



IN THE COURT OF THE JUDICIAL MAGISTRATE, KARAIKUDI

PRESENT: THIRU. J.KARMEGAKANNAN, B.A., B.L.,

JUDICIAL MAGISTRATE, KARAIKUDI

On Thursday the 02nd day of July 2026

Calendar Case No.351 of 2022

Old C.C.No.333 of 2015

Crime No.187 of 2015

(On the file of Pallathur Police station)

CNR No.TNSV19 – 001 – 475 - 2022

Statement as per Rule 106 of the Criminal Rules of Practice, 2019		
1.	Serial Number	Calendar Case (C.C). No.351 of 2022
2.	Name of the Police Station and Crime Number	State Reperesented through The Inspector of Police, Pallathur Police Station, Sivagangai District. Crime No. 187 of 2015. Complainant
3.	Name	Adaikalasamy,
	Father's name	S/o.Veerappan,
	Occupation	K.M.Street,
	Residence	Kanadukathan,
	Age	Karaikudi Taluk, Sivagangai District. Accused
4.	Date of Occurrence	05.10.2015
5.	Date of Final Report	05.10.2015



6.	Date of Apprehension	07.10.2015		
7.	Date of Release on bail	--		
8.	Date of examination of witnesses in chief, Cross	Witnesses	Chief Examination	Cross Examination
		PW-1	13.12.2021	13.12.2021
		PW-2	13.12.2021	13.12.2021
		PW-3	13.12.2021	13.12.2021
		PW-4	13.12.2021	13.12.2021
		PW-5	11.06.2025	11.06.2025
		PW-6	11.06.2025	11.06.2025
		PW-7	19.08.2025	19.08.2025
		PW-8	05.01.2026	05.01.2026
		PW-9	21.01.2026	21.01.2026
		PW-10	18.06.2026	18.06.2026
9.	Closure of Trial	18.06.2026		
10.	Accused is questioned u/s.313(1)(b) of Crpc date	19.06.2026		
11.	Sentence or Order.	In the result, the offence alleged against Accused under section 304-A of Indian Penal Code, 1860, has not been proved and the accused is found not guilty. Hence, Accused is acquitted under Section 248(1) of Cr.P.C. The bail bonds, if any, executed by the		



		accused shall stand cancelled and the sureties, if any, shall stand discharged after the expiry of the appeal period.
12.	Service of copy of judgment or finding on accused	The Judgment was uploaded in e-court portal
13.	Explanation of delay	The delay was occasioned due to the delay in serving of summons on the accused is and Covid - 19 pandemic situation.
14.	Date of Judgment Reserved	24.06.2026
15.	Date of Judgment Pronounce	02.07.2026
16	Date of Judgment upload	02.07.2026

This case being taken on file in the year 2015 and previously numbered as CC.No. 335/2015 and this court converted on 2022 as Judicial Magistrate Court Karaikudi, new number has been assigned as CC.No. 351/2022 and the state being represented by Mr. Selvaraj, Assistant Public Prosecutor- Grade I and Mr.S.Rajkumar, counsel for Accused person and after perusing the documents filed, evidence adduced and upon hearing submission of both sides, this court passes the following;



JUDGMENT

1. The present case has been charge sheeted by the Inspector of Police, Pallathur Police Station, in Crime No. 187 of 2015 against the above accused person under sections 304 (A) of Indian Penal Code, 1860.

2.The case of the prosecution, in brief, is as follows:-

On 05.10.2015 at about 11.00 a.m, the defacto complainant's father, namely Muthaiah @ Kalaimuthu, while proceeding for his personal work, was riding his own bicycle from Vadakudi Village on the Karaikudi to Trichy Main Road. When he reached near the petty shop at Manachai Bus Stop and was riding on the left side of the road, the accused, who came from behind driving a TATA Ace bearing Registration No. TN 63 P 7291, in a rash and negligent manner, dashed against the bicycle. Due to the impact, Muthaiah @ Kalaimuthu was thrown to the ground and sustained grievous injuries on his head and other parts of his body. He was initially admitted to the hospital at Karaikudi and was thereafter referred to the Government Rajaji Hospital, Madurai, where he succumbed to the injuries during the course of treatment.

3. Being aggrieved by the said occurrence, the defacto complainant lodged a complaint before the respondent police on 05.10.2015. Based on the said complaint, a First Information Report came to be registered on 05.10.2015. Upon completion of investigation, the Investigating Officer filed a final report



against the accused person, and the case was taken on file. Thereafter, summons were issued to the accused person. On the appearance of the accused person, copies of the documents relied upon by the prosecution were furnished to them under Section 207 of the Code of Criminal Procedure. Thereafter, the particulars of the offences alleged against him were explained. Finding that a prima facie case was made out, this Court framed charges against the first accused person for the offence punishable under section 304 (A) of Indian Penal Code, 1860, and questioned them as to whether he pleaded guilty or claimed to be tried. The accused had denied the charges and claimed to be tried.

