

IN THE COURT OF PRINCIPAL DISTRICT AND SESSIONS JUDGE,  
PERAMBALUR DISTRICT, TAMIL NADU STATE.

Present: Thiru. V. Padmanabhan, M.A., M.L., D.H.,  
Principal District and Sessions Judge.

Wednesday, this the 15<sup>th</sup> day of April, 2026.

Criminal Appeal No.21/2024  
(Filing No.CRLA.1726/2024)  
(CNR No.TNPB01-006318-2024)

&

Criminal Appeal No.22/2024  
(Filing No.CRLA.1754/2024)  
(CNR No.TNPB01-006347-2024)

in

C.C.No.01/2012.

Name of the court from which : Chief Judicial Magistrate Court,  
court the Criminal Appeal is Perambalur.  
preferred

Trial Court Case No. : 01/2012

Criminal Appeal Nos. : CrI.A.No.21/2024  
&  
CrI.A.No.22/2024

Name of the appellants/ac- : CrI.A.No.21/2024:  
cused Ananthan, 42/24, (A1)  
S/o. Vengadesan,  
No.53, Mugaper (West),  
Chennai- 37.

CrI.A.No.22/2024:  
Nehamadhullah, 40/24, (A2)  
S/o. Sheik Jony,  
569, BC Colony, Krishna,  
State of Andhra.

Name of the respondent/  
complainant

: CrI.A.No.21/2024:  
1. Tamil Nadu State rep. by Deputy  
Superintendent of Police, CBCID OCU,  
Trichy City, Padalur P.S.  
Cr.No.129/2011.  
  
2. Nehamadhullah,  
S/o. Sheik Jony.

CrI.A.No.22/2024:  
Tamil Nadu State rep. by Deputy  
Superintendent of Police, CBCID OCU,  
Trichy.

Date of Order

: 30.09.2024.

Result of the Trial Court

: CrI.A.No.21/2024:  
The Chief Judicial Magistrate, Perambalur pronounced the judgment that the A1 is found guilty of offences U/s.279, 304-A and 337 of IPC and A1 is convicted and sentenced to undergo simple imprisonment for the period of 1 year and to pay a fine of Rs.2,000/- i/d to undergo 4 weeks simple imprisonment for the offence U/s.304-A of IPC, sentenced to undergo simple imprisonment for the period of 2 months and to pay a fine of Rs.500/- i/d to undergo 2 weeks simple imprisonment for the offence U/s.337 of IPC and sentenced to undergo simple imprisonment for the period of 2 months and to pay a fine of Rs.1,000/- i/d to undergo 2 weeks simple imprisonment for the offence U/s.279 of IPC.

Crl.A.No.22/2024:

The Chief Judicial Magistrate, Perambalur pronounced the judgment that the A2 is found guilty of offences U/s.279, 304-A and 338 of IPC and A2 is convicted and sentenced to undergo simple imprisonment for the period of 1 year and to pay a fine of Rs.2,000/- i/d to undergo 4 weeks simple imprisonment for the offence U/s.304-A of IPC, sentenced to undergo simple imprisonment for the period of 2 months and to pay a fine of Rs.1,000/- i/d to undergo 2 weeks simple imprisonment for the offence U/s.338 of IPC and sentenced to undergo simple imprisonment for the period of 2 months and to pay a fine of Rs.1,000/- i/d to undergo 2 weeks simple imprisonment for the offence U/s.279 of IPC.

All the sentences imposed are ordered to run concurrently.

Whether the criminal appeal is allowed, or modified, or confirmed.

Crl.A.No.21/2024 & Crl.A.No.22/2024:

In fine, both the appeals are dismissed and the Judgment dated 30.09.2024 passed by the learned Chief Judicial Magistrate, Perambalur in C.C.No.01/2012 is hereby confirmed. The trial court is directed to secure the appellants/A1 and A2 to serve the sentence.

