

Date of filing	:	21.04.2022	Date of Judgment	:	09.04.2026
Date of Registration	:	21.04.2022	Trial Period	:	3 Years, 11 Months, 16 Days

IN THE COURT OF THE JUDICIAL MAGISTRATE No.1, METTUR.**PRESENT:** N. Gopalakrishnan B.Sc., B.L., Judicial Magistrate No.1,Mettur.

Thursday, 9th day of April 2026

C.C. No. 83 of 2022**CNR No. TNSA1800-0958-2022**

State represented by the Inspector of Police, Mettur Police

Station in **Cr. No. 11 of 2022 u/s 279, 304(A), of I.P.C.** ...Complainant**-Vs-**

Boopathi (27) S/o Dhanapal
Seraiyampalayam, Peruthalaiyur,
Bhavani Taluk, Erode District.

...Accused**CASE SUMMARY**

1. The period of remand of the accused; : Not Remanded
2. The date of filing of the complaint/final report in the Court; : 21.04.2022
3. The date of committal of the case to the Court of Session : Not applicable
4. The date of questioning of the accused under Sections 228, 240, 246 and 251 of the Code (or) Section 251,263,269 and : 23.05.2022

- 274 of B.N.S.S. as the case may be;
5. Filing of all miscellaneous petitions and their results including the results on challenge before superior Courts, except routine petitions like petitions under section 317 of the Code / 355 of B.N.S.S, etc; :
- 1) CMP.792/2024 Dated.21.02.2024
Petition filed u/s.311 Cr.P.C
Allowed.
 - 2) MP.1/2025 Dated.04.12.2026
Advance Hearing Petition Allowed.
 - 3) MP.2/2025 Dated.17.02.2026
Petition filed u/s.348 BNSS
Allowed.
 - 4) MP.3/2025 Dated.17.02.2026
Reopen Petition Allowed.
 - 5) MP.5/2026 Dated.03.03.2026
Petition filed u/s.320(2) Cr.P.C
dismissed.
6. Date of examination-in-chief and cross-examination of a witness; :
- | | Chief Examination | Cross-Examination |
|-------|-------------------|--------------------------|
| PW.1 | 29.01.2024 | 10.06.2025
03.03.2026 |
| PW.2 | 29.01.2024 | 25.07.2025
03.03.2026 |
| PW.3 | 29.01.2024 | 12.08.2025 |
| P.W.4 | 29.01.2024 | 10.06.2025 |
| P.W.5 | 29.01.2024 | 10.06.2025 |
| P.W.6 | 31.01.2024 | 10.06.2025
07.03.2026 |
| P.W.7 | 31.01.2024 | 10.06.2025 |
| P.W.8 | 06.02.2024 | 08.08.2025
03.03.2026 |
| P.W.9 | 06.11.2025 | 03.09.2025 |

7. Date of examination of the : 18.11.2025
accused under section 313 of
the Code / section 351 of
B.N.S.S. ;
8. Details of absconding of an : Nil
accused and his
appearance/production, as the
case may be;
9. Grant of stay by superior : Nil
Courts and the results thereof;
and
10. Details of victim : Nil
compensation ordered.

This calendar case came before this Court on **09.04.2026** for hearing the learned **Assistant Public Prosecutor Mr.V.Shanmughasundaram** for the prosecution and the learned advocate **Mr.G.Ramachandran** for the accused, and on perusal of available materials, having stood to this day for consideration, this Court delivers the following:

JUDGMENT

This is a criminal case arising out of the final report filed by the Inspector, Mettur Police Station, on April 21, 2022. The prosecution's case is that on **January 19, 2022**, at approximately 02:00 p.m., within the jurisdiction of the Mettur Police Station, Mettur Taluk, Salem District, an elderly woman named Lakshmi died in a motor vehicle accident. Consequently, the accused,

Boopathi, is alleged to have committed offences punishable **under Sections 279 and 304-A of the Indian Penal Code.**

A. COGNIZANCE

1. On **April 21, 2022**, the final report was filed, prompting the court to take cognizance of the offenses **under IPC Sections 279, 304(A) of I.P.C.** The accused was subsequently summoned, and upon appearance, was provided with copies as per **Section 207 of the Cr. P.C.**

B. SUBSTANCE OF THE ACCUSATION

2. On **May 23, 2022**, the accused appeared before this Court, and the substance of accusation under **Sections 279, 304(A) of I.P.C** were formally put to him. The contents of the formal accusation were read over and explained to the accused in a language known and understood by him. Upon such explanation, the accused pleaded not guilty to the said accusation and expressed his intention to contest the case. Accordingly, the matter was posted for trial.

