

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

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

On Tuesday, the 14th day of July 2026

C.C.No.118/2022

in

Crime No.51/2022

CNR.No.TNTI13-0007982023

Palanisamy
S/o. Rasan

...Accused

Vs.

State of Tamil Nadu Represented by, The Inspector of Police,
Avinashi Police Station, Cr.No.51/2022
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.R. Ramasamy 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 27.01.2022 at about 08.45 A.M on Mettupalayam – Avinashi Road, the deceased Srinivasan was driving his TVS Apache Two wheeler bearing Regn. No.TN 39 BZ 4856 near Ooty Cookies Bakery at Ariyagoundampalayam from west to east

direction, on the same road, the accused Palanisamy drove his TVS Jupiter Motor Cycle bearing Regn. No.TN 36 AQ 9766 from east to west in a rash and negligent manner and hit the two wheeler driven by the deceased. Due to the impact, Srinivasan succumbed to the injuries. The Inspector of Police, Perumanallur 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 PW5 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 - Devaraj** deposed that the deceased, Srinivasan, was his younger brother. On 27.01.2022, at about 8.45 a.m., while he was at work, his son-in-law, Jegan, informed him over phone that his brother had met with an accident near Ariya Goundanpalayam, where a Scooty had collided with the motorcycle ridden by his brother. He immediately proceeded to the place of occurrence and found Srinivasan lying unconscious with grievous injuries on his head. He took him to the Coimbatore Government Hospital for treatment, but Srinivasan succumbed to his injuries on the

way to the hospital. Thereafter, he lodged a written complaint at the Avinashi Police Station. He admitted the signature found in the complaint and the same was marked as Ex.P1. The police examined him during investigation.

6. PW2 – Jeganathan deposed that on 27.01.2022, at about 8.45 - 9.00 a.m., while proceeding to work on his motorcycle through Ariyagoundanpalayam, he noticed that Srinivasan had met with an accident and was lying on the road near his Apache motorcycle. He also noticed a TVS Jupiter motorcycle involved in the accident. The rider of the Jupiter motorcycle was present at the place of occurrence, and he identified the accused as its rider. He came to know that the accident had occurred when the accused attempted to cross the road from the hotel side while Srinivasan was proceeding from Karuvalur towards Avinashi. He informed Srinivasan's brother over telephone. Thereafter, Srinivasan's family members arrived and shifted him in an ambulance, and later Srinivasan had died. The police subsequently examined him.

7. PW3 - Veerasamy, deposed that on 27.01.2022, at about 8.30 a.m., while proceeding to work near the Ariya Goundanpalayam bus stop, he saw Palanisamy riding a TVS Jupiter motorcycle from east to west, while Srinivasan was riding an Apache motorcycle from west to east. When Palanisamy turned towards the north, Srinivasan's motorcycle suddenly collided with his vehicle, resulting in the accident. Palanisamy sustained minor injuries, whereas Srinivasan suffered grievous injuries. Srinivasan was shifted in an ambulance for treatment. The police examined him during investigation.

8. PW4 -Dhanapal, deposed that on 27.01.2022, at about 1.00 p.m., the police visited the place of occurrence situated in front of his hotel in connection with the accident. They inspected the place of occurrence, prepared an observation mahazar and a rough sketch in his presence, and he signed the observation mahazar as the 2nd attesting witness. He admitted the signature found in the observation mahazar, and the Mahazar was marked as Ex.P2. The police also examined him

during investigation.

9. PW5 - Geetha, deposed that on 27.01.2022, at about 12.00 P.M, while Special Sub-Inspector Govindaraj of Avinashi Police Station was on station duty, Devaraj appeared before the police station and submitted a written complaint. Based on the complaint, Crime No. 51 of 2022 was registered under Sections 279 and 304(A) of IPC, and the First Information Report was marked as Ex.P3. She took up the investigation and, at about 13.00 Hours on the same day, visited the place of occurrence in the presence of witnesses Rajendran and Dhanapal, prepared the observation mahazar and rough sketch and the same was marked as Ex.P4. She conducted the inquest over the dead body of Srinivasan at the Coimbatore Government Hospital mortuary between 15.45 Hours. -17.45 Hours, prepared the inquest report, which was marked as Ex.P5, and thereafter sent the body for post-mortem examination. She examined witnesses listed as LW1 to LW10 and recorded their statements. On 29.01.2022, the accused appeared before the police station, was arrested, and was released on station bail. She sent both the vehicles involved in the accident for inspection by the Motor Vehicle Inspector. On 31.01.2022, she examined the Motor Vehicle Inspector, Chitra, and received the Motor Vehicle Inspection Reports relating to vehicle registration numbers TN 39 BZ 4856 and TN 36 AQ 9766, which were marked as Ex.P6 and Ex.P7 respectively. On the same day, she examined Dr. Peranandam, who had conducted the post-mortem examination on the deceased, and obtained the post-mortem certificate, which was marked as Ex.P8. After completing the investigation, the Investigating Officer 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:

