

**IN THE COURT OF THE JUDICIAL MAGISTRATE, AVINASHI**

Present: Tmt. N. Keerthana, B.A.,L.L.M.,
Judicial Magistrate, Avinashi.

On Wednesday, the 15th day of July 2026

C.C.No.156/2020

in

Crime No.03/2020

CNR.No.TNTI13-0004412020

Sanjai
S/o. Saminathan

...Accused

Vs.

State of Tamil Nadu Represented by, The Inspector of Police,
Cheyur Police Station, Cr.No.03/2020
U/s.279, 304(A) of IPC

...Complainant

This case came up for final hearing before me on 01.07.2026 in the presence of the Learned Assistant Public Prosecutor for the State and Thiru.A. Arumugam, Advocate for the accused. After hearing both sides, on perusal of records and having stood over for consideration, this Court delivers the following,

JUDGMENT

I. CASE OF THE PROSECUTION:

That on 04.01.2020, at about 10:00 a.m.,near Vinayagar Thottam, Lourthupuram, within the jurisdiction of Cheyur Police Station, the accused Sanjay

was riding a Yamaha R15 motorcycle bearing Registration No. TN 42 J 8015, along with the deceased Kishore travelling as a pillion rider. While proceeding from south to north on the Cheyur–Puliyampatti Main Road, the accused drove the motorcycle at a high speed and in a rash and negligent manner. Upon reaching a curve on the road, he lost control of the motorcycle on the left side, which skidded onto the mud road, thereby resulting in the accident. Due the incident, the deceased Kishore, who was the pillion rider of the vehicle had succumbed to the injuries. The Inspector of Police, Avinashi Police Station filed the final report against the accused for the offence under Section 279, 304(A) of IPC.

II. THE CHARGE AND PLEA OF THE ACCUSED:

2. Upon appearance of accused, copies of the final report and documents was furnished to him at free of cost in compliance with section 207 of Crpc.

3. After examining the case records and providing both parties adequate opportunity to be heard, this court finds sufficient grounds to frame charges against the accused for the offence under section 279, 304 (A) of IPC. Charges were duly framed read over and explained. The accused denied the charges, and claimed to be tried.

III. EVIDENCE ADDUCED BY THE PROSECUTION:

4. During the trial, prosecution witnesses PW1 to PW7 were examined, and prosecution exhibits Ex.P.1 to Ex.P.8 were marked. No evidence was adduced on the side of the defence.

IV. EVIDENCE OF PROSECUTION IN BRIEF:

5. **PW1 - Ramachandran** deposed that on 04.01.2020, while he was at work in Avinashi, he received information over phone that his son and the accused had met with a motorcycle accident near Lourthupuram. He immediately proceeded to the place of occurrence and found that his son had sustained a grievous head

injuries. Upon enquiring with one Sathishkumar, he was informed that his son was travelling as a pillion rider on a motorcycle ridden by the accused. While proceeding on the Cheyur–Puliyampatti Main Road near Pillaiyar Thottam, Lourthupuram, the accused drove the motorcycle at a high speed, lost control while negotiating a curve, and the motorcycle veered into a rough mud surface, causing both riders to be thrown off the vehicle and sustain injuries. He further stated that the accused was riding the motorcycle, while his son was seated as a pillion rider. His son was shifted by ambulance to the Government Hospital, Avinashi, but died on the way. The accused was also taken to the Government Hospital, Avinashi, and was later referred to the Government Hospital, Coimbatore, for further treatment. He lodged a complaint at Cheyur Police Station and admitted the signature and the same was marked as Ex.P1. He identified the body of the deceased and police examined him.

6. **PW2 – Annakodi**, deposed that the deceased Kishore was her son. On 04.01.2020, her husband informed that one Sathishkumar had informed over phone stating that their son had met with an accident. Her husband went to the place of occurrence and later shifted their son by ambulance to the Government Hospital, Avinashi. However, her son died on the way to the hospital. She identified the body of the deceased during inquest and the police examined her.

7. **PW3 - Satheesh**, deposed that on 04.01.2020, at about 10.00 a.m., he and his friend Sathishkumar were standing near the Pillaiyar Temple at Lourthupuram. At that time, he saw two persons came on a Yamaha R15 motorcycle from Cheyur towards Puliyampatti at a high speed. The motorcycle entered the mud road, causing the pillion rider to fall down and sustained griveous injuries, which succumbed to death. The rider also sustained minor injuries. He identified the accused before this court as the rider of the Motor Cycle. The police examined during investigation.

