

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

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

Judicial Magistrate, Sulur.

Friday, the 24th day of April 2026

Calendar Case No: 152 of 2024

(CNR No.TNCB18-005237-2024)

1.	Serial Number of the Case	Calendar Case No. 152 of 2024
2.	Name of the Complainant & Address	The State of Tamil Nadu, represented by the Inspector of Police, Sulthanpettai Police station in Crime No: 14 of 2018 .
3.	Name, age, father's name and address of the Accused	Mr. Rasamuthu (45/2018), S/o. Mailsamy, 7/701 Sakthi Nagar, Pongalur (PO), Palladam (TK), Tiruppur (DT).
4.	Offence Complained of	Offence under Sections 279, 304-A of IPC.
5.	Date of Offence	11.01.2018.
6.	Date of Complaint	16.01.2018.
7.	Plea of the Accused and his Examination in Brief	Pleaded not guilty.
8.	Apprehension	15.03.2018.
9.	Released on bail	15.03.2018.
10.	Commencement of trial	15.10.2025.
11.	Close of trial	22.04.2026.
12.	Judgment Reserved on	22.04.2026.
13.	Judgment Pronounced on	24.04.2026.
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. Rasamuthu (45/2018), S/o. Mailsamy, 7/701 Sakthi Nagar, Pongalur (PO), Palladam (TK), Tiruppur (DT).	15.03.2018.	15.03.2018.
ii).	Date of filing of the complaint/ final report in the court	Filing of Complaint	Filing of Final report	
		-	29.08.2018.	
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 15.10.2025.		
v).	Filing of all miscellaneous petitions and their results including the results on	Crl.M.P.No. & under section or prayer	Date of filing	Result

	challenge before superior Courts; except routine petitions like petitions under Section 317 of the Code;			
		M.P.No.01/2026- petition u/s 294 Cr.P.C	Filed on 21.04.2026	Allowed on 21.04.2026
		M.P.No.02/2026- petition u/s 311 Cr.P.C	Filed on 21.04.2026	Allowed on 21.04.2026
vi).	Date of Examination in chief and cross	Name of the Witness	Date of Chief Examination	Date of Cross Examination
		PW1-Mr. Ramesh . PW2-Mr. Muthu Rathinam. PW3-Mr. Kumaresan. PW4-Mrs. Praveena, the Inspector of Police/Investigation Officer.	09.04.2026. 15.04.2026. 15.04.2026. 20.04.2026.	09.04.2026. 15.04.2026. 15.04.2026. 20.04.2026.
vii).	Date of examination of the accused under section 313 of the Code;	22.04.2026		
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	Nil		

compensation ordered.	
-----------------------	--

This case cognizance was taken on file on 29.08.2018 by the Judicial Magistrate, Pollachi as CC 360/2018 and on the point of jurisdiction, transferred to this court and renumbered as CC 152/2024 and came up for final hearing on 22nd day of April 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. M. 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, Sulthanpettai Police Station in Crime No: 14 of 2018 under Sections 279, 304-A of IPC is as follows:-

The Inspector of Police, Negamam Police Station, had laid the final report in terms of Section 173(2) Cr.P.C against the accused that On 11.01.2018 at about 18:45 hours, within the jurisdiction of Negamam Police Station, on the Senjeriputhur to Vanchipuram Road, near the coconut grove of Dharmaraj situated east of Vanchipuram village, the accused Selvaraj @ Rasamuthu was riding a Honda Super Splendor motorcycle bearing Registration No. TN 57 M 0388 from East to West, with the deceased Rathinasamy as pillion rider. The accused drove the vehicle in a rash and negligent manner at high speed, endangering human life, and while negotiating a curve, caused the vehicle to skid and fall. As a result of the accident, the pillion rider Rathinasamy sustained grievous head and bodily injuries, which proved fatal, leading to his death. Hence, the Inspector of Police filed the Charge sheet against the accused Rasamuthu 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 4 witnesses out of 13 witnesses let in the final report to establish the guilt of the accused, LW2, LW3, LW5, LW8 to LW12 were dispensed by the prosecution and marked Ex.P1 to Ex.P7. 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) PW1, Mr. Ramesh, deposed in his evidence that on 11.01.2018 he received a phone call from his father's mobile phone informing him that an accident had occurred near Dharmaraj Garden curve. He, along with his relatives, went to the place of occurrence and found his father and his uncle lying with bleeding injuries. Both were unconscious. PW1 immediately took them in his car and admitted them to the Government Hospital, Udumalpet.

(4.2) Further, PW1 deposed that, on the advice of the doctor, he took his father to Priya Hospital, Palani, and admitted him for treatment. While the deceased was undergoing treatment, he suddenly developed chest pain and was then taken to Palanivel Hospital for further treatment. Thereafter, he was taken to the Government Hospital, Palani, where the doctors, upon examination, informed that the deceased had passed away during transit. Subsequently, PW1 preferred **Ex.P1** complaint before LW11, setting the law in motion. PW2, Mr. Muthu Rathinam, deposed along the lines of hearsay evidence. PW3, Kumaresan, deposed in his evidence that on 16.01.2018, while he was at the place of occurrence, the police inspected the scene and prepared **Ex.P2** Observation Mahazar and obtained his signature on Ex.P2.

