

IN THE COURT OF JUDICIAL MAGISTRATE, HARUR

Present: **Mr. DHINAKARAN.N**, Judicial Magistrate, Harur.

Friday, the 24th day of July 2026

CC No. 129 of 2019

(Crime No. 335 of 2018 of Harur Police Station)

State Represented by

The Inspector of Police,

Harur Police Station, Harur.

... Complainant

-Versus-

Ramalingam, S/o Semmalaipillai,

3/52, Naduveethi,

Palaiyamadevi Post,

Attur Taluk, salem District.

... Accused

This case was taken up for hearing on 05.11.2019. The learned Assistant Public Prosecutor, appeared for the prosecution, and the learned advocate, Thiru. M.Ilango,B.A., B.L., appeared for the accused. On 24.07.2026, after hearing arguments from both sides, reviewing documents, materials, and witness depositions, this court delivers the following:

JUDGMENT

1. This criminal case is initiated on a final report filed by the Inspector of Police, Harur Police Station against the sole accused, Ramalingam, alleging commission of offences punishable under Sections 279 and 304(A) of the Indian Penal Code, 1860.

Brief of the Prosecution Case:

2. The case of the prosecution as culled out from the record is that on 05.07.2018 at about 00:15 hours (12:15 AM midnight), the deceased Tamilmani was riding his Hero Honda Splendor Plus motorcycle bearing registration number TN 29 AT 6769 from Harur towards Nambipatti. When he reached near the Periya Eri Kodi curve on the Harur-Salem main road, the accused, Ramalingam, driving an Ashok Leyland Dost vehicle bearing registration number TN 37 CQ 9541 coming from Salem towards Harur, drove the vehicle in a rash and negligent manner so as to endanger human life, and collided head-on with the motorcycle driven by Tamilmani. As a direct consequence of the collision, Tamilmani sustained fatal head injuries and died on the spot.
3. On the morning of 05.07.2018 at about 07:00 hours, PW1 Anbarasu, the brother of the deceased, lodged a written complaint at Harur Police Station. Gunasekaran, Sub-Inspector of Police, received the complaint and registered an FIR in Crime No. 335/2018 for offences under Sections 279 and 304(A) IPC. Subsequently, the Inspector of Police, Paulose, took up the case for investigation. He proceeded to the scene of occurrence, prepared an Observation Mahazar and a Rough Sketch in the presence of witnesses Kamaleshbabu (PW3) and Madhu (PW4). He conducted an inquest over the body of the deceased in the presence of Panchayatdars at Harur Government Hospital and sent the body for post-mortem examination. Post-mortem was conducted by Dr. Vishal, and the report was obtained. Both vehicles involved in the accident were inspected by the Motor Vehicle Inspector, Pannirselvam, who submitted his reports. Investigation was completed, and a charge sheet was submitted against the accused before this Court for offences under Sections 279 and 304(A) IPC.

4. Upon receipt of the final report, cognizance of the offences punishable under Sections 279 and 304(A) IPC was taken by this Court. Copies of the prosecution documents were furnished to the accused in compliance with Section 207 of the Code of Criminal Procedure, 1973. Upon hearing both sides, finding prima facie materials, charges were framed against the accused for offences under Sections 279 and 304(A) IPC. When the charges were read over and explained to the accused in Tamil, he pleaded not guilty and claimed to be tried.