C. WITNESSES AND DOCUMENTS

3. To prove their case, the prosecution has examined **P.W. 1 to P.W. 9** as witnesses and marked **Ex.P.1 to Ex.P.7**. The defence opted not to call any witnesses or produce any documents.

4. Case of the Prosecution as per the Testimonies of Witnesses:

- i. On January 19, 2022, at approximately 2:00 PM, the victim, Lakshmi, was attempting to cross the Mettur-Bhavani Main Road from west to east near her residence in Perumpallam. She was proceeding toward the house of one Prabhakaran to fetch a cow for milking. At that time, the accused was driving a Toyota Innova car (bearing registration number TN 10 R 4343) from Bhavani toward Mettur at a high speed and in a rash and negligent manner.
- ii. The vehicle collided with the victim, Lakshmi, with such force that she was thrown onto the bonnet of the car, sustaining grievous injuries to both legs and a severe impact on her forehead. The occurrence was reportedly witnessed by her son, Muthuraj (P.W.1), her grandson, Shanmugavel (P.W.6), and other relatives, including Murugesan (P.W.7) and Durairaj (P.W.8). The victim was immediately transported via a 108 Ambulance to the Government Hospital, Mettur, where the attending medical officer examined her and declared her dead on arrival.
- iii. **Investigation Process:** On January 19, 2022, upon receiving information regarding the fatal accident, the Inspector of Police, Subramaniam (P.W.9), then serving at the Mettur Police Station, initiated the legal process. He recorded the complaint from the victim's son, Muthuraj

(P.W.1), and registered a case in **Crime No. 83/2022 under Sections 279 and 304(A) of the Indian Penal Code**. The First Information Report was duly prepared and submitted to this Court.

- iv. Following the registration of the FIR, the Investigating Officer (P.W.9) visited the scene of the occurrence on the same day. In the presence of witnesses Kozhanthan (P.W.5) and Appusamy, he prepared the Observation Mahazar and a Rough Sketch of the accident site. During this spot investigation, he examined the eyewitnesses and recorded their statements. The Investigating Officer further conducted the inquest proceedings over the body of the deceased at the Government Hospital, Mettur, and subsequently forwarded the body for a post-mortem examination to ascertain the exact cause of death.
- v. The technical investigation involved a requisition to the Motor Vehicle Inspector to examine the Toyota Innova car involved in the accident. The resulting inspection report confirmed that the collision was not attributable to any mechanical failure of the vehicle. The accused was subsequently identified and apprehended. Upon completion of the examination of medical professionals and the collection of all statutory certificates, including the Post-Mortem Report and Motor Vehicle Inspection Report, the Investigating Officer, being satisfied that a prima

facie case was established, filed the final report before this Court against the accused.

D. QUESTIONING U/S 313(1)(b) of Cr.P.C.

5. Upon the conclusion of the prosecution's evidence, the incriminating circumstances appearing against the accused were explained to him, and he was questioned under **Section 313(1)(b) of the Code of Criminal Procedure on June 13, 2025**. The accused denied any complicity in the offence and maintained that he had been falsely implicated in the case.
6. However, by way of explanation, the accused stated that the deceased woman, who was leading the cattle, returned to the road after having already crossed it, which resulted in the accident. He further contended that a false case has been foisted against him.

E. ARGUMENTS

7. Heard the elaborate arguments of the learned Assistant Public Prosecutor and the argument advanced by the defense counsel.
8. **Summary of Prosecution Evidence and Arguments:** The prosecution contends that P.W.1, P.W.6, P.W.7, and P.W.8 are natural witnesses who identified the accused as the driver of the Toyota Innova (TN 10 R 4343) at the time of the collision. It is argued that the severity of the impact—where the victim, Lakshmi, was thrown onto the bonnet of the car—clearly

demonstrates that the vehicle was being driven at an excessive and dangerous speed. The medical evidence, including the Post-Mortem Report (Exhibit P. 14), confirms that the deceased died due to shock and haemorrhage resulting from multiple grievous injuries sustained in the road traffic accident. The Motor Vehicle Inspector's Report (Exhibits P. 4/P. 5) proves that the accident was not due to any mechanical failure, leaving the driver's negligence as the only logical cause.

