

**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 24th day of March 2026

Calendar Case No:55 of 2023

(CNR No.TNCB18-003159-2023)

1.	Serial Number of the Case	Calendar Case No.55 of 2023
2.	Name of the Complainant & Address	The State of Tamil Nadu, represented by the Inspector of Police, Sulur Police station in Crime No:64 of 2023.
3.	Name, age, father's name and address of the Accused	Mr.Mahaboob John (Aged 60/2023), S/o.Madar, D.No.8/193-2, Rajiv Gandhi Nagar, Keelapalayam, Pidagam, Ulunthurpettai, Villupuram.
4.	Offence Complained of	Offence under Sections 279, 304-A of IPC.
5.	Date of Offence	01.02.2023.
6.	Date of Complaint	01.02.2023.
7.	Plea of the Accused and his Examination in Brief	Pleaded not guilty.
8.	Apprehension	06.02.2023.
9.	Released on bail	06.02.2023.
10.	Commencement of trial	28.03.2024.
11.	Close of trial	11.03.2026.
12.	Judgment Reserved on	24.03.2026.
13.	Judgment Pronounced on	24.03.2026.
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.Mahaboob John (Aged 60/2023), S/o.Madar, D.No.8/193-2, Rajiv Gandhi Nagar, Keelapalayam, Pidagam, Ulunthurpettai, Villupuram.	06.02.2023.	06.02.2023.
ii).	Date of filing of the complaint/ final report in the court	Filing of Complaint	Filing of Final report	
		-	07.06.2023.	
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 27.02.2024.		
v).	Filing of all miscellaneous petitions and their results	Crl.M.P.No. & under section or prayer	Date of filing	Result

	including the results on challenge before superior Courts; except routine petitions like petitions under Section 317 of the Code;			
		-	-	-
vi).	Date of Examination in chief and cross	Name of the Witness	Date of Chief Examination	Date of Cross Examination
		PW1-Mrs.Veerammal. PW2-Mr.Perumal. PW3-Mr.Chandran. PW4-Mr.Murugan. PW5-Mr.Mohanraj. PW6-Mr.Madhaiyan, the Inspector of Police.	20.11.2025 20.11.2025 20.11.2025 20.11.2025 02.03.2026 11.03.2026	20.11.2025 20.11.2025 20.11.2025 20.11.2025 Hostile. 11.03.2026
vii).	Date of examination of the accused under section 313 of the Code;	17.03.2026		
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
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This case cognizance was taken on file on 07.06.2023 and came up for final hearing this the 17th day of March 2026 before this court, in the presence of Tmt.K.Jayanthi, M.B.A.,B.L., Learned Assistant Public Prosecutor Grade-II for the State and Thiru.S.Sabarinathan, 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, Sular Police Station in Crime No:64 of 2023 under Sections 279, 304-A of IPC is as follows:-

The Inspector of Police, Sular Police Station, had laid the final report in terms of Section 173(2) Cr.P.C against the accused that on 01.02.2023 at 19.00 hrs, the deceased, Rangan, was crossing the Trichy–Coimbatore Road from south to north near Murugan Medicals at Kangeyampalayam, signaling his intention to cross the road. At that time, the accused, who was driving an Ashok Leyland lorry bearing Registration No. TN 28 AD 7997 in the same road from east to west, drove the vehicle in a rash and negligent manner and hit the deceased Rangan, thereby causing the accident which resulted in his death. Hence, the Inspector of Police filed the Charge sheet against the accused Mahaboob John for the offences U/s.279 and 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 were explained to the accused in terms of Section 251 Cr.P.C. The accused denied the accusation under sections 279 and 304-A 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 6 witnesses out of 14 witnesses let in the final report to establish the guilt of the accused, LW5, LW7 to LW13 were dispensed by the prosecution

and marked **Ex.P1 to Ex.P8**. 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.Veerammal is the hearsay witness/defacto complainant in this case deposed about the information received regarding the manner of accident, and given the **Ex.P:1** complaint before the LW8 for set the law into motion. PW1 in her chief examination, has stated that on 01.02.2023, she received information that her husband had met with a road accident and was lying with bleeding injuries and without breathing or speech and on going to the spot and seeing him, she found that her husband had sustained severe injuries on his head and body and was lying without breathing or speech and she further stated that she came to know that the accident occurred due to a lorry hitting her husband and based on this, she lodged a complaint at the police station under **Ex.P1**.

