

Calendar Case No.536 of 2025
Crime No.198/2024, Adhiyamankottai Police Station, Dharmapuri

IN THE COURT OF JUDICIAL MAGISTRATE COURT NO.II

Present :Tmt.R.SUSHMITHA,B.A.,L.L.B.,(Hons.,)

The Judicial Magistrate Court No.II, Dharmapuri.

On the Friday, the 12th day of June 2026.

Calendar Case (C.C.) No.536 of 2025

In

Crime No. 198/2024

(On the file of Adhiyamankottai Police Station, Dharmapuri)

CNR No. TNDP040028402025

<i>Statement as per Rule 125 of the Bharatiya Nagarik Suraksha Sanhita 2023</i>		
1.	Serial Number	Calendar Case (C.C.) No. 536 of 2025
2.	Name of the Police Station and Crime No.	State of TamilNadu represented by its Inspector of Police, Adhiyamankottai Police Station, Dharmapuri Crime No. 198 of 2024 Complainant
3.	Name of the Accused	KUMAR, (M/43 Years)
4.	Fathers Name	S/O.SIVAPRAKASAM
5.	Occupation	D/NO.1/268 R2- SIVA SALAI, INDHIRA
6.	Residence	NAGAR, ADHIYAMANKOTTAI VILL,
7.	Age	A.JETTIHALLI PO, NALLAMPALLI TK, DHARMAPURI(TK) (DT). Occupation: -- Accused
8.	Date of occurrence	22.08.2024 at about 16.00 hours
9.	Date of Chargesheet and Date on which chargesheet was filed into Court	Date of Chargesheet :17.01.2025 Date of Filing Chargesheet:

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		20.09.2025
10.	Date of Apprehension	--
11.	Date of Release on bail	04.09.2024
12.	Date of Commitment	--
13.	Date of Commencement of Trial (The date of furnishing of documents u/s. 230 Bharatiya Nagarik Suraksha Sanhita 2023)	12.02.2026
14.	Substance of Charges framed against the accused and their plea	On 10.10.2025 the Charges were framed against the accused for the offences u/s. 281, 125(b) of BNS. When the charges was read out and explained to the accused, he pleaded not guilty and claimed to be tried. Hence the case was posted for trial in accordance with section 277 of the Bharatiya Nagarik Suraksha Sanhita 2023
15.	Closure of Trial	14.05.2026
16.	Sentence or Order	The Accused is FOUND NOT GUILTY and ACQUITTED (U/s. 271(1) BNSS of the offences punishable u/s. 281, 125(b) of BNS.
17.	Service of copy of the judgement or finding on the accused	Copy of the judgment was uploaded on CIS and made available for download on E-Courts Portal
18.	Explanation of delay	Not applicable

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19.	Property Order u/s. 498 Code of Bharatiya Nagarik Suraksha Sanhita 2023	--
20.	Counsel for the Complainant	Ms.Tamilselvi, Assistant Public Prosecutor – Grade – II
21.	Counsel for Accused	Mr.K. Galmari, Advocate
<i>Paragraphs in the judgement assigned continuous paragraph numbers in due obedience of the direction of the Hon'ble Supreme Court of India in BS Hari Commandant vs Union of India and others (2023 LiveLaw SC 303)</i>		

The case came up for final hearing before me today in the presence of **Mr.K.Galmari**, Advocate, the learned counsel for the Accused and **Ms.Tamilselvi**, the learned Assistant Public Prosecutor for the State. Having heard both sides, perused records and having stood over it for consideration, this Court on **12.06.2026 (Friday)** delivers the following.

JUDGEMENT

I. CASE OF THE PROSECUTION IN BRIEF

1.On 22.08.2024 at about 4.00 p.m., at FINO FLEX PIPES Company situated behind the Collector Bungalow within the limits of Adhiyamankottai Police Station, PVC grips were loaded into a Mahindra BMT Plus vehicle bearing Registration No. TN 29 BQ 0175 for transportation to a nearby godown. The prosecution alleges that the accused, Kumar, was driving the vehicle while PW-1 Sakunthala was travelling in its rear portion. When the vehicle approached the godown, the accused allegedly drove it in a rash and negligent manner and suddenly applied the brakes, causing PW-1 Sakunthala, who was standing in the vehicle, to lose balance and fall down. As a result, she sustained grievous injuries.

