acquitted under Section 271(1) of the Code. The bail bonds executed by the accused stands cancelled after appeal or appeal period.

(24). No case property is produced in this case. Hence no case property order.

This judgment is dictated by me to the Steno typist and typed by her directly in the computer and after effecting necessary corrections pronounced by me in the open Court on this the 26th day of May 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
01.	Mrs. Shanmugapriya	Defacto complainant
02.	Mr. Stalin Raj	Eye Witness
03.	Mr. Subramaniyan	Inquest Witness
04.	Mr. Thangaraj	Observation Mahazar Witness
05.	Mr. Karthikeyan	Eye Witness
06.	Mr. Shanmugavelu, the Inspector of Police / the Investigating Officer.	The Inspector of Police / Investigating 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.	Complaint dated 12.09.2024.	04.03.2026	Ex.P:1	PW1	Original
02.	Observation Mahazar dated 12.09.2024.	04.03.2026	Ex.P:2	PW4	Original
03.	First Information report dated 12.09.2024.	13.05.2026	Ex.P:3	PW6	Original
04.	Rough Sketch dated 12.09.2024.	13.05.2026	Ex.P:4	PW6	Original
05.	Alteration Report dated 12.09.2024.	13.05.2026	Ex.P:5	PW6	Original
06.	Inquest Report dated 13.09.2024.	13.05.2026	Ex.P:6	PW6	Original
07.	MV report dated 18.09.2024 for the vehicle bearing Registration No.TN-41-AF-4942.	13.05.2026	Ex.P:7	PW6	Original
08.	MV report dated 23.10.2024 for the vehicle without registration.	13.05.2026	Ex.P:8	PW6	Original
09.	Death certificate dated 12.09.2024.	13.05.2026	Ex.P:9	PW6	Original
10.	Postmortem Certificate dated 13.09.2024.	13.05.2026	Ex.P:10	PW6	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 271(1) of BNSS for the offences under section 281 and 106(1) of BNS. 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.