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S.T.C.No.41 of 2025

IN THE COURT OF THE JUDICIAL MAGISTRATE, KARAIKUDI

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

JUDICIAL MAGISTRATE, KARAIKUDI

On Wednesday the 25th day of March 2026

Small Cause Calendar Case No.41 of 2025

Crime No.339 of 2023

(On the file of Sakkottai Police station)

CNR No.TNSV19 – 007 – 019 - 2024

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

1.	Serial Number	Small Cause Calendar Case (S.T.C). No.41 of 2025
2.	Name of the Police Station and Crime Number	State Reperesented through Sub Inspector of Police, Sakkottai Police Station, Sivagangai District. Crime No. 339 of 2023. Complainant
3.	Name	Arockiya Selvakumar,
	Father's name	S/o. Arulanandu,
	Occupation	No.160, Thirumalai Avenue,
	Residence	Pon Nagar, Karaikudi, Sivagangai District. Accused
	Age	
4.	Date of Occurrence	07.12.2023
5.	Date of Final Report	03.05.2024



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	11.02.2026	11.02.2026
		PW-2	11.02.2026	11.02.2026
		PW-3	11.02.2026	11.02.2026
		PW-4	23.02.2026	23.02.2026
		PW-5	17.03.2026	17.03.2026
		PW-6	23.03.2026.	23.03.2026
9.	Closure of Trial	23.03.2026		
10.	Accused is questioned u/s.313(1)(b) of Crpc date	24.03.2026		
11	Sentence or Order.	The offence alleged under Sections 279 and 338 of Indian Penal Code, 1860 was not proved and found not guilty, the accused is set acquitted U/s 255 (1) of Cr.P.C. Bail bond if any, executed by the accused shall stand cancelled and the sureties stands discharged after lapse of appeal period.		



12.	Service of copy of judgment or finding on accused	Yes. Free copy of the judgment was furnished to the accused as per section 404 of the Bharatiya Nagarik Suraksha Sanhita, 2023.
13.	Date of Judgment Reserved	24.03.2026
14.	Date of Judgment Pronounce	25.03.2026

This case being taken on file as S.T.C.No. 41/2025 and the state being represented by Mr. Selvaraj, Assistant Public Prosecutor- Grade I and Mr. P. Velmurugan, counsel for Accused and after perusing the documents filed, evidence adduced and upon hearing submission of both sides, this court passes the following;-

JUDGEMENT

1. This case is charge sheeted by the Sub Inspector of Police, Sakkottai Police Station in Crime No.339 of 2023 alleging the commission of offence against the accused person under Sections 279 and 338 of Indian Penal Code, 1860.

2. The prosecution case in brief as follows;

On 07.12.2023 at about 05.30 PM, the father of the defacto complainant, a resident of Pari Nagari, Karaikudi, was returning home from Aaravayal after completing his work. He was riding his two wheeler bearing Registration No.



TN 63 V 3485 (TVS XL Super) on the Aravayal to Mathur Road. When he reached near Ganesapuram, an accused person driving a four wheeler bearing Registration No. TN 63 AR 9630 (Maruti Ertiga), coming from the north to south direction, drove the vehicle in a rash and negligent manner and collided with the two wheeler of the complainant's father. Due to the impact, the complainant's father sustained grievous injuries on his left thigh, the backside of his head, and his hands.

3. Being aggrieved over the same, the defacto complainant lodged the complaint on 08.12.2023 before the complainant police and based on which the FIR was registered on 08.12.2023. On charge sheet being file, the case was taken on file against the accused persons and summons were issued. On appearance of the accused, copies were furnished under section 207 Cr.P.C. The particulars of the offence of which he being accused under Sections 279 and 338 of Indian Penal Code, 1860, was put to him and asked whether he plead guilty or has any defence to make. The accused had denied the accusation and claimed to be tried, hence this court on prima facie case existed, proceeded to hear the prosecution evidence.

4. The evidence on the side of prosecution consists of testimonies of PW1 to PW6 and Exhibits P1 to P12 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 Sections 279 and 338 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 his 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 offences under Sections under Sections 279 and 338 of Indian Penal Code, 1860 ?

