

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

Monday, the 10th day of August, 2026

(2057 Tiruvalluvarandu, Sri Parabhava Varudam, 25th day of Aadi)

C.C. No. 94 of 2019
(CNR.No.TNTI22-000600-2019)

The State, rep. by
The Sub Inspector of Police,
Kaniyur Police station.

...Complainant

Vs

Suresh (age 32/2019)
S/o.Pitchaimuthu

...Accused

Case – Summary

Details of complainant station	:	The State rep. by through, The Inspector of Police, Kaniyur Police Station, Crime No. 87/2018 Under sections 279, 304 (A) of I.P.C, and 146 r/w 196 and 190(2) of MV Act,
Name of accused	:	Suresh (age 32/2019) S/o.Pitchaimuthu, 3/395 Adaikanur, Thattarapatti, Vedachandhur, <u>Now At</u> Sawndamman Temple Street, Karatholuvu, Madathukulam Taluk, Tiruppur District.
Dated of filing of complaint	:	21.05.2019
Date of arrest	:	10.06.2019
Date of release on bail	:	Station Bail – 10.06.2019
Date of commencement of trial	:	08.10.2020

Date of the trial ended	:	31.12.2025
Charge against the accused	:	Under sections 279, 304 (A) of I.P.C, and 146 r/w 196 and 190(2) of MV Act,
The Accused's Response	:	Accused denied the charges
Judge's decision and Judgment	:	Convicted
Judgment Date	:	10.08.2026

This case was originally filed on 25.07.2019 and taken on file as C.C.No.46 of 2019 on the file of the Hon'ble Judicial Magistrate Court No.II, Udumalpet and was transferred to this Court when this court was newly established and taken on file as C.C.No. 94 of 2019 coming today, for final hearing, before me, in the presence of Assistant Public Prosecutor Grade-I, representing for the State and Mr.R.Tamil Iniyan 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 21.05.2019, at about 18.45 hours, on the Kaniyur – Karathozhuvu road, near the Pudur madam Barathi nursery school, while the deceased Karuppaiya crossed the road from west to east, the accused in his TN 58 AF 2023 Discover two wheeler came rashly and negligently and dashed the said Karuppaiya causing severe injuries on the back of his head, left thigh resulting in his death and thereby committed offences under Sections 279 and 304 (A) of Indian Penal Code (in short I.P.C.). The final report was perused and taken on file on 25.07.2019. Summons was ordered to be issued to the accused.

2. The accused appeared on receipt of the summons. On 22.10.2019, 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 of Cr.P.C was complied with, on 08.10.2020, substance of accusation was stated under sections 279 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 11 witnesses were cited and nine of them – P.Ws.1 to 9 were examined. Seven documents – Exs.P1 to P7 were marked as exhibits. The defacto complainant was examined as P.W.1, two eye witnesses were examined as P.Ws.2 and 4, one inquest witness was examined as P.W.3, one of the witness to the investigation at the place of occurrence, preparation of observation mahazar and rough sketch was examined as P.W.5, the doctor who carried out the post mortem of the deceased body was examined as P.W.6, the motor vehicle inspector was examined as P.W.8, the police who received the written information from the P.W.1 and registered the case was examined as P.W.7, the investigation officer who investigated the case and filed the final report was examined as P.W.9.

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

i. On 21.05.2019, at about 18.45 hours, on the Kaniyur – Karathozhuvu road, near the Pudur madam Barathi nursery school, while the deceased karuppaiya crossed the road from west to east, the accused in his TN 58 AF 2023 Discover two wheeler came rashly and negligently and dashed the said Karuppaiya causing severe injuries on the back of his head and left thigh resulting in his death. The P.W.1 gave written information to the Kaniyur police station on the same day.

