

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, AT ERODE .

**PRESENT:- Tmt. Dr. V. SREE VIDYA,
Chief Judicial Magistrate,
Erode.**

Dated this the 15th day of June 2026 Monday
(Thiruvalluvar Aandu 2057, Sri Paraabhava Year, Aani Month 01st day)

Calendar Case No. 462/2024
(CNR.No.TNED04-010920-2024)

[Arising out of Cr. No. 586/2018 of Erode Taluk Police Station]

State represented by
Inspector of Police,
Taluk Police Station,
Erode.
Cr.No.586/2018.

.. Complainant

/Versus/

P. Muthusamy (Age 19/2018),
S/o. Periyasamy,
No. 270 A, Jancy Nagar,
veerappan Chathiram,
Erode.

.. Accused

This case came for final hearing on 10.06.2026 in the presence of Additional Public Prosecutor Thiru.Sivakumar, and Thiru.K.Krishnamoorthy, Learned Counsel for the accused and after hearing the arguments of both sides, and after careful consideration of the entire documents, this Court delivered the following:

Offences alleged : Sections 279 and 304(A) of the Indian Penal Code, 1860, and finally laid under Sections 279 and 304(A).

Plea of the accused : Not guilty.

Finding : Acquitted.

J U D G M E N T

I. THE PROSECUTION CASE

1. According to the prosecution, on 22.09.2018 at about 20.30 hours, on Perundurai to Erode Road, in front of Kamadhenu Dairy Farm at Vaikkal Medu, the accused allegedly drove KTM Motorcycle bearing Reg.No. TN 86 C 6338 from west to east, in a rash and negligent manner, without honking the horn and hit against Rajamani, who was standing near the Center Media in the middle of the road from south to north. The deceased was thrown and fell down and sustained severe head injury and various injuries on his body, causing death at 10.10 pm on the way to the Erode Government Hospital. The brother of the deceased, PW1, lodged the complaint (Ex.P.1) at Erode Taluk Police Station, on the basis of which the FIR (Ex.P.5) was registered. After investigation, the accused was charge-sheeted under Sections 279 and 304(A) IPC vide Final Report dated 13.10.2018.

II. COGNIZANCE, FURNISHING OF DOCUMENTS AND TRIAL:

2. The Learned Judicial Magistrate No. I, Erode, took cognizance of the offence and registered the case originally as C.C. No. 369 of 2020. Copies of the documents relied upon by the prosecution were furnished to the accused under Section 207 of the Code of Criminal Procedure, 1973. The case being one exclusively triable as a summons / summary trial of warrant nature in terms of the procedure applicable to offences under Sections 279 and 304(A) IPC, the substance of accusation was duly read over and explained to the accused, who denied the same and pleaded not guilty and claimed to be tried. Pursuant to the order of the Hon'ble Principal District Judge,

Erode, in A.No. 50 of 2024 dated 16.07.2024, the entire records were transferred to this Court and the case was renumbered as C.C.No. 462 of 2024.

III. EVIDENCE LET IN

3. In order to establish the guilt of the accused, the prosecution examined three witnesses as PW.1 to P.W.3 and marked six documents as Ex.P.1 to Ex.P.6.

Prosecution Witnesses:

PW.1 – Thiru. Shanmugam, S/o. Rangan (Complainant / Brother of deceased)

PW.2 – Tmt. Rani, W/o. Moorthy (Eye Witness to Incident)

PW.3 – Thiru. Viswanathan, S/o. Muthusamy (Special Sub-Inspector of Police, Erode Taluk P.S.)

Documents Exhibited:

Ex.P.1 – Complaint letter dated 21.09.2018 filed by Tmt. Shanmugam [through P.W.1].

Ex.P.2 – Observation Mahazar dated 22.09.2018 [through P.W.3].

Ex.P.3 – Scene Mahazar and Rough Sketch of the accident spot [through P.W.3].

Ex.P.4 – Post-mortem Certificate dated 22.09.2018 [through P.W.3].

Ex.P.5 – First Information Report in Crime No. 586/2018 [through P.W.3].

