

IN THE COURT OF THE JUDICIAL MAGISTRATE NO.II, METTUR

**Present : Thiru.D.Mylswamy, B.Com, B.L.,
Judicial Magistrate No.II,
Mettur.**

Thursday, the 05th day of March – 2026

CC.No. 224/2022

CNR No : TNSA18-001913-2022

State of Tamil Nadu
Rep by the Inspector of police,
Mecheri Police station,
Cr.No.459/2020

... Complainant

//vs//

Gunasekaran, (aged about 22 years/2020)
S/o. Arjunan
Residing at Kuruvakadu,
Pudhusampalli,
Mettur Taluk, Salem District.

... Accused

This case was taken on file on 23.08.2022 and came for final hearing before me on 02.03.2026 in the presence of **Thiru.T.Suresh, Assistant Public Prosecutor**, the learned counsel for the complainant and **Thiru.N.Manikandajayakumar**, 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 delivers the following:

(Statement as per Rule 106 of the Criminal Rules of Practice, 2019)

1	Serial Number	CC No.224/2022
2	Name of Police Station & Crime Number	Mecheri Police Station Cr.No.459/2020
3	Name of Accused	Gunasekaran, S/o. Arjunan
4	Occupation	Coolie
5	Residence	Residing at Kuruvakadu, Pudhusampalli,

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		Mettur Taluk, Salem District.
6	Age	(aged about 22 years/2020)
7	Occurrence (Date of offence)	20.09.2020
8	Complaint	20.09.2020
9	Apprehension (Date of Arrest)	17.11.2020
10	Release on Bail (Yes/No, Date)	17.11.2020
11	Commitment (to Court)	23.08.2022
12	Commencement of Trial	12.07.2023
13	Closure of Trial	27.02.2026
14	Sentence or Order (Verdict, Punishment)	05.03.2026
15	Service of Copy of Judgment to Accused	--
16	Explanation of Delay (if any)	--

JUDGMENT

1. The Inspector of Police of Mecheri Police Station has laid down the final report stating that on 20.09.2020 around 9.30 A.M., one raja along with ganesh were travelled in TATA Ace bearing registration no. TN 93 A 7255 which was driven by gunasekaran in salem camp to mettur road, when auto proceed at near to 6th mile hill road towards mettur, at that time, one two wheeler bearing registration no. TN 93 A 3099 KTM Duke from mettur to salem camp, the auto driver driven rash and negligent manner and dashed against two wheeler and caused accident, due to this accident, the rider of two wheeler named sukilesh sustained head injury and pillion rider named naveen sustained head injury then taken to mettur goverment hospital, then injured person naveen taken to salem kurunji hospital, the said sukilesh died on the way to hospital, the said riders in auto named ganeshan and raja were taken treatment in mettur goverment hospital, the said raja was enquired by karumalaikodal police and registered the first information report in Cr.No.459/2020 for offence under

sections 279, 337 of IPC. After completion of investigation, the accused had committed the offence under sections 279, 337, 338, 304(A) of IPC.

2. This court on perusal of the material records had on satisfaction had taken cognizance of the offence under sections 279, 337, 338, 304(A) of IPC. Upon appearance of the accused, copies of documents relied on the side of the prosecution was furnished to him under section 207 of Cr.P.C. 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 substances of accusation explained against the accused and 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 thirteen witnesses as PW1 to Pw13 and marked documents as EX.P.1 to EX.P.14 marked.

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

The defacto complainant examined as PW1. PW1 is residing at TMP nagar and in the year of 2020 around 9 A.M., he was riding in auto along with ganeshan, the said auto driven by gunasekaran, all were riding in ghat road towards mettur. After accident he felt unconscious and he did not further details, due to this accident he sustained neck injury and right side leg, the said ganesh sustained injury in right side leg, then all were taken to mettur government hospital, he was enquired by police and recorded statement, he identified his signature in complaint, the complaint marked as **EXP1**, he was enquired by police.