ii. The Sub Inspector of police, Kaniyur police station Shanmugam has received the written information given by the P.W.1 and based on the same has registered a case in Cr.No.87/2019 under sections 279 and 304(A) of I.P.C. After taking the case for investigation, the Investigation Officer, who was the then Inspector of police, Kaniyur police station, proceeded to the place of occurrence on 22.05.2019, at about 06.30 hours, investigated about the occurrence, prepared the observation mahazar and rough sketch, in the presence of witnesses namely P.W.5 and one Makudiswaran. The witnesses were examined and their statements recorded. The investigation officer thereafter proceeded to the Udumalpet government hospital and conducted an inquest on 22.05.2019, at about 08.00 to 10.00 hours, in the presence of witnesses and prepared the inquest report. Request for post mortem of the deceased Karrupaiya was placed before the Udumalpet government hospital doctor, the post mortem was conducted and the concerned doctor was examined and statement recorded. The Investigation Officer has then sent the TN 53 AF 2023 Bajaj Discover two wheeler for motor vehicle inspection on 10.06.2019, obtained the report, examined and recorded the statement of the Motor Vehicle Inspector Udumalpet. The investigation officer has arrested the accused on 10.06.2019 and was released on own bond. Upon completion of investigation the Investigation Officer have filed the final report before this court under sections 279, 304(A) of I.P.C and sections 196, 190 (2) of Motor Vehicles Act (in short M.V.Act)

5. After the closure of the prosecution evidence, the accused was questioned under section 313(1)(b) Cr.P.C, on 30.12.2025, 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 9 witnesses. The defacto complainant was examined as P.W.1, two eye witnesses were examined as P.Ws.2 and 4, one inquest witness was examined as P.W.3, one of the witness to the investigation at the place of occurrence, preparation of observation mahazar and rough sketch was examined as P.W.5, the doctor who carried out the post mortem of the deceased body was examined as P.W.6, the motor vehicle inspector was examined as P.W.8, the police who received the written information from the P.W.1 and registered the case was examined as P.W.7, the investigation officer who investigated the case and filed the final report was examined as P.W.9.

9. As per the prosecution, On 21.05.2019, at about 18.45 hours, on the Kaniyur – Karathozhuvu road, near the Pudur madam Barathi nursery school, while the deceased Karuppaiya crossed the road from west to east, the accused in his TN 58 AF 2023 Discover two wheeler came rashly and negligently and dashed the said Karuppaiya causing severe injuries on the back of his head and left thigh resulting in his death. The factum of the death of the deceased Karuppaiya have been proved by the Inquest report and Post mortem report, exhibited as Exs.P7 and P3, respectively. The doctor who conducted the post mortem have been examined as P.W.6 who have certified that the deceased appear to have died of shock and haemorrhage due to head injury. There is no dispute with regard to the death of the said Karuppaiya was caused due to the injuries sustained by him due to the accident. Now it is imperative upon this Court to ascertain whether the accused rode the two wheeler vehicle rashly and negligently and caused the accident resulting in the death of the said Karuppaiya.

10. Firstly, this court considers that it is essential to look into the ingredients of sections 279 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 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 Karuppaiya by riding the two wheeler in a rash or negligent manner. As already held, there is no dispute regarding the factum of death of Karuppaiya and the same stands proved by Inquest report and Post mortem report, exhibited as Exs.P7 and P3, respectively.

11. The prosecution has examined three eye witnesses of which one is the defacto complainant with regard to the occurrence. The P.W.1 – Nagendran, has adduced that on 21.05.2019 he was driving vehicle at Kaniyur. They came in the Mobile orchestra vehicle conducted differently abled persons. At about 18.45 hours, they drove from Madathukulam to Karathozhuvu road and P.W.1 stopped the vehicle there. Thereafter, to take the vehicle reversely Karuppaiya got down. He stood near the vehicle on the left side of the road. The accused came speedily in a bike from Karathozhuvu towards Madathukulam and dashed Karuppaiya. Karuppaiya sustained head injury. The P.W.1 saw this while being seated in the vehicle and got down and came running. The P.W.1 did not know the person who rode the vehicle and came. He does not know whether he is in court or not. Ambulance was brought and they took him to Udumalpet government hospital and he died. The P.W.1 have given written information to the Madathukulam Police station which is exhibited as Ex P1.