4. The evidence adduced on the side of the prosecution consists of the oral testimonies of PW1 to PW10 and the documentary evidence marked as Exs.P1 to P8 also marked. After the closure of the prosecution side evidence, this court questioned the accused person under Section 313 (1) (b) of Cr.P.C, with regard to the incriminating circumstances available against him in the prosecution evidence. The accused had denied the same as false and denied their complicity in the alleged offence. On the side of the defence, no witness was examined and no document was marked.

5. The learned Assistant Public Prosecutor for the State argued that the case of the Prosecution has been proved beyond all reasonable doubts on



account of the consistent testimony of the witnesses regarding the offence against the accused person under section 304 (A) of Indian Penal Code, 1860. Thus, it was strongly pressed on behalf of State that the Accused be convicted and given maximum punishment.

6. Per contra, the learned counsel for the accused has Arguing that Prosecution has completely failed to discharge its burden of proving the case of the Accused beyond reasonable doubts. Learned Counsel for the Accused has also filed a detailed written Arguments and pressed upon their acquittal from the present case.

7. I have heard learned APP for the State and learned Counsel for the accused. I have gone through the oral and documentary evidence and written arguments of the defence for appreciating the rival contentions.

8. Points for Consideration:-

Whether the prosecution has proved its case beyond all reasonable doubt against the accused person for the offence under section 304 (A) of Indian Penal Code, 1860?



The testimonies of the prosecution side Witnesses in brief is as follows;

9. The PW1-Lakshmanan- The defacto complainant had deposed that the deceased person is his father. On 05.10.2015 at about 11.00 AM, when he was at work in the school, one Karuppaiah contacted him and informed him that his father had met with an accident near Manachai. Thereafter, he went to the Government Hospital, Karaikudi, and saw his father. He was informed that when his father came on a bicycle from Pallathur, a Tata Ace vehicle had rammed into him. He did not remember the registration number of the Tata Ace. He did not know who had driven the vehicle. Thereafter, he lodged a complaint before the police, and the same has been marked as Ex.P1. Thereafter, his father also died at the Government Hospital, Madurai.

10. The PW2- Aanandhan- who was examined as a hearsay witness, had deposed that the deceased was his father. On 05.10.2015 at about 11.00 a.m, when he was working at a bakery at Pallathur, one Karuppaiah contacted him and informed him that his father had met with an accident at Manachai. Thereafter, he went to the Government Hospital, Karaikudi. He further heard that when his father came from Pallathur, a Tata Ace vehicle bearing Registration No. TN 63 D 7291, driven by Arokiyasamy, had rammed into his father. Thereafter, PW2 lodged a complaint before the police. Subsequently, his father died at the Government Hospital, Madurai.



11. The PW3- Adaikammai- who was examined as a hearsay witness, had deposed that the deceased was her father in law. In the year 2015, when her father in law, Kalimuthu, was travelling on a bicycle towards Manachai, a Tempo vehicle rammed against him. After hearing about the accident, she went to the Government Hospital, Karaikudi. Thereafter, he was taken to the Government Hospital, Madurai, for further treatment, where he died. She did not know who had driven the vehicle.

12. The PW4- Karuppaiah- who was examined as an eyewitness to the occurrence, had deposed that on 05.10.2015, near the Manachai to Vadakudi turning, he had a cement shop. At about 10.00 a.m. to 11.00 a.m, while he was at his shop, a Tata Ace vehicle came at high speed on the said road, and he heard a sound. When he came out and saw, one person who had come on a bicycle was lying on the road after meeting with an accident. When he went near the injured person, he noticed injuries on his mouth and nose. He had not noticed the Tata Ace vehicle or the person who had driven the same. Thereafter, he sent the injured person to the hospital through a vehicle which came on the said road at that time, and he also followed the same. He further informed the relatives of the injured person about the accident. Thereafter, he came to know that the injured person had been taken to the Government Hospital, Madurai. In this regard, the police examined him.



13. The PW5- Mani- who was examined as a mahazar witness, had deposed that on 05.10.2015 he came to his relative's house. On that day, at about 10.00 p.m, he came to know that the deceased had gone outside and met with an accident. At the place of occurrence, the Pallathur Police prepared the Observation Mahazar and Rough Sketch, in which he signed as a witness. His signature has been marked as Ex.P2.