(4.2). PW2 Mr. Perumal in his chief examination, has stated that on 01.02.2023, while he and one Mohan were standing near a medical shop at Kangeyanpalayam, a person named Rangan was crossing the road from south to north by signaling with his hand and at that time, a gas lorry coming from east to west at high speed hit Rangan and due to the impact, Rangan sustained a head injury and he further stated that the people nearby informed the 108 ambulance and took Rangan to the Sular Government Hospital, where the doctors examined him and declared him dead and he also stated that the registration number of the offending Vehicle.

(4.3). PW3 Mr. Chandran in his chief examination, has stated that on **01.02.2023**, while he was at home, he was informed that deceased Rangan had met with an accident at Kangeyampalayam and then he went to the scene along with his mother and saw that the deceased had sustained a severe head injury and was lying dead without breathing or speech and he further stated that he enquired about the accident from one Perumal, and that he was present when the police conducted the inquest over the dead body and he also stated that the police examined him.

(4.4). PW4 Mr. Murugan in his chief examination, has stated that on **01.02.2023**, his aunt called him over the phone and informed him that his uncle Rangan had met with an

accident after being hit by a lorry and he stated that he went to the hospital, and that he was present when the police conducted the inquest over the dead body and he also stated that he was examined by the police.

(4.5). PW6 Mr. R. Mathaiyan, Inspector of Police in his chief examination, has stated that on 01.02.2023 at about 21:00 hours, while the Sub-Inspector of Police, Mr. Munisamy, was on station duty at Sular Police Station, one Veerammal appeared at the station and gave a complaint and a case in Cr. No. 64/2023 was registered under Sections 279, 304-A IPC and the First Information Report **Ex.P2** was prepared and he further stated that he proceeded to the place of occurrence, inspected the scene in the presence of witnesses, and prepared the Observation Mahazar **Ex.P3** and Rough Sketch **Ex.P4** and he examined witnesses and recorded their statements and for the purpose of ascertaining the cause of death, he went to the mortuary of Coimbatore Singanallur Government Medical College and ESI Hospital, and in the presence of witnesses and panchayatdars, conducted an inquest over the dead body of Rangan and prepared the Inquest Report **Ex.P5** and he also examined the inquest witnesses separately and recorded their statements and he further stated that on 06.02.2023, the accused voluntarily appeared at the police station, and after informing him of the grounds of arrest, he was arrested and released on station bail and he also stated that the vehicle driven by the accused, which caused the accident, was subjected to Motor Vehicle Inspection and the Motor Vehicle Report **Ex.P6** was obtained and he examined the Motor Vehicle Inspector and recorded his statement and he further examined the doctor of Coimbatore Singanallur Medical College who confirmed the death of Rangan and recorded his statement, and obtained the Accident Register **Ex.P7** and the Postmortem Report **Ex.P8**. On completion of Investigation, on 06.03.2023, final report was filed against the Accused Mahaboob John for offences under sections 279, 304-A of Indian Penal Code, 1860, with this Prosecution evidence closed on the side of the prosecution.

(5). The accused was 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 his complicity with the crime and stated that he does not have witness. Hence defence side evidence is closed.

(6). The Point for determination is whether the prosecution has proved the guilt of the accused under sections 279 and 304-A IPC 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.

(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 not identified by the eye-witnesses who was examined as PW2

being the person who caused the death of the deceased by the accused by driving the offending vehicle bearing no.TN-28-AD-7997 in a rash and negligent manner. Hence, the identity of the accused is not proved by the prosecution.

(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.279, 304A IPC 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 Rangan sustained injuries and died in the hospital. The Rough sketch **Ex.P:4** is proved by PW6. **Ex.P:8** Postmortem report of the deceased is supporting the prosecution version regarding the death was due to "INJURY TO A VITAL ORGAN (THE BRAIN) – HEAD INJURY".

(12). RASHNESS OR NEGLIGENCE:-

(12.1). The other most essential ingredients to be proved by the prosecution for the offence under sections 279/304A IPC against the accused is "Rash and Negligent Driving".

