

**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 10th day of March 2026

Calendar Case No:134 of 2024

(CNR No.TNCB-1800-4920-2024)

1.	Serial Number of the Case	Calendar Case No:134 of 2024
2.	Name of the Complainant & Address	The State of Tamil Nadu, represented by the Inspector of Police, Karumathampatty Police station in Crime No:244 of 2024.
3.	Name, age, father's name and address of the Accused	Nandhakumar (32/2024), S/o.Balasubramaniam, 8/222, Periya Veettuthottam, Veru Vedampalayam, Nandhavanam Palayam, Tiruppur.
4.	Offence Complained of	Offence under Sections 279, 304-A of IPC.
5.	Date of Offence	02.06.2024.
6.	Date of Complaint	02.06.2024.
7.	Plea of the Accused and his Examination in Brief	Pleaded not guilty.
8.	Apprehension	06.06.2024.
9.	Released on bail	06.06.2024.
10.	Commencement of trial	03.12.2024.
11.	Close of trial	05.03.2026.
12.	Judgment Reserved on	07.03.2026.
13.	Judgment Pronounced on	10.03.2026.
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
		Nandhakumar (32/2024), S/o.Balasubramaniam, 8/222, Periya Veettuthottam, Veru Vedampalayam, Nandhavanam Palayam, Tiruppur.	06.06.2024.	06.06.2024.
ii).	Date of filing of the complaint/ final report in the court	Filing of Complaint	Filing of Final report	
		-	05.11.2024 (E-Filing)	
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 02.01.2025.		
v).	Filing of all miscellaneous petitions and their results including the results on challenge before superior Courts; except routine	CrI.M.P.No. & under section or prayer	Date of filing	Result

	petitions like petitions under Section 317 of the Code;			
		M.P.No.01/2025-294(3) Cr.P.C petition filed by the prosecution.	Filed on 25.08.2025	Allowed on 25.08.2025
		M.P.No.02/2025-254(2) Cr.P.C petition filed by the accused.	Filed on 04.09.2025	Allowed on 13.11.2025
vi).	Date of Examination in chief and cross	Name of the Witness	Date of Chief Examination	Date of Cross Examination
		PW1-Mr.Sangarapandian. PW2-Mr.Prabhu. PW3-Mr.Muthusamy. PW4-Mr.Shankar. PW5-Mr.Gokul. PW6-Mr.Shanmugavelu, the Inspector of Police / the Investigating Officer. DW1-Mr.Balasubramaniam	02.06.2025 05.06.2025 05.06.2025 18.06.2025 03.07.2025 25.08.2025 22.01.2026	02.06.2025 05.06.2025. No Cross. 18.06.2025 03.07.2025 25.08.2025 22.01.2026
vii).	Date of examination of the accused under section 313 of the Code;	01.09.2025		
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 05.11.2024 and came up for final hearing on 07th 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.M.V.Shankar, B.A.L., L.L.B., and Thiru.S.Sabarinathan, B.A., B.L., Learned Counsels 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:244 of 2024 under Sections 279, 304-A of IPC is as follows:-

The Inspector of Police, Karumathampatty Police Station, had laid the final report in terms of Section 173(2) Cr.P.C against the accused that on 02.06.2024 at 14.50 pm, while the deceased Jeevananth was riding his BMW two wheeler bearing Registration No.TN-22-DL-2346 on the Coimbatore to Avinashi bypass road, opposite to Holirosery private school flyover, from West to East, the accused drove his Mahindra car bearing Registration No.TN-78-F-3690 on the same direction had tried to overtake the two wheeler of the deceased had hit against the two wheeler of the deceased and caused his death. Hence, the Inspector of Police filed the Charge sheet against the accused Nandhakumar for the offences 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 were 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 6 witnesses out of 16 witnesses let in the final report to establish the guilt of the accused, LW4 to LW8 and LW11 to LW15 were dispensed by the

prosecution and marked Ex.P1 to Ex.P8. No Material objects were marked. On the side of the defense, one Mr.Balasubramaniam was examined as DW1 and no 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). PW2 Mr.Prabhu is one of the eye witness in this case deposed in his evidence that the deceased Jeevanandham is his friend and on 02.06.2024 at 2.00 pm, while himself and the deceased were proceeding to Salem in two bikes on the Coimbatore to Avinashi bypass road, from West to East, opposite to Holirosery Private School, the XUV 300 car came behind him had over taken his two wheeler and suddenly turned on the leftern side and hit against the two wheeler of the deceased and hence, the deceased Jeevanantham thrown from the flyover and informed to 108 ambulance and on examination, they declared his death on the spot and taken him to the ESI hospital, Singanallur and intimated to the uncle of the deceased.