8. **PW4 -Vijayakumar**, deposed that on 04.01.2020, at about 12.00 p.m., he and his Uncle's son namely Jeganathan were travelling from Lourthupuram.

During that time, the police were present at the place of occurrence and prepared an observation mahazar with regard to the road accident occurred on the same day. He and Jeganathan had also signed in the observation mahazar as witnesses. He admitted the 1st signature in the observation mahazar and the same was marked as Ex.P2. The police enquired him during investigation.

9. PW5 - Sathishkumar, deposed that on 04.01.2020, at about 10.00 a.m., he and his friend Sathishkumar were standing near the Pillaiyar Temple at Lourthupuram. At that time, he saw two persons came on a Yamaha R15 motorcycle from Cheyur towards Puliampatti at a high speed. The motorcycle entered the mud road, causing the pillion rider to fall down and sustained grievous injuries, which succumbed to death. The rider also sustained minor injuries. He identified the accused before this court as the rider of the Motor Cycle. The police examined during investigation.

10. PW6- Anbarasan, deposed that on 04.01.2020, while he was serving as the Sub-Inspector of Police at Cheyur Police Station, Ramachandran appeared before him and submitted a written complaint. Based on the said complaint, he registered a case in Crime No.3 of 2020 under Sections 279, 337 and 304(A) of IPC and prepared the First Information Report, which was marked as Ex.P3. He further deposed that he took up the investigation and, on the same day at about 12.00 noon, visited the place of occurrence, in the presence of witnesses Vijayakumar and Jeganathan, he inspected the scene, prepared the Observation Mahazar and Rough Sketch. The Rough Sketch was marked as Ex.P4. On the same day, between 13.30 Hours -15.30 Hours, he conducted the inquest over the body of the deceased Kishore in front of the mortuary at the Government Hospital, Avinashi, and prepared the Inquest Report, which was marked as Ex.P5. Thereafter, he forwarded the body for post-mortem examination. He examined and recorded the statements of prosecution witnesses 1 to 9. On 16.05.2020, the accused appeared before the police station, whereupon he was arrested and released on station bail. He also sent the offending motorcycle for Motor

Vehicle Inspection and thereafter entrusted the case records to the Inspector of Police, Mr. Ilango, for further investigation.

11. PW7 – Elango deposed that he took up investigation on 16.05.2020, he altered the penal provisions from Sections 279, 337, and 304(A) IPC to Sections 279 and 304(A) IPC and forwarded the alteration report to the Court. The Alteration was marked as Ex.P6. On 16.05.2020, he examined the Motor Vehicle Inspector, Velumani, and received the Motor Vehicle Inspection Report relating to vehicle registration number TN 42 J 8015, which were marked as Ex.P7. On the same day, he examined Dr.Sathiyaraj, who had conducted the post-mortem examination on the deceased of Kishore, and obtained the post-mortem certificate, which was marked as Ex.P8. After completing the investigation, the Investigating Officer, Cheyur Ps filed the final report for the offences punishable under Sections 279 and 304(A) of IPC against the accused.

V. QUESTIONING UNDER SECTION 313(1)(b) of Crpc:

12. The testimonies and circumstances incriminatory to the accused from the prosecution witnesses were explained and questioned to the accused under Section 313(1)(b) of Crpc, to which the accused replied stating that it is a false case. No evidence was adduced on the side of the defence.

VI. POINT FOR DETERMINATION:

13. The prosecution has examined PW1 to PW7 and marked Ex.P1 to Ex.P8 in order to establish the guilt of the accused for the offences under Sections 279, 304(A) of IPC. In order to sustain a conviction for the said offences, the prosecution is bound to establish the following essential ingredients:

- (i) that the accused was driving the offending vehicle at the relevant point of time;
- (ii) that the accused drove the vehicle in a rash and negligent manner so as to endanger human life or personal safety of others; and

(iii) that the death of the deceased and injuries sustained by the victim were the direct consequence of such rash and negligent act of the accused.

14. The prosecution primarily rests upon the evidence of PW3 and PW5, who are the eyewitnesses to the occurrence. PW1, being the father of the deceased, and PW2, being the mother of the deceased, are not eyewitnesses to the occurrence. Their evidence would only disclose that they came to know about the accident after receiving information over phone and thereafter they saw the deceased. Therefore, the evidence of PW1 and PW2 does not prove that the accident had occurred due to the rash and negligent driving of the accused.