Therefore, the accused is charged with offences punishable under Sections 281 and 125(b) of the Bharatiya Nyaya Sanhita.

II. FURNISHING OF COPIES AND HEARING OF CHARGES:

2. Upon service of the summons u/s. 227 of the Bharatiya Nagarik Suraksha Sanhita 2023 (hereinafter called as Code) and on the production of the Accused, copies of the final report and the documents were given to the Accused in compliance with section 230 BNSS of the Code.

3. Thereafter, substance of accusation were read Over to the accused u/s. 281, 125(b) of BNS. When the accusation were read out and explained to the accused, he pleaded not guilty and claimed to be tried. Hence the case was posted to trial in accordance with section 277 BNSS of the Code.

III. EVIDENCE ADDUCED BY THE PROSECUTION:

4. In order to prove the accusation against the accused, the prosecution examined witnesses, P.W. 1 to P.W 7. Exhibits Ex.P1 to Ex.P9 were marked on behalf of the prosecution. No Material object were exhibited.

5. P.W. 1 is the Complainant in the case. P.W.2 and P.W.3 are the Eye witnesses, P.W.4 is the Hearsay witnesses, P.W.5 is the witnesses to the observation mahazar, P.W.6 is the Expert Witnesses,P.W.7 is the Investigation Officer.

IV. QUESTIONING U/S. 351 (1)(b) OF BHARATIYA NAGARIK SURAKSHA SANHITA 2023

6. The circumstances appearing in the evidence of the witnesses against the Accused were put to him and his answer was elicited. The Accused replied that the case against him is false and the case was foisted against him.

V. ARGUMENTS

7. Learned counsel for the prosecution did not put forth any arguments and insisted to decide the case on merits.

8. They learned counsel for the argued that the eyewitness did not depose regarding the manner of the accident and the speed in the driver of alleged vehicle used during driving. The learned counsel further argued that no rash and negligent was proved by the prosecution and hence prayed for acquittal of the accused.

VI. POINT FOR DETERMINATION:

9. Whether the prosecution has proved beyond all reasonable doubts that the accused has committed the offences u/s. 281, 125(b) of BNS against him? - Acquittal or conviction if any?

VII. APPRECIATION OF EVIDENCE AND FACTS:

10. In order to discharge the burden on the prosecution, With prosecution first examined the complainant as PW1 who deposed and identified the accused person. She further deposed that that about two years prior to her examination, at about 4.00 p.m. on a particular day, she travelled in a pickup goods vehicle belonging to her employer Kumar while goods were being transported from the old company premises to a new company premises. She stated that the employer was driving the vehicle and that she was standing on the vehicle. She deposed that, she accidentally fell down as she had not properly held onto the vehicle. As a result, she sustained injuries on her head and left hand. She further stated that she lodged a complaint before the police station after about one month from the date of the occurrence. The said complaint was marked as Ex.P1. She also stated

that she was examined by the police in connection with the accident. She remained uncontroverted in her cross examination.

11. Prosecution further examined PW2 who deposed that he knows PW1 and the accused. he further deposed that he had no knowledge regarding the alleged accident and that he had not witnessed the occurrence. He further stated that he was not on duty on the day when the accident was alleged to have taken place. According to him, he was requested to act as a witness two or three days after the occurrence. He reiterated that he had no knowledge about the accident and stated that he had not been examined by the police in connection with the same. He was not cross examined by defence. He remained uncontroverted in his cross examination by prosecution.