5. The Pw2 Ganeshan is residing at karumalaikodal and doing welding works, he deposed similarly as like of Pw1, in the year of 2020 around 9 A.M., he and accused gunasekaran and Pw1 were riding in TATA Ace towards mettur, while proceeding in ghat road and noted two wheeler coming front side and he parked side of the road, then two wheeler dashed against auto and caused accident, due to this accident, the Pw1 sustained injury and present accused sustained injury, then injured person taken to mettur goverment hospital, he was enquired by police. The Pw3 Naveen is residing at samppliyur and running cottage at ooty, in the year of 2020 around 8.30 A.M., he and his friend sugilesh were riding in two wheeler in ghat road, at that time, one Auto coming from sampalli and dashed against two wheeler and caused accident, he did not know whose negligent that accident was caused, he sustained leg injury, then taken to salem kurunji hospital and taken treatment more than 4 months, the said sugilesh died despite treatment, he was under unconscious after accident, he did not see auto driver and he was enquired by police.

6. The Pw4 dinesh kumar is residing at pudhusampalli and running business, the deceased is his friend son, on 20.09.2020 around 8.30 A.M., he heard that auto dashed against two wheeler and caused accident, due to this accident sustained head injury, then he stood as witness in inquest, he was enquired by police. The Pw5 Thilgavathi is residing at pudhusampalli and deceased is his son, on 20.09.2020 around 8.30 A.M., he heard that auto dashed against two wheeler and caused accident, due to this accident sustained head injury, then he stood as witness in inquest, he was enquired by police.

7. The Pw6 Murugavel is reisdng at sampali and working in thermal power station, the deceased is his friend's son, before three years around 10 A.M., the deceased was riding in two wheeler and TATA Ace dashed against two wheeler, he stood as witness in inquest, he was enquired by police. The Pw7 Alam is residing at

sampalli, the deceased is his friend's son, before two years around 9.30 A.M., the deceased was riding in two wheeler and TATA Ace dashed against two wheeler, he stood as witness in inquest, he was enquired by police.

8. The Pw8 Prabakaran is residing at sampalli and running shop, before two years around 9.30 A.M., the deceased was riding in two wheeler and TATA Ace dashed against two wheeler, he stood as witness in inquest, he was enquired by police. The Pw9 Meganathan is residing at sampalli and on 20.09.2020 around 9 A.M., the karumalaikodal police were drawn sketch in the presence of witness, he identified the 2nd signature in mahazar, he know the contents in mahazar, the observation mahazar marked as ExP2, before 1 1/2 years the said Ravichandran died and he went to funeral ceremonies, he was enquired by police.

9. The Pw10 Chinnappan is working as special sub inspector in Nangavalli police station, he received intimation from Mettur government hospital and enquired Raja and recorded statement, he registered the first information report in crime no. 459/2020 for the offence under section 279, 337 of IPC, the first information report marked as **ExP3**, he handed over the case records for investigation.

10. The Pw11 Doctor Surender testify that on 20.09.2020 around 10 A.M, the injured person Ganeshan brought to his hospital, he noted injuries in accident register, he opined that nature of injuries is grievous in nature, the wound certificate marked as **ExP4**. The injured person Raja brought to his hospital and he given treatment, he opined that nature of injuries are simple in nature, the wound certificate marked as **ExP5**, the said Sugilesh brought to hospital and reported death and he conduct post mortem on 20.09.2020 around 4.10 P.M., and noted the injuries in post mortem certificate, the post mortem certificate marked as **ExP6**, he opined that death caused due to injuries, he was enquired by police. The Pw12 Manimaran is now working in

kurunchi hospital and he noted the injuries in wound certificate, the wound certificate marked as **ExpP7**, he was enquired by police.

