

In the court of Hon'ble Judicial Magistrate, Sendamangalam

Presence: S. RAJA KUMARAN B.E., LL.B.,

Judicial Magistrate, Sendamangalam,

16th day of June, 2026

(2057th Thiruvalluvar year, Sri Parapava year, Aani, 2nd day)

Calander Case No. 262/2025

(CNR.No. TNNM-14-000551-2025)

State of Tamilnadu

Represented by

Sub Inspector of Police,

Erumapatti Police Station

-

Complainant

(In Crime No. 177 /2024)

Vs

Palanisamy

-

Accused

Case summary

**(As per the Order of High Court of Madras in R.O.C No. 814/ 2020/RG/F1.
Dated 0f 07.04.2021)**

S. N o	Summary	Details

1.	Period of remand	Name of the accused	Date of remand	Date of release	
		Palanisamy	-	Released on station bail on 11.10.2024	
2.	Date of filing of the final report in the court	18.07.2025			
3.	Date of committal of the case to the court of session	Not applicable			
4.	Date of questioning of the accused under section 274 of BNSS	07.11.2025			
5.	Filing of all miscellaneous petitions and their results	-			
6.	Date of examination in chief and cross examination of witness	Prosecution witnesses	Name of the Witnesses	Examination in chief	Cross examination
		PW1	Selvaraj	12.11.2025	12.11.2025
		PW2	Angamuthu	26.11.2025	26.11.2025
		PW3	Senthilkumar	22.01.2026	22.01.2026
		PW4	Saravanan	12.02.2026	12.02.2026
		PW5	Ravichandran	12.02.2026	12.02.2026

		PW6	Muralidharan	24.02.2026	-
		PW7	Parameshwaran	19.05.2026	19.05.2026
		PW8	Uma maheshwari	19.05.2026	19.05.2026
		PW9	Subramanian	22.05.2026	22.05.2022
		PW10	Subramaniam	09.06.2026	09.06.2026
7.	Date of examination of the accused under section 351 of the BNSS	15.06.2026			
8.	Details of abscondence of an accused and his appearance/ production	Not applicable			
9.	Grant of stay by superior courts and their results	Not applicable			

When this case under C.C No 262 /2025 came before me for final hearing, after having tried by this court, Assistant Public Prosecutor appearing for State, Advocate Mr. C. Arumugam, B.A.,B.L., appearing for the Accused, on hearing both side arguments, perusing the evidence and documents and court records of both sides, this court delivers the following

JUDGEMENT

The prosecution case is that on 03.09.2024 at about 20.00Hrs at Namakkal to Duraiyur road, near Angamuthu Chicken Shop in Pannakaranpatti, when the defacto complainant Selvaraj was going in the TVS XL Super two wheeler bearing the registration number TN 88 A 2221, taking his son witness Muralidharan in the pillion seat, from west to east direction, the accused Anbalagan was driving Royal Enfield two wheeler bearing registration number TN 64 L 5942 in the same direction behind the defacto complainant in rash and negligent manner and dashed vehicle of the defacto complainant and thereby caused simple injury to the defacto complainant Selvaraj and witness Muralidharan. On the statement of defacto complainant Selvaraj, First Information Report was registered under section 281, 125(a) BNS in Erumapatti Police Station Crime No.177/2024. On completion of investigation the Sub Inspector of Police, Erumapatti Police Station filed final report against the accused under sections 281, 125(a) (2 counts) BNS.

2. On the perusal of final report and all the other documents, since there was a prima facie case made out against accused, this court took the case for cognizance under C.C. No. 262 /2025 and ordered to issue summons to the accused. On the appearance of the accused, the copies under section 230 of BNSS were furnished to accused at free of cost.

3. Upon consideration, since this court was of the opinion that there was ground for presuming that the accused has committed the offence, substances of accusation for the offences 281, 125(a) (2 counts) BNS were read over and explained to the accused, to which accused pleaded not guilty and claimed himself

to be tried. Since the accused claimed to be tried, the prosecution witnesses were called.