Date of, or on which	
1. Filing	: 18.10.2024
2. Last Hearing	: 30.03.2026
3. Judgment	: 15.04.2026

Both the Criminal Appeals are coming before this Court on 30.03.2026 for final hearing in the presence of Thiru.A. Syed Musthafa, advocate for the appellant in CrI.A.No.21/2024 and Thiruvalargal. S. Manivannan and S. Senthilkumar, Advocate for the appellant in CrI.A.No.22/2024 and Thiru.P. Senthilnathan, Public Prosecutor for the State and Thiru.S. Senthilkumar, Advocate for the R2 in CrI.A.No.21/2024 and upon hearing the arguments of both sides and on perusing the records and having stood over till this date for consideration, this Court delivered the following :

### **COMMON JUDGMENT**

These Memorandum of Appeals are filed by the appellants/A1 and A2 under Section 415(3)(a) and 423 of BNSS to set aside the conviction and sentence passed against them by the learned Chief Judicial Magistrate, Perambalur in C.C.No.1/2012, dated 30.09.2024 and to refund the fine paid by them.

Inasmuch as both the instant criminal appeals arise from one judgment, viz., judgment dated 30.09.2024 passed by the Chief Judicial Magistrate, Perambalur in C.C.No.1/2012, the same are considered and decided by this common judgment.

2. The brief facts, which are relevant for consideration in this appeal as per the prosecution case are as follows:

(i) The Pw38 runs a travels at Chennai in the name and style of PRR travels. The Innova car bearing Reg.No.TN 02 AD 2802 belongs to his company. On 16.05.2011, the car was allotted to the then Minister namely Mariyampitchai. The A1 was his company's driver.

(ii) Pw27 resides at Tadikadappa Village, Krishna District in Andhra Pradesh State. He owns a lorry bearing Reg.No.AP 16 TB 9744. A2 was the driver of the said lorry. Pw28 is Pw27's brother. The Pw34 runs a office in the name and style of 'Panimayam Agency' and doing gypsum and salt export business. In the year 2011 in the month of May, on a particular day, his company loaded gypsum in Pw27's lorry bearing Reg.No. AP 16 TB 9744. The said lorry was proceeding towards Dalmia Cement Company at Kadappa. Pw29 as a cleaner of the said lorry proceeding with A2 in the lorry.

(iii) Pw1 resides at Trichy and doing finance business. He is close friend of the then Minister namely Mariyampitchai. Pw2 and Pw4 also office bearers of the political party and also supporters of the said Minister. Pw3 is working under the said Minister. The Pw7 is serving as Head Constable in the police department. From 16.05.2011 he was deputed as a security guard of the said Minister. Pw15 is also co-security officer. On 23.05.2011 at about 06.30 a.m., the said Minister along with other officials garland the Muthiraiyar Statue at Trichy and thereafter started to proceed to Chennai. At about 06.50 a.m., at Toll Plaza, Samayapuram, he get down in the Scorpio car and Pw1 to Pw4 and Pw7 along with the said Minister get into the Innova car bearing Reg.No.TN 02 AD 2802. The A1 is on the wheels. Pw9 is the then Sub-Inspector of Police attached with Armed Reserve Police, Trichy is deputed for escort duty by Pw50, the then Inspector of Police, Armed Reserve Police, Trichy. Pw13 was driving the escort vehicle and Pw11 and Pw12 who are Head Constable and Gr.I Constable also accompanied with Pw9 in the said escort vehicle.

(iv) The Pw5 was a driver in which the then Minister namely Sivapathi was proceeding. The Pw8 is the said Minister's personal security officer. The Pw14 is the driver of the escort vehicle and they are also following the said Minister's car. The then Minister Mariyampitchai sitting on the left front side of the Innova car and

Pw1 to Pw4 and Pw7 also accompanied with the said car. When they are proceeding the said Minister told to Pw7 that escort vehicle is not necessary and asked them to return back to Trichy. The Innova car after overtaking the other vehicles proceeding in first. The A1 drove the car in a high speed. At about 07.15 hours, when they are crossing diversion road, Thiruvallur, the lorry bearing Reg.No.AP 16 TB 9744 driven by A2 without any signal suddenly came to right side from left side and A1 could not control the car and dashed at the rear side of the lorry and the left side of the car totally damaged. The said Minister who was sitting on the front left side sustained serious blood injuries and other occupants of the car namely Pw1, Pw2 and Pw7 also sustained bodily injuries. The others including the then Minister namely Sivapathi and who are proceeding with the escort vehicle also within 2 to 3 minutes reached the spot. The A2 did not stop the lorry and fled away from the spot with lorry.

