



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

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

Wednesday this the 29th day of April 2026
Thiruvalluvar Aandu 2057, Siri Parabhava Aandu 16th day of Chithirai Thingal.
C.C.No. 131/2025

CNR.No.TNTU020018372025

(Old CC.No.26/2018 on the file of Judicial Magistrate II, Tirupathur)

State Represented by
The Inspector of Police,
Tirupathur Taluk Police Station

... Complainant.

Cr.No.6/2018
U/s 279, 304(A) IPC

// Versus //

Kamaraj S/o. Kali.

... Accused.

1.	Serial Number	C.C.No.131/2025
2.	Name of the Police Station and the crime number of the offence.	Tirupathur Taluk Police Station, Cr.No.6/2018
Description of the Accused		
3.	Name.	Kamaraj.
4.	Father's Name.	Kali.

C.C. No.131/2025
Date:- 29.04.2026

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



5.	Occupation.	-
6.	Residence.	Ranga Samudram Village, Pazhayapalaiyam Post, Pudur Nadu Vai, Jawathu Hills, Thirupattur Taluk.
7.	Age.	39
Date of		
8.	Occurrence.	1.01.2018
9.	Complaint.	11.01.2018
10.	Apprehension.	12.01.2018
11.	Release on bail.	Station Bail.
12.	Commitment.	-NA-
13.	Commencement of trial.	31.12.2020
14.	Closure of trial.	28.04.2026
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.	5.03.2018		
20.	Date of Questioning under Section 251 Cr.P.C.	05.01.2021		
21.	Miscellaneous Petition and their results :	-Nil-		
22.	Date of examination in chief and cross.	PW's	Chief	Cross
		PW.1	04.10.2023	-
		PW.2	04.10.2023	-
		PW.3	19.08.2025	-
		PW.4	28.04.2026	28.04.2026
23.	Date of examination of the accused under section 313 Cr.P.C.	29.04.2026		
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.V.V.Shivaji, B.A.,B.L., Learned 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, Tirupathur Taluk 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 10.01.2018 at 15.30 P.M, the accused was a driver driving a TATA Magic bearing Reg.No. TN 18 C 2796 in a rash and negligence manner at the place nearest to Tirupathur to Pudur Nadu, opposite to Govindhasamy house and hit the deceased who was a pedestrian. By virtue of the said act pedestrian namely Arun @ Aniruth 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.II, Tirupathur has taken on the file in CC.No.26/2018 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.131/2025 was assigned.



4. The prosecution has examined 04 witnesses and marked Ex.P.1 to Ex.P.7.

5. Case of the Prosecution :-

5.1. The case of the prosecution is that on 10.01.2018 at 15.30 P.M, the accused was a driver driving a TATA Magic bearing Reg.No. TN 18 C 2796 in a rash and negligence manner at the place nearest to Tirupathur to Pudur Nadu, opposite to Govindhasamy house and hit the deceased who was a pedestrian. By virtue of the said act pedestrian namely Arun @ Aniruth 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 driving of the accused. LW.1, Rajesh Sha has preferred a complaint in **Ex.P.1** against the accused before the Police Station.

5.2. LW.13, Tr.Ulaganathan, Inspector of Police has received the complaint and registered the case in Cr.No.6/2018, U/s 279, 304(A) of IPC. The First Information report is **Ex.P.2**. LW.13 has went to the place of occurrence in the presence of PW.3 Rajendiran and LW.9 Govindaraj has prepared the **Ex.P.3** Observation Mahazar and Sketch **Ex.P.4**. In the presence of witness the LW.13 of has prepared the Inquest report is marked as **Ex.P.5**.

5.3. The accused has appeared before the Police Station on 12.01.2018 and, he was arrested by the LW.13 and released on Bail. LW.13 has sent the vehicle bearing



Reg.No.TN 18 C 2796 for Motor Vehicle Inspection. The said person has obtained the Motor vehicle report from LW.10 Tr.Ans Gunaasegharan in **Ex.P.7**. LW.11 Dr.Janani has conducted the postmortem and given the certificate vide **Ex.P.6**. The accused has committed the offense LW.13 has filed the final report against the accused U/s 279, 304(A) IPC. PW.4 / John Britto was examined as additional witnesses.

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 10.01.2018 at 15.30 P.M, the accused was a driver driving a TATA Magic bearing Reg.No. TN 18 C 2796 in a rash and negligence manner at the place nearest to Tirupathur to Pudur Nadu, opposite to Govindhasamy



house and hit the deceased who was a pedestrian. By virtue of the said act pedestrian namely Arun @ Aniruth 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 Arun @ Aniruth died in the road traffic accident the prosecution has filed Ex.P.6, Post Mortem certificate and Inquest Report, Ex.P.5 are marked. On perusal of the said documents it is quiet evident that Arun @ Aniruth died head injury. There is no dispute over the said fact.

10.2. That on 10-01-2018 at about 15.30 hours in front of the house of Govindasamy at Thirupathur to Pudhur Nadu Road, Merkathiyanur, Ward No.9 the deceased was a pedestrian on left side corner the Tata Magic bearing Registration No. TN 18 C 2796 in a rash and negligent manner hit the deceased.



10.3. The Defacto Complainant did not know script in language of Tamil and Complaint is scribed in Tamil. The said fact is scribed in Complaint. The Author did not steps into witnesses box. The Motor Vehicle Report did not show any damages to the Vehicle bearing registration No. TN 18 C 2796. The place of occurrence in sketch is whitened and there is no endorsement. The Inquest would show that the deceased was first seen by Govindasamy. The Final Report and Inquest provides as if the deceased was a lone pedestrian. The complaint alone speaks as if the deceased was a pedestrian along with two. As per Final report and Inquest there is no eye witnesses. The complaint would show that it is received on 11.01.2018 and the script writer of complaint is not provided. So, on analyzing entire evidences there is no evidences to identify the Accused at the place of occurrence. There is no evidence to identify the vehicle alleged at place of occurrence. The prosecution fails to prove the occurrence. There is no evidence to incriminate the Accused.

11. As None of the prosecution witnesses identified that accused, then the claim of the prosecution that due to negligent driving 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 29th day of April 2026.

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

1.Prosecution side witness :-

1. PW.1 Govindasamy.
2. PW.2 Nagajothi.
3. PW.3 Rajendiran.
4. PW.4 Tr.John Birrito, Inspector of Police.

2. Prosecution side exhibits :-

S.No.	Exhibits	Date	Description of Documents
1.	Ex.P.1	11.01.2018	Complaint.
2.	Ex.P.2	11.01.2018	First Information Report.
3.	Ex.P.3	11.01.2018	Observation Mahazar.
4.	Ex.P.4	11.01.2018	Rough Sketch.



5.	Ex.P.5	15.01.2018	Inquest Report
6.	Ex.P.6	15.01.2018	Post Mortem Certificate
7.	Ex.P.7	12.01.2018	MV Report Reg.No. TN 18 C 2796.

Material Objects:- Nil

Defense side witness and Exhibits:- Nil

No witness detained more than 3 times

Dated at Tirupathur Taluk and District this the 29th day of April 2026.

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