



**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, THIRUPATHUR,
TIRUPATHUR DISTRICT.**

Present : **Selvi.M.K.Anusha, M.L.,**
Chief Judicial Magistrate,
Tirupathur.

Tuesday this the 30th day of June 2026
Thiruvalluvar Aandu 2057, Shri Vishwavasud Varudam 16th day of Aani Thingal.
C.C.No. 110/2026

CNR.No.TNTU020009432026

(Old CC.No.95/2019 on the file of Judicial Magistrate III, Tirupathur)

State Represented by
The Inspector of Police,
Alangayam Police Station

... Complainant.

Cr.No.6/2016
U/s 279, 304(A) IPC

// Versus //

Chandran S/o. Rathinam.

... Accused.

1.	Serial Number	C.C.No.110/2026
2.	Name of the Police Station and the crime number of the offence.	Alangayam Police Station, Cr.No.6/2016
Description of the Accused		
3.	Name.	Chandran.
4.	Father's Name.	Rathinam.

C.C. No.110/2026
Date:- 30.06.2026

M.K.Anusha,
C.J.M., Tirupathur



5.	Occupation.	-
6.	Residence.	Melpalli Pattu, Pakkam Palaiyam, Ambur Taluk.
7.	Age.	60
Date of		
8.	Occurrence.	17.01.2016
9.	Complaint.	19.01.2016
10.	Apprehension.	27.09.2018
11.	Release on bail.	Station Bail.
12.	Commitment.	-NA-
13.	Commencement of trial.	12.02.2021
14.	Closure of trial.	29.06.2026
15.	Sentence or order.	-----
16.	Service of copy of Judgment or finding on accused.	-NA-
17.	Explanation for delay.	-
Case Summary		
18.	Period of Remand.	-----



19.	Date of filing of charge sheet.	25.02.2019		
20.	Date of Questioning under Section 251 Cr.P.C.	16.02.2021		
21.	Miscellaneous Petition and their results :	-Nil-		
22.	Date of examination in chief and cross.	PW's	Chief	Cross
		PW.1	20.10.2021	20.10.2021
		PW.2	20.10.2021	20.10.2021
		PW.3	20.10.2021	20.10.2021
		PW.4	20.06.2025	20.06.2025
		PW.5	02.06.2026	02.06.2026
		PW.6	29.06.2026	29.06.2026
23.	Date of examination of the accused under section 313 Cr.P.C.	30.06.2026		
24.	Details of the absconder of the accused and his appearance/production.	-Nil-		
25.	Grant of Stay by superior court and the result thereof.	-Nil-		

This case has been heard in the presence of Learned Assistant Public Prosecutor representing the state and Tr.D.Krishnan,B.A.,B.L., Counsel appearing for the accused



and after hearing both side arguments and on perusing the entire materials on records and having stood over for my consideration till this date, this Court delivers the following,

JUDGMENT

1. The Inspector of Police, Alangayam Police Station has laid the final report under section 173(2) of the Code of Criminal Procedure, 1973, (in short, 'the Code') as against the accused alleging that on 17.01.2016 at 04.30 P.M, the accused was a rider riding a two-wheeler bearing Reg.No. TN 02 AB 1807 Hero Honda Splender in a rash and negligence manner at the place of Alangayam to Tirupathur main road, nearest to Kuval Kuttai and hit the two-wheeler proceeding in opposite direction of the deceased who were a rider of a two-wheeler bearing Reg.No. TN 23 BX 8370. By virtue of the said act rider of two-wheeler namely Thirupathi died. As the accident was happened due to rash and negligent driving of the accused he is liable to be punished for the offense U/s. 279, 304(A) of I.P.C is the content of the final report.

2. On receipt of the final report along with relevant documents the learned Judicial Magistrate No.III, Tirupathur has taken on the file in CC.No.95/2019 and posted the case for appearance of the accused.

3. Copies of the documents relied upon by the prosecution were furnished to the accused u/s 207 Cr.P.C. Accused was questioned for the offense u/s 279, 304(A) IPC.



He denied the offense and pleaded innocence. Thereafter, the above said case was transferred to this Court and new CC.No.110/2026 was assigned.

