

IN THE COURT OF THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE
MADATHUKULAM

Present: Thiru. M.DHEENADHAYALAN B.A.,B.L.,LLM.
District Munsif cum Judicial Magistrate, Madathukulam

Friday, the 28th day of August, 2026
(2057 Tiruvalluvarandu, Sri Parabhava Varudam, 11th day of Aavani)

C.C. No. 108 of 2020
(CNR.No.TNTI22-000492-2020)

The State, rep. by
The Sub Inspector of Police,
Kaniyur Police station,
Crime No. 08/2019

...Complainant

Vs

Selvapalanisamy (age 65/2019)
S/o. Subbaiya

...Accused

Case – Summary

Details of complainant station	:	The State rep. by through, The Inspector of Police, Kaniyur Police Station, Crime No. 08/2019 under Sections 279, 338 (2 counts) and 304 (A) of I.P.C
Name of accused	:	Selvapalanisamy (age 65/2019) S/o. Subbaiya, 154, Neru Nagar, Selva Vilash Road, Dharapuram Taluk, Tiruppur District.
Dated of filing of complaint	:	09.01.2019
Date of arrest	:	20.01.2019

Date of release on bail	: Station Bail – 20.01.2019
Date of commencement of trial	: 16.04.2021
Date of the trial ended	: 13.08.2026
Charge against the accused	: under Sections 279, 338 (2 counts) and 304 (A) of I.P.C
The Accused's Response	: Accused denied the charges
Judge's decision and Judgment	: Acquittal
Judgment Date	: 28.08.2026

This case was filed on 01.12.2020, taken on file and coming today, for final hearing, before me, in the presence of Thiru.S.Senthilkumar, M.A.,B.L.,Assistant Public prosecutor Grade-I, representing for the State and Thiru. C. Chidambarasamy B.A.B.L., Counsel for the Accused, heard both side arguments, records perused and having stood over for consideration till this day, the Court delivered the following:-

JUDGMENT

1. The Inspector of police, Kaniyur Police station has laid final report that, on 09.01.2019, at about 14.30 hours, on the Udumalpet - Dharapuram road, near the Perumpallam bridge, while the P.W.4 was seated as a pillion with the P.W.5 riding the two wheeler TN 78 B 1168 TVS Sport belonging to the P.W.4 from west to east, the accused who came in his TN 78 9000 Maruthi Swift car rashly and negligently hit the said two wheeler ridden by the P.W.5 and subsequently hit the TN 42 J 6223 Bajaj Platina ridden by one Dukkaiyappan, causing severe injuries to the P.Ws.4 and 5 and also resulting in the death of said Dukkaiyappan and thereby the accused committed offences under Sections 279, 338 (2 counts) and 304 (A) of Indian Penal Code (in short I.P.C). The final report was perused and taken on file on 01.12.2020. Summons was ordered to be issued to the accused.

2. The accused appeared on receipt of the summons. On 16.02.2021, the copies of the documents and statements relied upon the prosecution were furnished to the accused at free of cost under section 207 of code of Criminal Procedure (in short Cr.P.C). Having satisfied that section 207 Cr.P.C was complied with, on 16.04.2021 Substance of accusation was stated under sections 279, 338 (2 counts) and 304 (A) of I.P.C asked whether he pleads guilty or claims to be tried. The accused denied the commission of the offence, pleaded not guilty and claimed to be tried. Upon denial by the accused, the prosecution was asked to let in their evidence, to prove the guilt of the accused.

3. On the side of prosecution, totally 20 witnesses were cited and six of them – P.Ws.1 to 6 were examined. Sixteen documents – Exs-P1 to P16 were marked as exhibits. The defacto complainant was examined as P.W.4, two eye witnesses were examined as P.Ws.3 and 5, the witnesses to the investigation at the place of occurrence, preparation of observation mahazar and rough sketch were examined as P.Ws.1 and 2, the present Special Sub Inspector of police, Kaniyur police station was examined as P.W.6, who adduced, based on records about the receipt of written information, registration of first information report, investigation and filing of final report by the investigation officer.