9. **The Case for the Defence and Plea of the Accused:** In response, the defence argues that all material witnesses (P.W.1, P.W.2, P.W.6, P.W.7, P.W.8) are close relatives of the deceased. Their testimonies are biased and intended to secure compensation rather than establish the truth. During cross-examination, P.W.1 and P.W.6 admitted they only arrived at the spot after hearing the "thud" or sound of the collision. Therefore, they did not actually witness the manner of driving before the impact. The defence highlights that the victim was an elderly lady (approx. 80 years old) who was pulling a cow across a busy main road. It is contended that she crossed suddenly without observing traffic, making the accident unavoidable for any driver. Despite the accident occurring at 2:00 PM near a residential area and a busy road, the Inspector, Subramaniam (P.W.9), failed to examine any independent or disinterested witnesses, such as neighbours or shopkeepers.

F. POINT FOR DETERMINATION

1. Whether the prosecution has proved through cogent evidence that the accused, Boopathi, was the driver of the vehicle bearing registration number TN 10 R 4343 on January 19, 2022?
2. Whether the prosecution has established that the accused drove the said vehicle in a "rash" or "negligent" manner as contemplated under Section 279 of the Indian Penal Code?
3. Whether the accused is liable to be convicted or acquitted of the charges under Sections 279 and 304-A of the Indian Penal Code?

G. DISCUSSION AND ANALYSIS

10.Point for Determination No. 1: Whether the prosecution has proved through cogent evidence that the accused, Boopathi, was the driver of the vehicle bearing registration number TN 10 R 4343 on January 19, 2022?

- i. Regarding this point, the prosecution has relied upon the testimonies of P.W.1, P.W.6, P.W.7, and P.W.8 to establish that the accused was the individual operating the offending vehicle at the time of the accident. It is pertinent to note that on the date of examination of the eye witnesses, the accused was not present, but they affirmed that they could identify the accused if he were present. However, the primary line of defence adopted

during the cross-examination of these witnesses was that the accident occurred solely due to the negligence of the deceased, Lakshmi, who purportedly crossed the road in an unsafe manner.

- ii. Furthermore, this stance was reinforced by the accused during his examination under Section 313(1)(b) of Cr.P.C. When the incriminating circumstances were put to him, the accused provided a specific explanation, stating: "The woman, while leading a cow, had already crossed the road but suddenly and unexpectedly returned to the path of the vehicle, which resulted in the accident." He further contended that a false case had been foisted upon him.
- iii. This Court observes that the explanation offered by the accused acts as an implied admission of his presence at the scene and his role as the driver of the vehicle. By detailing the specific movements of the deceased and the cow just before the impact, the accused has effectively conceded that he was behind the wheel at the material time. While he seeks to shift the burden of negligence onto the deceased (contributory negligence), the identity of the driver and the involvement of the Toyota Innova car (TN 10 R 4343) in the collision are no longer in dispute.
- iv. Consequently, this Court holds that the prosecution has successfully established the preliminary fact that the accused, Boopathi, was driving the

vehicle that caused the accident on the specified date and time. Accordingly, Point No. 1 is answered in the affirmative, in favour of the prosecution.

11. Point for Determination No. 2: Whether the prosecution has established that the accused drove the said vehicle in a "rash" or "negligent" manner as contemplated under Section 279 of the Indian Penal Code?

