

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE,
PERAMBALUR, STATE OF TAMILNADU.

Present: Dr.L.S.Sathiyamurthy, M.A., M.L., Ph.D.,
Principal District & Sessions Judge, Perambalur.

Monday, this the 15th day of June, 2026.

Criminal Appeal No.13/2024
(Filing No.CRLA.732/2024)
(CNR No.TNPB01-001015-2024)
in
C.C.No.270/2023

From what court the appeal is preferred	: Chief Judicial Magistrate Court, Perambalur.
Number of the case in that court	: C.C.No.270/2023
Name and description of the appellant /accused	: Pachaiyappan, 26/2022, S/o. Pandiyan, Main Road, Thiruvalluvar Nagar, Sankilikuppam, Kottai Poondi Post, Senji Taluk, Villupuram District.
Name of description of the appeal respondent/Complainant	: State through the Inspector of Police, Perambalur Police Station, Cr.No.296/2022.
The sentence and law under which it was imposed in the trial court	: The accused was convicted U/S.304(A) of IPC to undergo one year SI and to pay a fine of Rs.2,000/- i/d four weeks SI and U/s.279 of IPC to undergo two months SI and to pay a fine of Rs.1,000/- i/d, two weeks SI.
Whether confirmed, modified or reversed and if modified, modification	: Reversed
1. Date of Presentation	: 30.04.2024
2. Date of Filing	: 06.05.2024
3. Date of Last Hearing	: 08.06.2026
4. Date of Judgment/Order	: 15.06.2026

C.A.No.13/2024

Pachaiyappan

.... Appellant.

Vs.

State through the Inspector of Police,
Perambalur Police Station.

.... Respondent.

This appeal came up before this Court on 08.06.2026 in the presence of Thiru.M.R. Ranjithkumar, Advocate appeared for the appellant/accused and the Public Prosecutor for the respondent/complainant and after hearing both side argument and considering connected records and having stood over till this day for consideration this Court delivered the following...

JUDGMENT

1. This is an appeal preferred U/S.374(3) (a) Cr.P.C. aggrieving the judgment in C.C.No.270/2023 dated 26.04.2024 delivered by the learned Chief Judicial Magistrate, Perambalur.

2. The accused who faced the charges U/S.279 and 304(A) of IPC is the appellant before this Court.

3. The case of the prosecution, as given in the final report filed U/S.173(2) Cr.P.C. in brief is as follows:

It was on 24.02.2022 at about 5.10 p.m., one Pachaiyappan S/o.Pandiyan had drove a Toyoto Etios car bearing Reg. No. KA 25 AA 8603 in the Trichy-Chennai NH road from south to north direction. On the same direction one Rajendiran had ride a Hero HF Delux motor cycle bearing Reg. No.TN 46 W 5070. Both the vehicles were running from south to north on the said National highways. The said Pachaiyappan who drove the car in rash and negligent manner without following the traffic rules had recklessly hit the motor cycle while making an attempt to overtook it. Resultantly, the said

Rajendiran was thrown out from the motor cycle and sustained grievous injuries on his head and died on the spot itself. On the basis of the complaint given by his son, a case was registered U/S.279 and 304(A) of IPC against the appellant herein on the file of the respondent police station. After investigation the final report also filed before the Court and took cognizance. The appellant was served with a summon and he faced the trial.

4. The Trial and Findings of the Trial Court:

In the trial court, after substance of accusation were made aware to the accused person, the case of the prosecution was opened. In the trial, the de-facto complainant and 13 witnesses examined as Pw1 to Pw14. There are 8 documents marked through them. The accused had denied the incriminating circumstances stood against him in the examination of U/S.313(1)(b) Cr.P.C. However, he did not produce any evidence on his behalf.

The trial court was of the view that the complaint Ex.P1 lodged by one Rajasekar Pw1, son of the deceased motorist was proved by his oral evidence. The accident was witnessed by one Selvaraj Pw6 who had spoken to the rash and negligent driving of the accused person. The trial court has relied upon the evidence of both the eye witnesses and came to the conclusion that the accused person had caused the accident by his rash and negligent driving of the car.

5. Consequently, it found that the accused was guilt of the offences punishable U/S. 279 and 304(A) of IPC and convicted and sentenced him to imprisonment for 1 year and fine of Rs.2,000/- for the offence U/S.304(A) of IPC, if the accused failed to pay the fine amount, he shall undergo SI for 4 weeks. It had also slapped 2 months sentence and a fine of Rs.1,000/- for the offence U/S.279 of IPC and in default SI for 2 weeks.

6. The accused before the trial court preferred this appeal against the above said conviction and sentence imposed against him.

7. Sum and Substance of grounds of appeal are as follows:

(i) The appellant in the Memorandum of Grounds of appeal has contended that the conviction and sentence imposed against him U/S. 279 and 304(A) of IPC are contrary to law and weight of evidence.

