



**IN THE COURT OF THE JUDICIAL MAGISTRATE, KARAIKUDI
PRESENT: THIRU. J.KARMEGAKANNAN, B.A., B.L.,**

JUDICIAL MAGISTRATE, KARAIKUDI

On Friday the 07th day of August 2026

Calendar Case No.1277 of 2022

Old C.C.No.174 of 2020

Crime No.191 of 2019

(On the file of Karaikudi North Police station)

CNR No.TNSV19 – 003 – 325 - 2022

Statement as per Rule 106 of the Criminal Rules of Practice, 2019		
1.	Serial Number	Calendar Case (C.C). No.1277 of 2022
2.	Name of the Police Station and Crime Number	State Reperesented through The Inspector of Police, Karaikudi North Police Station, Sivagangai District. Crime No. 191 of 2019. Complainant
3.	Name	Britto Varun,
	Father's name	S/o. Arockiyasamy,
	Occupation	Ramasamy Street,
	Residence	Santhaipettai,
	Age	Karaikudi, Sivagangai District.Accused
4.	Date of Occurrence	03.06.2019
5.	Date of Final Report	08.07.2019



6.	Date of Apprehension	--		
7.	Date of Release on bail	--		
8.	Date of examination of witnesses in chief, Cross	Witnesses	Chief Examination	Cross Examination
		PW-1	22.09.2025	22.09.2025
		PW-2	09.03.2026	09.03.2026
		PW-3	09.03.2026	09.03.2026
		PW-4	13.05.2026	13.05.2026
		PW-5	11.06.2026	11.06.2026
		PW-6	16.06.2026	16.06.2026
		PW-7	21.07.2026	21.07.2026
9.	Closure of Trial	21.07.2026		
10.	Accused is questioned u/s.313(1)(b) of Crpc date	28.07.2026		
11.	Sentence or Order.	In the result, the offence alleged against Accused under Section 304-A of the 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 person	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	05.08.2026
15.	Date of Judgment Pronounce	07.08.2026
16.	Date of Judgment upload	07.08.2026

This case being taken on file in the year 2020 and previously numbered as CC.No.174/2020 and this court converted on 2022 as Judicial Magistrate Court, Karaikudi, new number has been assigned as CC.No.1277/2022 and the state being represented by Mr. V. Selvaraj, Assistant Public Prosecutor- Grade I and Mr.M.Raju, counsel for Accused 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, Karaikudi North Police Station, in Crime No.191 of 2019 against the above accused person under section 304-A of Indian Penal Code, 1860.



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

On 03.06.2019 at about 08.30 PM, the deceased was walking on the 120 Feet Road at Karaikudi, opposite to the Essar Petrol Bunk, from west towards east. At that time, the accused came on the same road, riding his Yamaha motorcycle bearing Registration No. TN 63 Q 0698, from west towards east, in a rash and negligent manner, and dashed against the deceased. Due to the impact, the deceased sustained bleeding injuries on the back side of his head, right knee, right ankle, nose, and ear. The deceased later succumbed to the injuries sustained in the accident.

3. Being aggrieved over the same, the defacto complainant lodged the complaint on 04.06.2019 before the complainant police and based on which the FIR was registered on 04.06.2019. On charge sheet being file, the case was taken on file against the accused person and summons were issued. Hence, on appearance of the accused person copies were furnished under section 207 Cr.P.C. The particulars of the offence of which they being accused was put to him, and accused had denied the same, as prima facie case existed, this court framed charge against the accused person under section 304-A of Indian Penal Code, 1860, and asked whether he plead guilty or has any defence to make. The accused had denied the charge and claimed to be tried.



4. The evidence on the side of prosecution consists of testimonies of PW1 to PW7 and Exhibits P1 to P8 also marked. After closure of prosecution side evidence, this court questioned the accused U/s 313 of the criminal procedure code, regarding incriminating material available against him in the prosecution evidence. The accused had denied the complicity of the offence. The defence side did not examine any witness nor did mark any document.