(v) The injured Minister was taken in the escort vehicle to the Government Hospital, Trichy where the duty doctor namely Pw48 declared him as brought dead. During autopsy, Pw48 found the following injuries:

- i. Facial disfigurement
- ii. 2. Deformity of right forearm.O/D. Fracture both bones of right fore arm at their lower third with surrounding contusion-Dark red.
- iii. A lacerated wound3cmx1cmxbone deep on the right eyebrow
- iv. Dark brown colour abrasions on the forearm and front of right leg of varying dimensions.
- v. Laceration of pericardium and laceration of left atrium of heart2cmx1cmx in cavity deep. Pericardial cavity contains fluid blood. Thoracic cavity contains fluid blood.

- vi. Fracture of nasal, facial bones and fracture of lower jaw bone at the centre present.
- vii. Contusion of right temporal region of scalp and right temporal muscle – dark red.
- viii. Fissured fracture of right temporal present.
- ix. Sub dural haemorrhage and sub arachnoid haemorrhage on both cerebral hemisphere.
- x. Fracture base of skull into pieces and communicating with the external fracture.
- xi. Haemorrhage in the lateral ventricles and third ventricles.

The above mentioned wounds are ante-mortem in nature. No other external, internal or bony wound.

Other findings:

Peritoneum-intact, cavity-empty. pleura and cavity-void wound column. Pericardium and cavity-void wound column; Heart-void wound column; Lungs-c/s congested: Larynx, Trachea-intact, mucosa-pale: Hyoid Bone-intact: Stomach-Mucosa chime, no specific smell: Oesophagus-intact, mucosa-pale: Pancreas-pale: Gall bladder-full, no stone: Liver, Spleen and kidneys-c/s congested: Omentum and Mesentery-intact, normal: Small intestine-yellowish chime, no specific smell, Mucosa-congested: Appendix-intact, normal: Large intestine- filled with gas; Urinary bladder-intact, empty. Pelvis-intact. Scalp, Skull Bones, Membranes, Sinuses, Brain and Brain vessels- void wound column: Cerebro Spinal Fluid-Blood stained: Vertebral column and cord- intact: All other internal organs or c/s.pale.

The accident register is Ex.P19. He also gave treatment to Pw7 for the injuries

sustained by him in the accident. He found abrasion of 0.5 cm above left upper lip and 0.5cmx1 c.m. contusion over left forehead. He opined that the injuries sustained by Pw7 was simple in nature. The accident register is Ex.P20 and the wound certificate is Ex.P21.

(vi) The Pw49 who was duty doctor at the relevant time in Chennai Medical College Hospital at Irungalur also treated Pw1 and Pw2. He found lacerated cut injury over right side lip and Pw2 sustained fracture on his right hand. He opined that the injuries sustained by Pw1 was simple in nature. Wound certificate of Pw1 is Ex.P22 and wound certificate of Pw2 is Ex.P23.

(vii) The Pw32 runs a welding shop at S.Vazhavetti Village in Thiruvannamalai District. On 23.05.2011 at about 10.30 a.m., the A2 approached him to repair grill and mudguard of the lorry at rear side and he has attended the said work.

(viii) In the incident, the A1 also sustained injuries. He went to Padalur Police Station and lodged complaint before Pw51, the then Head Constable at Padalur Police Station and the Pw51 registered a case in Cr.No.129/2011, u/S. 279, 337, 304(A) IPC. The complaint is Ex.P24 and FIR is Ex.P25. He sent the complaint and FIR to the Court.

(ix) The then Circle Inspector of Police namely Pw53 took up the case for investigation. He immediately informed about the accident to his higher officials and also Pw40 police photographer. When he reached the spot, the offending car was alone there and escort police personal were also present. He gave instructions to clear the traffic congestion. Then, he came to know that Minister died and he gave request to conduct Post-mortem through the Head Constable namely Pw52 and he