Prosecution Evidence:

5. To establish its case, the prosecution examined 5 witnesses as PW1 to PW5 and marked 8 documents as Exhibits Ex.P1 to Ex.P8.
6. PW1 (Anbarasu): Brother of the deceased. Deposed that on receiving phone information regarding the accident, he went to the spot, saw his brother in a pool of blood, took him to Harur Government Hospital, and gave the complaint Ex.P1.
7. PW2 (Thilaga): Wife of the deceased. Deposed that she received phone information regarding the fatal accident involving her husband and went to see his body at Harur Hospital.
8. PW3 (Kamaleshbabu): Witness to the Observation Mahazar. Signed as the first witness in Ex.P2. PW4 (Madhu): Witness to the Observation Mahazar. Signed as the second witness in Ex.P2.
9. PW5 (Rathinakumar): Inspector of Police, Harur Police Station. Deposed on the basis of records as the former Investigating Officer, Paulose, was transferred. He detailed the steps taken during the investigation, including FIR registration by SI Gunasekaran (Ex.P3), preparation of Observation Mahazar (Ex.P2), Rough Sketch (Ex.P4), Inquest Report (Ex.P5), Post-

Mortem Report (Ex.P6), and Motor Vehicle Inspection Reports (Ex.P7 and Ex.P8), culminating in the filing of the charge sheet.

Statement of the Accused and Defence:

10. After the closure of prosecution evidence, the incriminating circumstances appearing against the accused were put to him under Section 313 Cr.P.C. The accused denied the evidence as false and pleaded innocence. He did not choose to examine any defence witnesses or mark any defence documents.

Points for Determination:

11. In order to adjudicate the criminal liability of the accused, the following points arise for determination:

- i. *Whether the prosecution has established beyond reasonable doubt that the accused, Ramalingam, was driving the Ashok Leyland Dost vehicle bearing registration number TN 37 CQ 9541 at the relevant time and place of occurrence?*
- ii. *Whether the prosecution has proved beyond all reasonable doubt that the accident occurred due to the rash or negligent driving of the accused so as to endanger human life, thereby committing an offence punishable under Section 279 of the Indian Penal Code?*
- iii. *Whether the prosecution has proved beyond all reasonable doubt that the death of Tamilmani was the direct cause and consequence of such rash or negligent act of the accused not amounting to culpable homicide, thereby committing an offence punishable under Section 304(A) of the Indian Penal Code?*

DISCUSSION AND FINDINGS

Point No. 1: Identification of the Accused and Identity of the Driver

12. To sustain a conviction under Sections 279 and 304(A) IPC, the foremost burden cast upon the prosecution is to prove beyond all shadow of reasonable doubt the identity of the person who was actually steering the offending vehicle at the precise moment of the occurrence. Identity cannot be established by mere guesswork, surmise, or police records unsupported by substantive oral evidence before the Court.
13. In evaluating the evidence adduced on this aspect, a scrutiny of the testimonies of PW1 to PW5 reveals a total void regarding direct identification of the accused as the driver of the vehicle involved in the collision. PW1, who is the *defacto* complainant and brother of the deceased, has explicitly admitted during his cross-examination that he did not witness the accident directly. He categorically stated that he arrived at the scene only after receiving information via telephone from an undisclosed person. Crucially, PW1 admitted that he does not know who provided the telephonic information, nor does he know the registration number of the vehicle that caused the accident.
14. Similarly, PW2, the wife of the deceased, admitted in her cross-examination that she was not an eyewitness to the accident, did not know who relayed the information to her, and possessed no personal knowledge regarding the vehicle number or the driver.
15. Turning to PW3 and PW4, both were projected as attesting witnesses to the Observation Mahazar (Ex.P2) and the scene of occurrence. In their respective cross-examinations, both PW3 and PW4 unequivocally conceded that they did not see the accident happen. They testified that they merely affixed their signatures on papers at the request of the police officials without having personal knowledge of the contents written therein. Neither PW3 nor PW4 offered any evidence identifying the accused, Ramalingam,

as the driver of the Ashok Leyland Dost vehicle at 00:15 hours on 05.07.2018.

