

**IN THE COURT OF JUDICIAL MAGISTRATE -I,
CHENGALPATTU**

Present : **Tmt.V.Lavanya, M.L.,**

Judicial Magistrate No.1, Chengalpattu.

Dated this the 10th day of April 2026

Calendar Case No.159/2023

JUDGMENT

State of Tamil Nadu,
Rep. by Inspector of Police,
Palur Police Station,
Cr.No.252/2022.

. . .Complainant.

/Vs/

Sakthivel,
S/o.Murugesan,
No.63C, Road Street,
Ulundhai Village,
Vandhavasi Taluk,
Thiruvannamalai District.

. . .Accused.

This case is taken to file on 13.06.2023 came up for final hearing on 26.03.2026 before me in the presence of Assistant Public Prosecutor appearing for the state and M/s.K.Sivaperuman, Advocate for the accused and upon perusing the document and having stood over till this day for the consideration of this court delivers the following:-

JUDGMENT

1) Brief of facts stated in final report:-

On 31.12.2022, at 13.45 hrs in the Palur to Konganancheri Road, next to Palur Railway gate, near agricultural land of Mohanraj when one Kalaivanan (deceased) was returning home in his two wheeler Honda Shine bearing Reg.No.TN-03-K-1911, the accused Sakthivel who was driving Daimler Bharath Benz Lorry bearing Reg.No.TN-11-AL-5526 in opposite direction came in rash and negligent manner and dashed against the Kalaivanan and thereby caused injuries on his head and right leg of Kalaivanan. The Kalaivanan who was admitted in hospital succumbed to injuries. Hence, the accused committed offence u/s.279 and 304(A) of IPC.

2) Based on the above final report, this court had taken cognizance. The accused on appearance of summons was furnished with copies under section 207 Cr.P.C. When the substance of accusation was explained to the accused he pleaded not guilty.

3) The prosecution to prove their case has examined witnesses PW1 to PW17 and document Ex.P1 to Ex.P10 were marked.

4) The facts deposed by the above witnesses are as follows;

(i) The PW1 Heera is the wife of the deceased Kalaivanan. On 31.12.2022 her husband was returning to home after his work in two wheeler. When Kalaivanan crossed Konganancheri Railway gate, the Benz lorry which came in the opposite direction hit her husband and caused injuries on his right leg and head. She received the above information and went to the place of occurrence. But her husband was taken to the hospital in ambulance already. On 31.12.2022 at about 11.00 P.M. her husband passed away. She had given complaint in Ex.P1 to the police station.

ii) The PW2 Srinivasan is the father of the deceased. The PW3 Harish is the relative of the accused. The PW4 Silambarasan, PW6 Shankar are friends of the accused. The PW2 Srinivasan, PW3 Harish, PW4 Silambarasan, PW6 Shankar, PW12 Saravanan deposed about hearing information regarding the accident happened to Kalaivannan. They are all hearsay witnesses.

iii) The prosecution had cited PW5 Ravivarman and PW14 Surendar as eye witnesses. The PW5 Ravivarman deposed that before one and half year from the date of his deposition (15.07.2024), near his residence which is located in Palur to Kandigai Road, at about 01.30 P.M. he heard some sound. When he came out he saw a lorry which had met with an accident. The accused who is the driver of the lorry was standing there. The deceased Kalaivanan had recently shifted near the residence of PW5 Ravivarman. The Kalaivanan was seen with injuries on his head. The PW5 Ravivarman sent him to the hospital in ambulance. The accident took place in between the residence of PW5 Ravivarman and Palur Railway gate. The PW5 Ravivarman later came to know that Kalaivanan passed away.

iv) On perusal of the cross examination and the chief examination of the PW5 Ravivarman it is seen that the PW5 has not seen the accident. He came to the occurrence place upon hearing sound. The PW5 did not depose anything about the rashness and

negligence of the accused. The PW5 has only identified the accused being present in the place of occurrence.

v) The PW14 Surendar is cited as another eye witness in this case. The PW14 had deposed that on 22.12.2022, when he was going to a shop along with one Ravivarman across the railway gate, in the road towards Konganancheri, an accident has happened. Only when he went near the accident spot, he came to know that Kalaivanan was met with accident. The Torus lorry was going in front of PW14. The PW14 was driving his two wheeler behind the lorry. When Kalaiivanan was coming opposite to lorry, the accident had happened. When PW14 went to the accident spot, the Kalaivanan had already died. The PW14 do not know how the accident occurred. The PW14 was coming behind the lorry so he cannot depose the reason for the accident. The PW14 did not see the driver as he had jumped from the lorry and fled away. The PW14 was treated as hostile and cross examined by the prosecution. With regard to rashness and negligence of the accused no facts were elicited from PW14 by the prosecution.

vi) The witnesses PW7 Thooyavanan and PW8 Sathish are cited as observation mahazar witnesses. They had deposed about signing in the observation Mahazar (marked as Ex.P2).

vii) The PW11 Sathish Rajan, doctor deposed about medically examining the deceased Kalaivanan and about registering accident register Ex.P4. The PW10 Thiruvikraman doctor deposed about confirming the death of the deceased Kalaivanan. The witnesses PW9 Karthikeyan doctor deposed about conducting post mortem for the deceased Kalaivanan and marked the Post Mortem Report as Ex.P3.