14. The PW6- Nagaraj- who was examined as a mahazar witness, had deposed that on 05.10.2015 he came from Pallathur. At that time, he came to know that one Muthaiah had met with an accident near Manachai after being rammed by a bus. Thereafter, he was brought to the police station. Subsequently, the police came and prepared the relevant documents, in which he signed as a witness. The mahazar has been marked as Ex.P3.

15. The PW7- Vijaya- who was examined as a hearsay witness, had deposed that on 05.10.2015, his father-in-law, namely Muthaiah, was travelling on his bicycle near the Manachai bus stop at about 11.00 a.m, when a Tata Ace vehicle rammed into him. Thereafter, he was admitted to the hospital and subsequently taken to the Government Hospital, Madurai, where he died at about 4.00 p.m. In this regard, he was examined by the police.



16. The PW8- Subbaiah- who was examined as an eyewitness to the occurrence, had deposed that on 05.10.2015 at about 11.00 a.m, he and one Karuppaiah were standing near a shop on the Manachai Road and talking. At that time, one Kalaimuthu came on his bicycle from north to south. A Tata Ace vehicle came from behind at a high speed and rammed into Kalaimuthu, due to which he fell down upside down. When he and the said Karuppaiah went near him, they noticed that Kalaimuthu had sustained injuries on his head and there was bleeding from his nose and ears. Thereafter, the accident was informed to his son. Subsequently, he was sent to the hospital through a vehicle which came on the road at that time. Thereafter, on the same day, he died. Since he was under shock, he did not notice the driver of the Tata Ace vehicle. He did not remember whether he was examined by the police at that time.

17. The PW9- Noor Mohammad-the officer who had registered the FIR, had deposed that in the year 2015, while he was serving as the Sub-Inspector of Police at Pallathur Police Station, on 05.10.2015 at about 1.00 p.m, one Lakshmanan came and lodged a complaint. On the basis of the same, he registered an FIR in Crime No.187 of 2015 for the offences under Sections 279 and 337 IPC, and the FIR has been marked as Ex.P4. Thereafter, he examined witnesses 1 to 5 and recorded their statements. He then proceeded to the place of occurrence and prepared the Observation Mahazar and Rough Sketch. The Rough Sketch has been marked as Ex.P5. Thereafter, upon receipt of



information from the Government Hospital, Madurai, regarding the death of the injured, he altered the offence to one under Section 304-A IPC. Subsequently, he handed over the case file to one Kamalakkannan for further investigation. The alteration report has been marked as Ex.P6.

18. The PW10- Kamalakkannan- the Investigation Officer, had deposed that after receipt of the case file from Noor Mohammad, he examined all the witnesses once again. Thereafter, he examined the doctor, namely Saravanan, who had conducted the post-mortem, recorded his statement, and obtained the post-mortem report, which has been marked as Ex.P7. On 07.10.2015, he arrested the accused and remanded him to judicial custody. Thereafter, he subjected the offending vehicle to inspection by the Motor Vehicle Inspector, and the Motor Vehicle Inspection Report has been marked as Ex.P8. After completing the investigation, he filed the final report on 05.11.2015.

The point for consideration is answered as follows;-

19. The prosecution alleges that on 05.10.2015 at about 11.00 a.m., the deceased Muthaiah @ Kalaimuthu was riding his bicycle on the Karaikudi to Trichy Main Road near Manachai Bus Stop, when the accused, while driving a TATA Ace bearing Registration No. TN 63 P 7291 in a rash and negligent manner, dashed against the bicycle, causing grievous injuries which ultimately resulted in the death of the deceased.



20. In order to prove the above allegation, the prosecution has examined PW1 to PW10 and marked Exs.P1 to P8.

21. The PW1, the defacto complainant, is admittedly not an eyewitness to the occurrence. His evidence clearly shows that he came to know about the accident only after receiving information from one Karuppaiah. During his cross examination, he admitted that he had no direct knowledge regarding the manner of the accident or the person who drove the offending vehicle. Therefore, his evidence is only hearsay in nature.

22. Similarly, PW2 and PW3 are also hearsay witnesses. Their evidence is only regarding the information received by them after the occurrence. During cross examination, they admitted that they had not witnessed the accident. Hence, their evidence cannot be relied upon to prove the manner in which the accident occurred or the identity of the driver.