15. PW3 has deposed that the accused was driving the motorcycle and that while negotiating the curve, the accused lost control over the motorcycle, due to which the motorcycle entered into the mud road and the accident occurred. Likewise, PW5 has also deposed that the accused drove the motorcycle at a high speed and, since he lost control over the motorcycle, it entered the mud road and thereby the accident occurred. It is pertinent to note that both PW3 and PW5 have admitted during their cross-examination that the place of occurrence is an S-bend road and not a straight road. They have also admitted that the road is on a downward slope at the place of occurrence. Further, the Rough Sketch also shows that while negotiating the curve, the motorcycle entered the mud road. Thus, the oral evidence of PW3 and PW5 is corroborated by the Rough Sketch.

16. Therefore, the materials available on record would only show that while negotiating the curve on a downward sloping S-bend road, the accused lost control over the motorcycle and it entered the mud road, resulting in the accident. Further, the accused himself had also sustained injuries in the accident. It is also pertinent to note that a two-wheeler could not be driven at a very high speed while negotiating an S-bend road with a downward slope. Further, there is no material to prove that the accused drove the motorcycle in a rash and negligent manner. Therefore, the evidence

of PW3 and PW5 does not prove beyond reasonable doubt that the accident had occurred due to the rash and negligent driving of the accused.

17. PW4 is only a witness to the preparation of the Observation Mahazar. PW6 and PW7, the Investigating Officers, have spoken about the registration of the case, preparation of the Observation Mahazar, Rough Sketch, conduct of inquest, Motor Vehicle Inspection Report and Post-Mortem Certificate, arrest of the accused and filing of the final report. Their evidence is only procedural in nature and does not prove that the accused drove the motorcycle in a rash and negligent manner.

18. Ex.P7, the Motor Vehicle Inspection Report, and Ex.P8, the Post-Mortem Certificate, prove that the accident had occurred and that the deceased Kishore died due to the injuries sustained in the accident. However, those documents do not prove that the accident had occurred due to the rash and negligent driving of the accused. It proves the accident and the cause of death.

19. It is a settled principle of law that merely because an accident has resulted in the death of a person, the driver cannot be held criminally liable. The prosecution is bound to prove beyond reasonable doubt that the accident occurred solely due to the rash and negligent driving of the accused. In the present case, the prosecution has failed to adduce convincing evidence to prove the essential ingredient of rashness or negligence.

20. On considering the entire oral and documentary evidence, this Court finds that the prosecution has proved only that the accident had occurred and that the deceased Kishore succumbed to the injuries sustained in the accident. However, the prosecution has failed to prove beyond reasonable doubt that the accused drove the motorcycle in a rash and negligent manner to prove the offences under Sections 279 and 304(A) of IPC. Therefore, the accused is entitled to the benefit of doubt and is liable to be acquitted.

VIII. THE DECISION:

21. In the light of the discussion and findings arrived under the previous head, this Court holds that the accused is FOUND NOT GUILTY for offences under section 279, 304(A) of IPC, as per section 255 (1) of Crpc.

IX. PROPERTY ORDER U/S.457 of Crpc:

No property seized in this case, hence no property order.

Directly Dictated to the Steno-typist and typed by him, corrected and pronounced by me in Open Court on the 15th day of July 2026.

Judicial Magistrate,
Avinashi.

For Prosecution Witnesses:

Prosecution Witness No	Name of Witness	Description
1.	Ramachandran	Complainant
2.	Annakodi	Inquest Witness
3.	Satheesh	Eye witness
4.	Vijayakumar	Observation Mahazar Witness
5.	Satheeshkumar	Eye Witness
6.	Anbarasan	Investigating Officer
7.	Elango	Investigating Officer

For Prosecution Documents:

Exhibit No	Description of the Exhibit	Proved by/Attested by
1	Complaint	PW1
2	Observation mahazar	PW4
3	FIR	PW6
4	Rough Sketch	PW6
5	Inquest Report	PW6
6	Alteration Report	PW7
7	Motor Vehicle Inspection Report (TN 42 J 8015)	PW7
8	Post Mortem Report	PW7

Material Objects:

Material Object No.	Description of the Exhibit	Proved by/Attested by
NIL	NIL	NIL

For Defence**Witnesses:** Nil**Documents:** Nil**Material Objects:** Nil

Judicial Magistrate,
Avinashi.

Note:

- i. No witness was retained more than three times.
- ii. The Result of this case has been communicated to the concerned Police Station.
- iii. Copy of this Judgment is hereby humbly submitted to the Hon'ble Chief Judicial Magistrate, Tiruppur.