also prepared Ex.P26 inquest report. He examined Pw1 to Pw4 and recorded their statements. He inspected the scene of occurrence in the presence of witnesses namely Pw54 and Pw55 and prepared Ex.P27 observation mahazar and Ex.P28 rough sketch. He gave request to the Motor Vehicle Inspector to inspect the vehicle. The Motor Vehicle Inspector namely Pw42 inspected the innova car and noted the damages found in the car. He noted front wind screen glass, front left glass broken, front bumper, grill, bonnet, dashboard, front left mudguard, front left door, windscreen frame, top roof(front portion) are damaged. Front portion of both longitudinal chassis bend. Front cross chassis bend. Front & Rear seat frames bend. Radiator cross bar, front left side start monitoring (upper) place are damaged. Radiator assembly, A.C. condenser with fan assembly are damaged. Steering wheel bend. Steering column bend. Steering linkages, front left suspension assembly are damaged. Engine assembly (Front portion) damaged & pushed inwards. Head light left side broken. Head Light (right side) damaged. Instrument cluster & A.C. center console are damaged. The MVI Report of innova car is Ex.P15. The Pw40 who is the police photographer also visited the occurrence place and took M.O.7 photos, C.D. M.O.13 series photos and handed over along with M.O.8 C.D. to the Investigating officer.

(x) The Pw53 collected M.O.9 to M.O.14 parts of the Innova car which are lying on the road in the accident place through Ex.P29 seizure mahazar in the presence of Pw54 and Pw55. He has taken steps to trace the offending lorry. In this regard, Inspector of police working in the district deputed and they were instructed to view the CCTV footages install in the toll plaza. On 24.05.2011 at about 09.00 a.m., the team from forensic lab inspected the car. He also recovered M.O.15 to M.O.23 parts from the car through Ex.P30 seizure mahazar. He also sent the material objects through Form 95 to the court. The Form 95 is Ex.P31 series. In this stage, as per

order of the Director General of Police, Tamil Nadu, on 24.05.2011, the investigation was transferred to CBCID Wing.

(xi) When Pw57 was serving as Deputy Superintendent of Police, CBCID Wing at Trichy took up the case for further investigation. As per Ex.P32 order, he was appointed as investigation officer. On 24.05.2011, he received the case records from Pw53. On the same day at about 10.30 a.m., he went to scene of occurrence and in the presence of Pw19 and his assistant prepared Ex.P33 observation mahazar and Ex.P34 rough sketch. The photos taken in the scene of occurrence is Ex.P13. He also inspected the car and other materials collected by Pw53. He also viewed CCTV footages taken from the toll plaza showing the crossing vehicles on the fateful day. A separate teams were formed to trace out the offending lorry. He also gave request to record the statements of Pw1 to Pw4, A1 and Pw16 before the Chief Judicial Magistrate, Ariyalur. The request is Ex.P35. As per his request, a team led by Pw36 from Anaimalai Toyota car company inspected the car. On seeing car and security measures, the research and development team led by Pw36 gave a report stating that at the time of accident the car was proceeding in a high speed and it might have been 150 k.m. speed which is uncontrollable one. In this regard, Pw36 prepared Ex.P8 report.

(xii) On investigation, he collected materials including video footage, he came to know that the lorry bearing Reg.No.AP 16 TB 9744 involved in the accident. In this regard, a request was sent to police station at Andhra Pradesh. On 07.06.2011 at about 09.00 a.m., the owner of the lorry namely Pw27 came to the police station along with damaged indicator lamp on the back side of the lorry, damaged two tyres and damaged indicator and number plate and produced before him. He recovered in the presence of Pw30 and his assistant through Form 95. He recorded his statement

through a translator namely Pw39 who knows the Hindi language. To examine the lorry scientifically, he gave a request to the Regional Transport Office at Trichy. The Pw41, the then Motor Vehicle Inspector inspected the lorry and noted the damages found in the rear side and in this regard, he prepared Ex.P14 MVI report. The then Deputy Director of Forensic lab, Trichy namely Pw33 gone through the collected damaged materials found in the spot and gave the opinion that the particles are fell down in the car when it dashed against the vehicle proceeding in front of it.