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 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 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 witnesses in brief is as follows-

9. The PW1- Vimal-The defacto complainant had deposed that on 03.07.2019 her mother in law left her house and went to Subbiah Clinic at Four Lamp Road, Soodamanipuram, by auto. At about 08.30 PM, while she was returning and walking near the Essar Petrol Bunk, a person came at high speed on a two wheeler and dashed against her mother in law. The occurrence was informed to her by her neighbour, Meenal. On receiving the information, she immediately went to the place of occurrence and saw that her mother in law had sustained bleeding injuries on her right ear and nose and also an injury on the back side of her head. Thereafter, her mother in law was taken to the Government Hospital, Karaikudi, in an ambulance, where she was referred to the Government Hospital, Sivagangai. However, they admitted her to Apollo Hospital, Managiri, for further treatment. Thereafter, she lodged a complaint before the police, which was marked as Ex.P1.

10. The PW2- Mohan- who was examined as an eye witness to the case, had deposed that he does not know the exact date. Nearly 5 to 6 years ago, near



the Essar Petrol Bunk, at about 08.30 PM, there was a crowd. On the road, one female was there after meeting with an accident. Thereafter, he informed the same to her relatives. However, he has not witnessed the accident. The police also did not examine him. He does not know how the accident took place. Therefore, he was treated as hostile and declared hostile by the prosecution.

11. The PW3- Parimalam- who was examined as a hearsay witness, had deposed that in the year 2019, on one day, one Mohan contacted her at about 08.00 PM and informed her that her relative, namely Thainish Mary, had sustained injuries near her shop. After hearing the same, she went there. Meanwhile, Thainish Mary had been taken to Apollo Hospital and thereafter to the Government Hospital, Madurai. When she went there, she saw that Thainish Mary had died. Thereafter, she came to know that the accident was caused by a person who was running a mechanic shop near her shop.

12. The PW4- Alaguraj- who was examined as the Observation Mahazar witness, had deposed that on 04.07.2019 at about 12.00 PM, the Karaikudi North Police came to the 100 Feet Road and prepared the Observation Mahazar and Rough Sketch regarding the accident that took place there. He admitted his signature in the Observation Mahazar, which was marked as Ex.P2. The police also examined him.



13. The PW5- Dr.Manimaran-The doctor, who had conducted the autopsy, had deposed that on 06.07.2019 at about 03.05 PM, while he was on duty, the Karaikudi North Police brought the body of Thainish Mary in connection with Crime No.191 of 2019 registered for the offences under Sections 279, 337 and 304-A IPC for conducting postmortem. During the autopsy, he found an abrasion on the right side of the back of the head and a blood clot measuring 20 x 20 cm on the right side of the head. He further found that the parietal bone and temporal bone were damaged. Thereafter, he issued the postmortem report stating that the deceased would appear to have died due to shock and heavy blood loss caused by the injuries sustained, and that the death had occurred about 4 to 6 hours prior to the postmortem. The postmortem report was marked as Ex.P3.

14. The PW6- Manimozhi- The Sub Inspector of Police, who had registered the FIR, had deposed that on 03.07.2019, she received information from Apollo Hospital, Karaikudi. She went there and saw that Thainish Mary was admitted as an inpatient. Since Thainish Mary was not in a position to lodge a complaint, she obtained the complaint from Vimal. Based on the said complaint, she registered a case in Crime No.191 of 2019 for the offences under Sections 279 and 337 IPC, and the FIR was marked as Ex.P4. Thereafter, she examined witnesses 1 to 4 and recorded their statements. She then visited the place of occurrence, prepared the Observation Mahazar and Rough Sketch,



and the same were marked as Ex.P5 and Ex.P6. Thereafter, on 06.07.2019, as Thainish Mary died, she altered the provision of law by including Section 304-A IPC and filed the Alteration Report before the court, which was marked as Ex.P7. Thereafter, she handed over the investigation to Aathmanaban, Inspector of Police.

15. The PW7- Athmanathan- The Investigation Officer had deposed that after receipt of the case file, he sent the body for postmortem and also examined the doctor. On 04.07.2019 at about 08.00 PM, he arrested the accused at the police station. Thereafter, he sent the offending vehicle for Motor Vehicle Inspection, and the Motor Vehicle Inspection Report was marked as Ex.P8. He thereafter examined witnesses 7 to 10 and, on completion of the investigation, filed the final report on 08.07.2019.

The point for consideration is answered as follows;-

16. The prosecution case is that on 03.06.2019 at about 08.30 PM, the deceased was walking on the 120 Feet Road at Karaikudi, opposite to the Essar Petrol Bunk. At that time, the accused rode his Yamaha motorcycle bearing Registration No. TN 63 Q 0698 in a rash and negligent manner and hit the deceased. Due to the accident, the deceased sustained injuries and later died.



