

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

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

On Monday, the 07th day of September 2026

C.C.No.175/2024

in

Crime No.398/2023

CNR.No.TNTI13-001333-2024

Kesavan
S/o. Saravanan

...Accused

Vs.

State of Tamil Nadu Represented by, The Inspector of Police,
Thirumuruganpoondi Police Station, Cr.No.398/2023
U/s.279, 304(A) of IPC

...Complainant

This case came up for final hearing before me on 18.08.2026 in the presence of the Learned Assistant Public Prosecutor for the State and Thiru. V. Sajith, 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:

On 18.05.2023, at about 09:55 a.m., the deceased Mohan was crossing by foot Pooluvapatti–Neruperichal Road, from north to south near the water pond opposite to TWAD Board. At that time, the accused, Kesavan, riding a Bajaj Pulsar NS 100 two-

wheeler bearing Registration No. TN 39 CM 4821, proceeding from west to east on the same road, at a high speed and in a rash and negligent manner, and hit Mohan, thereby causing the accident. As a consequence of the accident, Mohan sustained injuries to the left side of his head and cheek and succumbed to the injuries. Based on the complaint, the Inspector of Police, Thirumuruganpoondi Police Station filed the final report against the accused for the offences 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 offences U/s.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 witness PW1 to PW4 was examined, and prosecution exhibits Ex.P.1 to Ex.P.7 were marked. No evidence was adduced on the side of the defence.

IV. EVIDENCE OF PROSECUTION IN BRIEF:

5. **PW1 - Sakunthala** deposed that the deceased Mohan is her husband. She stated that, in May 2023, while she was at her house, Boopathi informed her that her husband had met with an accident on Neruperichal Road and that a two wheeler had hit him. When she reached the place of occurrence, she found her husband being placed in an ambulance and that he was in an unconscious condition. She took her husband to the Tiruppur Government Hospital and admitted him for treatment. While he was admitted in intensive care unit, despite treatment at about 2.00 p.m. he

succumbed to the injuries. She further deposed that she went to the police station and lodged a complaint. She admitted the signature found in the complaint and the same was marked as Ex.P1. She identified the dead body of her husband during inquest. The police examined her.

6. PW2 – Jeevanantham deposed that on 18.05.2023, the police visited near the Thirumuruganpoondi Municipal Water Tank in connection with the motor vehicle accident and inspected the place of occurrence and prepared a observation mahazar and rough sketch. He stated that he signed as a witness. He admitted the 1st signature in the Observation Mahazar and the same was marked as Ex.P2. The police examined him.

7. PW3 – Boopathi deposed that on 18.05.2023, at about 9.30 - 10.00 a.m., while he was proceeding on foot towards the Tamil Nadu Water Supply and Drainage Board to open his shop, at that time he saw a person lying on the ground after being hit by a two-wheeler and he informed the family members about the accident. He stated that he and others lifted the injured person sent him through an ambulance after arrival of his family members. He identified the accused before this court. The police examined him.

8. PW4 – Jeganathan deposed that in the year 2023, when he was working as an Inspector at Thirumuruganpoondi Police Station, on 18.05.2023, Sakunthala appeared before the police station and submitted a written complaint when Head Constable Mohan was working as a Station House Officer. On receipt of the said complaint, a case in Crime No.398 of 2023 was registered under Sections 279 and 304(A) of IPC, and the investigation was entrusted to Sub-Inspector Murugesan. The First Information Report was marked as Ex.P3. He further stated that Sub-Inspector Murugesan took up the investigation and, on the same day at about 6.00 p.m., proceeded to the place of occurrence. In the presence of witnesses Jeevanantham and Shanthi, he inspected the place of occurrence and prepared a rough sketch and Observation Mahazar. The rough sketch was marked as Ex.P4. He further stated that