- i. In the present case, the prosecution has examined PW1 Muthuraj, PW2 Arun, PW3 Boopathy, PW6 Shanmugavel, PW7 Murugesan, and PW8 Durairaj as eyewitnesses to the occurrence.
- ii. Among the said witnesses, PW1 Muthuraj, who is the de facto complainant and who lodged the written complaint before Mettur Police Station, has deposed in his chief-examination that, at the time of occurrence, he was standing in front of his house conversing with his son, PW6 Shanmugavel, and at that time, when his mother was crossing the road from west to east for the purpose of milking a cow, the accused, who was driving an Innova car at a high speed from Bhavani towards Mettur, dashed against her and caused the accident.
- iii. However, on a careful perusal of the cross-examination of PW1 Muthuraj, this Court finds that he has categorically admitted that, at the time of the accident, he was inside his house and that there is a distance of about 200 metres between his house and the place of occurrence. He

has further stated that he reached the scene of the accident immediately after the accident and that he, along with his son PW6 Shanmugavel, went to the spot, and that PW7 Murugesan, PW2 Arun, PW8 Durairaj, and PW3 Boopathy arrived at the scene only after about fifteen minutes.

- iv. Further, upon a perusal of the Exhibit P.4 Rough Sketch prepared in this case, this Court finds that the distance between the house of PW1 Muthuraj and the place of occurrence is shown to be approximately 150 feet. The Rough Sketch also indicates that the house of PW1 is situated slightly away from the main road, and that there exists an electricity transformer as well as the agricultural land of one Stephen Raj between the house and the place of occurrence.
- v. In such circumstances, this Court is of the considered view that, from a distance of about 150 feet, particularly when there are intervening obstructions and when the witness was admittedly engaged in conversation, it would not be safe to conclude that PW1 could have clearly witnessed the occurrence or accurately perceived the manner in which the accident took place and the negligence attributable thereto.
- vi. Moreover, in view of the categorical admission of PW1 in his cross-examination that he reached the scene only after the accident, his testimony cannot be treated as that of an eyewitness, but at best as that of

a post-occurrence witness. Therefore, in the above circumstances, this Court finds that the testimony of PW1 Muthuraj, insofar as it relates to the manner of occurrence and the alleged negligence of the accused, is not reliable and cannot be safely relied upon.

vii. **The Evidence Eye Witness PW2 Arun:** Further, among the witnesses examined as eyewitnesses to the occurrence, PW2 Arun has deposed in his chief-examination that, at the time of the incident, he was engaged in agricultural work in his garden, and that when his grandmother Lakshmi was proceeding from west to east towards the house of one Prabhakaran, the accused, who was driving an Innova car from Bhavani towards Mettur, dashed against her and threw her away, thereby causing the accident.

viii. However, on a careful consideration of the cross-examination of PW2 Arun, it is revealed that his house is situated at a distance of about 150 feet from the place of occurrence, and that the said house is located adjacent to the main road, with his garden situated behind the house. He has further admitted that, when viewed from the garden, the house would be visible first and only thereafter the road.

ix. In such circumstances, this Court finds that a person who was working in a garden situated behind a house abutting the road would not have had a

clear or unobstructed view of the road, particularly at a distance of about 150 feet. Therefore, it would not be safe to conclude that PW2 Arun had the opportunity to clearly witness the manner in which the accident occurred or to accurately perceive the negligence attributable thereto.

- x. Further, this Court also takes note of the evidence of PW1 Muthuraj in his cross-examination, wherein he has stated that he and his son, PW6 Shanmugavel, alone reached the scene of the accident immediately after the accident, and that the other witnesses arrived about fifteen minutes later. This version casts a serious doubt on the presence of PW2 Arun at the scene of occurrence at the relevant point in time.
- xi. In view of the above circumstances, this Court is of the considered view that the testimony of PW2 Arun, insofar as it relates to the manner of occurrence and the alleged rashness and negligence on the part of the accused, cannot be safely relied upon.
- xii. **The Evidence Eye Witness PW3 Boopathy:** Further, another witness examined as an eyewitness to the occurrence, namely PW3 Boopathy, has deposed in his chief-examination that, at the time of the incident, he was engaged in agricultural work in the garden of one Prabhakaran, and that when the deceased Lakshmi was proceeding from west to east towards Prabhakaran's house for the purpose of catching a

cow, the accused, who was driving a car at a high speed from Bhavani towards Mettur, dashed against her and caused the accident.

