

IN THE COURT OF DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, UTHUKOTTAI

**Presiding: V. Viswatha. B.A. L.L.B.(HONS),L.L.M.,
District Munsif cum Judicial Magistrate,
Uthukottai.**

Wednesday, the 22nd day of July 2026

Calender Case No.24/2018

Rep. by Sub - Inspector,
C2, Periyapalyam Police Station,
Uthukottai
Crime No. 399/2017
Thiruvallur District

....Complainant

Vs.

Kotteswaran S/o Babu

....Accused

This case came up for final hearing in the presence of Learned Assistant Public Prosecutor, Grade – I, appearing for the State and the accused person remaining on bail and being defended by Learned Counsel Mr. S.Suresh, Mr. S.Sushil Kumar, Mr. N.Udhayachandhar, Mr. R.Balasubramaniyakumar, Mr. K.Suresh, Mrs. K.Srividhya appearing for the accused. After hearing both sides, upon perusing the records having stood over for consideration till this day, this court delivers the following...

JUDGMENT

1.Facts of Prosecution case :-

(1) The case of the prosecution is that on 14.07.2017 at 06.15 P.M, deceased Murugan was standing on the left side of the road near the house of Soman Mudaliar on the Ariyapakkam Village Main Road on the route from Periyapalayam to Uthukottai after finishing work on his agricultural land. It is stated that he was preparing to head home by crossing the bend located opposite Soman Mudaliar's house. It is stated that at that moment the driver of a Swift Car bearing Registration No.TN 12 B 7979 traveling from Periyapalayam towards Uthukottai drove at high speed and in a negligent manner, striking deceased Murugan the collision caused severe injuries to his head, right arm, and body, resulting in his death. The accused is stated to be convicted for the offence punishable U/s 279, 304(A) of IPC.

(2) Securing the accused on bail, free copies of records was furnished to the accused in compliance of section 207 of Cr.P.C. Since, there existed a *prima facie* case against the accused, the charges were accordingly framed for the offences punishable U/s 279, 304(A) of IPC. The charges so framed were read over and explained to the accused. Accused denied them as false and claimed to be tried. Accordingly, trial was ordered to be commenced.

(3) The charges so framed were read over, explained to the accused. The accused pleaded not guilty. Hence, trial was ordered to be commenced.

2. Evidence Adduced on both sides:-

(1) To prove the case, the prosecution has examined ten witnesses, marked Ex. P. 1 - Signature on the Complaint, Ex. P. 2 - Observation Mahazar, Ex. P. 3 - Second Signature on the Observation Mahazar, Ex. P. 4 - First Information Report, Ex. P. 5 - Rough Sketch, Ex. P. 6 - Post-Mortem Certificate, Ex. P. 7 - Inspection Report of Swift Car bearing Registration No.TN 12 B 7979, Ex.P.8 - Post Mortem examination Report.

(2) On the defense side, no evidence was adduced.

3. Gist of Prosecution Evidence:-

(1) Rajesh is the defacto complainant he is examined as P.W.1. He has stated that on 14.07.2017 his father deceased Murugan was returning to our house near Soman Mudaliar's house after working on the land in our Village, a swift car bearing Registration No.TN 12 B 7979 coming from Periyapalayam towards Uthukottai came at a high speed as his father was passing by and hit him. It is stated that P.W.2 who witnessed the accident informed P.W.1. It is stated that immediately P.W.1 and his wife informed 108 Ambulance and took his father to the Hospital for treatment. It is stated that his father died next day. It is stated that P.W.1 filed a complaint about this at the Periyapalayam Police Station on 15.07.2017 at 06.00 P.M and the signature on the complaint is obtained by P.W.1. It is stated that the signature on the complaint is marked as Ex.P.1. It is stated that the police inquired him about the occurrence.

(2) Prakash is examined as P.W.2. He stated that on 14.07.2017 at 06.00 P.M while he was going from Uthukottai road to Ariyapakkam a swift car

bearing Registration No. TN 12 B 7979 coming from Periyapalayam towards Uthukottai on the road. It is stated that the driver of the car came at a high speed and hit P.W.1's father who was going on the left side of the road to go home. It is stated that he immediately informed P.W.1 about the accident then he called an ambulance and was taken his father to the Hospital. It is stated that the police inquired him.