11. The Pw13 Sasikala is investigation officer, she deposed that special sub inspector Chinnappan was present in police station, received intimation from mettur goverment hospital and enquired the inpatient raja and recorded his statement, then registered as first information report in crime no. 459/2020 for the offence under section 279, 337 of IPC, on 20.09.2020 at around 1.00 P.M, the investigation officer were drawn sketch at accident spot, in the presence of Ravendran and meganathan at mettur ghat road, the Rough sketch marked as **ExpP8**, after accident, the said Ganeshan, raja, Sukilesh were taken to Mettur goverment hospital and the doctor namely Surendran gave treatment to injured person, then injured person sukilesh died despite treatment and confirmed death, then sent the dead body to mortury and registered death confirmation, the injured person naveen taken to salem kurunchi hospital on 20.09.2020 around 2.45 P.M. and the doctor manimaran gave treatment to injured person, then altered the offence under section 279, 337 of IPC into 279, 337, 304 (A) of IPC by alteration, the alteration report marked as **ExpP9**, then the investigation officer has made inquest at Mettur Goverment hospital in the presence of panchayadhars. The inquest report marked as **ExpP10**. The doctor namely Surendran had conducted autopsy over dead body of Sukilesh on 20.09.2020 around 04.00 P.M.,, the injuries noted in post mortem certificate. The investigation officer had sent the involved light motor vehicle bearing registration no. TN 93 A 7255 and two wheeler bearing registration no. TN 93 A 3099 to motor vehicle inspection, the damages noted in motor vehicle inspection report, opined that the accident was not caused due to mechanical defect, the motor vehicle inspection report belonged to two wheeler bearing registration no. TN 93 A 7255 light motor vehicle marked as **ExpP11**, the two wheeler bearing registration no. TN 93 A 3099 marked as **ExpP12**. The doctor surendran record accident register of suklesh, the accident register marked as **ExpP13**.

Then arrested the accused on 17.11.2020 and released on station bail, then enquired the doctor namely Surendran and other witness, after completion of the investigation, the investigation officer had laid down final report against the accused u/s 279, 337, 338 (2 counts), 304 (A) of IPC by alteration report, the report marked as **ExP14**.

12. 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 313(1) (b) of Cr.P.C for his answers. The accused denied his complicity of incriminating circumstances appeared against him and he has stated that it is false case foisted against him.

13. The accused stated that he has defence witness and later stated that there is no defence witness and after recording the same, this court heard both sides.

14. Both sides heard. The evidence of witnesses and material records have been perused.

15. THE POINT FOR CONSIDERATION:

Whether the prosecution had proved the accusation under section 279, 337, 338 (2 counts), 304 (A) of IPC as against the accused with relevant evidence and documents beyond all the reasonable doubt ?

16. ANSWER TO THE POINT:

The accusation against the accused that on 20.09.2020 around 9.30 A.M., one raja along with ganesh were travelled in TATA Ace bearing registration no. TN 93 A 7255 which was driven by gunasekaran in salem camp to mettur road, when auto proceed at near to 6th mile hill road towards mettur, at that time, one two wheeler bearing registration no. TN 93 A 3099 KTM Duke from mettur to salem camp, the

auto driver driven rash and negligent manner and dashed against two wheeler and caused accident, due to this accident, the rider of two wheeler named sukilesh sustained head injury and pillion rider named naveen sustained head injury then taken to mettur goverment hospital, then injured person naveen taken to salem kurunji hospital, the said sukilesh died on the way to hospital, the said riders in auto named ganeshan and raja were taken treatment in mettur goverment hospital, the said raja was enquired by karumalaikodal police and registered the first information report in Cr.No.459/2020 for offence under sections 279, 337 of IPC. After completion of investigation, the accused had committed the offence under sections 279, 337, 338 (2counts), 304(A) of IPC.

17. To prove the accusation against the accused, the prosecution had relied upon the oral evidence of PW1 to PW13 and EX.P.1 to EX.P14. Before considering the fact of negligence, it is necessary to decide the fact whether the death of the deceased Sugilesh was caused due to head injuries that have been sustained in the accident. EX.P6 was placed by the prosecution to prove the death of the deceased was caused due to accident. In EX.P6 the doctor namely surendar who had conducted the autopsy of the body of Sugilesh had mentioned in EX.P.6, about the injuries sustained by the deceased. The doctor namely Surendar had opined that, the death of Sugilesh had happened due to head injuries. On perusal of the head injuries mentioned in EX.P6, it is proved that the sustained injuries as stated by prosecution caused due to this accident. The accused had not objected the mode of death of Sugilesh. Thus, through the EX.P6 the prosecution had proved that, the accident had caused the above said injuries and the said Sugilesh had died due to head injury sustained in the accident. During arguement, the defence side argued that he has not objected the death, but he has argued that the said accident was not caused due to negligent and rash driving of the accused.