xiii. However, on a scrutiny of the cross-examination of PW3 Boopathy, this Court finds that he has admitted that he went to the place of occurrence only after hearing a noise and that he reached the spot within about five minutes thereafter. He has further categorically stated that he did not witness the accident directly and that the distance between the place where he was working and the place of occurrence is about 300 metres.

xiv. In view of such clear admissions, this Court finds that PW3 Boopathy is not an eyewitness to the occurrence, but only a witness who reached the scene after the accident. Consequently, his testimony, insofar as it relates to the manner of occurrence and the alleged rashness and negligence on the part of the accused, is based on post-occurrence inference and not on direct perception.

xv. Therefore, this Court is of the considered view that the evidence of PW3 Boopathy also cannot be treated as that of an eyewitness and cannot be safely relied upon for determining the manner in which the accident occurred.

xvi. **The Evidence Eye Witness PW6 Shanmughavel:** Further, another witness examined as an eyewitness to the occurrence, namely PW6 Shanmugavel, has deposed in his chief-examination that, at the time of the incident, he and his father PW1 Muthuraj were standing and conversing on the road in front of their house, and that a cow had been tied in front of the house of one Prabhakaran situated opposite to their residence. He has further stated that, when his grandmother, Lakshmi, was proceeding from west to east to catch the cow for milking, the accused, who was driving an Innova car from Bhavani towards Mettur, dashed against her and caused the accident.

xvii. However, this Court finds certain material inconsistencies in the version of PW6 when compared with the evidence of PW1 Muthuraj. While PW6 has stated that both of them were standing on the road and conversing, PW1 has not stated so, but has deposed that they were standing in front of their house. Further, the Rough Sketch (Ex.P4) indicates that their house is situated slightly away from the main road.

xviii. This Court has already held, on an appreciation of evidence, that PW1 Muthuraj could not have had a clear opportunity to witness the occurrence or to perceive the manner in which the accident took place. In such circumstances, the presence of PW6 Shanmugavel, along with PW1, does not improve the prosecution's case, and he, too, cannot be said to

have had a clear opportunity to witness the occurrence in the manner deposed by him.

xix. Further, in his cross-examination, PW6 Shanmugavel has admitted that he turned towards the scene only after hearing a noise. He has also stated that he does not know the registration number of the vehicle involved in the accident and that he does not know who was driving the said vehicle.

xx. It is also pertinent to note that it is not the case of the prosecution that the accused fled from the scene immediately after the accident. In such circumstances, if PW6 had indeed been present at or near the scene immediately after the occurrence, he would have been in a position to notice and identify the driver of the vehicle. His failure to do so further casts doubt on his claim of having witnessed the occurrence.

xxi. Further, the evidence of PW1 indicates that, immediately after the accident, only he and PW6 reached the place of occurrence, and that the other witnesses arrived only after about fifteen minutes. Even in such a situation, the inability of PW6 to identify the driver or provide basic particulars of the vehicle renders his testimony doubtful.

xxii. In view of the above circumstances, this Court is of the considered view that PW6 Shanmugavel could not have witnessed the occurrence in

the manner deposed by him, and that his evidence regarding the manner of the accident and the alleged negligence of the accused is not reliable and cannot be safely relied upon.

xxiii. **The Evidence Eye Witness PW7 Murugesan:** Further, another witness examined as an eyewitness to the occurrence, namely PW7 Murugesan, has deposed in his chief-examination that he was proceeding on a two-wheeler behind the car driven by the accused from Bhavani towards Mettur, and that the said vehicle, driven at a high speed, dashed against his relative Lakshmi, who was crossing the road from west to east, thereby causing the accident.

xxiv. At the outset, this Court takes note of the fact that PW7, Murugesan, is a relative of the deceased, Lakshmi. It is observed that no independent third-party witnesses were examined by the prosecution, and all the witnesses cited are relatives of the deceased.

xxv. However, when PW7 Murugesan was recalled and subjected to cross-examination, he categorically admitted that he did not witness the accident directly and that he came to the place of occurrence only after the accident had taken place. He has further stated that he saw the deceased lying on the ground and that he reached the scene about twenty

minutes after the occurrence. He has also admitted that he does not have direct knowledge as to whose negligence caused the accident.