12. The P.W.2 – Anwar have adduced that he knew P.W.1 and the deceased and they were conducting an mobile orchestra in the name of 'Saathaka Paravaihal Isai Kuzhu'. On 21.05.2019, at about 18.00 hours, near the Kaniyur police station, the P.W.2, Malaisamy, the P.W.1 and the deceased Karuppaiya came and they got down from the vehicle and on the Karathozhuvu – Kaniyur road was standing on the left

side. At that time, a two wheeler came speedily dashed and dragged him. The person who rode the vehicle was in an inebriated state. The deceased sustained injury in his face, mouth and head. The accused suresh was one who rode the two wheeler. He is present in the court. The P.W.2 does not know the vehicle which he rode. The injured Karuppaiya died on the spot. They took him to Udumalpet government hospital.

13. The P.W.3 – Babu have adduced that on 22.05.2019 morning he was informed that he father demised in an accident. They came there. They were informed that the accident occurred near the Kaniyur police station on 21.05.2019. The P.W.3 went to Udumalpet Government Hospital and identified his father's body. He was informed that a two wheeler hit his father and it happened near Kaniyur police station.

14. The P.W.4 – Dhanushkodi, has adduced that on 21.05.2019, at about 18.30 hours, near the Kaniyur Pudurmadam in front of the Bharathi nursery and primary school gate one Karuppaiya who use to sing and collect money in the said road in order to go to stores crossed the road from west to east and at that time, a Discover two wheeler which came from Karathozhuvu hit the Karuppaiya and he fell down. When they went and lifted, he had sustained injury on the back of his head. The accused rode the two wheeler. He was sent to hopsital through ambulance.

15. The prosecution witnesses P.Ws.1 to 4 appear to have adduced in support of the prosecution. During cross examination, the defence were able to bring out certain contradictions in their evidences. At the outset, it could be seen that during cross examination, the PW.2 have admitted that he was seated inside the vehicle and he does not immediately know what happened in the side and he know only after some time. The evidence of the P.W.2 creates suspicion as to whether he saw the occurance directly or not. During the cross examination, the P.W.3 have admitted

that he does not know directly about the occurrence. The evidences of the P.Ws.2 and 3 have been rendered unreliable by the defence during cross examination.

16. During cross examination, the P.W.1 have been questioned as to the vehicle which they were travelling is a commercial vehicle and people are to not to be taken in it and the P.W.1 admitted the same and stated that a tent like structure was erected and the differently abled people sit there and sing. The fact that the deceased and others travelled in an commercial vehicle modified into a mobile orchestra does not absolve the accused, of his act of rashness and negligence if the same stands proved. The P.W.1 have further admitted that he does not know who wrote th Ex.P1 written information and its contents. Further when the P.W.1 was aksed whether the deceased had visual impairment, the P.W.1 denied the same and stated he had good vision. Whether necessary permission have been obtained for conducting orchestra with differently abled persons, the P.W.1 have stated that they had the permission at the hostel and he does not have it. During the cross examination, the P.W.1 was suggested that the place of occurrence is not located at Madathukulam – Kaniyur road, the P.W.1 have admitted the same. It could be seen that the said question is misleading one as it could be seen from the evidence, the P.W.1 have already stated that the place of occurrence is located at Madathukulam – Karathozhuvu road and beyoond Kaniyur near a school. Madathukulam – Karathozhuvu road passes through Kaniyur. As such it could be inferred that the admission of the P.W.1 that the place of occurrence is not located at Madathukulam – Kaniyur road is a reference to the point that the place of occurrence is located beyond Kaniyur on the same road and does not create any suspicion on the place of occurrence. During cross examination, the P.W.1 have admitted that as he seated in the driver seat, he does not know directly as to what happened in the rear. Further, during cross examination, the defence have suggested that the P.W.1 without knowing that the deceased have got down took the vehicle in reverse negligently without any signals and dashed him and the P.W.1 have

denied the same. It is not the case of the defence that the accident was caused by the P.W.1 and the accused was falsely implicated in the present case.