Ex.P.6 – Form A.I.R – Motor Vehicle Inspection Report for vehicle TN 86 C 63387 [through P.W.3].

IV. EVIDENCE OF THE DEFENCE:

4. When examined under Section 313(1)(b) of the Code of Criminal Procedure, 1973 (Cr.P.C.) the accused denied all incriminating circumstances put to him, pleaded innocence and stated that he had no connection with the incident. He chose not to adduce any defence evidence. Defence side evidence was closed on today.

V. POINTS FOR DETERMINATION:

5. (i) Whether the prosecution has proved, beyond reasonable doubt, that the accused drove vehicle No. TN 86 C 6338 on 22.09.2018 at about 20.30 hours on the Perundurai to Erode Road, in a rash and negligent manner so as to endanger human life, thereby committing an offence punishable under Section 279 IPC?

(ii) Whether the prosecution has further proved, beyond reasonable doubt, that by such rash and negligent act the accused caused the death of Rajamani thereby committing an offence punishable under Section 304(A) IPC?

VI. DISCUSSION AND FINDINGS:

6. PW.1, the complainant, in his evidence has categorically stated that he did not witness the occurrence directly. According to his own version, he came to know of the accident only through PW.2 Rani, and he went to the scene only thereafter. In his cross-examination, PW.1 has further admitted that, although he lodged the complaint, the contents of the complaint Ex.P1 were already reduced to writing by the police, and the only portion belonging to him is his signature thereon. Thus, PW.1 is, by his own admission, not an eye-witness to the alleged rash and negligent driving, and his evidence with regard to the manner of occurrence is purely hearsay, based on what he was told by PW.2.

7. PW.2 (Rani), who is described in the First Information Report and the charge sheet as the eye-witness to the incident, on whose alleged information PW.1 came to know of the occurrence, has, in her sworn testimony before this Court, completely failed to support the case of the prosecution. PW.2 has deposed that she had earlier worked along with the deceased Rajamani about ten years prior to her deposition, that she has no other connection, and that she has no knowledge whatsoever about “this case.” She has not stated a single word about the manner of the occurrence, the

involvement of the accused, the vehicle, or the events of 20.09.2018. The sole witness projected by the prosecution as having witnessed the Page 1 accident has thus turned hostile/unhelpful to the prosecution and has not been declared hostile or cross-examined further by the prosecution.

8. PW.3, the Special Assistant Investigator, has merely deposed with reference to the records maintained at the police station, identifying the signatures and handwriting appearing in Ex.P2 to Ex.P6, and has stated the contents of the FIR and the charge sheet as recorded therein. He has admitted in his cross-examination that he has no personal knowledge of the occurrence and that his evidence is based purely on the case records. The Investigating Officer who actually visited the spot, prepared the Observation Mahazar and Rough Sketch, and filed the charge sheet, has not been examined before this Court. Consequently, the contents of Ex.P2 to Ex.P6 remain unproved in the manner contemplated by law, insofar as the truth of their contents as opposed to their mere existence on file is concerned.

9. It is significant that several persons cited as witnesses in the charge sheet, including the other inquest witnesses, the observation mahazar witnesses, the Motor Vehicle Inspector (LW.9 in the charge sheet) and the Medical Officer who is stated to have examined the deceased (LW.10 in the charge sheet), have not been examined at all during the trial. No medical evidence has been placed before this Court to connect the injuries said to have been sustained by the deceased with the cause of her death, nor has any expert spoken to the nature and cause of the injuries.

10. The Form A.I.R. (Ex.P6) regarding the inspection of the motorcycle TN 86 C 6338 indicates that the brakes, steering and tyres of the vehicle were found to be in order and that the accident was opined as “not due to mechanical defect.” However, this document, even if taken at face value, at best rules out a mechanical defect in the vehicle; it does not, by itself, establish that the accused rider drove the vehicle in a

manner that was rash or negligent so as to endanger human life, nor does it establish that any such act of the accused caused the death of Rajamani. In the absence of any eye-witness account of how the accident occurred, this document alone cannot fill the evidentiary gap.