4. **The case of the prosecution is ;**

i. On 09.01.2019, at about 14.30 hours, on the Udumalpet - Dharapuram road, near the Perumpallam bridge, while the P.W.4 was seated as a pillion with the P.W.5 riding the two wheeler TN 78 B 1168 TVS Sport belonging to the P.W.4 from west to east, the accused who came in his TN 78 9000 Maruthi Swift car rashly and negligently hit the said two wheeler ridden by the P.W.5 and subsequently hit the TN 42 J 6223 Bajaj Platina ridden by one Dukkaiyappan, causing severe injuries to the

P.Ws.4 and 5 and also resulting in the death of said Dukkaiyappan. The P.W.4 gave written information to the Kaniyur Police station on 09.01.2019.

ii. The then Head Constable of police, Kaniyur police station has received the written information given by the P.W.4 and based on the same has registered a case in Cr.No.08/2019 under sections 279 and 337 of I.P.C. After taking the case for investigation, the then Sub Inspector of police proceeded to the place of occurrence on 09.01.2019, investigated about the occurrence, prepared the observation mahazar and rough sketch, in the presence of P.Ws.1 and 2. The Sub Inspector of police examined and recorded the statement of the witnesses. As the injured demised at hospital on 09.01.2019, at about 17.15 hours, an alteration report altering the sections from 279 and 337 of I.P.C to sections 279, 337 and 304(A) of I.P.C was filed. The investigation was then taken over by the Inspector who proceeded to Palladam government hospital and conducted an inquest, in the presence of witnesses and prepared the inquest report. Request for post mortem of the deceased Dukkaiyappan was placed, the post mortem was conducted, the concerned doctor was examined and his statement was recorded. The Inspector of police has then sent the 2 two wheelers and the four wheeler for motor vehicle inspection, obtained the reports and recorded the statement of the Motor Vehicle Inspector, Udumalpet. The doctors who treated the P.Ws.4 and 5 were examined, the wound certificates were obtained and their statements were recorded. The investigation officer has arrested the accused on 20.01.2019 and he was released on own bond. The investigation officer have then examined the doctor at Udumalpet government hospital, obtained the accident registers of P.Ws.4, 5 and deceased Dukkaiyappan and recorded his statement. Upon completion of investigation, the investigation officer have filed the final report before this court under sections 279, 338 (2 counts) and 304(A) of IPC on 27.04.2019.

5. After the closure of the prosecution evidence, the accused was questioned under section 313(1) (b) Cr.P.C, on 13.08.2026 with regard to the

incriminating materials against him, for which he denied the same. The accused did not produce any witness on his side and the defence side evidence was closed.

6. The case records perused. Both side arguments heard and considered.

7. Now the point for determination is that whether the prosecution has proved the case against the accused beyond all reasonable doubts or not?

8. The Prosecution have examined 6 witnesses. The defacto complainant was examined as P.W.4, two eye witnesses were examined as P.Ws.3 and 5, the witnesses to the investigation at the place of occurrence, preparation of observation mahazar and rough sketch were examined as P.Ws.1 and 2, the present Special Sub Inspector of police, Kaniyur police station was examined as P.W.6, who adduced, based on records about the receipt of written information, registration of first information report, investigation and filing of final report by the investigation officer.

9. As per the prosecution, 09.01.2019, at about 14.30 hours, on the Udumalpet - Dharapuram road, near the Perumpallam bridge, while the P.W.4 was seated as a pillion with the P.W.5 riding the two wheeler TN 78 B 1168 TVS Sport belonging to the P.W.4 from west to east, the accused who came in his TN 78 9000 Maruthi Swift car rashly and negligently hit the said two wheeler ridden by the P.W.5 and subsequently hit the TN 42 J 6223 Bajaj Platina ridden by one Dukkaiyappan, causing severe injuries to the P.Ws.4 and 5 and also resulting in the death of said Dukkaiyappan. The factum of injury sustained by the said Dukkaiyappan and his death have been proved by the accident register, Inquest report and Post mortem report exhibited as Exs.P7, P14 and P8, respectively. The doctor who conducted the post mortem have certified that the deceased appear to have died of shock and heamorrhage due to multiple injuries. The factum of injury sustained by P.Ws.4 and 5 have been proved by the accident registers of the P.Ws.4 and 5 have been exhibited as

Exs.P15 and P16 respectively. There is no dispute with regard to the fact that the death of the said Dukkaiyappan and injuries to the P.Ws.4 and 5 were caused due to the accident. Now it is imperative upon this Court to ascertain whether the accused drove the car, rashly and negligently, and caused the accident.

