

In the court of Judicial Magistrate, Oddanchatram
Present: Tmt.S.Praveena, M.A.,L.L.M.,
Judicial Magistrate, Oddanchatram.

Dated: Thursday 2nd day of April 2026
CC No.219/2023

Statement as per rule 106 of Criminal rules of practice 2019

1	Case Number	CC.No.219/2023
2	Police station Name and crime No.	Ambilikkai Police Station Crime No.131/2022
3	Complainant	The Sub Inspector Of Police, Ambilikkai Police Station.
4.	Accused Name and Address	R.Santhosh, S/o.Ramamoorthy, Andipalayam, Mangalam Road, Tiruppur.
5.	Date of offence	10.09.2022
6.	Report of Complainant	10.09.2022
7.	Apprehension of accused	15.09.2022
8.	Released on bail	15.09.2022 (On own bond)
9.	Commencement of trial	12.03.2026
10.	Close of trial	30.03.2026
11.	Sentence or order	The accused is not found guilty under section 279, 304(A) of IPC and acquitted under section 255(1) of Cr.p.c 1973.
12.	Explanation of delay and remarks	Delay in examining the prosecution witnesses.
13.	Property order	No property has been handed over to the custody of this court in this case. Hence the need to pass on order under section 452 of Cr.p.c does not arise.

Paragraphs in the Judgment assigned continuous paragraph numbers in due obedience of direction of Hon'ble Supreme Court of India in B.S.Hari, Commandant Vs Union of India and others 2023 live law SC 303

This case come up for final hearing before me on 02.04.2026 in presence of Advocate Thiru.B.Parthiban, learned Assistant Public prosecutor for state and Advocate Mr.Poornachandran, learned counsel for the accused. Having heard both sides perused the records and stood over for consideration till this day this court on 02.04.2026 delivers the following Judgment.

JUDGMENT

1) Case of the prosecution

1. According to the Inspector of police of Ambilikkai Police Station who filed the charge sheet on 18.03.2023 stating that on 10.09.2022 at 11.30 a.m. The deceased chellamuthu was riding his two wheeler TVS suzuki Max 100 bearing registration No.TN 57 P 4053 near Veeramuthu Road bus stop which is a four corner road. The deceased chellamuthu was proceeding from North and heading towards the south direction in Dharapuram to Oddanchatram road. The accused hereby proceeding in the same direction in a rash and negligent manner and hit against the deceased chellamuthu from backside and caused fatal injury to the chellamuthu which resulted in death of chellamuthu who died on 10.09.2022 at 17.30 hrs and that this accused is liable to be convicted under sections 279, 304(A) of IPC.

2. On receipt of final report along with the relevant records from the prosecution this court has taken this case on file on 26.04.2023 under section 279, 304(A) of IPC. After appearance of accused free copies were served on him under section 207 Cr.P.C the particulars of offence are read over and explained to the accused.

3. The accused when questioned on the said offences so alleged against him, the accused denied the same and claims to be tried.

4. In order to prove the prosecution case PW1 to PW4 were examined EX.P1 to EX.P10 were marked.

2) Prosecution side witnesses and evidence.

5. The LW1 Mr.Nattudurai who is defacto complainant here was examined as PW1 is the Eye witness to the incident. EX.P1 the complainant copy was marked through PW1. LW2 Mr.Selvakumar who is the Eye witness to the incident was examined as PW2. The LW3 Mr.Palanisamy who is the observation mahazar witness was examined as PW3. EX.P2 was marked through him. The LW12 Mr.Thangaraj Special Sub Inspector of Police Ambilikkai Police Station was examined as PW4. EX.P3 to EX.P10 were marked through him.

3) 313(1)(b) Cr.p.c Questioning.

6. After the examination of the prosecution witnesses the accused was examined under section 313(1)(b) Cr.p.c with regards to incriminating piece of evidence appearing against him. The accused stated that evidence of the prosecution witnesses are false and further stated that he did not choose to examine any defence witnesses on his side.