4. The prosecution has examined 06 witnesses and marked Ex.P.1 to Ex.P.9.

5. Case of the Prosecution :-

5.1. The case of the prosecution is that on 17.01.2016 at 04.30 P.M, the accused was a rider riding a two-wheeler bearing Reg.No. TN 02 AB 1807 Hero Honda Splender in a rash and negligence manner at the place of Alangayam to Tirupathur main road, nearest to Kuval Kuttai and hit the two-wheeler proceeding in opposite direction of the deceased who were a rider of a two-wheeler bearing Reg.No. TN 23 BX 8370. By virtue of the said act rider of two-wheeler namely Thirupathi died. As the accident was happened due to rash and negligent driving of the accused he is liable to be punished for the offense U/s. 279, 304(A) of I.P.C is the content of the final report. As the accident was happened due to the negligent rider of the accused. PW.1, Narayanasamy has preferred a complaint in **Ex.P.1** against the accused.

5.2. LW.12, Tr.Ramachandiran, Sub Inspector of Police has received the complaint and registered the case in Cr.No.6/2016, U/s 279, 304(A) of IPC. The First Information report is **Ex.P.3**. Thereafter the case file was handed over to LW.13 Tr.Selvakumar, Inspector of Police for further investigation. LW.13 has went to the place of occurrence in the presence of PW.5 Selvam and LW.6 Thirupathi has prepared the **Ex.P.4**



Observation Mahazar and Sketch **Ex.P.5**. In the presence of witness the LW.13 of has prepared the Inquest report is marked as **Ex.P.6**.

5.3. Thereafter the case file was handed over to LW.14 Tr.Thirumal, Inspector of Police for further investigation. The accused has appeared before the Police Station and, he was arrested by the LW.14 and released on Bail. LW.8 Dr.Selvaraj has conducted the postmortem for and given the certificate vide **Ex.P.7**. LW.14 has sent the vehicle bearing Reg.No.TN 02 AB 1807 and TN 23 BX 8370 for Motor Vehicle Inspection. The said person has obtained the Motor vehicle report from LW.9 Tr.Gunasekaran and LW.10 Tr.Karunanithi in **Ex.P.8** and **Ex.P.9**. The accused has committed the offense LW.14 has filed the final report against the accused U/s 279, 304(A) IPC.

6. After examination of the prosecution witnesses the accused was examined u/s 313(l) (b) Cr.P.C with regard to the incriminating piece of evidence which appeared against him. The accused has denied the same and stated that the prosecution evidence is false. Further he had stated that he had nothing to say in the case and the defense has not chosen to examine any defense witness.

7. After hearing the prosecution case, the point that arose for determination is that

7.1. Whether the prosecution has proved the offences U/s. 279 of IPC as against the accused beyond all reasonable doubts?



7.2. Whether the prosecution has proved the offences U/s. 304(A) of IPC as against the accused beyond all reasonable doubts?

8. Contention of the Prosecution :-

The case of the prosecution is that on 17.01.2016 at 04.30 P.M, the accused was a rider riding a two-wheeler bearing Reg.No. TN 02 AB 1807 Hero Honda Splender in a rash and negligence manner at the place of Alangayam to Tirupathur main road, nearest to Kuval Kuttai and hit the two-wheeler proceeding in opposite direction of the deceased who were a rider of a two-wheeler bearing Reg.No. TN 23 BX 8370. By virtue of the said act rider of two-wheeler namely Thirupathi died. As the accident was happened due to rash and negligent driving of the accused he is liable to be punished for the offense U/s 279, 304(A) of IPC is the contention of the prosecution.

9. Contention of the Defense :-

The learned counsel for the accused would contend that the accused was Innocent and never involved in the offense. Further none of the prosecution witnesses identified the accused and stated that the accused has committed the offense and the evidence of the prosecution witness does not corroborate with each other hence for the said reason the Learned counsel for the accused prays for the Acquittal of the accused.

**10. Discussion :-**

10.1. In order to prove the fact that Thirupathi died in the road traffic accident the prosecution has filed Ex.P.7, Post Mortem certificate and Inquest Report, Ex.P.6 are marked. On perusal of the said documents it is quiet evident that Thirupathi died due to multiple injuries. There is no dispute over the said fact.

10.2. In this case the complainant was examined as PW.1. The defacto complainant is son of victim. The defacto complainant deposed that he was away from the District and came later. The complaint is marked as Ex.P.1. On perusal of Ex.P.1 it is noted that the complaint was given on 19.01.2016 and the date of occurrence is 17.01.2016. On observing the contents of complaint it is noted that the time of occurrence, the vehicle number of victim and offending vehicle are found amended. The contents of complaint is not deposed by the author during oral examination. The version of complaint is not supported by the author in his oral evidence. The evidence of PW.1 did not speak about offending vehicle and accused. It is noted that the offending vehicle and accused is not identified by the PW.1. The evidence of PW.1 is not sufficient to establish and prove the occurrence.