(4.2). PW1 Mr.Sankarapandiyar is the hearsay witness/defacto complainant lodged report **Ex.P:1** before LW14 Mrs.Premalatha. He deposed in his evidence that on the day of occurrence, at 2.30pm, PW2 Prabhu had contacted him over phone and intimated about the accident met by the deceased and he lodged **Ex.P:1** complaint to the police.

(4.3). PW3 Mr.Muthusamy is the hearsay witness deposed in his evidence that the deceased is his son and on 02.06.2024 at 3.00 pm, PW1 Mr.Sankarapandian had contacted him over phone and intimated about the accident met by his son and hence, he went to the ESI hospital, and saw that his son sustained injuries all over his body and witness to the inquest.

(4.4). PW4 Mr.Shankar is one of the Observation Mahazar witness identified his 2nd signature in **Ex.P:2** Observation Mahazar and deposed that on 02.06.2024, at 5.30 pm, the police prepared Observation Mahazar and drew Rough Sketch in the place of occurrence and hence, himself and PW5 Gokul had afixed their signatures.

(4.5). PW5 Mr.Gokul is the eye witness/Observation Mahazar witness deposed in his evidence that on 02.06.2024, while PW2 Prabhu and himself in a two wheeler and the deceased Jeeva in another two wheeler were proceeding near Karumathampatty, Mahindra

XUV 300 car while turning towards left had hit on the right side mirror the deceased two wheeler and since they were riding on the flyover, the deceased lost control and thrown from the flyover and died on the spot and further identified the 1st signature in the Observation Mahazar and further deposed that he does not remember the driver of the offending vehicle.

(4.6). PW6 Mr.Shanmugavelu, the Inspector of Police/ the Investigating Officer deposed in his evidence that LW14 Mrs.Premalatha, the Head Constable, Karumathampatty Police Station, received **Ex.P:1** report from PW1 Mr.Sankarapandian and registered **Ex.P3** First Information Report in Crime No.244 of 2024 for the offences under Sections 279,304-A of IPC and then, the Sub Inspector of Police LW15 Mr.Senthilkumar took the case for investigation and he went to the scene of occurrence and prepared **Ex.P2** Observation Mahazar and **Ex.P4** Rough Sketch in the presence of witnesses PW4 Mr.Shankar and PW5 Mr.Gokul.

(4.7). On 02.06.2024 injured person Jeevanandh was died and to ascertain the cause of death of deceased person, in the ESI hospital, Coimbatore, in the presence of witnesses and Panchayatdars, he prepared **Ex.P5** Inquest report and recorded the statements of witnesses Muthusamy, Rathinam, Baranikumar, Rajavel and then, PW6, the Inspector of Police took the case for investigation and in the wake of investigation, he arrested the Accused on 06.06.2024 and he was released on station bail and sent the vehicle driven by the deceased along with requisition to ascertain is there is any mechanical defect in the vehicle and obtained **Ex.P6** inspection report for the vehicle bearing reg.No.TN-22-DL-2346 and sent the offending vehicle along with requisition to ascertain is there is any mechanical defect in the vehicle and obtained **Ex.P7** inspection report for the vehicle bearing reg.No.TN-78-F-3690 and inquired motor vehicle Inspector and recorded his statement and the corpse of the deceased Jeevanandh was then sent for Postmortem Examination before LW12 Dr.Vinoth Kumar, ESI hospital, Coimbatore, he conducted Postmortem Examination on the body of deceased Jeevanandh and obtained the **Ex.P8** Postmortem Certificate. On completion of Investigation, on 06.06.2024, final report was filed against the Accused Nandhakumar 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 have witness and examined one Mr.Balasubramaniam as **DW1**. No documents were marked by the defense.

(6). 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?

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 are examined as PW2 Mr.Prabhu and PW5 Mr.Gokul. PW2 and PW5 in their evidence, not identified the accused as the driver of the offending vehicle. On the side of the accused, one DW1 was examined as witness. During his chief examination, he categorically deposed that the deceased only came in a speedy manner and hit the car. The accused also not denied as he is not the driver of the offending vehicle.

(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 Jeevanandh sustained multiple injuries and died in the hospital. The Rough sketch **Ex.P:4** is proved by PW6. **Ex.P:5** Inquest report and **Ex.P:8** Postmortem report of the deceased Jeevanandh are supporting the prosecution version regarding the death of the deceased Jeevanandh was due to "SHOCK AND HAEMORRHAGE DUE TO MULTIPLE INJURIES".

(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 PW2 Prabhu and PW5 Gokul as eye witnesses in this case. During chief examination, PW2 deposed that on the day of occurrence, the offending vehicle had hit the two wheeler by suddenly turned on the left side. PW5 who is also an eye witness in this case deposed in his evidence that on the day of occurrence, the

offending vehicle without any indication suddenly turned left side and had hit the deceased two wheeler mirror, due to which, the deceased thrown away from the flyover and sustained injuries all over the body and succumbed to the injuries.

