

**IN THE COURT OF THE JUDICIAL MAGISTRATE No.II, AT
CHENGALPATTU**

**Present:- Tmt. S. Sahaana, M.A., M.L., MA.,
Judicial Magistrate No.2, Chengalpattu.**

Thursday, the 02nd day of April 2026

C.C.No. 184 of 2018

State Represented by
Inspector of Police,
Guduvancherry Police Station.
(Cr. No.365/2017)

.... Complainant

-vs-

Krishnan, aged about 32 years,
S/o. VeerapaAchari

.... Accused

This case came up for final hearing on 02.04.2026 in the presence of Learned Assistant Public Prosecutor Grade I for Complainant and M/s. A.M.Meeraan, S. Praveen Raj, K. Farook, R. Ranjith, Learned Counsel for the accused. Upon hearing both side arguments and upon perusing the records and having stood over till this day for the consideration of this Court, this Court delivered the following:-

**(As per Circular of the Hon'ble High Court, Madras in
ROC.No.814/2020/RG/F1, dated 07.04.2021)**

Complaint	State Represented by Inspector of Police, Guduvancherry Police Station. (Cr. No.365/2017)
Accused	Krishnan, aged about 32 years, S/o. VeerapaAchari
The period of remand of the accused	24.08.2018
The date of filing of the complaint/final report in the Court	17.09.2018
The date of committal of the case of the Court of Session	NIL
The date of charges was framed as against the accused under section 240 of Cr.P.C.	11.12.2018

Filling of all miscellaneous petitions and their results including the results on the challenge before superior Courts; except routine petitions like petitions under section 317 of the Code.	NIL
Date of Examination in chief and cross-examination of witnesses.	PW. 1 – 25.06.2025 PW. 2 – 16.07.2025 PW. 3 – 24.10.2025 PW. 4 – 27.02.2026 PW. 5 – 26.03.2026
Date of Examination of the accused under section 313(1)(b) of the Code	30.03.2026
Date of absconding of an accused and appearance/production, as the case may be;	NIL
Offence	Section 279, 304(A) of IPC
Questioned about Substance of accusation	Section 279, 304(A) of IPC
Plea of the Accused	Not guilty
Finding	Accused is found not guilty for an offence punishable under Section 279, 304(A) of IPC
Sentence	Accused is acquitted under Section 255(1) Cr.P.C.

JUDGMENT

1. The accused stands charged in Crime No. 365/2017 for having committed offences punishable u/s. 279, 304(A) of IPC.

2. Brief averment of the Police report:

On 22.08.2017, 6.30 AM, at Chengalpattu to Chennai GST Road, Opposite SAFAA Apartment, the accused was driving Government Bus No. G18/ VPT 2188 bearing registration No. TN 01 N 2984 in rash and negligent manner and dashed a person aged about 75 years who tried to cross the road and later he died.

Subsequently, a complaint was lodged in Guduvancherry Police station and a FIR was registered in Cr. No. 365/2017 for offences u/s. 279, 304(A) of IPC as against Accused.

3. On filing the Final Report U/s.173 Cr.P.C. before this Court, cognizance was taken against the accused and the same was taken on file as C.C. No.184 of 2018, for offences u/s. 279, 304(A) of IPC. The Summon was served to the accused. Subsequent, to the appearance of the accused, copies of relevant prosecution records were furnished as per section 207 of the Criminal Procedure Code.

4. On perusal of the material records, this court has considered that a prima facie case was made out against the accused, to proceed further. Hence, the accused was questioned about the substance of accusation as against the accused u/s. 279, 304(A) of IPC. However, the accused has pleaded innocence and claimed to be tried by this Court as it is a false case foisted against him.

5. On commencement of trial, the prosecution had examined PW.1 to PW.5. Exhibits P.1 to P.9 were marked.

6. The case of the Prosecution case as it was unravelled by the witnesses before this Court is as follows: -

PW. 1 – Thiru. Subramani deposed in his evidence that on the appeared accused was the driver of the government bus G18. In the year 2017, he could not recollect date or month, at 6.15 AM, when they were going near Achaya Apartment, he was giving ticket and he heard a sound. When he went, they informed that a aged person was trying to cross a road and a car came and he got injured on the back side of the bus. Then, they called 108 Ambulance and admitted him at Chrompet GH. The Police enquired him.

