

TNTI130058992023

**IN THE COURT OF THE JUDICIAL MAGISTRATE, AVINASHI****Present:** Tmt. N. Keerthana, B.A.,L.L.M.,
Judicial Magistrate, Avinashi.**On Wednesday, the 19th day of August 2026****C.C.No.292/2023****in****Crime No.160/2023****CNR.No.TNTI13-0058992023**Sathishkumar
S/o.Muthusamy

...Accused

Vs.

State of Tamil Nadu Represented by, The Inspector of Police,
Cheyur Police Station, Cr.No.160/2023
U/s.279, 304(A) of IPC

...Complainant

This case came up for final hearing before me on 16.07.2026 in the presence of the Learned Assistant Public Prosecutor for the State and Thiru.M.Ragunathan, 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 03.07.2023 at about 18.45 Hours, the deceased Prabakaran drove the Yamaha MT 15 bearing Registration No.TN 39 DW 1608 on the Puliampatty –

Cheyur Road, near Lurdhupuram Chenniappan Thottam from North to South direction along the left side of the road. At that time, the accused drove the Maxicab Vehicle bearing Regn. No. TN 20 BK 8404, in the same direction, on the same road in a rash and negligent manner, and proceeded to the right side of the road and dashed against the motor cycle driven by the deceased Prabakaran. Due to the impact, Prabakaran sustained injuries on his head and face and subsequently succumbed to the injuries. Based on the complaint, the Inspector of Police, Cheyur 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.8 were marked. No evidence was adduced on the side of the defence.

IV. EVIDENCE OF PROSECUTION IN BRIEF:

5. **PW1 – Velliangiri** deposed that the deceased Prabhakaran was his son. On 03.07.2023 at about 5.30 p.m., while he was at home, he received a phone call from an unknown person through his son Prabhakaran's mobile phone. The caller informed him that a Travels vehicle had dashed against the two-wheeler ridden by his son behind the Lurdhupuram Bus Stop and that his son had sustained injuries and had

been taken to Avinashi Government Hospital. Upon receiving the information, he went to the Avinashi Government Hospital, where he was informed that his son had been shifted to Tiruppur Government Hospital. He thereafter went to the Tiruppur Government Hospital and found his son admitted in the intensive care unit. Despite treatment, his son died at about 10.50 p.m. On the following morning, he went to Cheyur Police Station and lodged a complaint. He admitted the signature found in the complaint and the same was marked as Ex.P1. The police examined him during investigation.

6. PW2 – Anthony Charles deposed that on 03.07.2023, at about 6.15 -6.30 p.m., after completing his work, he went near the Lurdhupuram Bus Stop to purchase milk. While he was standing near the shop, he heard a sound and saw that a two-wheeler and a Travels vehicle had collided. The persons travelling in the Travels vehicle had not sustained any injuries. The person who had been riding the two-wheeler had sustained injuries all over his body and was lying in a pool of blood. He took the injured person's mobile phone and, using his fingerprint, contacted his father and informed the accident. Thereafter, the injured Prabhakaran was taken to the hospital by private ambulance. Since, he attended the injured person, he did not see the person who drove the offending vehicle at the time of accident. The police examined him during investigation.

7. PW3 – Sathish deposed that on 04.07.2023 at about 7.00 a.m., when he went near the Lurdhupuram Bus Stop, the police were inspecting the place of occurrence regarding the accident and prepared a rough sketch and observation mahazar. He along with his relative Easwaramoorthy signed the documents as witnesses. He admitted the second witness in the observation mahazar and the same was marked as Ex.P2. The police examined him during investigation.

8. PW4 – Rajavel deposed that on 04.07.2023, Head Constable Mahalingam was on station duty when Velliangiri appeared before the police station and submitted a written complaint. Based on the complaint, a First Information Report was