Sub-Inspector Murugesan examined the witnesses Sakunthala, Boopathi, Jeevanantham and Shanthi and recorded their statements. The inquest was conducted on 19.05.2023 between 8.00 a.m. - 10.00 a.m. in front of the mortuary at Tiruppur Government Hospital, in the presence of witnesses and panchayatdars and recorded their statements. The Inquest Report was marked as Ex.P5. The dead body was thereafter sent for post-mortem examination. He further deposed that he subsequently took up the investigation of the case. On 05.06.2023, the accused appeared before the police station. He arrested the accused and released him on station bail. The vehicle involved in the accident was sent for motor vehicle inspection. On 15.06.2023, he examined the Motor Vehicle Inspector, Velumani, obtained the Motor Vehicle Inspection Report relating to the two-wheeler bearing Registration No. TN 39 CM 4821, and recorded his statement. The Motor Vehicle Inspection Report was marked as Ex.P6. On the same day, he examined Dr. Praveenkumar, who had conducted the post-mortem examination on the dead body of Mohan. He obtained the Post-Mortem Report and recorded the doctor's statement. The Post-Mortem Report was marked as Ex.P7. After completing the investigation, the Inspector of Police, filed a final report against the accused for the offences under section 279, 304(A) of IPC.

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

9. 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:

10. The prosecution has examined PW1 to PW4 and marked Ex.P1 to Ex.P7 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.

11. The prosecution primarily rests upon the evidence of PW1 and PW3. PW1 is the wife of the deceased Mohan. She has clearly stated that she was at her house at the time of occurrence and after receiving information from third person, she went to the place of occurrence. Therefore, PW1 had not witnessed the occurrence, and her evidence does not prove the manner in which the accident had occurred.

12. PW3 is stated to be an eyewitness to the occurrence. However, PW3 has clearly deposed that while he was proceeding towards his shop, he saw Mohan lying on the road after being hit by a two-wheeler near the Tamil Nadu Water Supply and Drainage Board. Thus, it is clear from his evidence that he had not witnessed the occurrence or seen the two-wheeler hitting the deceased. He has also not stated the manner in which the accident had occurred or any specific act of rashness or negligence on the part of the accused. Though PW3 identified the accused before the Court, his evidence does not disclose how he identified the accused as the person who drove the offending vehicle at the time of occurrence. Therefore, PW3 cannot be treated as an eyewitness, and his evidence does not prove the act of rashness and negligence against the accused.

13. PW2 is a witness to the Observation Mahazar and had not witnessed the occurrence. PW4, the Investigating Officer, has spoken about the registration of the case, preparation of the Observation Mahazar and Rough Sketch, conduct of the inquest, examination of the witnesses and filing of the final report. His evidence is

only procedural in nature and does not prove the manner in which the accused drove the vehicle.

14. Ex.P6 Motor Vehicle Inspection Report merely proves that the vehicle was subjected to inspection. Similarly, Ex.P7 Post-Mortem Report proves the injuries sustained by the deceased and the cause of his death. However, those documents do not prove that the accused drove the offending vehicle in a rash and negligent manner and caused the accident.

15. Be that as it may, the evidence adduced on the side of the prosecution merely proves that an accident had occurred and that Mohan succumbed to the injuries sustained in the accident. Mere occurrence of the accident and the death of a person do not prove the rash and negligent driving of the accused. No evidence was adduced to prove the manner in which the accident had occurred or the specific act of rashness or negligence on the part of the accused.

16. On considering the entire facts and evidence, this Court finds that the prosecution has failed to prove that the accused drove the offending two-wheeler in a rash and negligent manner and thereby caused the death of Mohan. Hence, this Court concludes that the prosecution has failed to prove the charges against the accused beyond reasonable doubt. Accordingly, the accused is entitled to the benefit of doubt and liable to be acquitted.

VIII. THE DECISION:

17. 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 U/s.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 07th day of September 2026.

Judicial Magistrate,
Avinashi.

For Prosecution Witnesses:

Prosecution Witness No	Name of Witness	Description
1.	Sakunthala	Complainant
2.	Jeevanandham	Observation Mahazar Witness
3.	Boopathi	Eye Witness
4.	Jeganathan	Investigating Officer

For Prosecution Documents:

Exhibit No	Description of the Exhibit	Proved by/Attested by
1	Complaint	PW1
2	Observation Mahazar	PW2
3	FIR	PW4
4	Rough Sketch	PW4
5	Inquest Report	PW4

6 Motor Vehicle Inspection Report (TN 39 CM 4821) PW4

7 Post Mortem Report PW4

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.