17. To prove its case, the prosecution examined PW1 to PW7 and marked Ex.P1 to Ex.P8.

18. The PW1 is the daughter in law of the deceased and also the defacto complainant. She is not an eyewitness to the accident. In her chief examination itself, she has stated that one Meenal informed her about the accident. Therefore, her evidence is only based on what she heard from another person. Hence, her evidence cannot prove how the accident took place or whether the accused was negligent.

19. The PW2 was examined as the only eyewitness to the accident. But he did not support the prosecution case. He clearly stated that he did not witness the accident. He only saw a crowd after the accident. Therefore, he was treated as a hostile witness. Since the only eyewitness has not supported the prosecution case, there is no direct evidence to show how the accident happened.

20. The PW3 is also not an eyewitness. In her cross examination, she admitted that she did not know about the accident personally. She also admitted that she did not know on whose part the negligence was. Therefore, her evidence is also of no help to the prosecution.



21. The PW4 is the Observation Mahazar witness. Though he admitted his signature in the Observation Mahazar, he stated that he did not know its contents. Therefore, his evidence does not help the prosecution to prove the occurrence.

22. The PW5 is the doctor who conducted the postmortem. He has spoken about the injuries found on the body of the deceased. His evidence and Ex.P3 Postmortem Certificate show that the deceased died because of the injuries sustained in the accident. However, his evidence only proves the cause of death. It does not prove that the accused caused the accident by riding the motorcycle in a rash or negligent manner.

23. The PW6, the Sub Inspector of Police, has admitted that after receiving information, she went to the hospital where the deceased was taking treatment. She also admitted that she did not record any statement from the deceased. Therefore, there is no statement from the deceased about how the accident happened.

24. The PW7, the Investigation Officer, has admitted that PW1 to PW4 are relatives of the deceased. His evidence only speaks about the investigation conducted by him. It does not prove that the accused was riding the motorcycle rashly or negligently.



25. Moreover, to prove an offence under section 304-A IPC, the prosecution must prove that the accused drove the vehicle in a rash and negligent manner and that his act directly caused the death of the deceased. Mere proof that an accident took place or that a person died in the accident is not enough.

26. However, in this present case, there is no reliable eyewitness to explain how the accident happened or on whose part the negligence was. The only eyewitness examined by the prosecution has not supported the case. The other witnesses are only hearsay or formal witnesses.

27. Further, Ex.P8, the Motor Vehicle Inspection Report, shows that only the front footrest of the motorcycle was bent. This report does not clearly support the prosecution case regarding the manner of the accident.

28. It is also seen from Ex.P5 Observation Mahazar that the place of accident is shown near the centre median of the road. But the prosecution has not explained how the accident happened at that place or on whose part the negligence was. Moreover, no evidence has been produced to show that the accused alone was responsible for the accident. The evidence available on record only creates suspicion regarding the occurrence, but suspicion, however strong, cannot take the place of legal proof.



29. 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."

30. Therefore, this court of the view that the prosecution has failed to prove beyond reasonable doubt that the accused rode the motorcycle in a rash



and negligent manner and that his act caused the death of the deceased. The evidence produced by the prosecution is not sufficient to prove the offence under section 304-A IPC. Accordingly, the accused is entitled to the benefit of doubt and is liable to be acquitted.

31. In the result, the offence alleged against Accused under Section 304-A of the 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.

32. 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 07th day of August, 2026.

Judicial Magistrate,
Karaikudi.



Chart for Prosecution side witnesses:		
PW.No	Name of Witness	Description
1	Mr. Vimal	Defacto Complainant
2	Mr. Mohan	Eye witness
3	Mr. Parimalam	Hearsay witness
4	Mr. Alaguraj	Mahazar witness
5	Mr. Manimaran	Doctor witness
6	Mrs. Manimozhi	FIR Register witness
7	Mr. Athmanathan	Investigation Officer
Defence Side Witness – NIL		
Chart for Exhibited Documents		
Exhibit No	Description of the Exhibit	Proved by/Attested by
1	Complaint	PW1
2	2 nd Signature of the PW4 in Observation Mahazar	PW4
3	Post Moterm Report	PW5
4	First Information Report	PW6
5	Rough Sketch	PW6



6	Observation Mahazar	PW6
7	Section Alteration Report	PW6
8	Motor vehicle Report	PW7
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 : 07.08.2026.
4. Copy to Hon'ble Chief Judicial Magistrate, Sivagangai.