10. Firstly, this court considers that it is essential to look into the ingredients of sections 279, 338 and 304(A) of I.P.C before dealing with the facts of the present case in hand. The main ingredients of section 279 of I.P.C are that accused should've driven or ridden the vehicle on a public way, in a rash or negligent manner, so as to endanger human life or is likely to cause hurt or injury to any person. The main ingredients of Section 338 of I.P.C is that accused should've committed a rash or negligent act resulting in causing grievous injury to a person. The main ingredients of Section 304 (A) of I.P.C is that accused should've committed a rash or negligent act resulting in the death of a person. Now, it is to be determined that, whether the accused had caused the death of Dukkaiyappan and the injury to the P.Ws.4 and 5 by driving the car in a rash or negligent manner. As already held, there is no dispute regarding the factum of death of Dukkaiyappan and the injury to the P.Ws.4 and 5 and the same stands proved by the accident registers, Inquest report and Post mortem report exhibited as Exs.P7, P14 to P16 and P8, respectively.

11. With regard to the occurrence, the prosecution has examined three eye witnesses – P.Ws.3 to 5 of which one is the defacto complainant. The P.W.4 is the defacto complainant who have adduced that on 09.01.2019, at about 14.00-14.30 hours, while he and his friend P.W.5 came to Kaniyur and was returning to Dharapuram in his two wheeler TN 78 B 1168 TVS Sport ridden by the P.W.5, near the Perumpallam, a car which came in the opposite hit them. The P.W.4 became unconscious and gained consciousness only after 3 days in Coimbatore government hospital. The P.W.4 was informed that his brother Dukkaiyappan who coming in

another two wheeler have demised. The P.W.4 did not see the person who drove the car. The P.W.4 was unable to indentify his signature in the written information.

12. The P.W.5 have adduced that on 09.01.2019, at about 14.30 hours, near Perumpallam, he was riding a TVS Star sport two wheeler, with Dukkaiyappan riding another two wheeler at the back of them, a Maruthi car which came from east to west dashed them and the P.W.5 sustained injuries.

13. The P.W.3 have adduced that about 6-7 years ago (the witness was examined on 02.07.2026) while he was coming from Dharapuram to Udumalpet in his two wheeler, near the Perumpallam bridge, his uncles P.W.4 and Dukkaiyappan were lying injured.

14. As the three eye witnesses examined by the prosecution including the defacto complainant did not adduce in its support, the prosecution, with the leave of the court, cross examined them and nothing incriminating was brought out during the cross examination.

15. The P.Ws.1 and 2 have adduced about the investigation, preparation of observation mahazar and rough sketch at the place of occurrence and they affixing their signature in the same. Further during cross examination both of them have stated that they do not know the contents in which the paper they signed rendering their evidence unreliable. As all the prosecution witnesses did not adduce in its support, the other witnesses were dispensed and the present Sub Inspector of Police, Kaniyur police station was examined as P.W.6, who adduced, based on records about the receipt of written information, registration of first information report, investigation and filing of final report by the investigation officer.

16. The P.W.6 the Special Sub Inspector of police, Kaniyur police station have adduced, based on records, about receipt of written information given by the P.W.4, registration of case in Cr.No.08/2019 under sections 279 and 337 of I.P.C, taking up of investigation by the then Sub Inspector of police, investigation about the occurrence, preparation of observation mahazar and rough sketch, examination and recording of statement of the witnesses, filing of alteration report, conduct of inquest, obtaining of the Motor Vehicle Inspection reports, the wound certificates arrest of the accused, obtained the accident registers of P.Ws.4, 5 and deceased Dukkaiyappan and recorded his statement. Upon completion of investigation the investigation officer have filed the final report before this court under sections 279, 338 (2 counts) and 304(A) of IPC on 27.04.2019. The evidence of P.W.6 cannot alone held to be suffice to hold that the accused that he have committed the offences alleged.

