

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT**PRESENT: Thiru. N.S. Jayaprakash, B.Sc., B.L.,,****Chief Judicial Magistrate, Karur.****Tuesday, the 10th day of March 2026****CALENDAR CASE NO.559/2024****CNR Number TNKR-02-006574-2024**

(Crime No.191/2024 on the file of Vengamedu Police Station, Karur)

Sl.No.	Description	Details
1	Name of the Accused :	Dhilipkumar, Age 23 years, Ramakrishnan, Thiruvalluvar Street, Vangal, Karur District.
2	Charge against the accused :	Accused offences under sections 304(A) of IPC
3	Plea of the accused :	Not guilty
4	Finding of the Judge :	Accused is found not guilty offence u/s.304(A) of IPC.
5	Sentence or order :	In the result , the accused is found not guilty for offences u/s.304(A) of IPC and the accused is acquitted as per Section 255(1) of Cr.PC.
6	Pleader for the accused :	Thiru.S.Rubaeraasun, B.Sc., L.L.B.,(Hons)
7	Prosecution conducted by :	Tmt.S.Sangeethapriya (Additional Public Prosecutor)

This Calendar Case was coming for final hearing on 04.03.2026 before me in the presence of Tmt.S.Sangeetha Priya, Additional Public Prosecutor for Prosecution side and Thiru.S.Rubaeraasun, B.Sc., L.L.B.,(Hons), Advocate for Accused and upon hearing on both side arguments, and on perusal of oral and documentary evidence on either side and having stood over consideration till this day, this Court delivered the following :-

JUDGMENT

A Final report was submitted by the Inspector of Vengamedu Police Station in Crime No.191/2024 against the accused u/s.304(A) of IPC.

2. The Inspector of police Thanthonimalai Police Station filed the Final Report.

The brief contention of the final report is as follows:-

On 06.05.2024 at 21.30 hours, the deceased by name Prabakaran was proceeding in a two wheeler XL Heavy Duty bearing Reg.No.TN-47-P-7531 from east to west in Nerur to Karur road. At about 9.30 p.m., while proceeding at Panjamadevi Kalipalayam near the land of Kaliyappan, a Yamaha R15 two wheeler bearing Registration No.TN-47-BV-0384 came in a rash and negligent manner and dashed on Prabakaran who sustained injury grievous injury on the face and Head and subsequently died. Thus, the accused committed offences punishable u/s.304(A) of IPC.

- 3) Upon considering the final report the learned Judicial Magistrate No.I, Karur took cognizance of the offences and issued summon to the accused. When the accused appeared before the Learned Judicial Magistrate No.I, Karur copies of all the records were furnished to the accused free of costs u/s 207 Cr.PC.
- 4) The Accused questioned about the substance of accusation u/s.304(A) of IPC and he pleaded not guilty and he claimed to be tried. The case was transferred to this Court as per order of this Court in ROC.No.20/2025/A1 dated 10.09.2025.
- 5) The case proceeded for trial and on the side of Prosecution, PW1 to PW4 were examined and Ex.P1 to P8 were marked.
- 6) After closing of prosecution evidence, the accused was questioned regarding the incriminating portion of the evidence as per Section 313(1)(b) Cr.PC. The accused claimed the evidence as false.
- 7) Based on the above facts and evidence, the Point for Consideration is whether the prosecution proved the case beyond reasonable doubt?

8. On the Point:-

8(1) On 06.05.2024 at 21.30 hours, the deceased by name Prabakaran was proceeding in a two wheeler XL Heavy Duty bearing Reg.No.TN-47-P-7531 from east to west in Nerur to Karur road. At about 9.30 p.m., while proceeding at Panjamadevi Kalipalayam near the land of Kaliyappan, a Yamaha R15 two wheeler bearing Registration No.TN-47-BV-0384 came in a rash and negligent manner and dashed on Prabakaran who sustained injury grievous injury on the face and Head and subsequently died.

8(2) Thiru.Dharmalingam, Sub Inspector of Police/LW15 received the complaint/Ex.P1 from Prasudha/PW3 and registered a case in Cr.No.191/2024, u/s.304(A) of IPC/Ex.P3. The case file was submitted before the Inspector of Police.