(16).The Learned Counsel for the accused argued that the presence of PW2 and PW5 at the place of occurrence is itself doubtful. In contra, the Learned Counsel for the State argued that PW2 and PW5 are eye witness, they both categorically deposed in the lines of the prosecution case. It is relevant to refer the evidence of PW2 during cross examination “நான் அ.சா.1 வீட்டிற்கு **Passion Pro** வண்டியில் சென்றேன். வண்டி எண் எனக்கு தற்போது ஞாபகம் இல்லை. மேற்படி வாகனம் அ.சா.1 க்கு சொந்தமானது”. As per the evidence of PW2, he went to the place of occurrence by Passion Pro Vehicle, but whereas the evidence of PW5 “நானும் பிரபுவும் ஜுவா பின்னால எந்த வாகனத்தில் சென்றோம் என்றால் **BMW** இரு சக்கர வாகனத்தில் சென்றோம்”. Whereas the evidence of PW2 that he went along with PW5 by Passion Pro vehicle, but whereas the evidence of PW5, they both went in BMW two wheeler which creates serious doubt about their presence at the time of occurrence.

(17).Further, as per the case of the prosecution, the offending vehicle had hit the two wheeler which is coming from leftern side. On appraisal of the **Ex.P:7** MV Report, the following damages were noted :-

- At the time of Inspection,
- Front Leftside Door Assembly damaged,
- Front Leftside Rear View Mirror damaged,
- Bonnet Leftside dented.

(18).During arguments, the Learned Counsel for the accused had produced the photographs of the offending vehicle and the deceased vehicle. The damages mentioned in the MV report tallied with the photograph furnished by the Learned Counsel for the accused. As per the evidence of PW2, the offending vehicle all of sudden turned left side and had hit the two wheeler. But, as per the MV report, in colomn No.13, the damages were started from front leftern side till front leftern side door. And also as per the evidence of PW5, the offending vehicle had hit the two wheeler with the leftern side

mirror. Really if the accident had happened as per the version of PW2 and PW5 there is no possibility for the damages mentioned in the Ex.P:7 MV report for the offending vehicle.

(19). On combined reading of the evidence of PW2 and PW5 coupled with Ex.P:7 MV report, it is highly doubtful about the manner of the accident as projected by the prosecution. Generally in accident cases, the prosecution witnesses is not expected to depose each and every minute details about the manner of the accident, but, the way in which the vehicle came and caused the accident must be elicited before this court in order to come to the conclusion that on whose negligence, this accident had happened. In our present case, on appraisal of the evidence of PW2 and PW5, no evidence regarding rash or negligent act of the accused. Hence, without oral or documentary evidence, this court cannot comes to the conclusion that the accident had happened on the negligence of the accused.

(20). *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.

(21). 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.

(22). 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.

(23). 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 against the motorist and caused death not amounting to the culpable homicide and thereby committed an offence punishable u/s.279 304-A IPC.

(24). In result, the accused is 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.

(25). 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 10th 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.	Mr.Sankarapandiyan.	Hearsay Witness / Defacto complainant.
02.	Mr.Prabhu.	Eye Witness
03.	Mr.Muthusamy.	Hearsay Witness
04.	Mr.Shankar.	Observation Mahazar witness.
05.	Mr.Gokul.	Eye Witness / Observation Mahazar witness.
06.	Mr.Shanmugavelu, the Inspector of Police / the Investigating Officer.	The Investigating Officer.

List of prosecution side Exhibited Documents:

Sl.No. of the	Description of the exhibit and its date	Date, when the exhibit	How marked	Proved by /	Remarks
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exhibits		was filed in the case		attested by	
01.	Report dated 02.06.2024.	02.06.2025	Ex.P:1	PW1	Original
02.	Observation Mahazar dated 02.06.2024.	18.06.2025	Ex.P:2	PW4	Original
03.	First Information report dated 02.06.2024.	25.08.2025	Ex.P:3	PW6	Original
04.	Rough Sketch dated 02.06.2024.	25.08.2025	Ex.P:4	PW6	Original
05.	Inquest Report dated 03.06.2024.	25.08.2025	Ex.P:5	PW6	Original
06.	MV report for the vehicle bearing Registration No.TN-22-DL-2346 dated 23.07.2024.	25.08.2025	Ex.P:6	PW6	Original
07.	MV report for the vehicle bearing Registration No.TN-78-F-3690 dated 10.06.2024.	25.08.2025	Ex.P:7	PW6	Original
08.	Postmortem Certificate dated 03.06.2024.	25.08.2025	Ex.P:8	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:

Defense Witness No.	Name of Witness	Description
01.	Mr.Balasubramaniam	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.

Judicial Magistrate,
Sulur.