(ii) The case of the prosecution has been thoroughly misunderstood by the trial court and more particularly, the place of occurrence.

(iii) The accident did not take place in the service road and it occurred only in the Trichy-Chennai National Highways and it took place due to rash and negligent driving of the motorist by the deceased person.

(iv) The rough sketch would make it clear that there was no contribution of the negligent by the accused person.

(v) The trial court came to a conclusion without any basis on the contradictions between the oral evidence of Pw1 and Pw6 has not been considered by it.

(vi) The deceased was aged about 57 years and there was no valid driving licence available to him. Therefore, it was the deceased who driven the motor cycle recklessly and caused the accident.

(vii) There is no material in the evidence of Pw1 to Pw14 to prove the accusation against the accused person. The trial court's findings are unsustainable.

Analysis and discussion:

8. *The point for determination in this appeal is whether the prosecution has proved the accusation U/S.279 and 304(A) of IPC and the judgment of the trial court is sustainable or it requires interference from this Court?*

9. Heard, the learned counsel appearing for the appellant and the learned Public Prosecutor. Carefully read the evidence available on record and the judgment of the trial court.

10. The appellant who was found guilty for the offences punishable U/S.279 and 304(A) of IPC and convicted and sentenced by the trial court has preferred this appeal.

11. The accusation against the appellant is that he had drove the car in rash and negligent manner and caused the road accident which claimed a life of the motorist. The prosecution is duty bound to prove the accusation against the appellant and the evidence let in by it shall fulfil the ingredients to constitute an offence of rash and negligent driving. In this case, the de facto complainant is the son of the motorist who died in a road crash. He claimed to be an ocular witness and owner of the motor cycle ride by his father. But, he did not state the registration number of the vehicle.

12. Pw2 is the wife of the deceased. Pw3 is the brother-in-law of the deceased. Pw4 and Pw5 are also the relatives to the deceased person. But, none of them have witnessed the accident. They have heard about the accident and went to the hospital. Therefore, the evidence of Pw2 to Pw5 are not worthy to rely upon either to prove the occurrence or to determine whose negligent has caused the accident.

13. Pw6 is the another witness who claimed to be an eye witness to the occurrence. He has stated that Pw1 and himself had went to the bazaar to

purchase grocery. Except the evidence of Pw1 to Pw6, there is no other oral evidence of witnesses available to prove the case of the prosecution.

14. Coming to the evidence of Pw1, he claimed to be owner of the motor cycle driven by the deceased. But, he has not stated the registration number of the vehicle. Pw6 also the cousin to the deceased person. He has also not stated the registration number of the motor cycle. But, both Pw1 and Pw6 have specifically stated the registration number of the car driven by the accused. There are contradictions about the place of occurrence in the oral evidence of Pw1 and Pw6 and the rough sketch Ex.P7.

15. The eye witnesses have stated that the occurrence took place in the service road. But Ex.P7, it is stated that the occurrence took place in the Trichy-Chennai NH 45 road. These contradictions about the place of occurrence creates a suspicion about the case of the prosecution. Further, the oral evidence of Pw1 and Pw6 are spoken to the accident. But, did not reveal the registration number of the motor cycle said to have owned by Pw1 would makes their evidence is not reliable as they are not inspiring the confidence of the Court.

16. From the above said discussions and reasons, this Court is of the view that the trial court has relied upon the oral evidence of Pw1 and Pw6 without properly scrutinized it. Further, the actual place where the road crash took place are also not properly projected by the prosecution. More particularly, it is not clear whether it took place in the service road or in the Trichy-Chennai NH 45 road. It is also a fact that the place of occurrence is surrounded by shops and houses. But, the nearby witnesses have not been examined by the prosecution. Pw1 to Pw6 are relatives of the deceased person. This also creates another suspicion upon the case of the prosecution. Under the circumstances, this Court is of the view that there are infirmities in the

judgment of the trial court dated 26.04.2024 in C.C.No.270/2023 and it requires interference from this Court.

17. In the result, this criminal appeal is allowed. Consequently, the judgment in C.C.No.270/2023, dated 26.04.2024 delivered by the Chief Judicial Magistrate Court, Perambalur is set aside. The fine amount paid if any, shall be refunded to the accused.

Dictated to the Executive Assistant, transcribed and typed by her through computer, corrected and pronounced by me in open Court, this the 15th day of June, 2026.

Principal District and Sessions Judge,
Perambalur.

Copy to:-

The Chief Judicial Magistrate Court,
Perambalur.(with L.C. records received).

PDSJ Court,
Perambalur.

Fair/Draft Judgment
Crl.Appeal No.13/2024
D.D: 15.06.2026.