4. On the side of prosecution, the witnesses PW1 to PW10 were examined and exhibits Ex.P1 to Ex.P13 were marked.

5. The prosecution version unfolded from the evidence is as follow

5.1 The defacto complainant was examined as PW1 and the PW1 identified the accused and deposed that on 03.09.2024 night at about 7.30PM, he and his son Muralidharan were going in a two wheeler bearing registration number of TN 88 A 2221 from Ponneri to Dhapettai and when he was going on the left side of the road, the vehicle coming behind him dashed on his vehicle and the said vehicle also dashed on the Angamuthu, who was standing in front of him and thereby the PW1 sustained injury on his right foot heel and his son sustained internal injuries and he was in treatment for 10 days at Namakkal Medical College and Hospital and thereafter he took treatment at Vivekanandha Medical College. Through PW1, the signature in the complaint statement was marked as Ex.P.1.

5.2. The PW2-Angamuthu and PW4-Saravanan, who were the eye witness, turned into hostile.

5.3. The PW3- who was another eye witness, deposed that about 6 months ago one day night at 08.00PM, when he was at a tea shop in Dheverayapuram bus stop, he saw that one father and son was coming in an XL two wheeler towards Duraiyur in Namakkal to Duraiyur road and a person, who came in a white color bullet, dashed on the XL two wheeler and caused accident and the persons who were coming in both the vehicles came in a proper manner and upon the accident,

the person who came in the XL two wheeler fell down and the person who came in the bullet also sustained injury.

5.4. The PW6- who was an injured witness, deposed that on 03.09.2024, night at 7.30PM, when he and his father were going to Dhapettai from west to east direction, in their XL two wheeler at Namakkal to Dhuraiyur road at Pannakaaranpatti bus stop, the bullet vehicle bearing registration number of TN 64 L 5942 came behind them and dashed on their vehicle and caused the accident and thereby he sustained injuries on his leg and back and his father sustained a fracture and thereby they were admitted in the Namakkal Government Medical College and Hospital and thereafter his father was taken to Salem Government Hospital and from there his father was taken to Vivekanandhan Hosoiatal and he was taking treatment at Namkkal Government Hospital. The PW6, further deposed that the person, who came in the bullet was driving his vehicle in a rash manner and dashed on them and caused the accident.

5.5. The PW5-Ravichandran and PW7- Parameshwaran, who were the observation mahazar witnesses, turned into hostile.

5.6. The PW8- Umamaheshwari, who was the Motor Vehicle Inspector, deposed that on 08.10.2024, the Sub Inspector of Police, Erumapatti Police Station, produced the two vehicles bearing registration numbers of TN 64 L 5942 and TN 88 A 2221 with the requisition to inspect the same and file a report. Thereby, the PW8 inspected the bullet two-wheeler vehicle bearing TN 64 L 5942 and found that right side indicator was damaged and front side number place was bended and the insurance certificate of the vehicle was not produced and the efficiency of the vehicle was satisfactory. The PW8 further deposed that she inspected the TVS XL

two-wheeler vehicle bearing TN 88 A 2221 and found that no damage was taken place and the efficiency of the vehicle was satisfactory and certified that the accident was not taken place due to any mechanical failure in both vehicles. Through PW8, the Motor Vehicle Inspection report for the vehicle bearing registration number of TN 64 L 5942 was marked as Ex.P.2 and the Motor Vehicle Inspection report for the vehicle bearing registration number of TN 88 A 2221 was marked as Ex.P.3.

5.7. PW9- Subramanian, who was the investigation officer of this case, deposed that on 04.06.2024, when he was working as Special Sub Inspector of Police at Erumapatti Police Station, he received an accident intimation from the Namakkal Government Hospital and proceeded to the hospital and received the complaint statement from the defacto complainant Selvaraj, who was taking treatment over there as inpatient and came to the police station and registered First Information Report against the accused in Cr.No.177 /2024 for the offences under sections 281, 125(a) BNS and on 05.09.2024 at 07.00 Hrs, he proceeded to the scene of occurrence and prepared observation mahazar and rough sketch in the presence witnesses Parameshwaran and Ravichandran and thereafter he inquired witnesses Selvaraj, Muralidharan, Angamuthu, Senthilkumar, Saravanan, Parameshwaran and Ravichandran and recorded their statements separately and on 08.10.2026, he forwarded the vehicle bearing registration number TN 64 L 5942 and on 05.11.2024, he forwarded the vehicle bearing registration number TN 88 A 2221 to Motor Vehicle Inspector and on 11.10.2024, at 16.00Hrs, he arrested the accused and released him on bail and submitted the case records before Sub Inspector Subramaniam for further investigation.

