



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

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

Tuesday this the 28th day of April 2026
Thiruvalluvar Aandu 2057, Siri Parabhava Aandu 15th day of Chithirai Thingal.
C.C.No. 293/2026

CNR.No.TNTU020018492026

(Old CC.No.62/2017 on the file of Judicial Magistrate III, Tirupathur)

State Represented by
The Inspector of Police,
Natrampalli Police Station

... Complainant.

Cr.No.494/2016
U/s 279, 304(A) IPC

// Versus //

Manikandan S/o. Subramani.

... Accused.

1.	Serial Number	C.C.No.293/2026
2.	Name of the Police Station and the crime number of the offence.	Natrampalli Police Station, Cr.No.494/2016
Description of the Accused		
3.	Name.	Manikandan.
4.	Father's Name.	Subramani.

C.C. No.293/2026
Date:- 28.04.2026

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



5.	Occupation.	-
6.	Residence.	Mallapadi Village and Post, Barkoor.
7.	Age.	29
Date of		
8.	Occurrence.	15.11.2016
9.	Complaint.	15.11.2016
10.	Apprehension.	17.11.2016
11.	Release on bail.	Station Bail.
12.	Commitment.	-NA-
13.	Commencement of trial.	30.11.2017
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.	13.07.2017



20.	Date of Questioning under Section 251 Cr.P.C.	05.12.2017
21.	Miscellaneous Petition and their results :	-Nil-
22.	Date of examination in chief and cross.	PW's Chief Cross
		PW.1 08.01.2018 21.01.2019
		PW.2 08.01.2018 21.01.2019
		PW.3 08.01.2018 21.01.2019
		PW. 4 08.01.2018 21.01.2019
		PW.5 09.05.2018 09.05.2018
		PW.6 09.05.2018 09.05.2018
		PW.7 07.11.2020 07.11.2020
		PW.8 16.12.2021 16.12.2021
		PW.9 25.08.2022 25.08.2022
23.	Date of examination of the accused under section 313 Cr.P.C.	29.08.2022
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-
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This case has been heard in the presence of Learned Assistant Public Prosecutor representing the state and Tr.G.Loganathan,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, Natrampalli 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 15.11.2016 at 17.00 P.M, the accused was a driver driving a School Bus bearing Reg.No. TN 24 R 2521 in a rash and negligence manner at the place nearest to Veeragoundanur Ramasamy grocery store situated at Vellakalnatham and hit the deceased who was a pedestrian. By virtue of the said act pedestrian namely Kumar 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.62/2017 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.293/2026 was assigned.

4. The prosecution has examined 08 witnesses and marked Ex.P.1 to Ex.P.8.

5. Case of the Prosecution :-

5.1. The case of the prosecution is that on 15.11.2016 at 17.00 P.M, the accused was a driver driving a School Bus bearing Reg.No. TN 24 R 2521 in a rash and negligence manner at the place nearest to Veeragoundanur Ramasamy grocery store situated at Vellakalnatham and hit the deceased who was a pedestrian. By virtue of the said act pedestrian namely Kumar 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. PW.1, Prasuraman has preferred a complaint in **Ex.P.1** against the accused before the Police Station.



5.2. PW.9 Tmt.Malar, Sub Inspector of Police has received the complaint and registered the case in Cr.No.494/2016, U/s 279, 304(A) of IPC. The First Information report is **Ex.P.5**. PW.9 has went to the place of occurrence in the presence of PW.6 Sampath and PW.7 Raja has prepared the **Ex.P.2** Observation Mahazar and Sketch **Ex.P.6**. In the presence of witness the PW.9 has prepared the Inquest report is marked as **Ex.P.7**.

5.3. Thereafter the case file was handed over to LW.12 Tr.Muralidharan, Inspector of Police for further investigation. The accused has appeared before the Police Station on 17.11.2016 and, he was arrested by the LW.12 and released on Bail. LW.12 has sent the vehicle bearing Reg.No.TN 24 AR 2521 for Motor Vehicle Inspection. PW.8 Dr.Prabakaran has conducted the postmortem and given the certificate vide **Ex.P.4**. The said person has obtained the Motor vehicle report from LW.8 Tr.Perumal **Ex.P.8**. The accused has committed the offense LW.12 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 15.11.2016 at 17.00 P.M, the accused was a driver driving a School Bus bearing Reg.No. TN 24 R 2521 in a rash and negligence manner at the place nearest to Veeragoundanur Ramasamy grocery store situated at Vellakalnatham and hit the deceased who was a pedestrian. By virtue of the said act pedestrian namely Kumar 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 Kumar died in the road traffic accident the prosecution has filed Ex.P.4, Post Mortem certificate for Kumar, Inquest Report Ex.P.7. On perusal of the said documents it is quiet evident that Kumar died of fatal pelvic injury and skull and death. There is no dispute over the said fact.

