

IN THE COURT OF THE JUDICIAL MAGISTRATE, KOMARAPALAYAM

**Present : Tmt.A.K.Padmapriya, B.Sc, M.L.,
Judicial Magistrate, Komarapalayam**

Tuesday, the 26th day of May– 2026

STC.No.476/2025

CNR No :TNNM16-001232-2025

The Special Sub Inspector of police,
Veppadai police station.
Cr.No.261/2024

... Complainant

//vs//

Deepak (30),
S/o.Ramesh,
D. No.37, Pudhur Street,
Kandipudhur,
Pallipalayam,
Namakkal.

.... Accused

This case was taken on file on 01.08.2025 and came for final hearing before me on 20.05.2026 in the presence of **Tmt.A.Udayabanu, Assistant Public Prosecutor**, the learned counsel for the complainant and **Thiru.B.Hariharasudhan**, the learned counsel for the accused and upon hearing both side arguments and on perusing the entire records and having stood over for consideration of the said case till date, this court doth the following

JUDGMENT

1. The Special Sub-Inspector of Police of Veppadai Police Station has laid down the final report stating that on 28.12.2024 at about 15.30 hours, Ganesh had rode the two wheeler bearing Registration Number TN 36 AV 9439 from Veppadai to Pallipalayam road and while moving near E- Kattor bus stop within the jurisdiction of Veppadai police station and he had crossed from south towards north and turned at right side near E-Kattor cross road and had moved on and in meanwhile, the accused

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who had drove the car bearing registration no. TN 41 K 9669 from north towards south in rash and negligent manner had dashed against the two wheeler drove by Ganesh and incontinance of the occurrence, Ganesh had sustained greivous injury and thereby, the accused had committed an offence punishable under section 281, 125(b) of BNS.

2. This court on perusal of the material records had on satisfaction had taken cognizance of the offence under section 281, 125(b) of BNS. Upon appearance of the accused, copies of documents relied on the side of the prosecution was furnished to him under section 230 of BNSS. On perusal of the materials placed by the prosecution, this Court felt that the materials placed by the prosecution were sufficient and adequate to presume prima facie case has been made out against the accused and the substance of accusation was explained to the accused in tamil. The accused had denied the same as false case and pleaded not guilty and claimed to be tried. Thereupon, the case was adjourned for examination of the prosecution witnesses.

3. In order to prove the guilt of the accused, the prosecution had examined four witnesses as PW1 to PW4 and marked documents as EX.P.1 to EX.P.8.

4. The case of the prosecution as deposed by the prosecution witness is as follows:

4.1. The defacto complainant Ganesh who is the alleged injured in the said case was examined as PW1. PW1 had deposed as that, he is residing at pallipalayam and working in power loom. On the alleged date of occurrence he had went in two wheeler from pallipalayam towards veppadai and while moving near E-Kattor bus stop to cross the road, the driver of the esteem car behind him had dashed against PW1. PW1 had sustained injury and had first aid at Pallipalayam GH and further treatment at Erode Krishna Hospital.

4.2. PW4 Perumal, Special Sub-Inspector of Police had received intimation on 28.12.2024 at 15.30 hours and went to Pallipalayam Government hospital and recorded **EX.P.1 Complaint** Statement from **PW1** and had registered **EX.P.3 FIR** in Crime No.261/2024 u/s 281, 125(a) of BNS and sent the FIR to the Court of Judicial Magistrate, Komarapalayam. PW4 had took up the case for investigation and went to the scene of occurrence and inspected the scene of occurrence on 28.12.2024 at about 16.30 a.m., and prepared **EX.P.2 Observation Mahazar** and **EX.P.4 Rough sketch** in the presence of PW3 Kannan and witness Manikandan. PW4 had then examined PW1 to PW3 and witnesses Manikandan and Saravanan and recorded their statements. On 31.12.2024, PW4 had arrested the accused and released him on station bail. PW4 had sent both the vehicles involved in the accident for inspection to Thiru.Sivakumar, Motor vehicle Inspector for inspection.

4.3. PW4 had examined and recorded the statement of Thiru.Sivakumar, Motor vehicle inspector and had obtained **Motor vehicle inspection report which are marked as EX.P.5 and EX.P.6**. PW4 had examined Dr.Krishnakumar who had treated PW1 and recorded his statement and obtained **EX.P.7 wound certificate of PW1**. PW4 had alter the charges u/s 281, 125(b) of BNS on preparation of **EX.P.8 Alteration Report**. On completion of the investigation, PW4 had laid down final report against the accused under section u/s 281, 125(b) of BNS on 10.01.2025.