5.8. The PW10- Subramaniam, who was also an investigation officer deposed that on 26.11.2024, he enquired the motor vehicle inspector and obtained the motor vehicle inspection reports and thereafter the PW10 enquired the Doctor Jayabarathi and obtained the accident register and wound certificate and with that he filed final report against the accused for the offences u/s sections 281, 125(a)(2 counts) BNS. Through PW10, the assault intimation, accident register and wound certificate of defacto complainant Selvaraj were marked as Ex.P.8, Ex.P.9 and Ex.P.10 respectively and the assault intimation, accident register and wound certificate of witness Muralidharan were marked as Ex.P.11, Ex.P.12 and Ex.P.13 respectively.

6. After the prosecution side evidence was closed, on questioning the accused about the incriminating circumstances in the prosecution evidences under section 351(1)(b) of BNSS, the accused denied the same as false. When he was asked whether he has any evidence in his support, he said there is no witness on his side. Hence, the defence side evidence was closed. With that trial was concluded.

7. The point of determination is whether the prosecution has proved the charges against the accused beyond all the reasonable doubt.

8. The prosecution side argued that in order to prove the charges against the accused, PW1 to PW10 witnesses were examined and Ex.P1 to Ex.P13 were marked. The prosecution evidence is cogent, coherent and reliable in establishing the prosecution case and hence the prosecution has proved the case beyond all the reasonable doubt. The prosecution thereby prayed that the accused may be convicted.

9. On the other hand, the defence side argued that prosecution has miserably failed to prove the case beyond all the reasonable doubts. Therefore, it was prayed that by giving the benefit of doubts, the accused may be acquitted.

10. Determination

10.1. On the careful perusal of evidence, this court finds that the defence side has not denied about the fact of accident and the injuries sustained by the defacto complainant and witness Muralidharan. However, the defence side has disputed the rashness and negligence on the part of the accused. Hence, in order to prove the charges u/s 281, 125(a) of BNS against the accused, it is essential to see whether the rashness and negligence of the accused is proved. The prosecution side evidence is appreciated in that course.

10.2. PW1, who was the defacto complainant, deposed that on 03.09.2024 night at about 7.30PM, he and his son Muralidharan were going in a two wheeler bearing registration number of TN 88 A 2221 from Ponneri to Dhapettai and when he was going on the left side of the road, the vehicle coming behind him dashed on his vehicle and the said vehicle also dashed on the Angamuthu, who was standing in front of him and thereby the PW1 sustained injury on his right foot heel and his son sustained internal injuries. However, on the perusal of evidence of PW1, this court finds that he has not adduced anything about the rashness or negligence of the accused. Hence, from the evidence of PW1, it cannot be concluded that the accused was driving his vehicle in rash or negligent manner.

10.3. The other injured witness Muralidharan who was examined as PW6, supported the version of PW1. However, the PW6, added that the accused was

driving his vehicle in rash manner and thereby caused the accident. The relevant portion of oral evidence of PW6 is as follow

"புல்லட் வாகனத்தை ஓட்டி வந்தவர் அதிகபடியான வேகத்தில் வந்து எங்கள் வாகனத்தின் மீது மோதி விபத்தை ஏற்படுத்தினார்"

10.4. On the perusal of oral evidence of PW6 and rough sketch, this court finds that PW6 was travelling in the XL two wheeler as pillion rider and the vehicle was going towards Duraiyur and the accused came in bullet vehicle behind them and dashed upon their XL two wheeler. If the PW6 was travelling in the two wheeler as pillion rider and the accused came and dashed on the back of their two wheeler, there is no possibility for the PW6 to witness the rashness of the accused.

