

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

STC.No. 1941/2025

CNR No : TNSA18- 003465-2025

State of Tamil Nadu
Rep by the sub Inspector of police,
Mecheri Police station,
Cr.No.477/2024

... **Complainant**

//vs//

Krishnamoorthi, (aged about 24 years/2024)
S/o. Kumar,
Residing at D.No.5/1534, Adaikkan Valavu,
Amaram Post,
Mettur Taluk, Salem District.

... **Accused**

This case was taken on file on 26.08.2025 and came for final hearing before me on 26.02.2026 in the presence of **Thiru.T.Suresh, Assistant Public Prosecutor**, the learned counsel for the complainant and **Tmt/Selvi.V.Lavanya**, 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	STC No.1941/2025
2	Name of Police Station & Crime Number	Mecheri Police Station Cr.No.477/2024
3	Name of Accused	Krishnamoorthi, S/o. Kumar
4	Occupation	Coolie
5	Residence	Residing at D.No.5/1534, Adaikkan Valavu,

		Amaram Post, Mettur Taluk, Salem District.
6	Age	24 years/2024
7	Occurrence (Date of offence)	09.09.2024
8	Complaint	12.09.2024
9	Apprehension (Date of Arrest)	27.10.2024
10	Release on Bail (Yes/No, Date)	27.10.2024
11	Commitment (to Court)	26.08.2025
12	Commencement of Trial	27.10.2025
13	Closure of Trial	03.02.2026
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 Sub Inspector of Police of Mecheri Police Station has laid down the final report stating that one pushparaj was riding in two wheeler Honda unicorn bearing registration no. TN 52 X 9230 along with sambu towards mecheri KS theatre, while proceeding near to Ganpathy super market towards mecheri bus stand, at that time, the two wheeler KTM Bike bearing registration no. TN 54 W 3497 in mecheri to amaram thittu in rash and negligent manner and dashed gainst two wheeler and caused accident, then pushparaj sustained injury in right leg and taken to salem valli hospital, during hospitalisation the said pushparaj was enquired and recorded her statement, then registered the first information report in Cr.No.477/2024 for offence under sections 281, 125(a) of BNS. After completion of investigation, the accused had committed the offence under section 281, 125(b) of BNS.

2. This court on perusal of the material records had on satisfaction had taken cognizance of the offence under section 281, 125(b) of BNS. Upon appearance of the accused, copies of documents relied on the side of the prosecution was furnished to him under section 230 of B.N.S.S. 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 five witnesses as PW1 to PW5 and marked documents as EX.P.1 to EX.P.9 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 Thipparathampatti and working as driver, on 09.09.2024 around 9 P.M., the Pw1 was riding in two wheeler unicorn bearing registration no. TN 52 X 9230 along with sambu towards thoppur, at that time, the two wheeler KTM vehicle dashed against two wheeler and caused accident, due to this accident, the said pushparaj sustained injury and taken treatment in valli hospital, he enable to identify the accused in open court, he was enquired by police and recorded his statement, the complaint statement marked as **EXP1**, he was enquired by police.

5. The Pw2 Prabu is residing at Thipparathampatti and running karate class, the Pw1 is local person, in the y ear of 2024 around 9 P.M., he was standing in front of maligai shop, the two wheeler KTM dashed agianst Unicorn two wheeler and caused accident, he directly see the occurrence, the Pw1 sustained injury in right leg finger

cut injury, then taken to salem preetham hospital and he see the accused, he was enquired by police. The Pw3 Rajkumar is residing at panchukalipatti and doing weaving works, on 09.09.2024 around 9 P.M., he ws standing near to ganapathy super market, one pushparaj was riding in two wheeler bearing registration no. TN 52 X 9230 Unicorn along with one sambu in mecheri road from north to south direction and dashed against two wheeler and caused cut injury in right leg finger of Pw1, then taken to private hospitial, he directly see the occurrence, he enable to identify the accused in open court, he was enquired by police.

6. The Pw4 Madhu is residing at panchukaliyapatti and doing weaving works, on 09.09.2024 around 9 P.M., he heard that one pushparaj was riding in two wheeler bearing registration no. TN 52 X 9230 Unicorn along with one sambu in mecheri road from north to south direction, the other two wheeler coming opposite direction and dashed against two wheeler, then caused cut injury in right leg finger of Pw1, then taken to private hospitial, the mecheri police were drawn sketch at spot, he identified 2nd signature in mahazar, he know the contents in mahazar, the mahazar marked as **ExP2**, he was enquired by police.

7. The Pw5 Sudhakar is working as sub inspector in mecheri police station, on 12.09.2024 around 2 P.M., received intimation about road traffic accident, then enquiry Pw1 and recorded his statement, then its registered as first information report in crime no. 477/2024 for the offence under section 281, 125 (a) of BNS, the first information report marked as **Ex.P3**, on 12.09.2024 at around 2.00 P.M, the investigation officer were drawn sketch at accident spot, in the presence of Manikandan and suresh, the rough sketch marked as **ExP4**, the injured person pushparaj taken to hospital, the doctor Nadanasabapathy gave treatment to injured persons, the accident register and wound certificate of injured person namely Pushparaj marked as **ExP5 and ExP6**, the investigation officer had sent the involved

two wheeler Bajaj Duke bearing registration no. TN 54 W 3497 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 marked as **Exp7**.