17. During cross examination, the P.W.4 have adduced that he does not know in which vehicle the P.W.1 came. When questioned as to the vehicle in which the deceased Karuppaiya came, the P.W.4 have adduced that he came by walk. He further adduced that he does not know Karuppaiya directly and came to know by enquiring at that place. When asked that the vehicle in which they came was not present there, the P.W.4 have adduced that the same was inside the school. During cross examination the P.W.4 have clearly adduced that the accident unfolded on the western side of the road. It could be seen that the place of occurrence ear marked in the Ex.P6 rough sketch corresponds to what was adduced by the P.W.4.

18. It could be seen that the prosecution has not produced the scribe of the Ex.P1 written information details in the case and the P.W.1 admitted that he was seated in the driver seat at the time of occurrence creates a suspicion as to whether he would have seen the occurrence directly. Further, as per the version of the P.W.1, the deceased was standing on the road to aid the vehicle being taken in reverse. In contrary to the same, the P.W.3 have stated that the deceased was crossing the road while the accident occurred. While the act of the deceased does not automatically absolve the accused of his act of rashness and negligence the contradiction in the evidence as to whether the deceased was standing on the side of the road or was trying to cross the same goes to the root of the case as the contributory negligence on the part of the deceased comes into play. As such, it could be held that the prosecution has not proved the rashness and negligence on the part of the accused alone in causing the said accident which would have made him liable under sections 279 and 304(A) of I.P.C.

19. The P.W.5 - Sivakumar has adduced that on 22.05.2019 at about 07.00 hours, the police were standing near the Bharathi school, prepared observation mahazar and rough sketch and he signed in the observation mahazar and adduced that the second signature in the observation mahazar is his signature. The signature of P.W.5 in the observation mahazar was exhibited as Ex.P2. During cross examination, the P.W.5 have stood his ground and stated that he knew the contents of the document in which he signed and the defence was unable to bring out anything which would have enable this court to discard the evidence of P.W.5.

20. The P.W.8 – Muthukumar, the then motor vehicle inspector, Udumalpet has adduced that, on 21.05.2019 the vehicle involved in the Kaniyur police station crime number 87/2019 under sections 279 and 304(A) IPC the Bajaj Discover two wheeler bearing number TN 58 AF 2023 was inspected. The damages caused to the vehicle are stated in the report. It was certified that the accident did not occur due to any mechanical failure. The MV inspection report is exhibited as Ex.P5.

21. The P.W.7 – Shanmugam, has adduced that while he was on duty as the Sub Inspector of police, Kaniyur Police Station, on 21.05.2019 at about 20.30 hours, has received the written information given by the P.W.1 and based on the written information has registered a case in Cr.No.87/2019 under sections 279 and 304(A) of I.P.C. The First Information Report is exhibited as Ex.P4. The Original was forwarded to the Court and the copy was submitted to the Inspector of police for investigation.

22. The P.W.9- Mahendran, the Inspector of police, Kaniyur police station have adduced that he upon taking the case for investigation, have proceeded to the place of occurrence on 22.05.2019, at about 06.30 hours, investigated about the occurrence, prepared the observation mahazar and rough sketch, in the presence of witnesses namely P.W.5 and one Makudiswaran. The rough sketch is exhibited as