(xiii) The Pw45 who was the then Deputy Director of Forensic Lab also visited the occurrence place and examining the collected materials from the spot and came to a conclusion that the said parts belongs to the lorry and damaged parts fell down due to an accident. The Pw47, the then Joint Director of Forensic Lab visited the occurrence place and after going through the collected materials from the spot advised the investigation officer to get forensic report. Then, the Pw57 came to the conclusion that the accident happened due to rash and negligent driving of the both A1 and A2 and after the accident, the A2 without giving any information to the nearby police station and also screamed the offence and also absconded. Hence, altered the sections from U/s.279, 337 and 304(A) IPC to U/s.279, 337, 338, 304(A) IPC and 201 r/w 304(A) IPC and Section 184, 134(A) r/w 187 and 134(b) r/w 187 of M.V. Act and prepared Ex.P36 Section Alteration Report. On 08.06.2011, at about p.m., the A2's brother-in-law namely Pw28 and his brother Pw29 produced A2 before him. He arrested the A2 in the presence of Pw30 and his assistant through the help of translator Pw39. He recorded the confession statement of A2. The admissible portion of confession statement is Ex.P39. He arrested A2 and sent him to Chief Judicial Magistrate, Perambalur for judicial custody. He examined the witnesses and recorded their statements.

(xiv) Whereupon, the then Deputy Superintendent of Police, CBCID Wing namely Pw58 took up the case for further investigation. He examined the officials of the forensic lab, Chennai. At the end, after completion of investigation, he laid final report against both the A1 and A2.

(xv). After closing of prosecution evidence, the incriminating evidence available from the deposition of Pw1 to Pw58 were put to the accused persons u/S.313(1)(b) of Cr.P.C. The accused persons denied the incriminating evidence against them. After proceeding u/S.313(1)(b) of Cr.P.C. and after hearing the arguments of the prosecution and defence and on appreciation of evidence, the learned Chief Judicial Magistrate, Perambalur arrived at a conclusion that the A1 is convicted and sentenced to undergo simple imprisonment for the period of 1 year and to pay a fine of Rs.2,000/- i/d to undergo 4 weeks simple imprisonment for the offence U/s.304-A of IPC, sentenced to undergo simple imprisonment for the period of 2 months and to pay a fine of Rs.500/- i/d to undergo 2 weeks simple imprisonment for the offence U/s.337 of IPC and sentenced to undergo simple imprisonment for the period of 2 months and to pay a fine of Rs.1,000/- i/d to undergo 2 weeks simple imprisonment for the offence U/s.279 of IPC and A2 is convicted and sentenced to undergo simple imprisonment for the period of 1 year and to pay a fine of Rs.2,000/- i/d to undergo 4 weeks simple imprisonment for the offence U/s.304-A of IPC, sentenced to undergo simple imprisonment for the period of 2 months and to pay a fine of Rs.1,000/- i/d to undergo 2 weeks simple imprisonment for the offence U/s.338 of IPC and sentenced to undergo simple imprisonment for the period of 2 months and to pay a fine of Rs.1,000/- i/d to undergo 2 weeks simple imprisonment for the offence U/s.279 of IPC and acquitted 201 r/w 184 of IPC and 134 (a) r/w 187 & 134 (b) r/w 187 of M.V.Act.

3. Aggrieved by the judgment of conviction and sentence imposed by the learned Chief Judicial Magistrate, Perambalur in C.C.No.1/2012, dated 30.09.2024, the A1 and A2 have preferred these appeals before this Court.

#### **4. Grounds of Appeals:**

##### **Cr.A.No.21/2024:**

i) The judgment of the trial Court is against law and no weight of evidence and probabilities of the case.

ii) The entire judgment only Chief examination is referred and what the witness stated in cross examination are ignored for the reason best known to the Court below.

iii) The Court below failed to consider the appellant is the defacto complainant.

iv) The traveling time of Toyota Innova car for 26 kms in 25 minutes over speed is meaningless and against the probability.

v) All the vehicles that is vehicle of Minister Sivapathy, both escort cars are also accompanying with the accident car. There is question of over speed regarding the accident occurs car only. No questions for accompanying cars.

vi) The A2 suddenly turned towards the Minister's car by that time it cannot be control, the accident took place.

vii) ROH of the A2's vehicle was purposely omitted in MV report and it was not consider by the trial court. It is crucial factor in rear side accident.

viii) The 2<sup>nd</sup> accused vehicles rear tyre was damaged by appellants car and the entire car will be collapsed.

ix) The 2<sup>nd</sup> accused vehicle tread depth was purposely omitted in MV report and it was not considered. The tread depth would be lesser that 2/32.

x) The 2<sup>nd</sup> accused vehicle with over load cannot move even for 100 meters with worn out tyre.