18. On perusal of EX.P.11, it comes to know that light motor vehicle TN 93 A 7255, that had involved in the accident had sustained following damages mentioned in report. The motor vehicle inspector had opined that there was no mechanical defect at the time of occurrence of light motor vehicle. On perusal of EX.P.12, it comes to know that the two wheeler bearing registration no.TN 93 A 3099, that had involved in the accident had sustained following damages mentioned in report. The motor vehicle inspector had opined that there was no mechanical defect at the time of occurrence of light motor vehicle and two wheeler.

19. Now, the point for consideration is that whether the accident had occurred due to rash and negligent driving of the vehicle by the accused. To prove the place of occurrence, the Pw9 meghanathan examined as witness, he testify in cross examination that he signed in white paper without filled, though the Pw9 speak about preparation of mahazar, later on cross examination the said version is shattered, the other witness in mahazar was died and his death was reported. Thus, the place of occurrence is failed to prove by prosecution case. In this case, the three persons were riding in auto including driver and two persons riding in two wheeler, the driver of the auto assigned as accused, the pillion rider of two wheeler named naveen examined as Pw3, he testify that in the year of 2020 around 8.30 A.M., he and his friend sugilesh were riding in two wheeler in ghat road, at that time, one Auto coming from sampalli and dashed against two wheeler and caused accident, he did not know whose negligent that accident was caused, he sustained leg injury, then taken to salem kurunji hospital. The prosecution side argued that nature and mode of accident clearly testify by Pw3, the said accident was caused due to negligent driving of the accused is hereby proved. The extract portion of Pw3 herewith "விபத்து எவ்வாறு நடந்தது என்பது எனக்கு தெரியாது. எதிரியினுடைய கவனக்குறைவால் நடைபெறவில்லை என்றால் எனக்கு தெரியாது" which reveals that Pw3 does not supported the prosecution.

20. The defence side pointed that after accident, he felt unconscious and he did not know whose negligent the said accident was caused, he did not know accused, further admitted that he did not know how accident was occurred, he was not enquired by police. Due to this accident, the Pw3 sustained injury and taken to salem kurunji hospital and admitted as inpatient, the Pw3 not speak about negligent driving of the accused. This court is of view, that other injured persons were travelled in auto, who are close associates to the accused, the investigation officer has added injured persons as witness and recorded statement from him. The investigation officer has relied injured persons as ocular witness, the Pw1 raja speak about nature of accident and injury sustained by him, later on cross examination the Pw1 testified that auto was standing when noted the two wheeler coming from opposite direction, the two wheeler dashed against auto and invite the accident, the extract portion of Pw1 herewith “நான் எழுதாத வெள்ளை பேப்பரில் தான் கையொப்பம் செய்தேன் என்றால் சரிதான். ஆட்டோவில் வந்த சமயத்தில் நின்றுகொண்டிருந்தபோது விபத்து நடந்தது என்றால் சரிதான். இந்த விபத்து எதிரியின் அஜாக்கிரதையால் தான் ஏற்பட்டது என்றால் சரிதான். போலீசார் என்னை விசாரிக்க வில்லை என்றால் சரிதான். எதிரே வந்த வாகனம் மோதித்தான் இந்த விபத்து ஏற்பட்டது என்றால் சரிதான்” which reveals that accident was caused due to negligent driving of two wheeler.

21. The Pw2 ganeshan is person travelling in auto during accident, he testify that two wheeler coming from mettur and dashed against auto and caused accident, the Pw2 testify that accident was caused due to negligent driving of the two wheeler, the extract portion of Pw2 herewith “விபத்து எதிரியினுடைய கவனக்குறைவால் நடைபெறவில்லை என்றால் சரிதான். எதிரே இருசக்கர வாகனம் வருவதை பார்த்த ஓட்டுனர் ஓரமாக நிறுத்திவிட்டார் என்றால் சரிதான் ஆட்டோவில் வந்த சமயத்தில் நின்றுகொண்டிருந்தபோது விபத்து நடந்தது என்றால் சரிதான். இருசக்கர வாகனம் ஓட்டிவந்த நபருடைய தவறால் இந்த விபத்து ஏற்பட்டது என்றால் சரிதான். எதிரே வந்த வாகனம் மோதியதால் காயம் ஏற்பட்டது என்றால் சரிதான். போலீசார் என்னை விசாரிக்க வில்லை