12. Prosecution further examined PW3 who deposed that that she knows PW1 and accused. she further deposed that about one year prior to her examination, at about 5.00 p.m. on a particular day, the accused was driving a Tata Ace vehicle and that she, along with Sakunthala, was standing at the rear side of the vehicle. She stated that immediately after the vehicle came out of the company situated behind the Collector's Office, Sakunthala accidentally fell down from the vehicle. According to her, Sakunthala sustained a minor injury on her head. In her cross examination she admitted that அ.சா.1 நிறுவனத்தில் கீழே விழுந்தாரா அல்லது அவருடைய ஊரில் கீழே விழுந்தாரா என்று எனக்கு நேரடியாக தெரியாது என்றால் சரிதான். She further admitted that போலீஸார் என்னை விசாரிக்கவில்லை. She also admitted that நான் வேலை செய்யும் போது என்னை வந்து கேட்டு கையெழுத்து போடச் சொன்னார்கள். கையெழுத்து போட சொன்னதால் நான் கையெழுத்து போட்டேன் என்றாலும், மற்றப்படி எனக்கு எதுவும் தெரியாது என்றால் சரிதான். PW2 who was arrayed as eyewitness to the prosecution deposed in her

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chief examination that she was present at the scene of occurrence and also deposed that PW1 accidentally fell from the vehicle alleged, but during her cross examination she contrarily admitted that she did not witnessed the incident and she did not know about the incident. Hence her evidence is not trust worthy and not reliable.

13. Prosecution further examined PW4 who deposed that, about one year prior to his examination, at about 4.00 p.m. on a particular day, PW-1 informed him that she had fallen down while loading goods onto a vehicle at the company and transporting the same. He stated that she informed him that she had been administered first aid treatment and had thereafter returned home. He further stated that he was examined by the police regarding the accident. He admitted in his cfross examination that he did not know about the incident directly. PW4 is a hearsay witness.

14. Prosecution further examined observation mahazar witness as PW5 who deposed that about six months prior to his examination, on a particular day, he signed the document near the pipe company situated close to the Collector's Bungalow at Adhiyamankottai at the request of the police officials. He further deposed that he did not know the contents of the document at the time of signing it. He stated that he had not been examined by the police regarding the matter. The Observation Mahazar containing his second signature was marked as Ex.P2. He was not cross examined by defence side. He turned hostile to the prosecution case.

15. Prosecution further examined expert witness doctor as PW6 who deposed that on 22.08.2024 at about 09.40 a.m., while she was on duty, one Sakunthala, aged about 50 years, wife of Rajamani, residing at Narthampatti, Nallampalli, Dharmapuri, was brought to the hospital by her son-in-law Selvam. She further deposed that the patient reported having fallen down at her workplace on

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21.08.2024 at about 04.00 p.m. Upon examination, she found the following injuries: An abrasion measuring 3 x 2 cm over the left elbow. A lacerated wound measuring 2 x 2 cm on the head.

16. She stated that the injured was admitted as an inpatient for further treatment. A CT Scan of the head was taken, which revealed a fracture of the occipital bone of the skull. PW-6 further deposed that, based on the recommendation of the concerned Medical Officer, she certified the injury as a grievous injury. The Accident Register-cum-Wound Certificate relating to Sakunthala was marked as Ex.P3. She also stated that she was examined by the police in connection with the case. In her cross examination she deposed that “21.08.2024 மாலை 04.00 மணிக்கு நார்த்தம்பட்டியில் வேலை செய்யும் இடத்தில் விழுந்துவிட்டதாக என்னிடம் அனுமதிக்கப்பட்ட போது கூறினார்”. She remained uncontroverted with respect to other version of her testimony.

17. Prosecution further examined investigation officer as PW7 who deposed that on receipt of the complaint from Sakunthala 03.09.2024, he registered the case in Crime No.198/2024 and prepared the FIR. He took up the investigation, visited the scene of occurrence, prepared the Observation Mahazar and Rough Sketch, examined the witnesses, arrested the accused and released him on station bail. He further obtained the Motor Vehicle Inspection Report and Wound Certificate, altered the penal provisions based on the medical opinion, and forwarded the alteration reports to the Court. After completing the investigation, he filed the final report against the accused under Sections 281 and 125(b) BNS. Ex.P4 to Ex.P9 marked through him.

VIII. POINT FOR DETERMINATION:

(a) Whether the prosecution has proved beyond reasonable doubt that the accused has committed offence u/ss. 281, 125(b) of BNS?