11. It is a settled principle of criminal jurisprudence that the burden lies entirely upon the prosecution to prove the guilt of the accused beyond reasonable doubt, and that this burden does not shift to the accused merely because he has pleaded not guilty.

12. In the present case, the evidence on record does not establish:

- (i). that the accused was the person riding the motorcycle TN 86 C 6338 at the time and place of occurrence;
- (ii). the manner in which the said vehicle was driven, so as to characterize the driving as “rash” or “negligent” within the meaning of Section 279 IPC; or
- (iii). The causal link between any act attributable to the accused and the death of Rajamani, as required under Section 304(A) IPC.

13. The sole witness who could have spoken to the actual occurrence (PW.2) has not supported the prosecution case, the complainant (PW.1) admittedly has no first-hand knowledge, and the official witness (PW.3) has proved only the existence of certain documents without proving their contents through their authors. There is, therefore, a total absence of legally acceptable evidence connecting the accused with the alleged offences.

VII. RESULT:

14. For the reasons stated above, this Court is of the considered view that the prosecution has miserably failed to establish the ingredients of the offences under

Sections 279 and 304(A) IPC against the accused, beyond reasonable doubt. The benefit of doubt must, therefore, necessarily go in favour of the accused. Both points for determination are answered against the prosecution and in favour of the accused.

15. The accused is hereby found NOT GUILTY of the offences punishable under Sections 279 and 304(A) of the Indian Penal Code, 1860, and is accordingly ACQUITTED of the said charges under Section 248(1) of the Code of Criminal Procedure, 1973. The bail bond, if any, executed by the accused shall stand cancelled, and the sureties, if any, are discharged.

//Dictated to the Steno-Typist directly, transcribed and computerised by her, corrected and pronounced by me, in the open Court, on this the 15th day of June, 2026//

**Chief Judicial Magistrate,
Erode.**

APPENDIX OF EVIDENCE

List of Witnesses examined on the side of Prosecution:

1.	PW-1	Thiru. Shanmugam	Complainant and Brother of deceased
2.	PW-2	Tmt. Rani	Eye Witness to Incident
3.	PW-3	Thiru. Viswanathan	Special Sub-Inspector of Police, Erode Taluk P.S.

List of Exhibits marked on the side of prosecution:

1.	Ex-P1	21.09.2018	Written Complaint [through P.W.1].
2.	Ex-P2	22.09.2018	Observation Mahazar [through P.W.3].
3.	Ex-P3	22.09.2018	Scene Mahazar and Rough Sketch of the accident spot [through P.W.3].
4.	Ex-P4	22.09.2018	Post-mortem Certificate [through P.W.3].
5.	Ex-P5	21.09.2018	First Information Report in Crime No. 586/2018 [through P.W.3].
6.	Ex-P6	05.10.2018	Motor Vehicle Inspection Report for vehicle TN 86 C 6338 [through P.W.3].

List of Witnesses and Exhibits on the side of defence:

-Nil-

List of material objects marked:

-Nil-

**Chief Judicial Magistrate,
Erode.**

Note:

1. During the course of trial the accused is on bail.
2. No witnesses were withheld for more than three times without examination.

CASE SUMMARY

1	The Period of remand of the accused	-		
2	The Date of filling of the complaint/ final report in the Court	30.09.2020		
3	The Date of Committal of the case to the Court of Session	-		
4	The Date of questioning of the accused u/s.228, 240, 246 and 251 of the Code of Criminal Procedure, 1973 as the case may be	10.02.2021		
5	Filling of all miscellaneous petitions, and their results including the results on challenge before superior courts, except routine petitions like petitions under section 317 of the code	-		
6	Date of examination in chief and cross examination of a witness	PWs	Chief	Cross
		PW1	12.05.2026	12.05.2026
		PW2	03.06.2026	-
		PW3	10.06.2026	10.06.2026
7	Date of examination of the accused under section 313 of the Code	15.06.2026		
8	Details of abscondence of an accused and his appearance/ production, as the case may be; and	Nil		
9	Grant of Stay by Superior Courts and the results thereof	Nil		

**Chief Judicial Magistrate,
Erode.**