**Cr.A.No.22/2024:**

- (i) The trial court has not appreciated the evidence with proper manner.
- (ii) The trial court without considering the evidence recorded during the course of Pw1 to Pw4 and Pw7 and convicting the accused.
- (iii) According to prosecution, the accident taken place between 07.15a.m. to 07.30 a.m. But the witnesses have contradictory deposed the occurrence place at about 07.10 a.m. to 07.50 a.m., the trial court did not consider it.
- (iv) The trial court did not consider the arguments between the prosecution version and the occurrence witnesses.
- (v) The Pw1 has admitted that he did not know the speed of the lorry and he did not testify that the lorry was proceeding in speed and without any signal, it came to right side of the road.
- (vi) There are several contradictions between the evidence of material witnesses.
- (vii) The Pw10 to Pw15 only heard about the incident. The Pw16 did not give evidence against A2. Most of the witnesses only reached the spot after the accident and the trial court did not consider these aspect.
- (viii) Pw25 and Pw26 did not speak about the vehicle details with time and registration number. Those are crossing the toll plaza.
- (ix) The investigation officer who laid final report did not visit the occurrence place.

Hence, the appeals may be allowed by setting aside the conviction and sentence passed by the Chief Judicial Magistrate, Perambalur in C.C.No.1/2012, dated 30.09.2024.

5. Heard and records perused.

**6. Points for consideration:**

Whether the judgment of conviction of A1 and A2 recorded by the learned Chief Judicial Magistrate, Perambalur in C.C.No.1/2012, dated 30.09.2024 is perverse, warranting interference by this Court as appellate Court?

**Point:**

7. The prosecution case is that on 23.05.2011 at 7.15 a.m., the deceased Minister Mariampitchai was proceeding in the Innova car bearing No. TN- 02 AD 2802 driven by A1 along with his personal security officer namely Pw7 and also with his friends namely Pw1 to Pw4 on Trichy-Chennai NH 45 Road. The A1 drove the car in a high speed and also in rash negligent and negligent manner. When they are crossing diversion road near Thiruvallur, the A1 tried to over take the lorry on right side. The lorry bearing Reg.No.AP 16 TB 9744 was driven by A2 suddenly turned right and thereby the car dashed on the rear side of the lorry and the deceased who was sitting on the side seat of A1 sustained serious blood injuries. The occupants of the car also sustained injuries. In the same course of transaction, without stopping the lorry the A2 proceeded from the place of occurrence. Further, he did not take any steps to give treatment to the injured and on the way to Andhra he also replaced rear side tyres and repaired the damaged parts were in a welding shop.

8. In this case, it is not seriously disputed that at the time of incident, the A1 drove the car bearing Reg. No.TN- 02 AD 2802 and A2 was the driver of the offending lorry bearing Reg.No.AP 16 TB 9744. The injured witnesses namely Pw1 to Pw4 and Pw7 have specifically spoken about at the time of accident, A1 was on the rear wheels of the car. Further, the A2 of lorry owner namely Pw27 has given specific evidence that on the day of incident, A2 was the driver. Particularly, the Pw29 who at the time of accident travelled with A2 as a cleaner of the lorry also stated that A2

was driven the lorry on the day of incident. Pw32 who runs welding shop at S. Vazhavetti has given evidence after the accident at about 10.30 a.m., at request of A2, he has done welding works on the right side danger light metal cover and mudguard area of the rear back side of the lorry. Further, during trial, it is clearly proved that through Pw35, the lorry was booked at Thoothukudi for loading gypsum and salt and according to Pw35, A2 was driver. A2 also produced his driving license before Pw41 the Motor Vehicle Inspector when the offending vehicle was inspected. The evidence of Pw41 and his report Ex.P14 would indicate that the A2 was the driver of the lorry at the time of accident. The Investigating Officer namely Pw57 the then D.S.P. arrested the A2 and recorded his confession. No doubt it is proven facts that on the fateful day namely 23.05.2011 at about 7.15 a.m. the A2 had driven the offending lorry and also A1 was driving the innova car and due to the accident, fatal injuries caused to the deceased Mariampitchai and also caused injuries to Pw1, PW2 and Pw7. In respect of place of accident, time of accident and injuries caused to the deceased and other persons, the evidence is overwhelming.