The Testimonies of the Prosecution witnesses in brief as follows:-

9. The PW1- Balamurugan- The defacto complainant deposed that he does not know the exact date, month, or year of the occurrence, but stated that it happened approximately two years prior. On that day, his father had gone to his paternal uncle's house at Aaravayal on his TVS XL two-wheeler. On the same day, at about 7:00 a.m., his brother, namely Viswanathan, informed him that their father's two-wheeler had been hit by a four-wheeler, and that he had been admitted to the Government Hospital at Devakottai and subsequently shifted to the Government Hospital at Sivagangai. Upon receiving this information, he went to the hospital and saw his father. Thereafter, his father's health deteriorated; he became unable to walk and remained in poor health. Eventually, in July 2025, his father passed away. The complainant further stated that he does not know who caused the accident. He also deposed that he went to the police station two days after the occurrence and lodged a complaint, which has been marked as Ex.P1.



10. The PW2- Viswanathan- who was examined as an eye-witness to the alleged incident, deposed that about two years prior, while he was travelling from Aaravayal to Karaikudi via the Unjanai Road, he came to know that an accident had occurred in which a four-wheeler had hit a two wheeler. He further stated that his father had been taken to the Government Hospital at Devakottai, and upon receiving the information, he went there and saw his father. Thereafter, his father was shifted to the Government Hospital at Sivagangai for further treatment. After completion of treatment, he brought his father back home. He deposed that subsequently, his father's health deteriorated, and in the year 2025, his father passed away due to ill-health. The witness also clearly stated that he does not know who was driving the car involved in the accident and therefore he was declared as hostile by the Prosecution.

11. The PW3- Satheesh Kumar- who was examined as eye witness to the incidents also turned hostile and did not supported the case.

12. The PW4- Tamilarasan- who was examined as a Mahazar witness, deposed that he does not know the exact date of the alleged occurrence. He further stated that on one occasion, when he went to the police station, the police obtained his signature, and he signed as requested. He admitted that the



signature found in the Mahazar belongs to him, and the same was marked as Ex.P2. He also indicated that he is not aware of the contents of the Mahazar.

13. The PW5- Muthu- The Investigation Officer deposed that on 08.12.2023 at about 12:00 noon, while he was on duty, one Ganesan appeared before him and lodged a complaint. Based on the said complaint, he registered a case in Crime No. 3339 of 2023 for the offences under Sections 279 and 337 of the IPC, and the First Information Report was marked as Ex.P3. Thereafter, he proceeded to the place of occurrence, examined the witnesses, and recorded their statements. He also prepared the Observation Mahazar and Rough Sketch, which were marked as Ex.P4 and Ex.P5 respectively. He further deposed that on the same day, i.e., 08.12.2023, he arrested the accused and later released him on bail. Subsequently, he visited the hospitals at Sivagangai and Devakottai, examined the concerned doctors, and obtained the Accident Registers, which were marked as Ex.P7 and Ex.P8. He also obtained the Motor Vehicle Inspection Reports, which were marked as Ex.P9 and Ex.P10. Thereafter, he filed an alteration report, which was marked as Ex.P11. Finally, after completing the investigation, he filed the charge sheet on 03.05.2024.

14. The PW6- Venkatesh- who was examined as mahazar witness had also turned hostile and did not supported the case. He has also deposed that he had signed the mahazar at police station.



The points for consideration is answered as follows;-

15. The case of the prosecution is that the accused drove his four wheeler in a rash and negligent manner and rammed into the two wheeler of PW1's father, thereby causing grievous hurt to him. In order to prove the said allegation, the prosecution has examined six witnesses as PW1 to PW6 and marked twelve documents as Ex.P1 to Ex.P12.

16. On careful consideration of the evidence, it is seen that PW1, who is the defacto complainant, has not witnessed the occurrence. His evidence is only hearsay in nature, as he came to know about the accident through his brother. He has clearly stated that he does not know who caused the accident and he has not identified the accused before the Court. Therefore, his testimony does not in any way connect the accused with the alleged occurrence.

