



IN THE COURT OF JUDICIAL MAGISTRATE, KANGEYAM

Present : Selvi. D.Thenmozhi, B.A.,B.L.,LL.M.,

Judicial Magistrate, Kangeyam.

Dated : Wednesday, the 12th day of August, 2026.

C.C.No: 556 of 2025

(CNR No. TNTI150029392025)

Statement as per Rule 106 of the Criminal Rules of Practice, 2019		
1.	Serial Number	C.C.No: 556 of 2025
2.	Name of the Police Station and Crime Number	State of Tamil Nadu rep by its, Sub-Inspector of Police Vellakovil Police Station, (Crime No.347/2025) ... Complainant
3.	Name of the Accused	Gopinath (28/2025), S/o. Rajarajan, 2/111, Pudhupai, Vellakovil, Kangeyam Taluk, Tiruppur District. ... Accused
4.	Father's Name	
5.	Occupation	
6.	Residence	
7.	Age	
8.	Date of occurrence	01.08.2025
9.	Date of complaint	02.08.2025
10.	Date of Arrest	06.08.2025
11.	Date of Release on Bail	06.08.2025
12.	Date of Commitment	Not Applicable
13.	Date of commencement of Trial	05.12.2025
14.	Closure of Trial	08.08.2026
15.	Sentence or order	In light of the discussion and conclusions drawn under the previous head, this Court holds that the prosecution HAS FAILED TO PROVE the charges against the accused beyond all reasonable doubts. Hence, the accused Gopinath is found NOT GUILTY AND ACQUITTED of offences U/s. 281 and 106(1)



		BNS in accordance with Section 278(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) . The bail bond executed by the accused in this case is ordered to be cancelled, subject to any order of appeal, if any.
16.	Service of copy of judgment or finding on accused	Yes. Copy of the Judgment uploaded on the CIS and made available on E-courts portal
17.	Explanation of delay	No such inordinate delay

This case came before me on 08.08.2026 for final hearing in the presence of Tr.S.Senthilkumar M.A.,B.L., Assistant Public Prosecutor Grade II for the State and Advocate Thiru.M. Murugavel, B.Com., B.L., for the accused, After hearing both sides, on perusal of the materials and having stood over for consideration till this day, this Court delivered the following,

JUDGMENT

1) The case of prosecution

1.1) On 01.08.2025 at around 19:15 hrs on the Kangeyam to Kambaliyampatti Road near Ellaparai Bus Stop, the deceased Kuppusamy was pushing his TVS 50 (TN 47 A 0632) when the accused Gopinath, driving a Hero Honda Splendor Pro (TN 78 6714) rashly and negligently with pillion witness Santhoshkumar, hit him from behind. The collision caused fatal head injuries, subsequent to a charge sheet filed against the accused under Sections 281 and 106(1) of BNS.

1.2) The accused was charged under Sections 281 and 106(1) of BNS. Later PW1 lodged a police complaint regarding the incident against the accused to the Vellakovil Police Station. Based on the complaint lodged by PW1 an F.I.R was also registered under Section 281 and 106(1) of BNS in Cr. No.347/2025.



1.3) On perusal and consideration of the records of the final report, cognizance was taken by this Court and the case was taken on file as CC.No.556/2025. After the appearance of the accused, copies were furnished to the accused under Section 230 BNSS.

2. Charge:

2.1) The accused Gopinath was charged under Sections 281 and 106(1) of BNS for driving the Hero Honda Splendor Pro two-wheeler bearing registration number TN 78 6714 in a rash and negligent manner, thereby causing an accident resulting in the death of one Kuppusamy.

3) Evidence of the Prosecution:

3.1) PW1, Mr. Mohankumar, is the inquest witness and Complainant in the case. He has deposed that on 01.08.2025 at around 07.15 PM his Father was riding a two wheeler when an accident occurred near Ellaparai bus stop. He also stated that he did not witness the incident directly. He was considered a hearsay witness, turned hostile, and did not depose any fact in favour of the prosecution.