9. Pw48, the then Medical Officer at Trichy G.H narrated injuries sustained by the deceased Minister and also post mortem conducted by him. Further, he prepared Ex.P18 post mortem report. He also gave treatment to Pw7 for the injuries sustained by him in the accident. He found abrasion of 0.5 cm above left upper lip and 0.5cmx1 c.m. contusion over left forehead. He opined that the injuries sustained by Pw7 was simple in nature. He marked the accident register as Ex.P20 and the wound certificate as Ex.P21.

10. The Pw49 who was the duty doctor relevant date at Chennai Medical College Hospital at Irungalur also treated Pw1 and Pw2. He found lacerated cut injury over right side lip and Pw2 sustained fracture on his right hand. He opined that the injuries

sustained by Pw1 was simple in nature. Wound certificate of Pw1 is Ex.P22 and wound certificate of Pw2 is Ex.P23.

11. Turning to rash and negligent driving of the both accused persons, the investigation officer has marshalled totally 67 witnesses. Among them, Pw1 to Pw4 and Pw7 are material witnesses. It is not in dispute that at the time of accident the said witnesses accompanied with the deceased Minister in the offending Innova car which dashed on the rear side of the lorry. Apart from that, they also sustained injuries in the accident. Therefore, these witnesses are competent persons to give evidence in respect of the accident.

12. The Pw1 in his evidence has specifically testified that on the fateful day i.e. on 23.05.2011, he along with deceased Minister and Pw2 to Pw4 and Personal Security Officer of the Minister namely Pw7 started their journey at Samayapuram in the Innova car; their vehicle also followed by another one Minister Sivapathi and with their escort vehicles; the deceased Minister was sitting on the front left side seat and they accompanied on back side; the A1 driven the car in high speed; when they are crossing occurrence place, the lorry proceeding ahead them suddenly, came on right side and the car hit on the rear side of the lorry and met with an accident; the deceased Minister sustained serious blood injuries; they also sustained injuries; immediately, within few seconds, the others who are coming behind them reached the spot and that thereafter, the said Minister died. The evidence of Pw1 in respect of manner of accident is quite natural and believable one. Infact, he has specifically stated that the A1 driven the car in high speed and hit on the rear side of the lorry. In the same fashion, the Pw2 also spoken about the high speed of the Innova car and also mistake on the part of the A1. The Pw3 also deposed that the car was driven by A1 around 130, 140 k.m. speed, the negligence of both the drivers was cause for the accident. The Pw4 also spoken about the uncontrollable speed of the car and when

the lorry came on right side which dashed on it. Further, the Pw7 also would testify that the A1 drove the car in high speed.

13. A perusal of entire evidence of all these material witnesses would prove that the A1 driven the Innova car not only uncontrollable speed but also with rash and negligent and when the offending lorry came right side, the A1 could not control the speed and dashed on the rear side of the lorry and thereby both the accused persons invited the accident due to rash and negligent driving of their vehicles respectively. Their evidence was tested by cross examination, but it is intact.

14. The Pw1 to Pw4 and Pw7's evidence get corroboration from other witnesses namely Pw9 and Pw10 who are coming behind them at the time of accident. They also would specifically state that the car overtaken them before the accident in a high speed. Further, according to Pw1, the deceased Minister and his personal security officer namely Pw7 asked their escort vehicle to return to Trichy since they could not follow their car's speed.

15. A combined reading of all these witnesses would prove that the A1 had driven the offending Innova car bearing Reg.No. TN 02 AD 2802 in rash and negligent manner and A2 also driven his lorry bearing Reg.No.AP 16 TB 9744 in rash and negligent manner and suddenly came right side of the road without noticing the car which came behind him and which led to the accident.