17. The PW2 and PW3, who were examined as eye witnesses by the prosecution, have not supported the case. Both of them have failed to identify the accused and have not spoken about the manner in which the accident occurred. PW2 has categorically stated that he does not know who was driving the offending vehicle. As such, they were treated as hostile witnesses. Their evidence does not help the prosecution in proving either the identity of the accused or the rash and negligent act attributed to him.



18. The PW4 and PW6, who were examined as mahazar witnesses, have also not supported the case of the prosecution. They have admitted that they signed the mahazar only at the police station and they are not aware of its contents. Hence, the preparation of the observation mahazar and its credibility become doubtful. This creates a serious infirmity in the prosecution case regarding the place and manner of occurrence. Though PW5, the Investigation Officer, has spoken about the registration of the case, preparation of documents, and filing of the charge sheet, his evidence is only procedural in nature. It cannot by itself establish the guilt of the accused in the absence of reliable and corroborative evidence from material witnesses.

19. It is also pertinent to note that the injured person, who is the most important witness in this case, unfortunately died on 10.07.2025 before he could be examined before the court. His death certificate has also been produced. Due to his non examination, the direct evidence regarding the occurrence and the identity of the accused is completely lost. This further weakens the prosecution case.

20. Moreover, there is no doubt, the medical documents such as the accident register and wound certificates marked as Ex.P6, Ex.P7 and Ex.P8 establish that an accident had taken place and that the victim sustained injuries.



However, mere proof of accident and injuries is not sufficient to fasten criminal liability on the accused. For offences under Sections 279 and 338 of IPC, the prosecution must prove beyond reasonable doubt that the accused was the person who drove the vehicle, that he drove it in a rash and negligent manner, and that such act directly caused the grievous injuries.

21. In the present case, there is absolutely no reliable evidence to prove the identity of the accused as the driver of the offending vehicle at the time of occurrence. Further, there is no convincing evidence to establish that the accident occurred due to rash and negligent driving on the part of the accused. The essential ingredients of the offences are therefore not proved.

22. 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."

23. In view of the above discussion, this court finds that the prosecution has failed to prove its case beyond all reasonable doubt against the accused for the offences under Sections 279 and 338 of IPC. Accordingly, the accused is entitled to the benefit of doubt and is liable to be acquitted.

24. Thus on the stand point view of prudent man, from the above discussion, it has come out that the prosecution has not proved the guilt of the accused beyond reasonable doubt. As such the offence alleged under Sections 279 and 338 of Indian Penal Code, 1860 was not proved and found not guilty, the accused is set acquitted U/s 255 (1) of Cr.P.C. Bail bond if any, executed



by the accused shall stand cancelled and the sureties stands discharged after lapse of appeal period.

25. 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 25th day of March, 2026.

Judicial Magistrate,
Karaikudi.

Chart for Prosecution side witnesses:		
PW.No	Name of Witness	Description
1	Mr.Balamurugan	Defacto Complainant
2	Mr.Vishwanathan	Eye witness
3	Mr.Sathishkumar	Eye witness
4	Mr.Tamilarasan	Observation Mahazar witness
5	Mr.Muthu	Investigation Officer
6	Mr.Vengatesh	Observation Mahazar witness
Defence Side Witness - NIL		
Chart for Exhibited Documents		
Exhibit No.	Description of the Exhibit	Proved by/Attested by



1	Complaint	PW1
2	1 st Signature of the PW4 in Observation Mahazar	PW4
3	First Information Report	PW5
4	Rough Sketch	PW5
5	Observation Mahazar	PW5
6	Accident Register	PW5
7	Accident Register with wound certificate	PW5
8	Medical Report	PW5
9	Form AIR (Motor Vehicle Report)	PW5
10	Form AIR (Motor Vehicle Report)	PW5
11	Alteration Report	PW5
12	2 nd Signature of the PW6 in Observation Mahazar	PW6
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 : 25.03.2026.