என்றால் சரிதான். எதிரே வந்த வாகனம் மோதித்தான் இந்த விபத்து ஏற்பட்டது என்றால் சரிதான்' which reveals that two wheeler coming in rash manner and dashed against auto standing at road side. The Pw4 Dinesh kumar, Pw5 thilgavathi, the pw6 Murugavel, the Pw7 Alam, the Pw8 Prabakaran stood as witness in inquest, they are all speaking about accident, but they failed to speak about negligent driving of accused. Except Pw3, Naveen the other witness are close associates to the accused, therefore only consider evidence of Pw3 is fit to decide the case. The Pw3 failed to speak about negligent driving of auto, therefore discussion point clearly not proved the rash and negligent driving of the accused. **Thus, the offence under section 279 of IPC is not proved beyond reasonable doubt against the accused.**

22. The Pw4 Dinesh kumar, Pw6 namely Murugavel, Pw7 Aalam are cited as inquest witness, they did not know the occurrence directly, they stood as witness in inquest, to determine the negligent act of the accused, their evidence is not necessary. The defence side has not objected the death of Sukilesh in these accident. The Pw1 Raja and Pw2 Ganeshan are victim and they taken treatment in mettur goverment hospital, their medical shown injury sustained by them. The Pw3 Naveen taken treatment in salem kurunji hospital, the medical records shown sustained injury. The Prosecution has not proved the negligent act of the accused, thus **the offence under section 337, 338 (2 counts), 304 (A) of IPC is not proved beyond reasonable doubt against the accused.**

23. In the result, this Court holds that the prosecution had not proved the offence u/s 279, 337, 338 (2 counts), 304 (A) of IPC as against the accused beyond reasonable doubt and the accused is acquittal u/s 255 (1) of Cr.P.C.

24. No material object produced on either side, hence no need to discuss about property order.

Directly typed by me in the Computer and corrected by me and the Judgment pronounced in the open court on the 05th day of March 2026.

**Judicial Magistrate No.II,
Mettur.**

Prosecution side witnesses:-

PW1	Raja
PW2	Ganesan
PW3	Naveen
PW4	Dineshkumar
PW5	Thilagavathy
PW6	Murugavel
PW7	Alam
PW8	Prabhakaran
PW9	Meganathan
PW10	Chinnappan
PW11	Surrendar
PW12	Manimaran
PW13	Sasikala (Investigation officer)

Prosecution side Exhibits:- Judicial Form No.68

S.No of the exhibit	Description of the exhibit and its date	Date, When the exhibit was filed in the case	How marked	By Whom filed	Remarks
1.	Complaint	12.07.2023	Exhibit P1	Pw1	Original
2.	Observation mahazar	07.08.2023	Exhibit P2	Pw9	Original
3.	First information report	08.09.2023	Exhibit P3	Pw10	Original
4.	Accident Register with wound certificate of Ganesan	07.11.2023	Exhibit P4	Pw11	Original

5.	Wound Certificate of Raja	07.11.2023	Exhibit P5	Pw11	Original
6.	Postmortem certificate	07.11.2023	Exhibit P6	Pw11	Original
7.	Wound certificate of Naveen	11.01.2024	Exhibit P7	Pw12	Original
8.	Rough Sketch	27.02.2026	Exhibit P8	Pw13	Original
9.	Alteration report	27.02.2026	Exhibit P9	Pw13	Original
10.	Inquest report	27.02.2026	Exhibit P10	Pw13	Original
11.	Motor vehicle inspection report of TN 93 A 7255	27.02.2026	Exhibit P11	Pw13	Original
12.	Motor vehicle inspection report of TN 93 A 3099	27.02.2026	Exhibit P12	Pw13	Original
13.	Accident Register of Sukilesh	27.02.2026	Exhibit P13	Pw13	Original
14.	Alteration report	27.02.2026	Exhibit P14	Pw13	Original

Material Objects:- -Nil-

Defence side Witness:- -Nil-

Defence side Exhibits:- -Nil-

**Judicial Magistrate No.II,
Mettur.**

Note:

- 1) During the trial of the case, the accused is on bail and the bail bond executed by the accused shall stand cancelled.
- 2) No witnesses had been called for evidence more than three days.
- 3) Result of the judgment had been informed to the Prosecution/concerned police.