After the hearing the prosecution case, the point that arises for determination is whether the prosecution as proved there case beyond all reasonable doubt as to whether the accused is guilty of offence under section 279, 304(A) of IPC.

4) Analysis of facts and evidence

7. The PW1 Mr.Nattudurai is the defacto Complainant who is the son of the deceased Chellamuthu and Eye witness to the accident. On his Complaint PW1 stated that on 10.09.2022 at 11.30 a.m.. The deceased chellamuthu was riding his two wheeler TVS suzuki Max 100 bearing registration No.TN 57 P 4053 near Veeramuthu Road bus stop which is a four corner road. The deceased chellamuthu was proceeding from North and heading towards the south direction in Dharapuram to Oddanchatram road. The accused hereby proceeding in the same direction in a rash and negligent manner and hit against the deceased chellamuthu from backside and caused fatal injury to the chellamuthu. During this course of incident PW1 and PW2 were coming in another two wheeler behind the deceased Chellamuthu, as soon as the deceased Chellamuthu got hit by the accused. PW1 and PW2 with the help of the others in the scene of crime carried the injured Chellamuthu to Oddanchatram Government Hospital through 108 Ambulance. PW1 per contra, in his chief examination deposed that on 10.09.2022 he has received the information as to accident from Ambilikkai Police Station through a Phone call. Later PW1 went to Oddanchatram Government Hospital to see Chellamuthu. Further stated that the deceased Chellamuthu was

admitted in private Hospital in Coimbatore for treatment where chellamuthu was died. PW1 turned hostile and deposed that "விபத்து எவ்வாறு நடந்தது என்று எனக்கு தெரியாது" PW1 was treated as hostile as cross examined by the prosecution in which nothing was elicited in the favor of prosecution.

8. The PW2 Mr.Selvakumar who is the Eye witness to the incident has also turned hostile and deposed that "விபத்து எவ்வாறு நடந்தது என்று எனக்கு தெரியாது" PW2 was treated as hostile as cross examined by the prosecution in which nothing was elicited in the favor of prosecution.

9. The PW3 Mr.Palanisamy who is the Mahazar witness was deposed that he has signed as a second witness in the Mahazar and admitted his signature which was marked as EX.P2. PW3 in his cross examination deposed that அ.சா.ஆ. 2 ல் என்ன எழுதியிருந்தது என்று எனக்கு தெரியுமா என்றால் தெரியாது. PW3 is only the witness to the mahazar from his statement nothing can be inferred with regards to the incident.

10. The PW4 Mr.Thangaraj Special Sub Inspector of Police, Ambilikkai Police station examined on petition under section 348 BNSS. PW4 is the present Investigation Officer in this case has deposed as follows. PW4 is well acquainted with the signature of the Sub Inspector Savadamuthu and facts of this case. On 10.09.2022 at 12.30 p.m. received information from the Oddanchatram Government Hospital that deceased Chellamuthu has met with accident and under going treatment as inpatient. On visiting Oddanchatram Government Hospital the deceased Chellamuthu was unconscious so that Nattudurai (PW1) S/o. Deceased Chellamuthu has informed Police about the incident. In result of which FIR was lodged against the accused under section 279, 337 of IPC. The First Information Report was marked as EX.P3. The Observation Mahazar was marked as EX.P4. Later on the same day Chellamuthu was died and the Alteration report was filed under section 279, 304(A) of IPC. The Alteration report was marked as EX.P5. Accident Register is marked as EX.P6. Inquest report was marked as EX.P7. Post Mortem report was marked as EX.P8. Motor Vehicle Report of vehicle bearing registration No.TN 39 CP 7979 Skoda Rapid Car was marked as EX.P9 The MV report of the Two wheeler driven by the deceased Chellamuthu bearing Registration No. TN 57 P 4053 TVS Suzuki Max 100 was marked as EX.P10. From the statement of the PW4 and the careful perusal of the exhibits it is well established that the

death of the deceased Chellamuthu was caused by the fatal injury sustained during the accident.