8. Then sent the involved two wheeler unicorn bearing registration no. TN 52 X 9230 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 marked as **Exp8**. Then arrested the accused and released on station bail, then enquired the doctor namely Nadasabapathy and other witness, after completion of the investigation, the investigation officer had laid down final report against the accused u/s 281, 125 (b) of BNS from offence under section 281, 125 (a) of BNS by alteration, the alteration report marked as **Exp9**.

9. On completion of prosecution evidence, the incriminating materials available on records, as deposed by the prosecution witnesses, have been explained and questioned the accused u/s 351(1)(b) of BNSS for his answers. The accused denied his complicity of incriminating circumstances appeared against him and he has stated that it is false case foisted against him.

10. 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.

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

12. **THE POINT FOR CONSIDERATION:**

Whether the prosecution had proved the accusation under section 281, 125(b)

of BNS as against the accused with relevant evidence and documents beyond all the reasonable doubt ?

13. ANSWER TO THE POINT:

The accusation against the accused that one pushparaj was riding in two wheeler Honda unicorn bearing registration no. TN 52 X 9230 along with sambu towards mecheri KS theatre, while proceeding near to Ganpathy super market towards mecheri bus stand, at that time, the two wheeler KTM Bike bearing registration no. TN 54 W 3497 in mecheri to amaram thittu in rash and negligent manner and dashed against two wheeler and caused accident, then pushparaj sustained injury in right leg and taken to salem valli hospital, during hospitalisation the said pushparaj was enquired and recorded her statement, then registered the first information report in Cr.No.477/2024 for offence under sections 281, 125(a) of BNS. After completion of investigation, the accused had committed the offence under section 281, 125(b) of BNS

14. To prove the accusation against the accused, the prosecution had relied upon the oral evidence of PW1 to PW5 and EX.P.1 to EX.P9. Before considering the fact of negligence, it is necessary to decide the fact whether the injury sustained by pushparaj taken to salem preetham hospital, the doctor nadasabapathy gave treatment to injured person, the accident register and wound certificate of injured person marked as **Exp5 and EXP6**. In EX.P5 and Pw6, the doctor namely nadanasabapathy who gave treatment to the injured person, the defence side argued that he has not objected the injury, but he has argued that the said accident was not caused due to negligent and rash driving of the accused. During arguement, the defence side argued that he has not objected the injury of injured person, but he has argued that the said accident was not caused due to negligent and rash driving of the accused.

15. Further, on perusal of **EX.P.7** it comes to know that Baja Duke bearing Registration No.TN 54 W 3497, that had involved in the accident had sustained damages mentioned in report. The motor vehicle inspector had opined that there was no mechanical defect at the time of occurrence of two wheeler Duke. On perusal of **EX.P.8** it comes to know that Honda unicorn bearing Registration No.TN 52 X 9230 that had involved in the accident had sustained damages mentioned in report. The motor vehicle inspector had opined that there was no mechanical defect at the time of occurrence of two wheeler. Thus, the accident had not taken place due to the mechanical defect of both vehicles involved in the occurrence is also proved by the prosecution.

16. 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 determine the point of negligence, the oral evidence of the ocular witnesses who had witnessed the accident is important. The Pw1 testify that on 09.09.2024 around 9 P.M., the Pw1 was riding in two wheeler unicorn bearing registration no. TN 52 X 9230 along with sambu towards thoppur, at that time, the two wheeler KTM vehicle dashed against two wheeler and caused accident, to corroborate the Pw1's evidence, the Pw2 namely prabu and pw3 namely rajkumar examined and they corroborate the same. There is no contra allegations elicited by defence side. The medical records shown the injury sustained by Pw1 is sustainable. Thus the offence under section 281 of BNS is proved beyond reasonable doubt. **Thus, the offence under section 281 of BNS is proved beyond reasonable doubt against the accused.**

17. The Pw1 Pushparaj is an injured person, he taken treatment in hospital, the doctor opined that nature of injuries are grievous in nature, the defence side has not objected the accident and cause injury to Pw1. The prosecution has proved the negligent act of the accused, thus **the offence under section 125 (b) of BNS is**

proved beyond reasonable doubt against the accused.

18. In the result, this Court holds that the prosecution had not proved the offence u/s 281, 125(b) of BNS as against the accused beyond reasonable doubt and the accused is convicted u/s 278(2) of BNSS. Before passing sentence, the accused is first offender, hence he entitled mitigating circumstance, the accused is directed to pay fine of Rs.1000 /- for offence under section 281 of BNS, in case of default one month simple imprisonment, the accused is directed to pay fine of Rs.10,000 /- for offence under section 125(b) of BNS, in case of default one month simple imprisonment, both default sentence runs concurrently. Total fine amount of Rs.11,000/-.

19. 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	Pushparaj
PW2	Prabhu
PW3	Rajkumar
PW4	Maadhu
PW5	Suthakar

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 statement	27.10.2025	Exhibit P1	Pw1	Original
2.	Observation mahazar	23.01.2026	Exhibit P2	Pw4	Original
3.	First information report	03.02.2026	Exhibit P3	Pw5	Original
4.	Rough Sketch	03.02.2026	Exhibit P4	Pw5	Original
5.	Accident Register	03.02.2026	Exhibit P5	Pw5	Original
6.	Wound Certificate	03.02.2026	Exhibit P6	Pw5	Original
7.	Motor vehicle inspection report in TN 54 W 3497	03.02.2026	Exhibit P7	Pw5	Original
8.	Motor vehicle inspection report in TN 52 X 9230	03.02.2026	Exhibit P8	Pw5	Original
9.	Alteration report	03.02.2026	Exhibit P9	Pw5	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.