16. The prosecution relies heavily on the testimony of PW5, Inspector of Police, who testified on the basis of records prepared by the former Investigating Officer, Paulose. PW5 stated in his chief examination that the accused was arrested on 05.07.2018 and released on station bail. Furthermore, PW5 admitted that no witness named in the FIR or complaint claimed to have seen the accused driving the vehicle at the time of the incident. No test identification parade was conducted, nor was any eyewitness produced to state in open court that the accused was driving the offending vehicle.
17. It is a settled legal principle that an admission of station bail or police recording of arrest cannot substitute the mandatory legal proof required to establish identity in a criminal trial. In the absence of any eyewitness account, direct identification, or circumstantial chain linking the accused to the steering wheel of the vehicle TN 37 CQ 9541 at the time of the collision, the prosecution has failed to establish the identity of the accused as the driver beyond reasonable doubt.

Accordingly, Point No. 1 is answered in the Negative against the prosecution.

Point No. 2: Culpable Rashness or Negligence under Section 279 IPC

18. To establish an offence under Section 279 of the Indian Penal Code, it is not sufficient for the prosecution to show that an accident took place and a human life was lost. The prosecution is required to prove that the vehicle was driven in a manner so rash or negligent as to endanger human life or to be likely to cause hurt or injury to any person. Culpable rashness consists in hazarding a dangerous or wanton act with the knowledge that it is so, and that it may cause injury, but without intention to cause injury, acting with the

hope that it will not. Culpable negligence consists in the omission to give due care and caution which a reasonable and prudent man would exercise under the circumstances.

19. A critical analysis of the evidence on record reveals a complete absence of legal proof regarding the manner in which the offending vehicle was driven. None of the witnesses examined by the prosecution—PW1, PW2, PW3, PW4, or PW5—witnessed the occurrence. PW1, PW2, PW3, and PW4 have all consistently admitted in their cross-examinations that they did not see the accident directly. When no witness was present at the scene at 00:15 AM to observe the speed, trajectory, side of the road, or manner of driving of the Ashok Leyland vehicle, there is no substantive oral evidence to prove that the driver acted with high speed, rashness, or negligence.
20. The prosecution attempted to plug this evidentiary lacuna by relying on documentary evidence, specifically the Observation Mahazar (Ex.P2) and the Rough Sketch (Ex.P4 marked through PW5, corresponding to the site diagram). A careful examination of Ex.P2 and the Rough Sketch reveals the layout of the road near the Periya Eri Kodi curve on the Harur-Salem Road. However, an Observation Mahazar and Rough Sketch are merely corroborative documents indicating the post-accident state of the physical site; they cannot, by themselves, prove the mental state or operational fault of a driver without supporting witness testimony explaining how the collision transpired.
21. Furthermore, the attesting witnesses to the Observation Mahazar, PW3 and PW4, have turned hostile to the extent of stating that they do not know what was written in the documents and signed merely because the police asked them to do so. In cross-examination, PW5 admitted that in the written

complaint Ex.P1, no person was cited as having seen the accident, and no witness specifically stated how the vehicle was being operated.

- 22.High speed alone is not synonymous with rashness or negligence, nor can negligence be presumed merely from the tragic outcome of an accident under the doctrine of *res ipsa loquitur* in criminal jurisprudence, where the burden of proof rests entirely on the prosecution to establish guilt beyond reasonable doubt. In the instant case, there is no evidence regarding whether the deceased or the accused swerved, whether headlight blinding occurred at midnight on the curve, or which vehicle crossed over to the wrong side of the road. The failure to examine any eye-witnesses or independent road users leaves the allegation of rash and negligent driving wholly unproved.
- 23.Consequently, the prosecution has failed to establish the essential ingredients of rashness or negligence under Section 279 IPC. Point No. 2 is answered in the Negative against the prosecution.

