

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

**Present:- Tmt. S. Sahaana, M.A., M.L., MA.,**

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

**Wednesday, the 20<sup>th</sup> day of May 2026**

**C.C.No. 213 of 2023**

State Represented by  
Inspector of Police,  
Otteri Police Station  
(Cr. No. 4245/2020)

.... Complainant

-vs-

Parthasarathy, aged about 40 years,  
S/o. Subramani

.... Accused

This case came up for final hearing on 20.05.2026, in the presence of Learned Assistant Public Prosecutor Grade I for Complainant and M/s. K.Divya, K. Ponmozhi, P. Sharmila, 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, Otteri Police Station (Cr. No. 4245/2020)
Accused	Parthasarathy, aged about 40 years, S/o. Subramani
The period of remand of the accused	24.10.2020
The date of filing of the complaint/final report in the Court	29.06.2023
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.	16.07.2024

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 – 26.09.2024 PW. 2 – 26.09.2024 PW. 3 – 26.09.2024 PW. 4 – 12.11.2024 PW. 5 – 12.11.2024 PW. 6 – 11.03.2026
Date of Examination of the accused under section 313(1)(b) of the Code	12.05.2026
Date of absconding of an accused and appearance/production, as the case may be;	NIL
Offence	Section 279, 304(A) of IPC
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. 4245/2020 for having committed offences punishable u/s. 279, 304(A) of IPC.

#### **2. Brief averment of the Police report:**

On 23.10.2020, at 7.30 AM, at Tambaram to Chengalpattu GST Road, when the defacto complainant was driving his LMV car bearing registration No. TN 02 BJ 9717, while turning, the Albert Jeevanantham was driving two wheeler bearing Registration No. TN 20 AD 1888 dashed the right side door of the car and fell down. TATA ACE van bearing registration No. TN 03 X 5092 dashed the two wheeler

vehicle and caused accident. Later, he died. Subsequently, a complaint was lodged in Otteri Police Station and a FIR was registered in Cr. No. 4245/2020 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. 213 of 2023, 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 for offence punishable 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.6. Exhibits P.1 to P.12 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. Shamkumar deposed in his evidence that on 26.10.2020, his wife and himself were travelling in car Ford Asper bearing Registration No. TN 02 BJ 9717, at Vandalur Zoo, a two wheeler dashed on the right side of the car. When he got down, TATA ACE vehicle dashed the two wheeler vehicle. Ambulance took the injured person. He lodged a complaint. The signature in the complaint is his and the complaint is marked as Ex.P.1. The Police enquired him.

**PW. 2** - Tmt. Deepa deposed in her evidence that PW1 is her husband. On 26.10.2020, at 7.30 AM, her husband and her self were travelling in their car, they heard a sound and when they looked, a two wheeler dashed the car and a van dashed the two wheeler. Later, Ambulance came. Her husband lodged a complaint. The Police enquired her.

**PW. 3** - Tmt. Mary deposed in her evidence that on 23.10.2020 at the Police informed that at Vandalur, when her husband was returning from office, he met with an accident. She went to Rajiv Gandhi hospital. On 29.10.2020, her husband died. The Police enquired her.

**PW. 4** - Thiru. Devadass deposed in his evidence that three years ago, his relative met with an accident and died. He went to the hospital and saw his body. The 2<sup>nd</sup> signature in the Observation mahazar is his and the signature is marked as Ex.P.2. The Police got his signature at Police Station.

**PW. 5** - Thiru. Jebadass deposed in four years ago, he received information from Otteri Police station that his brother met with an accident near Vandalur bridge. He went to Chengalpattu Government Hospital to see his brother and later, his brother died. The Police got his signature with regard to the accident. The 1<sup>st</sup> signature in the Observation mahazar is his and it is marked as Ex.P.3. The Police enquired him.

**PW. 6** - Thiru. Dhayalan, Sub Inspector of Police deposed in his evidence that on 23.10.2020, at 9.30 AM, the defacto complainant appeared and lodged a complaint. FIR was registered in Cr.No. 4245/2020 for offence U/s. 279, 337 of IPC. FIR is marked as Ex.P.4. Then, he proceeded to the scene of occurrence and prepared Observation mahazar and rough sketch in the presence of witnesses Jebadass and Devadass and obtained their signatures. The Observation mahazar and rough sketch was as Ex.P.5 and Ex.P.6 respectively. Witness No.1 to 6 were examined and recorded their statements separately. On 24.10.2020, at 11.00 AM, the accused was arrested and released in station bail. The MV Inspector Srinivasan was examined. The two MV Reports were marked as Ex.P.7 and Ex.P.8 Respectively. On 29.10.2020, the injured person deceased. The Section were altered. The section alteration report was marked as Ex.P.9. On perusal of records, he deposed that then, conducted inquest on the deceased body. The inquest report is marked as Ex.P.10. Dr. Vidhya, who gave first aid treatment to the injured was examined. The Accident register is marked as Ex.P.11. Dr. Nirmala, who conducted postmortem on the

deceased body was examined. The postmortem report was marked as Ex.P.12. After completion of the Investigation, the final report has been filed as against the accused.