8(3) Thiru.Senthurpandian, Inspector of Police/PW4 took up the case for investigation. On 07.05.2024, at about 8.00 a.m., he proceeded to the scene of occurrence and prepared Observation Mahazar/Ex.P1 in the presence of witnesses by name Nimallesh/LW8 and Vinothkumar/PW2. A Rough Sketch/Ex.P4 was also prepared. On the same day, at about 8.30 a.m., PW4 conducted Inquest on the body of the deceased Prabakaran at Government Medical College Hospital Mortuary, Karur in the presence of Panchayathars and witnesses, and prepared Inquest Report/Ex.P5. The statements of witnesses 1 to 9 were recorded. PW4 produced the vehicle

involved in the accident before the Motor Vehicle Inspector/LW11 and obtained a Motor Vehicle Inspection Reports of TN-47-BV-0384/Ex.P6 and TN-47-P-7531/Ex.P7. The statements of Dr.Sankar/LW13 and Dr.Gopinath/LW12 were recorded and also Postmortem Certificate/Ex.P8 was received. The accused was arrested on 11.07.2024, at about 12.30 hours, at the police station and released on bail. The statements of Thiru.Sakthivel/LW14, Head Constable and Thiru.Dharmalingam/LW15 were recorded. After completing investigation Final Report was filed on 02.08.2024.

8(4) PW1 by name Balachandran deposed that on 06.05.2024, at about 9.30 p.m, he was proceeding in a two wheeler towards his house from Nerur to Karur. While proceeding near Panjamadevi, a TVS XL Heavy Duty bearing Reg.No.TN-47-P-7531 was driven by Prabakaran in the front and a two wheeler bearing Reg.No.TN-47-BV-0384 driven by the accused came in high speed, and dashed the vehicle driven by Prabakaran from back side. Prabakaran fell down with injuries on the head and body. Immediately an Ambulance was brought and Prabakaran was taken to Hospital where he had died.

8(5) PW2 by name Vinothkumar is a Mahazar witness. He deposed that on 07.05.2024, at about 8.00 a.m, he was proceeding towards Karur to Panjamadevi Vengamedu police were preparing Mahazar by seeing the accident spot and he signed as a witness. Another person by name Nimallesh also signed as a witness and the Mahazar is Ex.P1.

8(6) PW3 by name Prasudha deposed that she is the wife of Prabakaran. Her husband owns a grocery shop. On 06.05.2024 at 9.30 p.m, her husband was returning in a two wheeler bearing Reg.No.TN-47-7531. While proceeding near a vacant land, at Panjamadevi, a two wheeler came behind and dashed on the vehicle. One by name Balachandaran sent her husband to the hospital and intimated her through cell phone. She proceeded to the hospital and found her husband unconscious and subsequently died. She prepared a complaint at Vengamedu Police Station and the same is Ex.P2.

8(7) PW4 by name Senthurpandiyan, Inspector of Police deposed that on 07.05.2024, Thiru.Dharmaligam, Sub Inspector of Police received a complaint from Prasudha and registered a case in Cr.No.191/2024, u/s.304(A) of IPC. The FIR is Ex.P2. The FIR was submitted before PW4, who took up the case for investigation, on 07.05.2024, at about 8.00 a.m., proceeded to the scene of occurrence and prepared Observation Mahazar/Ex.P1 in the presence of witnesses by name Nimallesh and Vinothkumar. A Rough Sketch/Ex.P4 was also prepared. On the same day, at about 8.30 a.m., He conducted Inquest on the body of the deceased Prabakaran at Government Medical College Hospital Mortuary, Karur in the presence of Panchayathars and witnesses, and prepared Inquest Report/Ex.P5. The statements of witnesses 1 to 9 were recorded. He produced the vehicle involved in the accident before the Motor Vehicle Inspector and obtained a Motor Vehicle Inspection Reports of TN-47-BV-0384/Ex.P6 and TN-47-P-7531/Ex.P7. The statements of Dr.Sankar

and Dr.Gopinath were recorded and also Postmortem Certificate/Ex.P8 was received. The accused was arrested on 11.07.2024, at about 12.30 hours, at the police station and released on bail. The statements of Thiru.Sakthivel, Head Constable and Thiru.Dharmalingam were recorded. After completing investigation Final Report was filed on 02.08.2024.