10.5. In addition, the PW3 Senthilkumar, who was another eye witness, specifically stated that both the drivers were driving in a proper manner. The relevant portion of oral evidence of PW3 is as follow

"இரண்டு வாகனங்களில் ஓட்டி வந்த நபர்கள் சரியாகத்தான் வந்தார்கள்"

10.6. At this juncture, it is expedient to observe that the PW6 Muralidharan was an injured witness and he is the son of PW1 Selvaraj. In addition, the PW1 in his cross examination admitted that his vehicle was not having insurance policy at the time of occurrence. Hence, there is a possibility that PW6 is supporting the prosecution case due to the non-availability of insurance policy and he is well related to the PW1.

10.7. From the above discussions, it cannot be concluded that the PW6 has originally witnessed the rashness of accused. Hence, from the evidence of PW6, it

cannot be concluded that the accused was driving his two wheeler in rash manner and caused the accident.

10.8. The other eye witnesses PW2-Angamuthu and PW4-Saravanan turned into hostile. The prosecution side cross examined the above witnesses. However, on the perusal of the cross examination, this court finds that the prosecution side has not extracted anything to support their version.

10.9. Moreover, the PW8, who was the motor vehicle inspector deposed that the vehicle driven by the defacto complainant had no damages. If the accused had really dashed upon the vehicle of defacto complainant by coming in his vehicle in rash manner, there must have been damages on the vehicle of defacto complainant. The non availability of damages on the vehicle of the defacto complainant disproves the prosecution version completely.

10.10. In this case the PW5-Ravichandran and PW7- Parameshwaran, who were the observation mahazar witnesses, turned into hostile. The prosecution side cross examined the above witnesses. However, on the perusal of the cross examination, this court finds that the prosecution side has not extracted anything to support their version. This raises the doubt that whether the police really proceeded to the scene of occurrence and investigated the case.

10.10 In light of the analysis and findings arrived under the previous heads, this court concludes that the prosecution has failed to prove the charges against the accused beyond all the reasonable doubts.

11. Finally,

Since the charges against the accused under sections 281 and 125(a) (2counts) of BNS were not proved beyond all the reasonable doubts, giving the benefit of doubt to the accused, this court u/s 278(1) BNSS acquits the accused from the charges u/s281 and 125(a) (2counts) of BNS.

12. There is no case property produced in this case. The bonds executed by the accused shall stand cancelled on the expiry of the appeal period.

This judgement is directly typed by me in my laptop and aligned by the typist and corrected and pronounced by me in the open court on 16.06.2026.

**Judicial Magistrate,
Sendamangalam**

List of witness On prosecution side

1. P.W.1 Mr. Selvaraj
2. P.W.2 Mr. Angamuthu
3. P.W.3 Mr. Senthilkumar
4. P.W.4 Mr. Saravanan
5. P.W.5 Mr. Ravichandran
6. P.W.6 Ms. Muralidharan
7. P.W.7 Mr. Parameshwaran
8. P.W.8 Ms. Umamaheshwari
9. P.W.9 Mr. Subramanian
10. P.W.10 Mr. Subramaniam

List of Exhibits marked on the Prosecution side

1. Ex-P.1 Complainant's statement in Complaint Statement- PW1
2. Ex-P-2 Motor Vehicle Report for the vehicle of TN 64 L 5942- PW8
3. Ex-P-3 Motor Vehicle Report for the vehicle of TN 88 A 2221- PW8
4. Ex-P-4 Complainant statement- PW9
5. Ex-P-5 First Information Report- PW9
6. Ex-P-6 Observation mahazar- PW9
7. Ex-P-7 Rough sketch- PW9
8. Ex-P- 8 Assault intimation of Defacto complainant- PW10
9. Ex-P-9 Accident Register of Defacto complainant- PW10
- 10.Ex-P-10 Wound certificate of Defacto complainant- PW10
- 11.Ex-P-11 Assault intimation of Witness Muralidharan- PW10
- 12.Ex-P-12 Accident Register of Witness Muralidharan- PW10
- 13.Ex-P-13 Wound certificate of Witness Muralidharan- PW10

Material Objects on the Prosecution side : Nil

List of witness On accused side: Nil

List of Exhibits marked on the accused side: Nil

Material objects marked on the accused side: Nil

Note:

1. Judgement was pronounced in the open court in the presence of both the parties

2. The accused was in bail during the trial
3. No witness was called for evidence for more than three times

**Judicial Magistrate court,
Sendamangalam**