5. On completion of prosecution evidence, the incriminating materials available on records, as deposed by the prosecution witnesses, have been explained and questioned the accused u/s 351(1)(b) of BNSS for his answers. The accused denied the complicity of incriminating circumstances appeared against him and he has stated that it is false case foisted against him. The accused stated that he has no defence witness and after recording the same, this court heard both sides. The evidence of witnesses and material records have been perused.

6. THE POINT FOR CONSIDERATION:

Whether the prosecution had proved the accusation under section u/s 281, 125(b) of BNS as against the accused with relevant evidence and documents beyond all the reasonable doubt ?

7. ANSWER TO THE POINT:

7.1 The accusation against the accused is that on 28.12.2024 at about 15.30 hours, Ganesh had rode the two wheeler bearing Registration Number TN 36 AV 9439 from Veppadai to Pallipalayam road and while moving near E- Kattor bus stop within the jurisdiction of Veppadai police station and he had crossed from south towards north and turned at right side near E-Kattor cross road and had moved on and in meanwhile, the accused who had drove the car bearing registration no. TN 41 K 9669 from north towards south in rash and negligent manner had dashed against the two wheeler drove by Ganesh and incontinuanace of the occurrence, Ganesh had sustained greivous injury and thereby, the accused had committed an offence punishable under section 281, 125(b) of BNS.

7.2. To prove the accusation against the accused, the prosecution relied upon the oral evidence of PW1 to PW4 and EX.P.1 to EX.P.8. Before considering the fact of negligence, it is necessary to decide the fact whether the prosecution had proved the fact that PW1 had sustained grievous injury in the accident. Ex.P.7 was placed by the prosecution to prove the fact that PW1 had sustained grievous injury due to accident. The wound certificate was marked through the investigation officer and the defence had not raised objection. In EX.P.7, the doctor who had treated PW1 had stated that PW1 had sustained greivous injury. The accused had not objected the nature of injury sustained by PW1. Thus, through EX.P.7, the prosecution had proved that injured PW1 had sustained greivous injury in the accident.

7.3. On perusal of **EX.P.5**, it comes to know that the two wheeler bearing registration no. TN 36 AV 9439 that had involved in the accident and alleged to be drove by the accused had sustained Front head light assembly, Front left indicator, Front mud guard, Speedo meter assembly, Front left Bumper bend, Front left Foot rest cut and the motor vehicle inspector had opined that there was no mechanical defect at the time of occurrence. On perusal of **EX.P.6**, it comes to know that the two wheeler bearing registration no. TN 41 K 9669 that had involved in the accident and alleged to be drove by the injured had sustained Front right fender dent, Front left fender dent, Front right rear view mirror broken, Front bonnet dent, rear right door glass broken, Front wind screen glass broken, Front left indicator broken and the motor vehicle inspector had opined that there was no mechanical defect at the time of occurrence. Thus, the accident had not taken place due to the mechanical defect of the vehicle involved in the occurrence is proved by the prosecution.

7.4. The defacto complainant Ganesh who was examined as PW1 had deposed as that, he is residing at pallipalayam and working in power loom. On the alleged date of occurrence he had went in two wheeler from pallipalayam towards veppadai and while moving near E-Kattor bus stop to cross the road, the driver of the esteem car behind him had dashed against PW1. PW1 had sustained injury and had first aid at Pallipalayam GH and further treatment at Erode Krishna Hospital. PW1 who is the injured himself had stated that he do not know how the accident had caused in his chief examination itself. PW1 had not deposed that the accident was caused due to negligent act of the accused. Hence, the oral evidence of PW1 is not sufficient enough to prove the accusation against the accused. The another eyewitness to the occurrence who was examined as PW2 had deposed as that, it is injured who had not seen the road and had not made any signal and had crossed the road and thus, accident had caused. PW2 had deposed as that, the accident was caused due to act of the injured. Prosecution had declared PW2 as hostile for the reason that PW2 had not

deposed in favor of it and cross examined PW2. Nothing elicited in favor of the prosecution on cross examination of PW2. Thus, the oral evidence of PW2 is also not enough to prove the case of the prosecution. Hence, considering the foregoing discussion made, this court hold that the prosecution had not proved the fact that the greivous injury of PW1 was caused due to rash and negligent driving of the accused for the reason that the victim themselves had not deposed in favor of the prosecution. Considering the foregoing discussion made, this court concludes that the prosecution had not proved the accusation u/s 281, 125(b) of BNS against the accused beyond reasonable doubt.

8. Finally, in view of the above discussion made, this Court holds that the prosecution had not proved the offence 281, 125(b) of BNS as against the accused beyond reasonable doubt and the accused is acquitted u/s 278(1) of BNSS. No material object produced on either side.