16. Coming to the role of the Investigation Officers, they have done proper investigation. Infact, they have also pressed the scientific examination. During investigation, the investigation officer gave a request to innova company car dealer and after testing the car, the Pw36 gave opinion that the car would have driven in 150

k.m. speed. Further, the investigation officer namely Pw57 collected material objects from the spot and send it to forensic lab test. After conducting forensic lab test, Ex.P16 report reveals that the most of the articles collected in the scene of occurrence belongs to the offending vehicle. Further, the damages of the car is noted in Ex.P15 MVI Report while damages of the lorry mentioned in Ex.P14 MVI Report. A perusal of damages noted in these reports would go to show that the front left side of the car totally damaged which hit at the rear right side of the lorry. The photos of the car is marked as Ex.P11 and images of the lorry is also exhibited as Ex.P16. The damages shown in the said photographs and MVI reports also strengthen the Pw1 to Pw4 and Pw7's evidence. Further, the forensic department official namely Pw45 also testified that the damaged materials lifted from the scene of occurrence matched with the offending lorry. In this way, the oral evidence of material witnesses also gets corroboration from the other materials collected during investigation.

17. Apart from that, the Doctor who have conducted post-mortem on the body of deceased Minister and the Doctors who have treated the Pw1, Pw2 and Pw7 also spoken about the injuries sustained by them.

18. All the material witnesses in one voice have stated that after the accident, the lorry was not stopped in the spot and moved from there. The said fact was not at all seriously disputed on defence. On the way to his destination at Andhra, the A2 approached Pw32 to repair grill and mudguard of the lorry at rear side and Pw32 has repaired the work.

19. The Pw51, the then Head Constable attached with Padalur Police Station has spoken about the registration of FIR and thereafter Pw53 started the investigation. According to Pw57, when he was working in the CBCID Wing as per order of

Director General of Police, he has taken over the case for further investigation, visited the occurrence place, collected all the materials in the scene of occurrence and also examined the toll plaza staffs and got the video footages from them. At the end, the then D.S.P. namely Pw58 laid final report. In this way, the investigation officers have collected all the materials including of all direct, medical and scientific evidence to bring the accused persons under the book.

20. The learned counsel appearing for the appellants by relying upon the judgment reported in Sekar Vs. State by S.I. of Police, Ethapur, Salem District(2001(2) MWN Page 249) case contended that “mere fact that vehicle was driven at high speed cannot be taken into rash and negligent driving”. This argument is not sustainable. A combined reading of all the material witnesses as already indicated would go to show that at the time of accident, the A1 driven the innova car in a uncontrollable speed and hit the rear side of the lorry, when the lorry came on the right side. Further, it is clearly proved that without noticing the car coming on the back side, the A2 suddenly without any signal came right side on the road. These aspects are clearly demonstrated through the reliable witnesses. That be the case, the facts and circumstances of the case relied upon by the appellants is not at all applicable to the facts of the case.

21. Further, the learned counsel appearing for A2 during argument hearing contended that according to prosecution, the tyre of the lorry was damaged due to accident and it is not impossible to drive the lorry with damaged tyres. This argument has no force at all. This aspect was questioned before Pw42 who is the motor vehicle inspector on defence side. But, the Pw42 has categorically stated that it is every possible to drive the lorry for 200 kms if the road is in good condition. It is not in dispute that the accident took place in four way national highways. That be

the case, the said argument is not sustainable.

22. In view of the discussions made above, this Court is of the considered view that both the A1 and A2 had driven their vehicles in rash and negligent manner and caused fatal injuries to the deceased Minister Mariampitchai and injuries to Pw1, Pw2 and Pw7. Coming to the sentencing process, the trial court correctly imposed appropriate punishment in the light of principles laid down by our Hon'ble Apex Court in State of Karnataka /vs/ Sharanappa Basanagouda Aregoudar (2002 AIR SC 1529) case. Hence, this Court holds that the Judgment of the trial court need not be interfered and the Judgment of the trial court is hereby confirmed and the appeals are dismissed and thus, the point is answered accordingly.

23. CrI.A.No.21/2024 & CrI.A.No.22/2024:

In fine, both the appeals are dismissed and the Judgment dated 30.09.2024 passed by the learned Chief Judicial Magistrate, Perambalur in C.C.No.01/2012 is hereby confirmed. The trial court is directed to secure the appellants/A1 and A2 to serve the sentence.

The common Judgment is dictated to the Executive Assistant, transcribed and typed by her through computer, corrected and pronounced by me in open Court, this the 15<sup>th</sup> day of April, 2026.

Principal District and Sessions Judge,  
Perambalur.

Copy to:-

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

PDSJ Court,  
Perambalur.

Common Fair/Draft Judgment  
Crl.Appeal Nos.21/2024 & 22/2024  
D.D: 15.04.2026.