3.2) PW2, Mr. Nandhakumar, is an inquest witness in the case. He has deposed that on 01.08.2025 at around 07.15 PM his brother was riding a two wheeler when an accident occurred near Ellaparai bus stop. He also stated that he did not witness the incident directly and reached the spot only after hearing about it. He was considered a hearsay witness, turned hostile, and did not depose any fact in favour of the prosecution.



3.3) PW3 is Mr. Muthukumar, who is the observation mahazar witness in the case. He has deposed as to the preparation of observation mahazar (Ex.P.2) and rough sketch (Ex.P.4) in the case.

3.4) PW4 is Mr. Shanmugam, Inspector of Police, who is the investigating officer in the case. He has deposed as to the registration of FIR (Ex.P3), preparation of Observation Mahazar (Ex.P2) and Rough Sketch (Ex.P4), alteration of sections (Ex.P5), conduct of inquest (Ex.P6), obtaining Motor Vehicle Inspection Reports (Ex.P7 & Ex.P8), collection of Accident Registers and Post-Mortem Certificate (Ex.P9 to Ex.P12), and filing of the final report.

4) Questioning under Section 351(1)(b) of BNSS:

4.1) After the completion of prosecution evidence, the accused were questioned under section 351 (1)(b) of BNSS. The incriminating evidence and circumstances were put forth to the accused. The accused denied the prosecution evidence and the incriminating circumstances put forth to him. The Defence did not examine any witness on their side. No exhibits or material objects are marked. Hence the defence side closed the evidence on endorsement.

5) Points for Determination:

5.1) Upon hearing the arguments of both sides and having perused the connected documents and records, the question that raises for consideration of this Court is:

- i) Whether the prosecution has proved the guilt of the accused under section 281 and 106(1) of BNS beyond all reasonable doubt?*



6) Appreciation of Evidence and Decision:

6.1) In order to establish the chagrin of law under sections 281 and 106(1) of BNS, the act must be either rash or negligent. Such rashness or negligence must be proved to be of criminal rashness or negligence. The term rashness is running the risk of doing an act with recklessness or indifference as to the consequence. In case of negligence, it has to be borne in mind that the criminal negligence requires a very high degree of negligence to be proved rather than a mere error of judgment or simple lack of care as required under a civil liability. Thus, rash or a negligent act has to be evaluated in light of the facts and circumstances of each case.

6.2) The prosecution has examined Four witnesses and marked Twelve exhibits to prove the guilt of the accused. Out of the Four witnesses examined, the best available evidence to prove the guilt of the accused is that of the eye witness i.e., PW2. He deposed that on 01.08.2025 at around 07:15 PM, his brother was riding a two-wheeler when an accident occurred near Ellaparai bus stop. However, he stated that he did not witness the incident directly and reached the spot only after hearing about it. He was considered a hearsay witness, turned hostile, and his cross-examination did not depose any fact in favour of the prosecution.

6.3) Thus, on analyzing the evidence of PW1 to PW4 it is clear that they had not deposed as to the rash or negligent act of the accused. Thus, the very eye witness has dented the case of the prosecution by not deposing as to the rash or negligent act of the accused. In this backdrop, it should also be highlighted that the other witness in the case i.e., Mohankumar (PW1) have deposed that he did not witness in the incident he also stated that he did not know the case of the accident. He was Consider as a hearsay and hostile witness, and his cross-



examination did not yield any fact in favour of the prosecution. Since PW1 and PW2 are relatives of the deceased, their evidence, being hearsay from turned-hostile witnesses, is not admissible to prove the guilt of the accused.

6.4) However, his testimony failed to demonstrate how the accused's driving qualified as rash or negligent rather than an unfortunate accident. PW1, PW2, and did not provide detailed descriptions of any rash or negligent driving by the accused or specific details about the accident. This court concludes that the prosecution has not satisfactorily prove the allegations of rashness or negligence on the part of the accused. Hence, evidence of the eye witness and other witness in this have weakened the prosecution.