8(8) PW5 by name Balamurugan deposed that on 06.05.2024 at 9.30 p.m he was proceeding with his father in a two wheeler and Thiru.Prabakaran, known to his father was proceeding in their friend in a two wheeler bearing Reg.No.TN-47-P-7531. While proceeding at Kalipalayam, a two wheeler bearing Reg.No.TN-47-BV-0385 driven by the accused over took their vehicle in a high speed and dashed on the back side of the vehicle driven by Prabakaran who fell down and sustained injuries. PW5 and his father called an Ambulance and took Prabakaran to Medical College Hospital, Karur where he had died.

09. The prosecution evidence perused. The accident took place at Nerur to Panjamadevi road, near a vacant land. This was spoken by PW1, PW5 who are the eye witnesses and also PW2 who is the mahazar witness. On perusal of the Rough Sketch/Ex.P4, it is mentioned that the accident took place at Karur to Nerur road at Panjamadevi Kalipalayam. The defence side also did not raise any objection regarding the accident and place of occurrence. The prosecution had established the accident and place of occurrence.

10. The prosecution case is that, the deceased Prabakaran was proceeding from east to west and the accused vehicle came behind and dashed on the back side of the two wheeler driven by Prabakaran. On perusal of the Rough Sketch, a road towards thottam is situate towards west from the east to west main road. The defence side had taken a stand that the deceased Prabakaran suddenly turned towards right without any signal and invited accident. The accident spot supports the prosecution case. If the vehicle driven by the accused dashed on the back side of the front going vehicle, the damage would be not heavy because the collision of two moving objects in the same direction would cause only a lesser impact. Even if the back moving vehicle dashed on the front moving vehicle, the front moving vehicle would move faster and the unexpected happening can be managed. But, the front moving vehicle driven by Prabakaran suddenly turned on the right without signal had invited the accident since the vehicle coming from the back side could not expect the said turn.

11. PW2 and PW5 have spoken that the accused came behind and dashed on the back side of the two wheeler driven by Prabakaran would force to believe that the accident took place due to sudden turning on the right side by the deceased. The prosecution fails to clear the doubt regarding the possibility of the deceased turning right without any signal towards thottam road.

12. The evidence of PW4 relates to the manner of investigation. The evidence of PW3 is only hearsay. The same cannot be relied as substantive piece of evidence. The prosecution fails to establish the case beyond all reasonable doubt. The benefit of doubt is awarded in favour of the accused.

13. In the result, the accused is found not guilty for the offences u/s. 304(A) of IPC and he is acquitted u/s 255 (1) of Cr.P.C. No material object marked.

This Judgment was dictated by me to the Steno-Typist, transcribed and typed by her in computer and after making necessary corrections, pronounced by me in open court on this the **10th day of March 2026.**

**Chief Judicial Magistrate,
Karur.**

Witnesses examined on the side of Prosecution:

PW1	Thiru.Balachandran
PW2	Thiru.Vinothkumar
PW3	Tmt.Pirasutha (Complainant)
PW4	Thiru.Senthurpandian (Inspector of Police)
PW5	Thiru.Balamurugan

Documents marked on the side of Prosecution :

Sl.No.	Exhibits	Documents
1.	Ex.P1	Observation Mahazar
2.	Ex.P2	Complaint
3.	Ex.P3	First Information Report
4.	Ex.P4	Rough Sketch
5.	Ex.P5	Inquest Report
6.	Ex.P6	MVI report of TN-47-BV-0384
7.	Ex.P7	MVI report of TN-47-P-7531
8.	Ex.P8	Post-mortem certificate

Material objects marked on the side of Prosecution : NIL

Witnesses examined on the side of Accused: NIL

Documents marked on the side of Accused: NIL

**Chief Judicial Magistrate,
Karur.**

NOTE:

1. The Witnesses are not retained for more than three hearings.
2. The result of the case intimated to the Police.
3. The accused was on bail during the time of trial.