

**IN THE COURT OF DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE
UTHUKULI**

Present : Thiru.B.Dharaneether B.A.,L.L.M.,
District Munsif Cum Judicial Magistrate
Uthukuli.

Dated : Monday, the 30th day of March, 2026.

C.C.No: 321 of 2019

(CNR No. TNTI23-000289-2019)

Inspector of Police

Uthukuli P.S,

Cr.No. 346 of 2016

U/sec. 279, 304(A) IPC

... Complainant

-VS -

1. Tr.Poovendhiran

S/o. Sekar (26/2016)

... Accused

This case having coming up on 30.03.2026 for final hearing before me in the presence of Tmt.Hema, B.A.,B.L., Assistant Public Prosecutor Grade I appearing for State and Advocate C.Prabhu appearing for accused. Upon perusing the connected material records and having stood over till this day for consideration, this court delivers the following.

JUDGMENT

The accused now before this Court stood charged for the offences punishable under Sections 279 and 304(A) of the Indian Penal Code, on the allegation that on 22.07.2016 at about 10.45 a.m., on Uthukuli–Tiruppur Road near Kulathupalayam, he drove a Tempo bearing Registration No. TN 39 BM

7443 in a rash and negligent manner and dashed against one Thangavel, who was walking on the side of the road, thereby causing his death.

On appearance of the accused before this Court, copies of documents were furnished to him under Section 207 Cr.P.C. Accused questioned on substance of accusation for offence under Sections 279 and 304(A) IPC. The accused pleaded not guilty and claimed to be tried.

In order to substantiate its case, the prosecution examined six witnesses as P.W.1 to P.W.6, marked documentary evidence and produced material records.

After completion of prosecution evidence, the accused was questioned under Section 313 Cr.P.C. with regard to the incriminating circumstances appearing against him. He denied the same as false and did not choose to examine any witness nor mark any document on his side.

The case of the prosecution

On 22.07.2016 at about 10.45 a.m., the deceased Thangavel was walking on the side of Uthukuli Road, while P.W.1 Sakunthala, his wife, was walking behind him. At that time, a Tempo vehicle bearing Registration No. TN 39 BM 7443, driven by the accused, came from the opposite direction and hit the deceased. Due to the impact, the deceased sustained grievous injuries and was taken to the Government Hospital, Tiruppur, where he succumbed to the injuries. Based on the complaint lodged by P.W.1, a case was registered and after investigation, final report was filed against the accused.

Summary of Prosecution Evidence

P.W.1 Sakunthala, the wife of the deceased, has deposed that on the date of occurrence, while she along with her husband was walking on the road, a Tempo vehicle came from the opposite direction in a fast manner and hit her husband. She has further spoken about the injuries and subsequent death of the deceased.

P.W.2 Panneerselvam has stated that he saw the deceased walking on the road and a goods vehicle bearing Registration No. 7443 coming at speed and hitting him. However, he has admitted that he did not see the driver of the vehicle.

P.W.3 Silambarasan has also spoken about the occurrence, but in his cross-examination, he has admitted that he along with P.W.2 was inside a tea shop and came out only after hearing the sound. P.W.4 Jagan is a mahazar witness and his evidence is only formal in nature.

P.W.5 Moorthy, the owner of the vehicle, has deposed that the accused was the driver of the vehicle bearing Registration No. TN 39 BM 7443 at the relevant point of time, and this fact has not been denied in cross-examination.

P.W.6 Thangavel, the Investigating Officer, has deposed about registration of FIR, preparation of observation mahazar and rough sketch, conduct of inquest, seizure of vehicle, obtaining motor vehicle inspection report and post-mortem report, and filing of final report against the accused.

Point for Determination

Whether on 22.07.2016 at about 10.45 a.m., the accused drove the vehicle in a rash and negligent manner and caused the death of Thangavel, thereby committing offences under Sections 279 and 304(A) IPC?

Discussion and Findings

From the evidence of P.W.1 Sakunthala, it is clear that she was present at the time of occurrence along with the deceased. Her presence at the scene is natural, as she was accompanying her husband. She has consistently deposed that while they were walking along the road, a Tempo vehicle came from the opposite direction and hit the deceased. Her testimony, therefore, establishes the factum of occurrence and the immediate cause leading to the injuries sustained by the deceased.

The evidence of P.W.1 further stands corroborated to the limited extent of occurrence by P.W.2 Panneerselvam and P.W.3 Silambarasan, who have also spoken about the accident and the subsequent shifting of the injured to the hospital. Thus, this Court has no hesitation in holding that the occurrence of the accident and the death of Thangavel as a result of injuries sustained therein stand clearly established.

However, the mere proof of an accident resulting in death is not sufficient to fasten criminal liability under Sections 279 and 304(A) IPC. The prosecution is further required to prove that the accident was the result of a rash or negligent

act of the accused, and that such act was the proximate and efficient cause of death.

At this juncture, it becomes necessary to scrutinize the evidence of P.W.1, who is the only direct witness to the occurrence. A careful reading of her testimony shows that she has merely stated that the vehicle came “in a fast manner” and hit the deceased. Beyond this general assertion, she has not spoken about any specific act or omission on the part of the driver which would constitute rashness or negligence.

Significantly, P.W.1 has not stated whether the vehicle deviated from its path, whether it was driven on the wrong side, whether there was any attempt to apply brakes, or whether the driver failed to notice the pedestrian despite having sufficient opportunity. She has also not spoken about the width of the road, traffic conditions, or any other surrounding circumstances which could indicate negligence.