23. The PW4 was examined as an eyewitness. However, a careful reading of his chief examination shows that he only heard a sound and thereafter came out from his shop and saw the injured lying on the road. The relevant portion of his chief examination is extracted hereunder for better appreciation;-



“கடந்த 05.10.2015 ம் தேதி மணச்சை வடகுடி வளைவு திரும்பி செல்லும் வழியில் எனக்கு சொந்தமான சிமெண்ட் கடையில் காலை 10.00 - 11.00 மணியளவில் சம்பவ சாலையில் டாட்டா ஏசி வாகனம் ஒன்று வேகமாக வந்தது. சத்தம் ஒன்று கேட்டது. என்னவென்று சென்று பார்த்த போது சைக்கிளில் வந்தவர் சம்பவ சாலையில் சைக்கிளில் வந்து கொண்டிருந்த நபர் ஒருவர் சாலை விபத்தில் இருந்து கீழே விழுந்து கிடந்தார். அவரை சென்று பார்த்தபோது வாய், மூக்கு ஆகிய பகுதிகளில் இரத்தக்காயம் இருந்தது. மேற்படி விபத்து ஏற்படுத்திய டாட்டா ஏசி வாகனத்தின் ஓட்டுரை அந்த சமயத்தில் நான் கவனிக்கவில்லை.”

Thus, he had not actually witnessed the impact between the vehicle and the bicycle. Though he stated that a Tata Ace vehicle came at high speed, he has nowhere stated that the accused drove the vehicle in a rash or negligent manner. More importantly, PW4 categorically admitted that he had not noticed either the registration number of the vehicle or the person who drove it. Therefore, his evidence does not establish the identity of the accused or the rash and negligent act alleged by the prosecution.

24. The PW5 and PW6 are only mahazar witnesses. Their evidence is limited to the preparation of the Observation Mahazar and Rough Sketch. Further, PW6 admitted during his evidence that he signed the mahazar at the



police station. Therefore, their evidence does not advance the prosecution case regarding the actual occurrence.

25. The PW7 is also a hearsay witness and admitted that he had not witnessed the accident. Hence, his evidence is of no assistance in proving the prosecution case.

26. The PW8 was projected as the principal eyewitness. According to him, the Tata Ace vehicle came in a wild manner and hit the deceased from behind. However, even PW8 has not identified the accused before the court as the person who drove the offending vehicle. On the contrary, he specifically stated that due to the shock of the occurrence he did not notice the driver of the Tata Ace vehicle. The relevant portion of his chief is extracted hereunder for better appreciation;-

“காயம்பட்ட நபர் எங்கள் பக்கத்து ஊரை சார்ந்த நபர் என்பதாலும் காயம்பட்ட நபருக்கு ஏற்பட்ட விபத்து குறித்து அதிர்ச்சியில் இருந்ததாகவும், மேற்படி டாடா ஏசி வாகனத்தின் ஓட்டுநரை சம்பவ சமயத்தில் நான் பார்க்கவில்லை. வழக்கு குறித்து சம்பவ சமயத்தில் போலீசார் என்னை விசாரணை செய்தார்களா என்றால் தற்சமயம் எனக்கு நினைவில் இல்லை.”

Thus, the identity of the accused as the driver of the offending vehicle remains unproved.



27. The PW9 is the Sub Inspector of Police who registered the First Information Report, and PW10 is the Investigating Officer. Their evidence only speaks about the investigation conducted by them. Investigation by itself cannot take the place of substantive evidence. Likewise, their evidence cannot cure the deficiencies found in the evidence of the eyewitnesses.

28. Hence, it is clear that none of the prosecution witnesses has identified the accused before the court as the driver of the offending vehicle. The prosecution has also failed to produce any legally acceptable evidence to establish that the accused was driving the Tata Ace at the relevant point of time.

29. Further, to attract the offence under Section 304-A IPC, the prosecution must establish rashness or negligence beyond reasonable doubt. Likewise, there is no convincing evidence to establish rashness or negligence on the part of the accused. The prosecution has merely stated that the vehicle came at high speed or in a wild manner. However, such general statements, without any specific evidence regarding the manner of driving, are insufficient to prove rash or negligent driving. The prosecution must prove that the accident occurred solely because of the rash or negligent act of the accused. In the present case, such evidence is lacking.