Point No. 3: Offence under Section 304(A) IPC

- 24.Section 304(A) of the Indian Penal Code penalizes the causing of death by doing any rash or negligent act not amounting to culpable homicide. To fasten liability under Section 304(A) IPC, there must be a direct, proximate, and efficient causal connection between the rash or negligent act of the accused and the death of the victim. The death must be the *causa causans* the immediate cause arising directly out of the rash or negligent conduct of the accused.
- 25.In the case at hand, the fact that Tamilmani died as a result of fatal injuries sustained in a road traffic accident on 05.07.2018 is supported by the Inquest Report (Ex.P5) and the Post-Mortem Report (Ex.P6) issued by Dr. Vishal. The Motor Vehicle Inspector's Reports (Ex.P7 and Ex.P8) indicate that the

accident was not due to any mechanical defects in either the motorcycle TN 29 AT 6769 or the Ashok Leyland Dost vehicle TN 37 CQ 9541.

26. However, medical and mechanical evidence regarding the cause of death and condition of vehicles can only establish that an accident occurred and that trauma caused the death. Such evidence cannot establish *who* caused the accident or *how* the accident occurred. As concluded in Point No. 1, the prosecution failed to prove that the accused was driving the vehicle. As concluded in Point No. 2, the prosecution failed to establish any rash or negligent act on the part of the driver.

27. Since the primary element of a rash or negligent act driving the fatal consequence remains completely unproven, the essential nexus between the conduct of the accused and the death of Tamilmani stands broken. The prosecution cannot sustain a charge under Section 304(A) IPC merely upon proof of death without establishing the underlying criminal act.

Therefore, the charge under Section 304(A) IPC fails for lack of proof beyond reasonable doubt. Point No. 3 is answered in the Negative against the prosecution.

CONCLUSION

28. In light of the detailed discussion and evaluation of the evidence on record, this Court holds that the prosecution has failed to establish beyond reasonable doubt:

- a) That the accused, Ramalingam, was driving the offending vehicle TN 37 CQ 9541 at the time of the accident.
- b) That the driving was done in a rash or negligent manner so as to endanger human life.

c) That the death of Tamilmani was caused directly by a rash or negligent act of the accused.

29. The benefit of doubt arising from the total absence of eyewitness testimony, failure to prove identity, and lack of evidence regarding rashness or negligence must necessarily be extended to the accused.

ORDER

30. In the result, acting under Section 248(1) of the Code of Criminal Procedure, 1973, the accused, Ramalingam (S/o Semmalaipillai), is hereby ACQUITTED of the charges under Sections 279 and 304(A) of the Indian Penal Code, 1860.

The bail bond executed by the accused shall stand cancelled, and his sureties are discharged.

Directly typed by me in my laptop, corrected, and pronounced by me in the open Court on this the 24th day of July, 2026.

**Judicial Magistrate,
Harur.**

APPENDIX

I. List of witnesses examined

For the Prosecution:

- PW1: Anbarasu (Brother of the deceased / Defacto Complainant)
- PW2: Thilaga (Wife of the deceased)

- PW3: Kamaleshbabu (Witness to Observation Mahazar)
- PW4: Madhu (Witness to Observation Mahazar)
- PW5: Rathinakumar (Inspector of Police, Harur Police Station)

For the Defence:

- *Nil*

II. List of exhibits marked

For the Prosecution:

- Ex.P1: Written Complaint dated 05.07.2018 given by PW1.
- Ex.P2: Observation Mahazar dated 05.07.2018.
- Ex.P3: First Information Report (Crime No. 335/2018 of Harur PS) under Sections 279 and 304(A) IPC.
- Ex.P4: Rough Sketch of the scene of occurrence.
- Ex.P5: Inquest Report dated 05.07.2018.
- Ex.P6: Post-Mortem Examination Report issued by Dr. Vishal.
- Ex.P7: Motor Vehicle Inspector's Report for Motorcycle (TN 29 AT 6769).
- Ex.P8: Motor Vehicle Inspector's Report for Ashok Leyland Dost (TN 37 CQ 9541).

For the Defence:

- *Nil*

III. List of material objects (MOs)

- *Nil*

**Judicial Magistrate,
Harur.**

Notes:

The authorities shall be informed of the case outcome.

No witness was detained beyond three days.

Depositions were taken under the Oaths Act, 1969, and verified