(3) Selvi examined as P.W.3. She has stated that on 04.07.2017 at 6.15 P.M her husband P.W.1 received a call and received an information that her Father-in-law had been injured in an accident near Soma Mudaliar's house while on his way to our home. It is stated that P.W.1 immediately rushed to the spot and called an ambulance and took her father- in -law to the Ponneri Government Hospital for treatment. It is stated that unfortunately the treatment was unsuccessful and he passed away. It is stated that P.W.1 lodged a complaint on the next day at Periyapalayam Police Station. It is stated that the police inquired him about the occurrence.

(4) Loganathan is examined as P.W.4. He has stated that on 14.07.2017 at 06.00 P.M deceased Murugan was walking on the main road in Ariyapakkam when a car coming from behind hit him and threw him off. It is stated that deceased Murugan suffered injuries all over his body. It is stated that he do not remember the Registration Number of the car exactly. It is stated that they took him to the Hospital. It is stated that the police inquired him about the occurrence.

(5) Haribabu is examined as P.W.5. He has stated that on 14.07.2017 he was informed that his uncle Murugappa Reddy had an accident after that they took him to Ponneri Government Hospital. It is stated that the doctor said that he passed away. It

is stated that he was present during his Post-Mortem. It is stated that the police inquired him about the occurrence.

(6) Ponnusamy is examined as P.W.6. He has stated that on 14.07.2017 he was informed that his uncle Murugappa Reddy had an accident after that they took him to Ponneri Government Hospital. It is stated that the doctor said that he passed away. It is stated that he was present during his Post-Mortem. It is stated that the police inquired him about the occurrence.

(7) Sekar is examined as P.W.7. He has stated that about five years ago when he was returning from work at 5.30 A.M the police prepared a Observation Mahazar in front of Mudaliar's house in Ariyappakkam. It is stated that P.W.8 was also with him. It is stated that the police prepared a Observation Mahazar and Rough Sketch of the place of occurrence. It is stated that the Observation Mahazar is marked as Ex.P.2. It is stated that the police inquired him about the occurrence.

(8) Raja is examined as P.W.8. He has stated that on 15.07.2017 the police prepared a Rough Sketch at the place of occurrence. It is stated that the blood of the person who was beaten up was split at the place was there. It is stated that P.W.7 is also with him. It is stated that the police prepared a Observation Mahazar and Rough Sketch of the place of occurrence. It is stated that he is the second witness of the Observation Mahazar. It is stated that the 2nd Signature on the Observation Mahazar is marked as Ex.P.3. It is stated that the police inquired him about the occurrence and recorded his statement.

(9) Murugan is examined as P.W.9. He has stated that the person died in the accident was Murugan his uncle he was walking along the roadside. It is stated that his house is located right at the spot where the accident occurred. It is stated that when he went to the place after the accident he found that he had already passed away. It is stated that vehicle involved in the accident was a swift car. It is stated that the deceased Murugan subsequently taken to the Ponneri Government Hospital for a Post Mortem examination, where the doctors confirmed that his death was caused by the accident. It is stated that the police inquired him about the occurrence.

(10) Mr Venkatasalam is examined as P.W.10. He has stated that on 15.07.2017 at 06.00 P.M while working as a Inspector of Police at Periyapalayam Police station he received a written complaint from P.W.1 and registered a First Information Report under the Crime No.399/2017 under sections 279, 304(A) of IPC. It is stated that the First Information Report is marked as Ex.P.4. It is stated that after he took the case for investigation and prepared a Observation Mahazar and Rough Sketch of the house of Soman Mudaliar, Ariyapakkam, Uthukottai Main Road in the presence of witnesses P.W.7 and P.W.8. It is stated that the Rough Sketch is marked as Ex.P.5. It is stated that then he examined the list of witnesses 1 to 6 separately and recorded their statements. It is stated that on the same day he conducted the Post-Mortem examination of deceased Murugan at the outside mortuary of the Ponneri Government Hospital in the presence of Panchayat members and witnesses. It is stated that the Post Mortem Certificate is marked as Ex.P.6. It is stated that he examined P.W.5, P.W.6 and P.W.9 and recorded their statements. It is stated that he