xxvi. In view of such clear and categorical admissions made in the cross-examination, this Court finds that PW7 Murugesan is not an eyewitness to the occurrence, but only a witness who arrived at the scene after the accident. Therefore, his evidence, insofar as it relates to the manner of occurrence and the alleged rashness and negligence on the part of the accused, is not based on direct perception and cannot be safely relied upon.

xxvii. Accordingly, this Court is of the considered view that, even based on the testimony of PW7 Murugesan, it is not possible to conclude that the accused was responsible for causing the accident.

xxviii. **The Evidence Eye Witness PW8 Durairaj:** Further, another witness examined as an eyewitness to the occurrence, namely PW8 Durairaj, has deposed in his chief-examination that, on the date of occurrence, while he was standing outside his house, his aunt Lakshmi (the deceased) was proceeding from west to east to catch a cow tied in front of the house of one Prabhakaran for milking, and at that time, the accused, who was driving an Innova car bearing Registration No. TN 10

R 4343 from Bhavani towards Mettur at a high speed, dashed against her and caused the accident.

xxix. On a careful consideration of the evidence of PW8 Durairaj, this Court finds that he is the nephew of the deceased Lakshmi. Though he has stated that he witnessed the occurrence from in front of his house, it is pertinent to note that his house is not shown in the Observation Mahazar or the Rough Sketch (Ex.P4) as being situated within proximity to the place of occurrence, particularly within a radius of about 200 feet.

xxx. Further, in his cross-examination, PW8 has stated that he was standing outside his house at the relevant time and that the distance between the place where he was standing and the place of occurrence is about 200 feet. He has also stated that, upon noticing the car moving at a high speed and questioning why it was being driven so fast, he saw the accident occur when his aunt was crossing the road from west to east. He has further stated that he reached the place of occurrence within two to three minutes by walking the said distance of about 200 feet.

xxxi. Significantly, PW8 has also deposed that, when he reached the place of occurrence, the son of the deceased was already present there and was holding her on his lap. However, this version stands in contradiction to the evidence of PW1 Muthuraj, who has stated that he

reached the place of occurrence within about five minutes from a distance of about 150 feet and that only he and his son PW6 Shanmugavel were present initially, and that other persons arrived only after about fifteen minutes.

xxxii. In view of the above contradictions and inconsistencies, this Court finds that the presence of PW8 at the time of the occurrence becomes doubtful. Further, considering that PW8 claims to have witnessed the occurrence from a distance of about 200 feet, from a location not reflected in the Observation Mahazar or Rough Sketch, it would not be safe to conclude that he had a clear and unobstructed opportunity to witness the accident or to accurately perceive the manner in which it occurred and the negligence attributable thereto.

xxxiii. Accordingly, this Court is of the considered view that the testimony of PW8 Durairaj, insofar as it relates to the manner of occurrence and the alleged rashness and negligence of the accused, is not reliable and cannot be safely relied upon.

xxxiv. **Hearsay witness PW1 Ammasi:** Further, in this case, PW4 Ammasi, who is the husband of the deceased Lakshmi, has deposed before this Court that he came to know about the occurrence and thereafter went to the hospital and saw the deceased. In view of the said

evidence, it is clear that PW4 Ammasi is not an eyewitness to the occurrence and that his testimony is based only on information received after the incident. Therefore, this Court is of the considered view that the evidence of PW4 Ammasi is not material for the purpose of determining the culpability of the accused or for arriving at a finding as to whether the accused was responsible for causing the accident.

xxxv. In light of the foregoing discussion, this Court has come to the conclusion that all the witnesses examined by the prosecution as eyewitnesses to the occurrence could not have, in fact, been present at the scene at the relevant time to have directly witnessed the manner in which the accident occurred or to have perceived whose negligence caused the same.

xxxvi. In such circumstances, it is pertinent to note that the prosecution has not produced any independent or corroborative secondary evidence, such as CCTV footage or any other reliable material, to establish the manner of occurrence.

xxxvii. Therefore, this Court finds that, in the absence of trustworthy ocular evidence or corroborative material, it is not possible to conclude, based on such unreliable testimony, that the accident occurred due to the rashness and negligence on the part of the accused.

xxxviii. It is also significant to note that, when the said witnesses were recalled and subjected to further cross-examination, they admitted that they had not directly witnessed the occurrence and further stated that they had received a sum of ₹2,20,000/- as compensation from the accused in connection with the accident. This aspect assumes importance and lends further support to the conclusion that the witnesses were not actual eyewitnesses to the occurrence. In view of the above circumstances, this Court is of the considered view that the prosecution has failed to prove, beyond a reasonable doubt, that the accident in question occurred due to the rash and negligent act of the accused. Accordingly, Point No. 3 is answered against the prosecution.