Ex.P6. The witnesses were examined and their statements recorded. The investigation officer thereafter proceeded to the Udumalpet government hospital and conducted an inquest on 22.05.2019, at about 08.00 to 10.00 hours, in the presence of witnesses and prepared the inquest report. The Inquest report is exhibited as Ex.P7. Request for post mortem of the deceased Karrupaiya was placed before the Udumalpet government hospital doctor, the post mortem was conducted and the concerned doctor was examined and statement recorded. The Investigation Officer has then sent the TN 53 AF 2023 Bajaj Discover two wheeler for motor vehicle inspection on 10.06.2019, obtained the report, examined and recorded the statement of the Motor Vehicle Inspector Udumalpet. The investigation officer has arrested the accused on 10.06.2019 and was released on own bond. Upon completion of investigation the Investigation Officer have filed the final report before this court under sections 279, 304(A) of I.P.C and sections 196, 190 (2) of Motor Vehicles Act (in short M.V.Act). The evidences of the official witnesses alone cannot be held to be suffice to prove the rashness and negligence on the part of the accused.

23. Upon perusal of the Ex.P5 Motor vehicle inspection report of the two wheeler driven by the accused it could be seen that the accused have not produced the registration certificate, insurance certificate and permit during motor vehicle inspection. Though the accused have denied the commission of offences under sections 146 r/w 196 and 190(2) of MV Act, he did not produce any evidence to discard the prosecution case and did not produce the said documents on his side either. As such, this court of the considered opinion that the accused is guilty of the offences under sections 146 r/w 196 and 190(2) of MV Act.

24. For the aforementioned reasons, this Court holds that the prosecution has not produced clear, cogent and sufficient evidence to prove the guilt of the accused under sections 279, 304(A) IPC and produced clear, cogent and sufficient

evidence to prove the guilt of the accused under sections 146 r/w 196 and 190(2) of MV Act beyond all reasonable doubts. Accordingly, I answer the point.

In fine, this court concludes that

- i. the Accused is found NOT GUILTY under sections 279 and 304(A) I.P.C and is ACQUITTED under Section 248(1) of Cr.P.C.
- ii. the Accused is found GUILTY under sections 146 r/w 196 and 190(2) of MV Act and is convicted under section 248(2) of Cr.P.C and is hereby sentenced to pay fine of a fine of Rs.1000/- under section 146 r/w 196 of MV Act and a fine of Rs.1,000/- under section 190(2) of MV Act. In total, a fine of Rs.2,000/- and in default of payment of the same, the accused shall undergo simple imprisonment for 1 months.
- iii. No case property was remanded in this case. Therefore, no order is issued regarding the same. The bail bond, if any executed by the accused shall stand canceled.

Typed by me in my laptop and pronounced in open Court, on this day, the 10th 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	15.02.2022	Nagendran	Complainant
2.	P.W.2	15.02.2022	Anwar	Eye Witness
3.	P.W.3	15.02.2022	Babu	Hearsay Witness
4.	P.W.4	02.06.2025	Dhanushkodi	Eye Witness
5.	P.W.5	02.06.2025	Sivakumar	Observation Mahazar Witness

6.	P.W.6	02.07.2025	Mohammed Faizer	Doctor Witness
7.	P.W.7	24.07.2025	Shanmugam	Inspector of Police
8.	P.W.8	14.11.2025	Muthukumar	Motor Vehicle Inspector
9.	P.W.9	30.12.2025	Mahendran	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	Written Information	P.W.1
2.	Ex.P.2	Observation Mahazar	P.W.5
3.	Ex.P.3	Inquest Report	P.W.6
4.	Ex.P.4	First Information Report	P.W.7
5.	Ex.P.5	TN 58 AF 2023 Discover two wheeler - Motor Vehicle Inspection Report	P.W.8
6.	Ex.P.6	Rough Sketch	P.W.9
7.	Ex.P.7	Post Mortem Report	P.W.7

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 is 279 and 304(A) I.P.C and is ACQUITTED under Section 248(1) of Cr.P.C.
- 2) Accused is 146 r/w 196 and 190(2) of MV Act and is convicted under section 248(2) of Cr.P.C
- 3) Result of this case informed to the concerned Police station.
- 4) Date of Judgment 10.08.2026

Copy humbly submitted to

The Hon'ble Chief Judicial Magistrate, Tiruppur.