10.2. In order to prove the fact that accident was happened due to the rash and negligence act of the accused the prosecution has examined the eye witnesses as PW.1 / Prasuraman and PW.2/Ramasamy.

10.3. On perusal of the evidence of PW.1 it is stated that after hearing the sound he parked his two-wheeler to the place of occurrence. The victim is uncle of PW.1. The PW.1 is defacto complainant. The complaint is marked as PW.1. The complaint and the statement recorded under section 161 of Cr.P.C did not mention that the defacto complainant proceeded in two-wheeler at that time. Furthermore, on observation of complaint it is crystal clear that the last three lines of the content in first page is interpolated. On analyzing all these aspects the evidence of PW.1 is unbelievable.

10.4. The evidence of PW.2 simply speaks that the witnesses was inside the shop and after hearing the sound proceeded and witnessed that victim sustained grievous injuries. He did not see the driver of bus at that time. On analyzing the evidence of PW.2 the accused is not identified by him.



10.5. The PW.6 and PW.7 is an Observation Mahazar witnesses. Observation Mahazar witnesses are categorically admitted that they are hearsay witnesses. Ex.P.2 is marked. On visualizing the documents it is clear that the author of both documents are one and the same person and the signature of said person which is affixed on same day did not match each other. Further, the signature in Sketch found to be whitened and overwritten. Hence, the evidences are unbelievable. There is no incriminating materials available as against the accused. So, the evidence of hearsay witnesses are not sufficient to prove the case of prosecution. The evidence of inquest witnesses is only corroborating in nature. Since the substantive evidence fails consequently the corroborative evidence suffers failures.

10.6. The PW.3 Parimala, PW.4 Rajathiyammal and PW.5 Chinnathambi are hearsay evidences. The hearsay evidences did not speak about the accused and offending vehicle. The evidence of PW.3 to PW.5 are not sufficient to establish and prove the case of prosecution. The above said evidence of PW.3 to PW.5 was not aware/seen the person who was a driver driving the bus at the time of the accident. The evidences are not supportive to the case of prosecution.

10.7. Further, on perusal of evidence, PW.9 Tmt.Malar, Sub Inspector of Police. It is evident that, she was received the complaint and the First Information Report was registered is **Ex.P.5**. PW.9 it is evident that she went to the place of occurrence,



prepared Rough Sketch in **Ex.P.6** and **Ex.P.2** Observation Mahazar. LW.12 continued the investigation and filed charge sheet against the accused. Though the said witnesses have elaborated the nature of investigation, but the evidence of the said witnesses was not corroborated by the prosecution witnesses and the evidence of the witness does not any way prove the case that due to the negligence of the accused only the accident was happened. When that being the case the evidence of the said witness is no way helpful for the prosecution case.

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 28th day of April 2026.

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



1.Prosecution side witness :-

1. PW.1 Prasuraman.
2. PW.2 Ramasamy.
3. PW.3 Parimala.
4. PW.4 Rajathiyammal.
5. PW.5 Chinnathambi.
6. PW.6 Sampath.
7. PW.7 Raja.
8. PW.8 Dr.Prabakaran.
9. PW.9 Tmt.Malar, Sub Inspector of Police.

2. Prosecution side exhibits :-

S.No.	Exhibits	Date	Description of Documents
1.	Ex.P.1	15.11.2016	Complaint.
2.	Ex.P.2	16.11.2016	Observation Mahazar.
3.	Ex.P.3	16.11.2016	2 nd signature of Observation Mahazar.
4.	Ex.P.4	16.11.2016	Post Mortem Certificate.
5.	Ex.P.5	15.11.2016	First Information Report.
6.	Ex.P.6	16.11.2016	Rough Sketch.
7.	Ex.P.7	16.11.2016	Inquest Report.
8.	Ex.P.8	17.11.2016	MV Report Reg.No. TN 24 R 2521.



Material Objects:- Nil

Defense side witness and Exhibits:- Nil

No witness detained more than 3 times

Dated at Tirupathur Taluk and District this the 28th day of April 2026.

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