17. As per Section 134 of The Indian Evidence Act, 1872 'No particular number of witnesses shall in any case be required for the proof of any fact' and though the Act does not prescribe any minimum number of witnesses to be examined by the prosecution, it is the duty of the prosecution to examine enough witnesses so as to unfold the occurrence and in the present case, the prosecution has failed to do so.

18. For the reasons aforerecorded, this court comes to the conclusion that the prosecution has not produced clear, cogent and sufficient evidence to prove the guilt of the accused under sections 279, 338 (2 Counts) and 304(A) IPC, beyond all reasonable doubts. Accordingly, I answer the point.

19. In fine, this court concludes that the Accused is found NOT GUILTY under sections 279, 338 (2 Counts) and 304(A) of I.P.C and is ACQUITTED under section 248(1) of Cr.P.C and is set at liberty.

20. No case property was remanded in this case. Therefore, no order is issued regarding the same.

Typed by me in my laptop and pronounced in open Court, on this day, the 28th day of August, 2026.

**District Munsif Cum Judicial Magistrate,
Madathukulam.**

Annexure;

List of witnesses examined on the side of prosecution;

S.No.	Prosecution Witness No.	Date	Name of the Witness	Description
1.	P.W.1	09.04.2026	Ashokkumar	Observation Mahazar Witness
2.	P.W.2	09.04.2026	Sathishkumar	Observation Mahazar Witness
3.	P.W.3	02.07.2026	Veerakumar	Eye Witness
4.	P.W.4	17.07.2026	Thirumoorthi	Complainant
5.	P.W.5	17.07.2026	Karthikeyan	Eye Witness
6.	P.W.6	07.08.2026	Muruganandam	Sub Inspector of Police

List of documents marked on the side of prosecution;

S. No.	Exhibit No.	Description of the Exhibit	Proved by/ Attested by
1.	Ex.P.1	Observation Mahazar	P.W.1
2.	Ex.P.2	1 st Signature by P.W.2 in Observation Mahazar	P.W.2
3.	Ex.P.3	Complaint Statement	P.W.6
4.	Ex.P.4	First Information Report	P.W.6
5.	Ex.P.5	Observation Mahazar	P.W.6
6.	Ex.P.6	Section Alteration Report	P.W.6

7.	Ex.P.7	Inquest Report	P.W.6
8.	Ex.P.8	Post Mortem Report	P.W.6
9.	Ex.P.9	TN 78 9000 Maruthi Swift car – Motor Vehicle Inspection Report	P.W.6
10.	Ex.P.10	TN 78 B 1168 TVS Sport – Motor Vehicle Inspection Report	P.W.6
11.	Ex.P.11	TN 42 J 6223 Bajaj Platina – Motor Vehicle Inspection Report	P.W.6
12.	Ex.P.12	Karthikeyan – Wound Certificate	P.W.6
13.	Ex.P.13	Thirumoorthy – Wound Certificate	P.W.6
14.	Ex.P.14	Dukkaiappan – Accident Register	P.W.6
15.	Ex.P.15	Thirumoorthy – Accident Register	P.W.6
16.	Ex.P.16	Karthikeyan – Accident Register	P.W.6

List of material objects marked on the side of prosecution; Nil

List of witnesses examined and documents produced on the side of defence ; Nil

**District Munsif Cum Judicial Magistrate,
Madathukulam.**

Note

- 1) Accused acquitted under Section 248(1)Cr.P.C.
- 2) Result of this case informed to the concerned Police station.
- 3) Date of Judgment 28.08.2026

Copy humbly submitted to

The Hon'ble Chief Judicial Magistrate, Tiruppur.