registered in Crime No.160 of 2023 under Sections 279 and 304(A) of IPC, and the case file was entrusted to Sub-Inspector Palanisamy for investigation. The First Information Report was marked as Ex.P3. The Sub-Inspector Palanisamy took up the investigation and, at about 7.00 a.m. on 04.07.2023, proceeded to the place of occurrence. In the presence of witnesses Easwaramoorthy and Sathish, he inspected the place of occurrence and prepared the observation mahazar and a rough sketch. The rough sketch was marked as Ex.P4. On the same day, he conducted an inquest over the dead body of Prabhakaran at the Tiruppur Government Hospital mortuary between 9.30 a.m. -12.00 P.M and prepared the inquest report, which was marked as Ex.P5. The dead body was thereafter sent for post-mortem examination. He examined witnesses 1 to 8 and recorded their statements. Subsequently, he took over the investigation. On 11.07.2023, the accused appeared before the police station and was arrested and thereafter released on station bail. The vehicles involved in the accident were sent for inspection by the Motor Vehicle Inspector. On 24.08.2023, he examined Motor Vehicle Inspector Baskaran and obtained the Motor Vehicle Inspection Reports relating to the two-wheeler bearing Registration No. TN 39 DW 1608 and the Maxi Cab bearing Registration No. TN 20 BK 8404. The said Motor Vehicle Inspection Reports were marked as Ex.P6 and Ex.P7 respectively. On the same day, he examined Dr. Sivakumar, who had conducted the post-mortem examination on the deceased Prabhakaran, and obtained the post-mortem report. The post-mortem report was marked as Ex.P8. After completing the investigation, the inspector of police, Cheyur Ps filed the final report against the accused for the offences punishable under Sections 279 and 304(A) of the 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.P8 in order to establish the guilt of the accused for the offences under Sections 279,338, 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 PW2. PW1 is the father of the deceased Prabhakaran. According to PW1, he received information through his son's mobile phone that a Travels vehicle had dashed against the two-wheeler ridden by his son. Admittedly, PW1 was not present at the place of occurrence during the time of the accident. Therefore, the evidence of PW1 does not prove the manner in which the accident occurred.

12. PW2 has deposed that, while he was standing near a shop, he heard a sound and thereafter saw the Travels vehicle and the two-wheeler collided at the place of occurrence. He further deposed that the deceased was lying in a pool of blood and that he informed PW1 through the mobile phone of the deceased. Wherein, from the evidence of PW2, it is clear that only after hearing the sound he saw the vehicles at the place of occurrence. Thus, PW2 had not witnessed the actual occurrence. Therefore, he cannot be treated as an eyewitness to the accident.

13. PW3 is the witness to the observation mahazar, wherein he went to the place of occurrence only on the following morning. PW4 is the Investigating Officer, who has spoken about the registration of the case, preparation of the observation mahazar and rough sketch, conduct of the inquest, arrest of the accused, obtaining the

Motor Vehicle Inspection Reports and post-mortem certificate and filing of the final report. Therefore, the evidence of PW3 and PW4 does not prove the manner in which the accident occurred.

14. Be that as it may, the specific case of the prosecution is that the accused drove the Maxi Cab rashly and negligently at a high speed, went towards the right side of the road and dashed against the two-wheeler ridden by Prabhakaran. However, none of the witnesses examined on the side of the prosecution had actually witnessed the occurrence. Further, no witness has spoken about the speed of the Maxi Cab or the manner in which it was driven by the accused. Mere occurrence of the accident cannot itself prove that the accused drove the vehicle in a rash and negligent manner.

15. The Motor Vehicle Inspection Reports prove only that the vehicles were inspected, and the post-mortem certificate proves the death of Prabhakaran due to the injuries sustained in the accident. Those documents do not prove the rash and negligent driving of the accused. Mere occurrence of the accident and the death of Prabhakaran are not sufficient to hold that the accident occurred due to the rash and negligent driving of the accused.

16. On considering the entire facts and evidences, this Court decides as follows: the prosecution has proved only that the accident occurred and that Prabhakaran succumbed to the injuries sustained in the accident. However, the prosecution has not proved the identity of the driver of the offending vehicle and has not proved beyond reasonable doubt that the accident occurred due to the rash and negligent driving of the accused. Therefore, the accused is entitled to the benefit of doubt and is liable to be acquitted for the offences under section 279, 304(A) of IPC.

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 19th day of August 2026.

Judicial Magistrate,
Avinashi.

For Prosecution Witnesses:

Prosecution Witness No	Name of Witness	Description
1.	Velliangiri	Complainant
2.	Anthony Charles	Eye Witness
3.	Sathish	Observation Mahazar Witness
4.	Rajavel	Investigating Officer

For Prosecution Documents:

Exhibit No	Description of the Exhibit	Proved by/Attested by
1	Complaint	PW1
2	Observation Mahazar	PW3
3	FIR	PW4
4	Rough Sketch	PW4
5	Inquest Report	PW4

6	Motor Vehicle Inspection Report (TN 39 DW 1608)	PW4
7	Motor Vehicle Inspection Report (TN 20 BK 8404)	PW4
8	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.