10.3. The PW.2 to PW.4 are younger brother and nephew of deceased. They both deposed that they saw the victim in the Hospital. The evidence of PW.2 to PW.4 did not speak about offending vehicle and accused. It is noted that the offending vehicle and



accused is not identified by the PW.2 to PW.4. The evidence of PW.2 to PW.4 are not sufficient to establish and prove the occurrence.

10.4. The PW.5 is witness to the Observation Mahazar and deposed ignorance regarding the document he signed. It is noted that the place of occurrence is mentioned as Kuval Kuttai Bus Stand in Observation Mahazar and in Sketch mentioned as near Kuval Kuttai. The witnesses did not speak about the place of occurrence. So, the evidence regarding place of occurrence is found to be discrepant. Therefore, the evidences are not sufficient to prove the occurrence.

10.5. The evidence of PW.6 speaks about the Investigation process of the case. The First Information Report, Form AIR and Observation Mahazar speaks about place of occurrence as Kuval Kuttai Bus Stand. The Final Report, Complaint, Sketch speaks about place of occurrence as near to Kuval Kuttai. The Sketch did not picturize Kuval Kuttai Bus Stand. The evidences regarding place of occurrence are found to be discrepant. Therefore, the evidences are insufficient to prove the occurrence. The evidence is not sufficient to prove the case of prosecution.

10.6. It is significant to note that the date of occurrence and year of occurrence is found to be amended. The prosecution fails to prove the case as against the accused. There is no incriminating materials available as against the accused.



11. As None of the prosecution witnesses identified that accused, then the claim of the prosecution that due to negligent riding of the accused only the accident happened is not proved. As none of the prosecution witness has identified the accused, then from the evidence of the prosecution this Court cannot come to the conclusion that the accused has committed the offense.

12. On analyzing the entire case of the prosecution none of the witnesses supported the prosecution version. As none of the evidence of the witness of the prosecution able to prove the fact that the accused has committed the offense. Hence, this Court from the said evidence come to the conclusion that the prosecution has failed to prove the case against the accused. In these circumstance this Court come to the conclusion that prosecution has not proved its case for the offense u/s 279, 304(A) of I.P.C against the accused.

13. Hence, this court on the above stated facts and circumstance of the case come to the conclusion that the prosecution has not proved its case against the accused.

For the reasons stated above the points are decided accordingly.

Result

In the Result prosecution fails to prove the charges as against the accused U/s. 279 of IPC beyond all reasonable doubts and accused is found not guilty for the offences charged u/s 279 of IPC, prosecution fails to prove the charges as against



the accused U/s. 304(A) of IPC beyond all reasonable doubts and accused is found not guilty for the offences charged u/s 304(A). Hence the accused is acquitted for the offences charged under section 279, 304 (A) of IPC as per section 248(1) Cr.P.C.

No case property remanded in this case. Hence there is no specific order passed to that effect.

Dictated by me to the Typist directly and computerized by his directly, corrected and pronounced by me in open Court on 30th day of June 2026.

M.K.Anusha,
Chief Judicial Magistrate,
Tirupathur.

1.Prosecution side witness :-

1. PW.1 Narayanasamy.
2. PW.2 Periyasamy.
3. PW.3 Kamaraj.
4. PW.4 Govindan.
5. PW.5 Selvam.
6. PW.6 Tr.Manikandan, Inspector of Police.

**2. Prosecution side exhibits :-**

S.No.	Exhibits	Date	Description of Documents
1.	Ex.P.1	19.01.2016	Complaint.
2.	Ex.P.2	19.01.2016	2 nd signature of the Observation Mahazar.
3.	Ex.P.3	19.01.2016	First Information Report.
4.	Ex.P.4	19.01.2016	Observation Mahazar.
5.	Ex.P.5	19.01.2016	Rough Sketch.
6.	Ex.P.6	19.01.2016	Inquest Report.
7.	Ex.P.7	20.01.2016	Post Mortem Certificate.
8.	Ex.P.8	01.10.2018	MV Report Reg.No. TN 02 AB 1807.
9.	Ex.P.9	21.04.2016	MV Report Reg.No. TN 23 BX 8370.

Material Objects:- Nil

Defense side witness and Exhibits:- Nil

No witness detained more than 3 times

Dated at Tirupathur Taluk and District this the 30th day of June 2026.

M.K.Anusha,
Chief Judicial Magistrate,
Tirupathur.