5) Findings

11. On careful analysis of this case, this court concludes that the deceased Chellamuthu was died due to fatal injury sustained during the accident. According to the prosecution case there is dispute regarding place and time of the occurrence. In order to bring home the charges the accused must be identified and the act rash and negligence on the part of the accused must be proved. But, none of the prosecution witnesses has deposed regarding the rashness and negligence of the accused. No witnesses has identified the accused. In result of which the prosecution has failed to establish the nexus between the offence and the accused.

In the light of the analysis and findings, this court holds that the accused is not found guilty under section 279, 304(A) of IPC and acquitted under section 255(1) of Cr.p.c 1973.

12. No property has been handed over to the custody of this court in this case. Hence the need to pass on order under section 452 of Cr.p.c does not arise.

Dictated by me to my Steno - Typist, Typed by my Steno - Typist, corrected and pronounced by me in the Open Court on this 2nd day of April 2026.

Judicial Magistrate,
Oddanchatram.

Note:

1. The accused was on bail throughout the entire period of trial.
2. No witnesses was retained more than three times.
3. The outcome of this case forth with communicated to be APP

List of witnesses

(As per the rule 107(1) of Criminal rules of practice 2019)

Prosecution witnesses

Sl.No	Examined as	Name of the witness	Date of the examination	Exhibits marked
1.	PW1	Nattudurai	12.03.2026	EX.P1
2.	PW2	Selvakumar	12.03.2026	--
3.	PW3	Palanisamy	12.03.2026	EX.P2
4.	PW4	Thangaraj	27.03.2026	EX.P3 to EX.P10

Prosecution side documents

Sl.No.	Exhibits	marked by	Date of the documents	Details of documents
1.	EX.P1	PW1	10.09.2022	Complaint copy
2.	EX.P2	PW3	10.09.2022	Observation Mahazar
3.	EX.P3	PW4	10.09.2022	First Information report
4.	EX.P4	PW4	10.09.2022	Rough Sketch
5.	EX.P5	PW4	10.09.2022	Alteration report
6.	EX.P6	PW4	10.09.2022	Accident register
7.	EX.P7	PW4	10.09.2022	Inquest report
8.	EX.P8	PW4	11.09.2022	Post mortem report
9.	EX.P9	PW4	15.09.2022	Motor vehicle report vehicle bearing registration No.TN 39 CP 7979 Skoda Rapid Car
10.	EX.P10	PW4	10.09.2022	Motor vehicle report vehicle bearing Registration No. TN 57 P 4053 TVS Suzuki Max 100

Material objects : Nil

For defence

witnesses : Nil

Documents:Nil

Material object: Nil

Case summary

As per the rule 106(4) of criminal rules of practice 2019

1	Period of remand of the accused	Nil		
2	Date of filing of final report	18.03.2023		
3	Date of committal of the case to the Court of session	Not applicable		
4.	Date of hearing on substance of accusation under section 251 of the code	29.01.2026		
5.	Filing of miscellaneous petitions and their results including the results on challenge before Superior Court	Petition	CrI.M.P No.	Result
		Advance hearing petition	2/2026	Allowed.
		Petition under section 330 BNSS	6/2026	Allowed.
		Petition under section 348 BNSS	7/2026	Allowed.
6	Date of chief examination and cross examination of witnesses	Witness examined as	Date of chief examination	Date of cross examination
		PW1	12.03.2026	12.03.2026
		PW2	12.03.2026	12.03.2026
		PW3	12.03.2026	12.03.2026
		PW4	27.03.2026	27.03.2026
7	Date of examination of the accused under section 313 of the code	30.03.2026		
8	Grant of stay by the Superior Courts and results there of	NIL		
9	Details of Victim Compensation Awarded	Nil		

Judicial Magistrate,
Oddanchatram.

Copy submitted to
The Hon'ble Chief Judicial Magistrate, Dindigul.