PW. 2 - Thiru. Hariharan deposed in his evidence that in the year 2017, he could not recollect date and month at 6.00 to 6.30 AM, when he was driving his two wheeler towards Urapakkam, a government bus dashed a 65 year aged person. Some one called 108 ambulance and he was taken. The Police enquired him.

PW. 3 - Thiru. Selvaraj deposed in his evidence that 10 years ago, he could not recollect date and month, the Police enquired about the accident. The signatures in the Observation mahazar is not his. The Police did not enquire him.

PW. 4 - Thiru. Govindaraj, Inspector of Police deposed in his evidence that on 23.08.2017, the defacto complainant lodged a complaint. F.I.R. was registered in Crime No. 865/2017 offences U/s. 279, 337 of IPC. The complaint is marked as Ex.P.1 and FIR was marked as Ex.P.2. Then, one of the injured person has deceased and so sections were altered. The section alteration report is marked as Ex.P.3. Then, proceeded to the scene of occurrence and prepared observation mahazar and rough sketch in the presence of the witnesses Selvaraj and Durai and recorded their statements. The Observation mahazar and Rough sketch is marked as Ex.P.4 and Ex.P.5 respectively. The witnesses No.1 to 7 were examined. The accused was arrested and released on station bail. Dr. Suburaj, who gave medical treatment to the injured was examined. The accident register is marked as Ex.P.6. Then, he conducted inquest in the deceased body in the presence of witnesses. The Inquest report is marked as Ex.P.7. The MV Inspector Somasundaram, who conducted inspection on the vehicles was examined. The MV Report is marked as Ex.P.8. Dr. Yugesh, who conducted postmortem on the deceased body was examined. The Postmortem report is marked as Ex.P.9. After completion of the Investigation, the final report has been filed as against the accused.

PW. 5 - Thiru. Seenivasan deposed in his evidence that on 22.08.2017, at 6.30 AM, at Akshaya apartment, a 75 years aged person met with an accident and he was taken to Chrompet Governement Hospital. He lodged a complaint. The signature in the complaint Ex.P.1 is his. The Police enquired him.

7. When the accused was questioned on 30.03.2026, U/s. 313(1)(b) of Cr.P.C. about the incriminating circumstances available against him, he denied the same to be false. Further, mentioned that no evidence on his side.

8. Heard on both sides and perused the material records produced before this Court.

9. Points for determination:

The point for consideration is whether the accused was guilty of offences punishable, U/s. 279, 304(A) of IPC and whether the prosecution has proved their case beyond a reasonable doubt?

10. Discussion:

The Learned Assistant Public Prosecutor argued that the accused has committed an offence punishable U/s. 279, 304(A) of IPC and the prosecution proved the case beyond all reasonable doubt, hence accused may be dealt with accordance with law.

11. Per contra, the accused counsel contended that the accused has not committed any offence, the prosecution has not proved the case beyond all reasonable doubts, accused is innocent, hence, the accused may be acquitted from this case.

12. Heard. Records perused. On perusal of records, it reveals that the fact of the prosecution case is that on 22.08.2017, 6.30 AM, at Chengalpattu to Chennai GST Road, Opposite SAFAA Apartment, the accused was driving Government Bus No. G18/ VPT 2188 bearing registration No. TN 01 N 2984 in rash and negligent manner and dashed a person aged about 75 years who tried to cross the road and later he died. Hence, the accused was questioned about the substance of accusation for an offence punishable u/s. 279, 304(A) of IPC.

13. On the prosecution side PW1 to PW5 witnesses were examined through the evidence Ex.P1 to Ex.P9 were marked.

14. On going through the evidence of PW5 namely Seenivasan, who is defacto complainant, PW1 – Subramani, PW2 – Hariharan, it reveals that PW1, PW2, PW5 did not depose regarding the identify the accused and and further, PW1, PW2, PW5 did not depose regarding the alleged registration Number, model of the alleged two wheeler and the manner of driving. Hence, on going through the evidence of PW1, PW2, PW5, it reveals that PW1, PW2, PW5 did not depose the case of Prosecution and therefore, the evidence of PW1, PW2, PW5 are not taken into consideration as

against the accused. Ex.P.1 - Complaint is also not taken into consideration as against the accused.