12.Point No.3: Whether the accused is liable to be convicted or acquitted of the charges under Sections 279 and 304-A of the Indian Penal Code?

i. In view of the foregoing findings, this Court has already come to the conclusion that the prosecution has failed to establish, through reliable oral and documentary evidence, that the accused, while driving his Innova car in a rash and negligent manner, caused the accident by hitting Lakshmi, who was walking on the road, and that she succumbed to the injuries sustained in the said accident.

ii. In such circumstances, this Court finds merit in the explanation offered by the accused under **Section 313(1)(b) of the Code of Criminal**

Procedure, 1973, wherein he has stated that the deceased Lakshmi, after initially crossing the road while holding the cattle, suddenly turned back and re-entered the road, and that the accident occurred on account of such sudden movement. This version, put forth by the accused, assumes significance in the facts and circumstances of the case.

- iii. This Court further finds that the prosecution has not proved, beyond a reasonable doubt, that the death of Lakshmi was the direct consequence of any rash or negligent act attributable to the accused Boopathy.
- iv. Accordingly, in the absence of sufficient and trustworthy evidence, this Court holds that the accused Boopathy cannot be found guilty of the offences alleged against him. Therefore, the accused Boopathy is found not guilty of the offences punishable under **Sections 279 and 304A of the Indian Penal Code, 1860**, and he is entitled to an acquittal.
- v. Thus, Point No. 3 is answered against the prosecution.

CONCLUSION

Upon an overall consideration of the entire evidence as discussed above, both oral and documentary, and the circumstances established on record, this Court is of the firm view that the prosecution has not proved beyond a reasonable doubt that the accident in question occurred due to the rash or negligent driving of the accused. Accordingly, this Court finds that the

prosecution has failed to prove the guilt of the accused for the offence under **Sections 279 and 304A of the Indian Penal Code** beyond a reasonable doubt.

As a result, the accused namely **Boopathy S/o Dhanapal** was found not guilty of the offence under **sections 279 and 304-A of I.P.C.** and acquitted of an offence vide **section 255(1) of Cr.P.C.** and set at liberty.

There are no case properties in this case.

This judgment was directly dictated to steno typist and typed by him on computer and corrected, verified and pronounced by me in open Court on **9th day of April 2026.**

Judicial Magistrate No.1, Mettur.

LIST OF WITNESSES BY THE PROSECUTION

- | | | |
|----|------|--------------------------------------|
| 1. | PW.1 | Mr. Muthuraj |
| 2. | PW.2 | Mr. Arun |
| 3. | PW.3 | Mr. Boopathi |
| 4. | PW.4 | Mr. Ammasi |
| 5. | PW.5 | Mr. Kolanthan |
| 6. | PW.6 | Mr. Shanmughavel |
| 7. | PW.7 | Mr. Murugesan |
| 8. | PW.8 | Mr. Durairaj |
| 9. | PW.9 | Mr. Subramaniyan Inspector of Police |

LIST OF PROSECUTION SIDE EXHIBITS

1. **Ex. P. 1** Complaint
2. **Ex. P. 2** Observation Mahazar
3. **Ex. P. 3** FIR
4. **Ex. P. 4** Rough Sketch
5. **Ex. P. 5** Inquest Report
6. **Ex. P. 6** Motor Vehicle Inspection Report
7. **Ex. P. 7** Post-mortem Report of Pradeep

LIST OF MATERIAL OBJECTS BY THE PROSECUTION:

NIL

LIST OF WITNESSES BY THE DEFENCE:

NIL

LIST OF DEFENCE SIDE EXHIBITS:

NIL

Judicial Magistrate No.1, Mettur.

Note:-

1. The parties were informed of the outcome of the case.
2. No witnesses called not more than three times.