18. The main ingredients u/s. 281 of the BNS, 1860 are

1. Riding in public way
2. In rash and negligent manner
3. As to endanger human life

Or likely could cause hurt or injury to others

In the present case, the prosecution alleges that on 22.08.2024 at about 4.00 p.m., within the jurisdiction of Adhiyamankottai Police Station, behind the Collector Bungalow, the accused drove a Mahindra BMT Plus vehicle for transporting materials to his nearby godown. It is alleged that PW1, Sakunthala, was travelling in the rear portion of the vehicle and that the accused drove the vehicle in a rash and negligent manner. According to the prosecution, the accused suddenly applied brakes, causing PW1, who was standing in the vehicle, to fall down and sustain grievous injuries, thereby attracting the offences punishable under Sections 281 and 125(b) of the Bharatiya Nyaya Sanhita.

19. The fact that PW1 sustained injuries is established through her oral testimony and is corroborated by the evidence of PW6, Dr. Vidya. Ex.P3, the wound certificate, also confirms that PW1 sustained grievous injuries. However, the mere proof of injuries is not sufficient to bring home the guilt of the accused. The prosecution is required to establish that the injuries were the direct consequence of the rash and negligent act of the accused.

20. PW1, in her evidence, stated that she accidentally fell from the vehicle driven by the accused and sustained injuries. However, she did not specifically attribute

the fall to any rash or negligent driving on the part of the accused. PW2, who was cited as a witness to the occurrence, turned hostile and did not support the prosecution case.

21. PW3, who was also cited as an eyewitness, initially deposed in her chief examination that PW1 accidentally fell from the vehicle driven by the accused and that she was accompanying PW1 at the time of occurrence. However, during cross-examination, she admitted that she had not directly witnessed the incident and was unaware as to whether PW1 fell in the company premises or at her residence. She further admitted that she had signed certain documents at the request of the police and that she had no personal knowledge about the occurrence. Therefore, the testimony of PW3 does not support the prosecution case regarding rashness or negligence on the part of the accused.

22. PW4 is only a hearsay witness and did not depose anything concerning the manner in which the vehicle was driven. Likewise, the witness to the observation mahazar did not support the prosecution case and failed to speak about the circumstances under which he signed the document.

23. Thus, except for proving that PW1 sustained injuries, the prosecution has failed to adduce reliable evidence to establish that the accused drove the vehicle in a rash or negligent manner. The essential ingredient of the offence under Section 281 of the Bharatiya Nyaya Sanhita, namely rash or negligent driving, remains unproved. Consequently, the ingredient necessary to attract liability under Section 125(b) of the Bharatiya Nyaya Sanhita also remains unestablished.

24. In criminal jurisprudence, the burden lies upon the prosecution to prove its case beyond reasonable doubt. In the present case, the evidence on record falls short of establishing the rash and negligent act of the accused beyond reasonable doubt. Accordingly, this Court holds that the prosecution has failed to prove the

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offences under Sections 281 and 125(b) of the Bharatiya Nyaya Sanhita against the accused. Hence, the accused is entitled to the benefit of doubt and is acquitted of all the charges levelled against him.

25. It is important to note that none of the witnesses have deposed that accused driven the car rashly or negligently or even in high speed. In the above situation no prudent man could foresee that the accident may occur so as to infer rashness on the part of the accused. Moreover negligence to be proved should be gross not mere error of judgement. Negligence is the breach of duty by omission to do something which a reasonable man would do or doing something which the reasonable man would not do. In the present case, nowhere from the testimonies of witnesses it could be inferred that the accused have done some act, which if not done or omitted to do some act which if done could have prevented the accident. The degree of negligence in criminal parlance should be much higher.

26. Honble SC held that, further death should have been the direct result of rash and negligent act of the accused, and the act must be the proximate and efficient cause without the intervention of another's negligence (*kurban Hussein Mohammedali Rangwalla v. State of Maharashtra*; 1965 AIR 1616, 1965 SCR (2) 622). Clearly in the present case, no rashness and negligent act could be attributed directly to the accused.