15. On going through evidence of PW3 – Selvaraj, who is observation mahazar witness, it reveals that PW3 did not depose regarding the scene of occurrence and further, he denied the signature in the Observation mahazar. Hence, the evidence of PW3 is not taken into consideration as against the accused.

16. PW4 namely Thiru. Govindaraj, Inspector of Police deposed in his evidence that on 23.08.2017, the defacto complainant lodged a complaint. F.I.R. was registered in Crime No. 865/2017 offences U/s. 279, 337 of IPC. The complaint is marked as Ex.P.1 and FIR was marked as Ex.P.2. Then, one of the injured person has deceased and so sections were altered. The section alteration report is marked as Ex.P.3. Then, proceeded to the scene of occurrence and prepared observation mahazar and rough sketch in the presence of the witnesses Selvaraj and Durai and recorded their statements. The Observation mahazar and Rough sketch is marked as Ex.P.4 and Ex.P.5 respectively. The witnesses No.1 to 7 were examined. The accused was arrested and released on station bail. Dr. Suburaj, who gave medical treatment to the injured was examined. The accident register is marked as Ex.P.6. Then, he conducted inquest in the deceased body in the presence of witnesses. The Inquest report is marked as Ex.P.7. The MV Inspector Somasundaram, who conducted inspection on the vehicles was examined. The MV Report is marked as Ex.P.8. Dr. Yugesh, who conducted postmortem on the deceased body was examined. The Postmortem report is marked as Ex.P.9. After completion of the Investigation, the final report has been filed as against the accused. On going through the records, it reveals that since, the evidence of PW1 to PW3, PW5 are not taken into consideration as against the accused, at this juncture, the evidence of PW4 – Thiru. Govindaraj, Inspector of Police, alone is not taken into consideration as against the accused. Ex.P.2 to Ex.P.9 are not taken into consideration as against the accused.

17. In the above-said circumstances, the prosecution witnesses have not clearly tendered the evidence in order to incriminate the accused for the charges levelled against him. Thus, there is no evidence that the accused has committed the alleged offence. Hence, the prosecution has not proved, that if the accused has committed an offence punishable U/s. 279, 304(A) of IPC in this case, the prosecution has not proved the case beyond all the reasonable doubts against the accused and the court is inclined to give the benefit of doubt to the accused, hence the accused is entitled to an acquittal from this case.

18. In the result, the accused is found not guilty for an offence punishable u/s. 279, 304(A) of IPC, since the prosecution has not proved the case as against the accused. Hence this Court is inclined to give benefit of the doubt to the accused and the accused is hereby acquitted u/s. 255(1) Cr.P.C. of the above said charges with which he stands charged.

19. The bail bond of the accused shall stand cancelled.

Dictated to the Typist directly, typed by her, corrected and pronounced by me on this 02nd day of April 2026.

**Judicial Magistrate No.II,
Chengalpattu.**

I. List of Prosecution side witnesses:

- 1. PW1: Subramani**
- 2. PW2: Hariharan**
- 3. PW3: Selvaraj**
- 4. PW4: Govindaraj**
- 5. PW5: Seenivasan**

II. List of Documents on the side of Prosecution:

- 1. Ex.P.1 : Complaint**
- 2. Ex.P.2 : First Information Report**
- 3. Ex.P.3 : Alteration report**
- 4. Ex.P.4 : Observation mahazar**

- 5. Ex.P.5 : Rough sketch**
- 6. Ex.P.6 : Accident register**
- 7. Ex.P.7 : Inquest report**
- 8. Ex.P.8 : MV Report**
- 9. Ex.P.9 : Postmortem report**

III. List of Material Objects: Nil.

IV. Defence side witnesses and Defence side Exhibits: Nil.

**Judicial Magistrate No.II,
Chengalpattu.**