viii) The PW13 Hameeda Banu is the motor vehicle inspector and she had deposed about inspecting the two wheeler and lorry which is alleged to have been involved in the accident. The PW13 had issued inspection report Ex.P5 and P6 stating that the accident did not happen due to the mechanical defect of the vehicle.

ix) The PW16 Praveenraj deposed about identifying the deceased for conducting postmortem by the doctor. The PW15 Nandhakumar, Sub Inspector of Police deposed about registration of First Information Report in Cr.No.252/2022 Ex.P7 and about preparation of observation mahazar (Ex.P.2) and rough sketch Ex.P8 in the presence of witnesses PW7 Thooyavanan and PW8 Sathish. He also deposed about recording of statements of witnesses

and about receiving accident register from doctor Sathishrajan and about altering the charge into 279, 304(A) of IPC in the alteration report (Ex.P9).

x) The PW17 Ashokan, Inspector of police deposed about conducting post mortem for the deceased Kalaivanan and about the arrest of the accused. He had also deposed about subjecting vehicle involved in the accident for inspection by the Motor Vehicle inspector. He also deposed about examining the doctors Karthikeyan and Sathishrajan and other witnesses. He had further deposed about filing of final report as against the accused u/s.279, 304(A) of IPC.

5) The accused was explained about the incriminating evidence against him, as per section 313(1)(b) Cr.P.C. The Defence plea is total denial. No defence evidence adduced.

6) Records perused.

7) Now the point for determination is that whether the accusation against the accused u/s.279, 304(A) of IPC are proved by the prosecution beyond any reasonable doubt.

i) The prosecution u/s.279 and 304(A) of IPC should prove that, the accused had caused death to the deceased, because of his rash and negligence act while driving a vehicle.

ii) On perusal of records, it is seen that PW5 Ravivarman and PW14 Surendar are the only eye witnesses and other witnesses are hearsay witnesses. The PW5 identified the accused as lorry driver. The evidence of eye witness PW5 and PW14 shows that they did not see the accident. They had only heard the sound of the accident. The PW5 heard some sound and then went to the accident spot and found that Kalaivanan is met with accident. The PW5 during cross examination had deposed that he do not know as to who caused the accident negligently. The PW14 was driving behind the lorry and he had clearly deposed that as he was driving behind the lorry he do not know the reason for the accident. The PW5 and PW14 did not depose anything about the manner of accident. They did not depose any evidence about the rashness and negligence of the accused.

iii) The other witnesses are hearsay witnesses and official witnesses. The eyewitnesses do not support the case of the prosecution. One of the eyewitness PW14 is treated as hostile but no facts were elicited to prove the prosecution during his cross examination.

iv) The prosecution through evidence did not prove that the accused had drove the alleged Daimler Bharath Benz Lorry bearing Reg.No.TN-11-AL-5526 and hit against

deceased Kalaivanan in rash and negligent manner and caused the death. In the absence any eye witness regarding the manner of the accident, and about the rashness and negligence of the accused the alleged offence as against the accused cannot be said to have proved. In view of the above stated reasons and after considering the other facts and circumstances of this case, this court finds that the prosecution had miserably failed to prove that the accused drove the Daimler Bharath Benz Lorry bearing Reg.No.TN-11-AL-5526 in rash and negligent manner and caused the death of the deceased Kalaivanan.

In the result, the accused is found not guilty u/s.279, 304(A) of IPC and accordingly he is acquitted as per section 255(1) of Cr.P.C. from the charge U/s.279, 304(A) of IPC and he is set at liberty forthwith.

Dictated to the Steno-typist, directly typed by her and corrected by me and pronounced by me in the open court this the 10th day of April 2026.

Judicial Magistrate No.I,
Chengalpattu.

Annexure:

List of complainant side Witnesses:

PW1	-	Heera
PW2	-	Srinivasan
PW3	-	Harish
PW4	-	Silambarasan
PW5	-	Ravivarman
PW6	-	Sankar
PW7	-	Thooyavan
PW8	-	Sathish
PW9	-	Dr.Karthikeyan
PW10	-	Dr.Thiruvikraman
PW11	-	Dr.Sathishrajan
PW12	-	Saravanan
PW13	-	Hameedabanu
PW14	-	Surendar
PW15	-	Nandakumar
PW16	-	Praveenraj
PW17	-	Ashokan

List of complainant side Exhibits :

Ex.P1/PW1	31.12.2022	Complaint petition
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Ex.P2/PW7	31.12.2022	Observation Mahazar
Ex.P3/PW9	31.12.2022	Post Mortem Report
Ex.P4/PW11	31.12.2022	Accident Register
Ex.P5/PW13	14.02.2023	Motor Vehicle Inspection Report
Ex.P6/PW13	03.01.2023	Motor Vehicle Inspection Report
Ex.P7/PW15	31.12.2022	First Information Report in Cr.No. 252/2022
Ex.P8/PW15	31.12.2022	Rough Sketch
Ex.P9/PW15	01.01.2023	Alteration Report
Ex.P10/PW17	01.01.2023	Inquest report

List of defence side witnesses : Nil.

List of defence side Exhibits : Nil.

Judicial Magistrate No.I,
Chengalpattu.