sent the deceased Murugan's body for postmortem examination through Head Constable. It is stated that he arrested the accused and released him on bail. It is stated that on 17.07.2017 the swift car bearing Registration No. TN 18 B 7979 that caused the accident was subjected to Motor Vehicle Inspection. It is stated that he investigated the Motor Vehicle Inspector Kaveri who inspected it on 17.07.2017 recorded her statement and received a Inspection Report. It is stated that the Inspection Report of Swift Car bearing Registration No.TN 12 B 7979 is marked as Ex.P.7 and stated that the accident was not due to any mechanical defects of the vehicle. It is stated that on 04.09.2017 he examined and recorded the statement of Dr.Ravikumar who conducted the post-mortem examination and obtained the post mortem report from him. It is stated that Post Mortem examination Report is marked as Ex.P.8. It is stated that he interrogated the constable who took the deceased Murugan's body and recorded his statement. It is stated that after completion of the investigation in this case he filed a charge sheet under section 279,304(A) of IPC.

(11) When the accused was questioned under section 313(1)(b) of the code of criminal procedure code with regard to the incriminating substance found from the evidence of prosecution witnesses for the purpose of enabling him to explain personally the circumstances appearing in evidence against him, he denied the same and stated false case has been filed against him.

4.Points for Determination:

12. The points to be determined in this case are –

- (i) Whether the prosecution has proved the guilt of the accused beyond all reasonable doubt ?
- (ii) If so, what sentence to be awarded to them?

5.Arguments made on both sides :-

(13) The Learned Assistant Public Prosecutor argued that the prosecution case has been proved beyond all reasonable doubt and prayed for maximum sentence.

(14) The Learned Counsel appearing for the accused argued that there is no evidence with regard to identification of accused and so prayed for acquittal.

6.Answering Point No.(i)

(i) Whether the prosecution has proved the guilt of the accused beyond all reasonable doubt?

(15) The following facts do not need much appreciation since they have been proved beyond any pale of doubt by the prosecution and the same was not contradicted by the defense. They are as follows :-

- (a) The deceased sustained grievous injuries during the occurrence.
- (b) The injuries inflicted resulted in his death. Ex.P.6, shows that the deceased Murugan death was result of the grievous injury.

(16) Hence, this court holds that the fact regarding the cause of death is due to the injuries sustained during the occurrence is proved by the prosecution. Therefore, this court holds that the deceased Murugan has died due to the injuries sustained

during the occurrence has sufficiently proved by the prosecution beyond any pale of doubt.

(17) Having arrived at such conclusion, this court considers that the facts regarding involvement, identification of the accused and his rashness or negligent driving are to be appreciated to hold this accused to be guilty of offence. To ascertain whether this accused has driven the car, the evidence of eye-witness is to be appreciated at the first instance.

(18) P.W.4, Loganathan states that on 14.07.2017 at 06.00 P.M deceased Murugan was walking on the main road in Ariyappakkam. At that time a car came behind Murugan and hit him. It is stated that because of that Murugan sustained injuries and succumbed to death. It is stated that he do not remember the Registration Number of the car.

(19) On further evaluation of the prosecution side evidence it is noted that P.W.1 Rajesh, P.W.2 Prakash, P.W.4 Loganathan, P.W.5 Haribabu, P.W.6 Ponnusamy, P.W.9 Murugan, has deposed about the occurrence. However, all the above witness has not witnessed the incident and they are not eye-witness. It is stated that upon receiving the information about the accident they have rushed to the spot and to hospital.

(20) P.W.7 and P.W.8 are the Observation Mahazar witness and they have deposed regarding preparation of Observation Mahazar. The above witness has not seen the occurrence. Ex.P.2 and Ex.P.3 is the Observation Mahazar and Signature of P.W.7.