The absence of such material particulars assumes importance, as criminal negligence cannot be inferred on the basis of vague or general statements. The law requires that the prosecution must place before the Court clear and cogent evidence demonstrating the manner in which the accused acted rashly or negligently.

The evidence of P.W.2 and P.W.3 does not improve the case of the prosecution in this regard. Though both these witnesses have stated that the vehicle came at speed, it is evident from the cross-examination of P.W.3 that he

was inside a tea shop and came out only after hearing the sound. This admission clearly indicates that he did not witness the actual impact or the manner in which the vehicle was driven at the crucial moment.

Similarly, the evidence of P.W.2 also does not disclose any specific details regarding the manner of driving. Further, he has admitted that he did not see the driver of the vehicle. Therefore, his testimony is of limited value and does not establish rashness or negligence.

Thus, the combined reading of the evidence of P.W.2 and P.W.3 shows that they are not reliable eyewitnesses to the manner of occurrence, and their testimony cannot be used to infer rash or negligent driving.

As regards the identity of the accused, the evidence of P.W.5 Moorthy, the owner of the vehicle, assumes relevance. He has clearly deposed that the accused was the driver of the vehicle at the relevant time, and this aspect has not been challenged in cross-examination. Therefore, this Court is inclined to accept that the accused was driving the vehicle at the time of occurrence.

However, the establishment of identity alone is not sufficient to bring home the guilt of the accused. The prosecution must further prove that the accused drove the vehicle in a manner which was rash or negligent.

The evidence of P.W.6 Thangavel, the Investigating Officer, only speaks about the procedural aspects of the investigation, such as registration of FIR, preparation of observation mahazar and rough sketch, conduct of inquest and collection of reports. His evidence does not throw any light on the manner in

which the accident occurred or the conduct of the accused at the time of occurrence.

It is well settled that in cases of this nature, the Court must distinguish between a mere accident and a criminal act. Every accident does not amount to an offence. In order to constitute an offence under Sections 279 and 304(A) IPC, it must be shown that the act of the accused was so rash or negligent as to endanger human life.

In this context, it is relevant to refer to the decision of the Hon'ble Supreme Court in *State of Karnataka v. Satish* (AIR 1998 SC 1333), wherein it has been held that mere high speed of a vehicle cannot be equated with rashness or negligence, in the absence of any other material to show the manner of driving.

In the present case, the prosecution has relied only upon the general statement that the vehicle came at speed. There is absolutely no material to show the manner in which the accused drove the vehicle or the specific act which constituted negligence. In the absence of such evidence, it would not be safe to hold that the accused was guilty of rash and negligent driving.

Another important aspect is that the prosecution has not ruled out other possibilities, such as sudden movement of the pedestrian, lack of visibility, or other external factors which may have contributed to the accident. In the absence of clear evidence, the possibility of the accident occurring without any culpable negligence on the part of the accused cannot be ruled out.

It is a cardinal principle of criminal jurisprudence that the prosecution must prove its case beyond reasonable doubt. Suspicion, however strong, cannot take the place of proof. In *Kali Ram v. State of Himachal Pradesh* (AIR 1973 SC 2773), it has been held that if there is any reasonable doubt, the benefit must go to the accused.

In the present case, the evidence on record does not conclusively establish that the accused drove the vehicle in a rash and negligent manner. The deficiencies in the prosecution case create a reasonable doubt, and the accused is entitled to the benefit of such doubt.

Therefore, this Court is of the considered view that the prosecution has failed to prove beyond reasonable doubt that the accused committed the offences under Sections 279 and 304(A) IPC.

This Court finds that though the occurrence and death are proved, the prosecution has failed to prove beyond reasonable doubt that the accused drove the vehicle in a rash and negligent manner.

Accordingly, the accused is found not guilty of the offences under Sections 279 and 304(A) IPC and is acquitted under Section 255(1) Cr.P.C.

The bail bond, if any, shall stand cancelled.

Directly typed by me in my official laptop and pronounced by me in open court on this 30th day of March 2026.

**Sd/-Thiru.B.Dharaneether B.A.,L.L.M.,
District Munsif Cum Judicial Magistrate,
Uthukuli.**

APPENDIX

List of Prosecution Witnesses:

S.No.	Date of Examination	Witness Name	Category of witness
PW1	09.02.2023	Tmt.Sagunthala	De-facto Complainant
PW2	09.02.2023	Tr.Paneerselvam	Eye – witness to incident
PW3	09.02.2023	Tr.Silambarasan	Eye – witness to incident
PW4	05.10.2023	Tr.Jegan	Observation mahazar witness
PW5	05.10.2023	Tr.Moorthy	Material witness
PW6	24.05.2024	Tr.Thangavel	Investigation officer

List of Prosecution Exhibits:

Ex.No.	Marked Through	Particulars of documents
Ex.P1	PW1	Complaint
Ex.P2	PW4	Signature of PW4 in Observation mahazar
Ex.P3	PW6	FIR
Ex.P4	PW6	Observation mahazar
Ex.P5	PW6	Rough Sketch
Ex.P6	PW6	Inquest report
Ex.P7	PW6	Motor Vehicle Inspection Report for TN 39 BM 7443
Ex.P8	PW6	Post mortem certificate

Witnesses examined for defence- Nil

Exhibits marked for defence - Nil

Material Objects marked – Nil

Sd/-Thiru.B.Dharaneether B.A.,L.L.M.,
District Munsif Cum Judicial Magistrate,
Uthukuli.

NOTE :

- 1) Accused acquitted
- 2) Result of this case informed to the concerned department.
- 3) Date of Judgment 30.03.2026.

Copy submitted to

The Hon'ble Chief Judicial Magistrate, Tiruppur.