10. 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:

11. The prosecution has examined PW1 to PW5 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.

12. The prosecution primarily rests upon the evidence of PW2 and PW3. PW1, being the brother of the deceased, he is not an eyewitness to the occurrence. According to PW1, he came to know about the accident only through a phone call made by PW2. Thereafter, he went to the place of occurrence and found the deceased lying with injuries. Therefore, the evidence of PW1 does not prove the manner in which the accident had occurred or that the accused drove the vehicle in a rash and negligent manner.

13. PW2 has deposed that while he was proceeding to his workplace, he noticed the deceased lying on the road near the motorcycle and the accused was also present at the place of occurrence. He has further stated that he came to know that the accident had occurred when the accused attempted to cross the road from the hotel side. It is pertinent to note that PW2 has not stated that he had actually witnessed the accident. His evidence would only show that he came to know about the occurrence after reaching the place of occurrence. Therefore, the evidence of PW2 does not prove that the accident had occurred due to the rash and negligent driving of the accused.

14. At this juncture, it is significant to note the evidence of PW3 as the eyewitness. PW3 has deposed that when the accused, who was riding the TVS Jupiter motorcycle, turned towards the north, the motorcycle ridden by the deceased suddenly collided with the accused's vehicle. It is pertinent to note that PW3 has not stated that the accused was riding the vehicle at a high speed or in a rash and negligent manner. On the contrary, his evidence would only show that at the time when the accused turned towards the northern side, the deceased's motorcycle suddenly collided with the accused's vehicle. Therefore, the evidence of PW3 does not prove that the accident had occurred due to the rash and negligent driving of the accused.

15. Likewise, PW4 is only an observation mahazar witness. PW5, the Investigating Officer, has spoken about the registration of the case, preparation of the observation mahazar and rough sketch, conduct of inquest, arrest of the accused, Motor Vehicle Inspection Reports and the Post-Mortem Certificate, and filing of the final report. Their evidence is only procedural in nature and does not prove the rash and negligent driving alleged against the accused.

16. Ex.P6 and Ex.P7, the Motor Vehicle Inspection Reports, and Ex.P8, the Post-Mortem Certificate, prove that the accident had occurred and that the deceased 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.

17. Furthermore, except the evidence of PW3, there is no eyewitness to the occurrence. Even according to PW3, he has not spoken about any specific act of rashness or negligence on the part of the accused. Mere involvement of the accused's vehicle in the accident or the fact that the deceased succumbed to the injuries is not sufficient to hold the accused criminally liable unless the prosecution proves beyond reasonable doubt that the accident had occurred solely due to the rash and negligent driving of the accused.

18. On considering the entire oral and documentary evidence, this Court finds that though the prosecution has proved that the accident had occurred and that the deceased died due to the injuries sustained in the accident, it has failed to prove beyond reasonable doubt that the accused drove the vehicle in a rash and negligent manner. Therefore, the essential ingredients of the offences under Sections 279 and 304(A) of IPC have not been proved. Hence, the accused is entitled to the benefit of doubt and is liable to be acquitted.

VIII. THE DECISION:

19. 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 14th day of July 2026.

Judicial Magistrate,
Avinashi.

<u>For Prosecution Witnesses:</u>		
Prosecution Witness No	Name of Witness	Description
1.	Devaraj	Complainant
2.	Jeganathan	Inquest Witness
3.	Veerasamy	Eye witness
4.	Dhanapal	Observation Mahazar Witness
5.	Geetha	Investigating

Officer

For Prosecution Documents:

Exhibit No	Description of the Exhibit	Proved by/Attested by
1	Complaint	PW1
2	Observation mahazar	PW4
3	FIR	PW5
4	Rough Sketch	PW5
5	Inquest Report	PW5
6	Motor Vehicle Inspection Report (TN 39 BZ 4856)	PW5
7	Motor Vehicle Inspection Report (TN 36 AQ 9766)	PW5
8	Post Mortem Report	PW5

Material Objects:

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

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