6.5) Motor vehicle Inspection reports failed to reveal any mechanical defects (or) conditions that could implicate the accused vehicle (or) driving style.

6.6) With material witnesses rupturing the case of the prosecution, the prosecution has dispensed with the examination of other witnesses and examined the additional witness Mr. Shanmugam PW4 of this case where he has deposed about the investigation from filing of complaint to the filing of the final report against the accused. Ex.P.3 to Ex.P.9 were marked. There were no major glitches found on the investigation of the case. Nevertheless, the evidence of the investigation officer alone cannot stand to be proved against the accused when the other material witnesses of this case have dismantled the prosecution case in layers.

6.7) Also, on weighing the quality of evidence given by each witness on behalf of the prosecution, it is inferred that none of the evidence has cogently supported the story of the prosecution in terms of identifying the accused, his vehicle and



the manner in which he was driving the said vehicle at the relevant time, place of incident.

6.8) To the result of the evidence placed by the prosecution which was also not rebutted by the prosecution by placing any supportive contentions, This Court considers that the prosecution evidence lacks cogency, credibility, trustworthiness and reliability. Thus, there is hardly any evidence on the prosecution side to prove the identity of the accused, let alone his rash or negligent act, hence in light of the above discussion, it is inferred that the prosecution has miserably failed at all levels to prove the very identity of the accused leave alone the ingredients stated under Sections 281 and 106(1) of BNS beyond all reasonable doubt.

In light of the above scenario, this Court having satisfied that the prosecution has failed to prove the guilt of the accused beyond reasonable doubt for reasons stated above, this Court is inclined to give the benefit of doubt in favour of the accused.

Hence, Issue one is answered in negative.

7) DECISION:

7.1) To this effect, this Court finds that the accused is found not guilty of the offences under sections 281 and 106(1) of BNS and therefore the accused is acquitted of all the charges as per section 278(1) BNSS. The bail bonds of the accused in this case shall stand cancelled after the laps of limitation.



8. Order as to Property:

8.1) There is no order as to property as there is no case property produced in this case.

Dictated by me directly typed by the Steno-Typist correct and pronounced in the open court on 12th day of August 2026.

Judicial Magistrate,
Kangayam.

APPENDIX

List of Prosecution Witnesses:

Prosecution Witness No.	Name of the Witness	Description	Date of Examination
PW1	Tr. Mohankumar	Complainant	17.07.2026
PW2	Tr. Nandhakumnar	Eye Witness	17.07.2026
PW3	Tr.Muthukumar	Observation Mazhar Witness	27.07.2026
PW4	Tr.Shanmugam	Additional Witness(Io)	27.07.2026

List of Prosecution Exhibits:

Ex.No.	Description of the exhibit	Proved by/Attested by
Ex.P1	Complaint	PW1
Ex.P2	Observation mahazar	PW3
Ex.P3	FIR	PW4
Ex.P4	Rough Sketch	PW4



Ex.P5	Section Alteration Report	PW4
Ex.P6	Inquest Report	PW4
Ex.P7	Motor Vehicle Inspection Report for TN 78 6714	PW4
Ex.P8	Motor Vehicle Inspection Report for TN 47 A 0632	PW4
Ex.P9	Accident Report copy from Kangeyam Govt Hospital	PW4
Ex.P10	Accident Report Copy from Tiruppur Adhaar Hospital	PW4
Ex.P11	Death Intimation	PW4
Ex.P12	Post Mortem Certificate	PW4

Witnesses examined for defence-Nil

Exhibits marked for defence -Nil

Material Objects marked – Nil

Notes:

1. Accused Acquitted.
2. None of the witnesses were detained for more than 3 days.
3. This result were reported to the police.
4. Copy of the Judgment was furnished to the accused.
5. The case summary is attached to the judgment.

Copy submitted to

The Hon'ble Chief Judicial Magistrate, Tiruppur.