Directly typed by me in the Computer and corrected by me and the Judgment pronounced in the open court on the 26th day of May 2026.

**Judicial Magistrate,
Komarapalayam.**

Prosecution side witnesses:-

PW1	Thiru.Ganesh, S/o.Murugesh (Complainant)
PW2	Thiru.Jeeva, S/o.Jayaraj (Eye Witness)
PW3	Thiru.Kannan, S/o.Manickam (Observation Mahazer witness)
PW4	Thiru.Perumal, S/o.Muniyan (The Special Sub Inspector of Police, Investigation Officer)

Prosecution side Exhibits:- Judicial Form No.68

S.No.	Description of the exhibit and its date	Date,When the exhibit was filed in the case	How marked	By Whom filed	Remarks
1.	Complaint	07.06.2026	Exhibit P1	PW1	Original
2.	Observation Mahazar	07.06.2026	Exhibit P2	PW3	Original
3.	F.I.R	14.04.2026	Exhibit P3	PW4	Original
4.	Rough Sketch	14.04.2026	Exhibit P4	PW4	Original
5.	Motor Vehicle Inspection report	14.04.2026	Exhibit P5	PW4	Original
6.	Motor Vehicle Inspection Report	14.04.2026	Exhibit P6	PW4	Original
7.	Wound Certificate	14.04.2026	Exhibit P7	PW4	Original
8.	Alteration Report	14.04.2026	Exhibit P8	PW4	Original

Material Objects:- -Nil-

Defence side Witness and Exhibits :- -Nil-

**Judicial Magistrate,
Komarapalayam.**

Note:

- 1) No witnesses had been called for evidence more than three days.
- 2) Result of the judgment had been informed to the Prosecution/concerned police.

Judicial Form No.61
(See Rule 106)
IN THE COURT OF THE JUDICIAL MAGISTRATE COURT, KOMARAPALAYAM.
JUDGMENT IN STC.No.476/2025
ON THE FILE OF THE JUDICIAL MAGISTRATE COURT, KOMARAPALAYAM.

Complainant :	The Special Sub Inspector of police, Veppadai police station, Cr.No.261/2024					
Accused :	Deepak (30), S/o.Ramesh					
Offence :	U/s. 281, 125(b) of BNS					
Finding :	The court finds accused not guilty.					
Sentence/ order :	This Court holds that this Court holds that the prosecution had not proved the offence 281, 125(b) (3 counts) of BNS as against the accused beyond reasonable doubt and the accused is acquitted u/s 278(1) of BNSS. No material object produced on either side.					
<u>Description of the Accused</u>						
Sl. No	Name	Father's Name	Occupation	Residence Address	Age	
(1)	(2)	(3)	(4)	(5)	(6)	
1.	Deepak	S/o.Ramesh	Fire service man	D. No.37, Pudhur Street, Kandipudhur, Pallipalayam, Namakkal	30	
DATE OF					EXPLANATION OF DELAY	
Offence	Report of complaint	Apprehensi on of accused	Release on bail	Commence ment of trial	Close of trial	Sentence or order
(7)	(8)	(9)	(10)	(11)	(12)	(13)
28.12.24	28.12.24	31.12.2024	31.12.2024 Station Bail	07.06.2026	20.05.2026	26.05.2026
						Date of FIR 28.12.2024 Charge Sheet : 10.01.2025 T.O.F. : 01.08.2025

**Judicial Magistrate,
Komarapalayam.**

CASE SUMMARY				
Sl. No	Description	Remarks		
1.	Period of Remand of the Accused	Nil		
2.	The date of filing of the Complaint/final report of the Court	28.12.2024		
3.	The date of committal of the case to the court of Session	Nil		
4.	The date of questioning of the accused under Sections 228,240,246,251 of the Code of Criminal Procedure. 1973, as the case maybe	30.09.2025		
5.	Filing of miscellaneous petitions an their results inculding the results on challenge before superior Courts. Except routine petitions like petitions under Section 317 of the code	Nil		
6.	Date of examination in-chief and cross-examination of a witness	Witness	Chief	Cross
		PW1	07.06.26	07.06.26
		PW2	07.06.26	07.06.26
		PW3	07.06.26	07.06.26
		PW4	14.04.26	14.04.26
7.	Date of examination of the accused Under Section 313 of the code	20.05.2026		
8.	Details of abscondence of an accused and his appearance/production, as the case maybe	Nil		
9.	Grant of stay by Superior Courts and the results thereof	Nil		

**Judicial Magistrate,
Komarapalayam.**