(12.2). Before proceeding further, it is necessary to analysis what section 304A IPC say about rash or negligent driving. The section 304A IPC 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 prosecution examined PW1 to PW6 to prove the prosecution case. Out of the 14 witnesses, PW2 and PW5 are the eye witnesses in this case. During chief examination PW2 he deposed “கடந்த 01.02.2023ம் தேதி மாலை சுமார் 06.00 மணியளவில் காங்கேயன்பாளையம் மெடிக்கல் கடை அருகே தானும், மோகன்ராஜ் என்பவரும் இருந்தபோது, ரங்கன் தெற்கிலிருந்து வடக்காக கை காட்டி கடந்தபோது, கிழக்கிலிருந்து மேற்காக வந்த கேஸ் லாரி ரங்கன் மீது மோதிவிட்டது.” As per the evidence of PW2 it clearly reveals that he claims to be an eye witness. As per the evidence of PW2 he deposed that he along with PW5 were standing in front of the shop and witnessed the accident. On perusal of evidence of PW5 he deposed that at the time of occurrence he was at Tharapuram, on the side of the prosecution PW5 during chief examination turned Hostile and not supported the case of the prosecution with the leave of this court he was cross examined in length but no evidence where available to prove the rashness of the accused.

(16). On appraisal of evidence of PW2 and PW5 both together creates serious doubt, PW2 claims to be an eye witness in this case but whereas PW5 deposed at the time of accident he was at tharapuram and also during cross examination PW2 also contradict with his chief examination. And further on appraisal of the ExP4 Rough Sketch clearly indicates that the place of occurrence is on the middle of the road.

(17). It is settled principle that evidence of hostile witness cannot be rejected in toto, the evidence favourable for prosecution or defence can be taken into consideration. It is the duty of the trial court to separate grain from the chaff. But, on perusal of the evidence of PW5, they deposed like hearsay. On combined reading of evidence of PW2,

PW5, Ex.P:4 Rough Sketch and Ex.P:6 MV Report, it is quite unbelievable to accept the prosecution case in any manner.

(18). *Suleman Rehiman Mulani and another Vs State of Maharashtra AIR 1968 SC Pg 89*

There should be a material on record to find out under what circumstances the accident took place. The evidence of eye witness is very much essential to the court to arrive the conclusion that the accident were took place on the negligence of the accused. Otherwise, benefit of doubt should be in favour of the accused.

(19).The dictum squarely applicable to our present case it is not possible to find out under what circumstances the accident took place. Further, there are no evidence can establish the rash and negligent driving on the part of the accused.

(20). There is absolutely no evidence to show that the accused was responsible for the accident. The prosecution has not produced any evidence to show as to how the accident took place. The possibility of the accident having been caused due to the fault of the deceased cannot be ruled out.

(21). 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.

(22). In result, the accused is not found guilty of the charge under Section 279 and 304A 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.

(23). 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 24th day of March 2026.

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.Veerammal.	Defacto complainant
02.	Mr.Perumal.	Eye Witness
03.	Mr.Chandran.	Hearsay witness
04.	Mrs.Murugan.	Hearsay witness
05.	Mrs.Mohanraj.	Eye witness
06.	Mr.Madhaiyan, 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.	Report dated 01.02.2023.	20.11.2025	Ex.P:1	PW1	Original
02.	First Information Report dated 01.02.2023.	11.03.2026	Ex.P:2	PW6	Original
03.	Observation Mahazar dated 01.02.2023.	11.03.2026	Ex.P:3	PW6	Original
04.	Rough Sketch dated 01.02.2023.	11.03.2026	Ex.P:4	PW6	Original
05.	Inquest Report dated 02.02.2023.	11.03.2026	Ex.P:5	PW6	Original
06.	MV report dated 06.02.2023 for the vehicle bearing Registration No.TN-28-AD-7997.	11.03.2026	Ex.P:6	PW6	Original
07.	Accident Register dated 01.02.2023	11.03.2026	Ex.P:7	PW6	Original

08.	Postmortem Certificate dated 02.02.2023.	11.03.2026	Ex.P:8	PW6	Original
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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 and 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.

Judicial Magistrate,
Sulur.