7. When the accused was questioned on 12.05.2026, 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 23.10.2020, at 7.30 AM, at Tambaram to Chengalpattu GST Road, when the defacto complainant was driving his LMV car bearing registration No. TN 02 BJ 9717, while turning, the Albert Jeevanantham was driving two wheeler bearing Registration No. TN 20 AD 1888 dashed the right side door of the car and fell down. TATA ACE van bearing registration No. TN 03 X 5092 dashed the two wheeler vehicle and caused accident. Later, he died. Hence, the accused was questioned about the substance of accusation for offence punishable u/s. 279, 304(A) of IPC.

13. On the prosecution side PW1 to PW6 witnesses were examined through the evidence Ex.P1 to Ex.P12 were marked.

14. On going through the evidence of PW1 namely Shamkumar, who is the defacto complainant and as well as the eye witness in this case, it reveals that PW1 did not depose regarding the identity of the accused and also about the description of the alleged vehicle. Further, it reveals that PW1 did not whether the alleged vehicle was driven in rash and negligent manner. Therefore, it reveals that evidence of PW1 is weak in evidence. Hence, the evidence of PW1 is not taken into consideration as against the accused. Ex.P.1 – Complaint is also not taken into consideration as against the accused. On going through the evidence of PW2 namely Deepa, who is also one of the eye witness in this case, it reveals that PW2 also did not depose regarding the description of the alleged vehicle and whether the vehicle was driven in rash and negligent manner and also PW2 did not identify the accused. Therefore, the evidence of PW2 is also weak in evidence and contrary to the case of Prosecution. Hence, the evidence the PW2 is also not taken into consideration as against the accused. On going through the evidence of PW3 namely Mary, who is the wife of the deceased, it reveals that the evidence of PW3 is also consonance with the evidence of PW1, PW2, therefore, the evidence of PW3 is also not taken into consideration as against the accused.

15. On going through the evidence of PW4 – Devadass, PW5 – Jebadass, who are the Observation mahazar witnesses, it reveals that PW4, PW5 did not depose regarding the specifications of the alleged occurrence place and the four boundaries of the alleged occurrence place. Therefore, the evidence of PW6, PW10 are weak in evidence. Hence, the evidence of PW4, PW5 are not taken into consideration as against the accused. Ex.P.2 – 2<sup>nd</sup> signature in the Observation mahazar and Ex.P.3 - 1<sup>st</sup> signature in the Observation mahazar are also not taken into consideration as against the accused.

16. PW6 namely Thiru. Dhayalan, Sub Inspector of Police deposed in his evidence that on 23.10.2020, at 9.30 AM, the defacto complainant appeared and lodged a complaint. FIR was registered in Cr.No. 4245/2020 for offence U/s. 279, 337 of IPC. FIR is marked as Ex.P.4. Then, he proceeded to the scene of occurrence and prepared Observation mahazar and rough sketch in the presence of witnesses Jebadass and Devadass and obtained their signatures. The Observation mahazar and rough sketch was as Ex.P.5 and Ex.P.6 respectively. Witness No.1 to 6 were examined and recorded their statements separately. On 24.10.2020, at 11.00 AM, the accused was arrested and released in station bail. The MV Inspector Srinivasan was examined. The two MV Reports were marked as Ex.P.7 and Ex.P.8 Respectively. On 29.10.2020, the injured person deceased. The Section were altered. The section alteration report was marked as Ex.P.9. On perusal of records, he deposed that then, conducted inquest on the deceased body. The inquest report is marked as Ex.P.10. Dr. Vidhya, who gave first aid treatment to the injured was examined. The Accident register is marked as Ex.P.11. Dr. Nirmala, who conducted postmortem on the deceased body was examined. The postmortem report was marked as Ex.P.12. 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 PW5 are not taken into consideration as against the accused, at this juncture, the evidence of PW6 – Thiru. Dhayalan, Sub Inspector of Police, alone is not taken into consideration as against the accused. Ex.P.4 to Ex.P.12 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 20<sup>th</sup> day of May 2026.**

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

**I. List of Prosecution side witnesses:**

<b>Prosecution Witness No.</b>	<b>Name of Witness</b>	<b>Description</b>
Pw1	Shamkumar	Complainant
Pw2	Deepa	Eye Witness to Incident
Pw3	Mary	Formal Witness
Pw4	Devadass	Observation Mahazar Witness
Pw5	Jebadass	Observation Mahazar Witness
Pw6	Dhayalan	Sub Inspector of Police

**II. List of Documents on the side of Prosecution:**

<b>Exhibit No.</b>	<b>Description of the Exhibit</b>	<b>Proved by/Attested by</b>
Ex.P1	Complaint	Pw1

Ex.P2	The 2 <sup>nd</sup> signature in the Observation mahazar	Pw4
Ex.P3	The 1 <sup>st</sup> signature in the Observation mahazar	Pw5
Ex.P4	First Information Report	Pw6
Ex.P5	Observation mahazar	Pw6
Ex.P6	Rough sketch	Pw6
Ex.P7	MV Report	Pw6
Ex.P8	MV Report	Pw6
Ex.P9	Section alteration report	Pw6
Ex.P10	Inquest report	Pw6
Ex.P11	Accident register	Pw6
Ex.P12	Postmortem report	Pw6

**III. List of Material Objects: NIL**

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

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