30. In this context, it is very useful to refer the dictum of the Hon'ble Apex Court in State of Karnataka vs Satish on 13 March, 1996, wherein the Hon'ble Apex court has held as follows;-

“4. Merely because the truck was being driven at a "high speed" does not bespeak of either "negligence" or "rashness" by itself. None of the witnesses examined by the prosecution could give any indication, even approximately, as to what they meant by "high speed". "High speed" is a relative term. It was for the prosecution to bring on record material to establish as to what it meant by "high speed" in the facts and circumstances of the case. In a criminal trial, the burden of providing everything essential to the establishment of the charge against an accused always rests on the prosecution and there is a presumption of innocence in favour of the accused until the contrary is proved. Criminality is not to be presumed, subject of course to some statutory exceptions. There is no such statutory exception pleaded in the present case. In the absence of any material on the record, no presumption of "rashness" or "negligence" could be drawn by invoking the maxim "res ipsa loquitur". There is evidence to show that immediately before the truck turned turtle, there was a big jerk. It is not explained as to whether the jerk was because of the uneven road or mechanical failure. The Motor Vehicle Inspector who inspected the vehicle had submitted his report. That report is not forthcoming from the record and the Inspector was not examined for reasons



best known to the prosecution. This is a serious infirmity and lacuna in the prosecution case.”

31. Moreover, on carefully perused Ex.P5, the Rough Sketch. It reveals that the place of occurrence is situated near a turning. However, the prosecution has not produced any convincing evidence to explain the exact manner in which the accident occurred at the turning. This circumstance creates a reasonable doubt regarding the prosecution version.

32. Likewise, suspicion, however strong, cannot take the place of legal proof. Since the prosecution has failed to establish the identity of the accused as the driver of the offending vehicle and has also failed to prove rashness and negligence beyond reasonable doubt.

33. Moreover, it is the paramount duty of the prosecution to establish the guilt of the accused beyond all reasonable doubt. Unless the guilt is established beyond all reasonable doubt, the accused can not be held guilty of the alleged offences. On this point held in, (2016) 10 SCC 519 - AIR 2016 SC 4581 in para 56, Hon'ble Apex held thus hereunder:

"56. It is a trite proposition of law, that suspicion however grave, it cannot take the place of proof and that the prosecution in order to succeed on a criminal charge cannot afford to lodge its case in the realm of "may be true" but has to essentially elevate it to the grade of "must be true". In a criminal



prosecution, the court has a duty to ensure that mere conjectures or suspicion do not take the place of legal proof and in a situation where a reasonable doubt is entertained in the backdrop of the evidence available, to prevent miscarriage of justice, benefit of doubt is to be extended to the accused. Such a doubt essentially has to be reasonable and not imaginary, fanciful, intangible or non-existent but as entertainable by an impartial, prudent and analytical mind, judged on the touchstone of reason and common sense. It is also a primary postulation in criminal jurisprudence that if two views are possible on the evidence available one pointing to the guilt of the accused and the other to his innocence, the one favourable to the accused ought to be adopted."

34. Hence, in view of the above discussion, this court hold that the prosecution has failed to establish any charge against the accused.

35. In the result, the offence alleged against Accused under sections 304-A of Indian Penal Code, 1860, has not been proved and the accused is found not guilty. Hence, Accused is acquitted under Section 248(1) of Cr.P.C. The bail bonds, if any, executed by the accused shall stand cancelled and the sureties, if any, shall stand discharged after the expiry of the appeal period.

36. In this case, no property has been marked on either side and thus, no property order is passed.



Typed by me in my computer, verified by me to be correct and pronounced in open court on 02nd day of July, 2026.

Judicial Magistrate,
Karaikudi.

Chart for Prosecution side witnesses:		
PW.No	Name of Witness	Description
1	Mr. Lakshmanan	Defacto Complainant
2	Mr. Aananthan	Hearsay witness
3	Mr. Adaikammai	Hearsay witness
4	Mr. Karuppaiah	Eye witness
5	Mr. Mani	Mahazar witness
6	Mr. Nagaraj	Mahazar witness
7	Mrs. Vijaya	Hearsay witness
8	Mr. Subbaiah	Eye witness
9	Mr. Noor Mohammad	FIR Register witness
10	Mr. Kamalakkannan	Investigation Officer
Defence Side Witness – NIL		
Chart for Exhibited Documents		
Exhibit No.	Description of the Exhibit	Proved by/Attested by
1	Complaint	PW1
2	Signature of the PW5 in Observation Mahazar	PW5
3	Observation Mahazar	PW6



4	First Information Report	PW9
5	Rough Sketch	PW9
6	Alteration Report	PW9
7	Post Modern Report	PW10
8	Motor Vehicle Report	PW10
Exhibits of the Defence - NIL		
Material Objects Submitted by Prosecution – NIL		
Material Objects Submitted by Defence - NIL		

Judicial Magistrate,
Karaikudi.

Note:

1. During the period of trial the accused were enlarged on bail.
2. No witnesses were held more than three days without examination.
3. Judgment Date : 02.07.2026.
4. Copy to Hon'ble Chief Judicial Magistrate, Sivagangai.