(21) P.W.1 is the son of deceased Murugan. It is stated that P.W.1 has lodged the complaint before Periyapalayam Police Station. The complaint is marked as Ex.P.1. Upon registering the FIR Ex.P.4, the Investigation Officer P.W.10 has conducted inquiry. The Rough Sketch is marked as Ex.P.5, the Post Mortem Report is marked as Ex.P.6, Post Mortem examination Report is marked as Ex.P.8, Inspection Report is marked as Ex.P.7.

(22) Since, none of the witness identified the accused or deposed about the rash and negligent manner of driving by the accused, this court comes to a conclusion that the entire case of the prosecution stands on slender and weak evidence. With the evidence of Investigation Officer P.W.10 alone, the prosecution case cannot be acted upon. This being the position, convicting the accused is hard, remote and beyond the scope of law, since legal evidence available in this case is practically Nil.

(23) Hence, from the evidence adduced on the prosecution side, this court could not come to the conclusion that the prosecution case has been proved beyond reasonable doubt and consequently, this court observes that the prosecution has failed to establish the charges against the accused beyond all reasonable doubt. Hence, the point no. (i) is answered accordingly.

7.Answering Point No. (ii)

(24) Since the point no. 1 is answered negatively, the necessity to answer this does not arise.

(25) Accordingly, the accused are ordered to be set at liberty unless their detention is required in some other case. Bail bonds executed by them and sureties

thereof are ordered to be stands canceled. As no properties were remanded in this case, no order is made with regard to the disposal of case property.

(26) In the result, this court found Accused as not guilty of the offenses punishable under section 279, 304(A) of I.P.C and records order of acquittal under section 248 (1) Cr. P. C. No Property produced in this case, Hence there is no order as to property.

Dictated to the Steno, typed by her, corrected and pronounced by me in the open court, on this 22nd day of July, 2026.

District Munsif Cum Judicial Magistrate

Uthukottai.

List of Prosecution Witnesses:-

1. P.W.1 - Rajesh
2. P.W.2 - Prakash
3. P.W.3 - Selvi
4. P.W.4 - Loganathan
5. P.W.5 - Haribabu
6. P.W.6 - Ponnusamy
7. P.W.7 - Sekar
8. P.W.8 - Raja
9. P.W.9 - Murugan
10. P.W.10 - Mr Venkatasalam

List of Prosecution Exhibits:-

1. Ex. P. 1 - Signature on the Complaint
2. Ex. P. 2 - Observation Mahazar
3. Ex. P. 3 - Second Signature on the Observation Mahazar
4. Ex. P. 4 - First Information Report
5. Ex. P. 5 - Rough Sketch
6. Ex. P. 6 - Post-Mortem Certificate
7. Ex. P. 7 - Inspection Report of Swift Car bearing
Registration No.TN 12 B 7979
8. Ex. P. 8 - Post Mortem examination Report

List of Material Objects:-

-Nil-

List of Defence Witness and Exhibits:-

-Nil-

District Munsif Cum Judicial Magistrate

Uthukottai.

CASE SUMMARY

S.I. No	Details	Particulars	
1.	Period of Remand of the Accused	Nil	
2.	Date of filing of the Final report	04.09.2017	
3.	Date of Questioning of the Accused U/sec 281 of Cr.P.C	18.05.2018	
4.	Filing of All Miscellaneous Petitions(Except 317 Cr.P.C)	Nil	
5.	Date of Examination of Chief and cross examination of witness	Chief	Cross
		PW1	21.10.2021
		PW2	21.10.2021
		PW3	21.10.2021
		PW4	28.07.2022
		PW5	28.07.2022
		PW6	28.07.2022
		PW7	08.08.2022
		PW8	08.08.2022
		PW9	08.08.2022
		PW10	29.06.2026
6.	Date of Questioning U/sec 313(1)(b) of Cr.P.C	16.07.2026	
7.	Details of absconding of accused	-	
8.	Grant of Stay by Superior Courts	-	

District Munsif Cum Judicial Magistrate**Uthukottai.**