27. From the above discussion, the ingredients of the offence u/s.281, 125(b) of BNS is not proved beyond reasonable doubt by the prosecution. Since the rashness and negligent is being the major ingredient of other offences u/ss. 281, 125(b) of BNS for which the accused charged, the ingredient of offences u/ss. 281, 125(b) of BNS is not proved beyond reasonable doubt by the prosecution.

28. Therefore upon consideration of the deposition of the witnesses and the exhibits filed by the prosecution, this Court finds that the prosecution has failed to

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prove in accordance with section 3 of the Indian Evidence Act, 1872 the accused has committed the offence U/s. 281, 125(b) of BNS.

IX. FINDING:

29. The complicity of the Accused in the crime was failed to be brought out by the determination of Points already. Therefore, upon consideration of the deposition of the witnesses and the exhibits filed by the prosecution, this Court holds that the prosecution has failed discharged its burden to prove the case against the accused beyond any reasonable doubt which remained unrebutted by the accused.

X.THE DECISION:

30. In light of the discussion and conclusions drawn under the previous heads this Court holds that the prosecution has FAILED TO PROVE the accusation against the Accused beyond all reasonable doubts.

31. Hence, the Accused is FOUND NOT GUILTY and ACQUITTED (U/s. 271(1) BNSS of the offences punishable u/s. 281, 125(b) of BNS.

XI. PROPERTY ORDER U/S.498 OF THE BHARATIYA NAGARIK SURAKSHA SANHITA 2023 CODE:

32. No property order.

Typed by me in my laptop, corrected and pronounced by me in the open court on this Friday, the 12th day of June 2026.

Judicial Magistrate II,
Dharmapuri.

Note:

- i. No witness was retained more than three times*
- ii. The outcome of the case shall be forthwith communicated to the complainant and the learned APP of this Court vide email.*

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LIST OF EVIDENCE

(As per Rule 126(1) of the Bharatiya Nagarik Suraksha Sanhita 2023)

PROSECUTION SIDE WITNESS:

S.No	Rank of the Witness	Name of the Witness	Remarks	Date of examination	Exhibits marked
1)	PW1	Sagunthala W/o. Rajamani	Complainant	12.02.2026	P1
2)	PW2	Sankar S/o. Neelan	Inquest witness	12.02.2026	-
3)	PW3	Rani W/o. Ramasamy	Inquest witness	12.02.2026	-
4)	PW4	Selvam S/o. Manickam	Inquest witness	12.02.2026	-
5)	PW5	Sagadevan S/o. Vaiyapuri	Inquest witness	23.02.2026	P2
6)	PW6	Vidhya	Inquest witness	14.05.2026	P3
7)	PW7	Annadurai	Inquest witness	14.05.2026	P4 - P9

APPENDIX B:

<u>S.No.</u>	<u>Exhibit</u>	<u>Date of Document</u>	<u>Description of the document</u>
1)	Ex.P1	12.02.2026	Complaint
2)	Ex.P2	23.02.2026	Observation Mahazar 2 nd Signature
3)	Ex.P3	14.05.2026	Sagunthala wound Certificate with Accident Register

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4)	Ex.P4	14.05.2026	First Information Report
5)	Ex.P5	14.05.2026	Rough Sketch
6)	Ex.P6	14.05.2026	Observation Mahazar
7)	Ex.P7	14.05.2026	Alteration Report
8)	Ex.P8	14.05.2026	Alteration Report
9)	Ex.P9	14.05.2026	MV Report of TN - 29 - BQ - 0175

MATERIAL OBJECTS

<u>S.No.</u>	<u>Material Object</u>	<u>Date of M.O</u>	<u>Description of the M.O</u>
1.	--	--	--

DEFENCE SIDE WITNESSES:

NIL

APPENDIX – E:

NIL

DEFENCE SIDE EXHIBITS:

<u>S.No.</u>	<u>Exhibit</u>	<u>Date of Document</u>	<u>Description of the document</u>
1.	--	--	--

Judicial Magistrate No.II,
Dharmapuri.