(4.3) PW4, Mrs. Praveena, Inspector of Police, deposed in her evidence that LW11, Mr. Muthusamy, Special Sub-Inspector of Police, Negamam Police Station, received **Ex.P1** complaint from PW1, Mr. Ramesh, and registered **Ex.P3** First Information Report in Crime

No. 14 of 2018 for the offences under Sections 279 and 304-A of IPC. Thereafter, LW12, Mr. Shanmugasundaram, Inspector of Police, took up the investigation. He visited the scene of occurrence and prepared **Ex.P2** Observation Mahazar and **Ex.P4** Rough Sketch in the presence of witnesses PW3 Kumaresan and LW6 Natraj. He examined PW1 Ramesh, LW2 Ponmani, LW3 Ponselvi, LW6 Natraj, and PW3 Kumaresan, and recorded their respective statements.

(4.4) In order to ascertain the cause of death of the deceased, an inquest was conducted at the Government Hospital, Palani, in the presence of witnesses and Panchayatdars, and **Ex.P5** Inquest Report was prepared. Statements of witnesses PW2 Muthu Rathinam and LW5 Muthusamy were recorded. The body of the deceased Rathinasamy was then sent for postmortem examination before LW10, Dr. Janarthanan, Government Hospital, Palani. He conducted the postmortem examination and issued **Ex.P6** Postmortem Certificate.

(4.5) In the course of investigation, the accused was arrested on 15.03.2018, released on station bail, and the offending vehicle was sent with a requisition to ascertain whether there was any mechanical defect. **Ex.P7** Motor Vehicle Report was obtained for the vehicle bearing Registration No. TN 57 M 0388. The Motor Vehicle Inspector was examined and his statement was recorded. Upon completion of the investigation, on 24.05.2018, a final report was filed against the accused Rasamuthu for offences under Sections 279 and 304-A of the Indian Penal Code, 1860. With this, the prosecution evidence was closed.

(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, 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. In this case the accused is none other than relative of the deceased. And further in the two wheeler accident accused also sustained grievous injury. Accused also not denied that he is not the driver of the two wheeler at the time of accident. Hence, the prosecution prove 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.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 Subban sustained multiple injuries and died in the hospital. The Rough sketch **Ex.P:4** is proved by PW4. **Ex.P:5** Inquest report and **Ex.P:6** Postmortem report of the deceased Rathinasamy are supporting the prosecution version regarding the death of the deceased Rathinasamy was due to “ **the deceased would appear to have died of Myocardial infraction**”.

(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 relied on the testimonies of PW1 Ramesh, son of the deceased and PW2 Muthu Rathinam, brother of the deceased. Upon careful perusal of their statements, Both PW1 and PW2 admitted they were not present at the time of the accident. PW1 stated he was at his uncle's house and reached the spot only after receiving a phone call from an unknown person. PW2 stated he was at his home in Dindigul when he received the news. Therefore, there are no eye-witnesses to the actual occurrence of the accident. And further during cross examination of PW1 he clearly admitted “ எனது தந்தை சரியாக உட்கார்ந்து பயணம் செய்து இருந்தால் விபத்து தவிர்த்திருக்கலாம் என்றால் சரிதான்.”

Absence of "Rashness" Evidence: No witness has testified to the actual speed of the vehicle or the manner of driving. The mere fact that a vehicle skidded at a curve does not automatically imply criminal negligence. Skidding can occur due to various factors including road conditions, gravel, or mechanical failure.

16.Proximate Cause of Death:

PW1's testimony reveals that the deceased was stable after surgery at Priya Hospital. The death occurred several days later after a sudden onset of chest pain and

subsequent transfers between hospitals. And further on appraisal of Ex.P6 Postmortem Certificate opinion “ **the deceased would appear to have died of Myocardial infraction**” This raises a reasonable doubt as to whether the death was a direct result of the accident injuries or an intervening medical complication (cardiac arrest).

(17). *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.

(18). 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.

(19). 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.

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

(21). 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.

(22). 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 24th day of April 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.	Mr. Ramesh.	Defacto complainant.
02.	Mr. Muthu Rathinam.	Hearsay witness
03.	Mr. Kumaresan.	Observation Mahazar Witness
04.	PW4-Mrs. Praveena, the Inspector of Police/Investigation Officer.	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 16.01.2018.	09.04.2026.	Ex.P:1	PW1	Original
02.	Observation Mahazar dated 16.01.2018.	15.04.2026	Ex.P:2	PW2	Original

03.	First Information report dated 16.01.2018.	20.04.2026	Ex.P:3	PW4	Original
04.	Rough Sketch dated 16.01.2018.	20.04.2026	Ex.P:4	PW4	Original
05.	Inquest Report dated 16.01.2018.	20.04.2026	Ex.P:5	PW4	Original
06.	Postmortem Report dated 16.01.2018.	20.04.2026	Ex.P:6	PW4	Original
07.	MV report for the vehicle bearing Registration No. TN 57 M 0388 dated 22.03.2028.	20.04.2026	Ex.P:7	PW4	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.