



**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. 619/2025

CNR.No.TNTU020063982025

(Old CC.No.48/2023 on the file of Judicial Magistrate II, Tirupathur)

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

... Complainant.

Cr.No.596/2017
U/s 279, 338, 304(A) IPC

// Versus //

Palani S/o. Ramasamy.

... Accused.

1.	Serial Number	C.C.No.619/2025
2.	Name of the Police Station and the crime number of the offence.	Tirupathur Taluk Police Station, Cr.No.596/2017
Description of the Accused		
3.	Name.	Palani.
4.	Father's Name.	Ramasamy.

C.C. No.619/2025
Date:- 29.04.2026

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



5.	Occupation.	-
6.	Residence.	Pudhupoongulam Village, Jamanpudur Post, Thirupathur Taluk, Vellore District.
7.	Age.	43
Date of		
8.	Occurrence.	30.12.2017
9.	Complaint.	30.12.2017
10.	Apprehension.	04.12.2018
11.	Release on bail.	Station Bail.
12.	Commitment.	-NA-
13.	Commencement of trial.	12.01.2024
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.	17.08.2022		
20.	Date of Questioning under Section 251 Cr.P.C.	12.04.2023		
21.	Miscellaneous Petition and their results :	-Nil-		
22.	Date of examination in chief and cross.	PW's	Chief	Cross
		PW.1	17.11.2025	17.11.2025
		PW.2	17.11.2025	17.11.2025
		PW.3	17.11.2025	17.11.2025
		PW.4	17.11.2025	17.11.2025
		PW.5	07.04.2026	-
		PW.6	07.04.2026	07.04.2026
		PW.7	07.04.2026	07.04.2026
		PW.8	07.04.2026	07.04.2026
		PW.9	07.04.2026	07.04.2026
		PW.10	07.04.2026	07.04.2026
		PW.11	22.04.2026	22.04.2026
23.	Date of examination of the accused	29.04.2026		



	under section 313 Cr.P.C.	
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.C.Madhu, B.Com.,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 30.12.2017 at 19.00 hours, the accused was a rider riding a two-wheeler Hero Honda Splendor Plus bearing Reg.No. TN 23 BX 8275 who rode the two-wheeler in a rash and negligence manner at the place of Tirupathur to Pudur Nadu main road, Merkathiyanur Village, opposite to Ramasamy house and hit the deceased who was a pillion rider of a two-wheeler bearing Reg.No.TN 23 BL 1137. By virtue of the said act pillion rider of two-wheeler namely Dinesh died. The pillion rider



of two-wheeler namely Sundar sustained simple injuries. The rider of two-wheeler namely Ajithkumar sustained grievous injuries. The accused also sustained injuries. As the accident was happened due to rash and negligent riding of the accused he is liable to be punished for the offense U/s. 279, 337, 338, 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.48/2023 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, 337, 338 304(A) IPC. He denied the offense and pleaded innocence. Thereafter, the above said case was transferred to this Court and new CC.No.619/2025 was assigned.

4. The prosecution has examined 11 witnesses and marked Ex.P.1 to Ex.P.12. The Ex.P.2 is Observation Mahazar. The Complaint is marked as Ex.P.3. The First Information Report is marked as Ex.P.4. The section Alteration Report is marked as Ex.P.5. The Sketch is marked as Ex.P.6. The Inquest Report is marked as Ex.P.7. The wound certificate of Sundar is marked as Ex.P.8. The wound certificate of Ajithkumar is marked as Ex.P.9. The Post Mortem Certificate is marked as Ex.P.10. The MV Report of TN 23 BL 1137 is marked as Ex.P.11. The MV Report of TN 23 BX 8275 is marked



as Ex.P.12. It is noted that Ex.P.1 is not assigned to the first exhibit. Hence it is necessary to re-arrange and re-assign the exhibit numbers. The exhibits are re-arranged. The Ex.P.2 is Observation Mahazar and it is re-arranged and re-assigned as Ex.P.1. The Complaint is marked as Ex.P.3 and it is re-arranged and re-assigned as Ex.P.2. The First Information Report is marked as Ex.P.4 and it is re-arranged and re-assigned as Ex.P.3. The section Alteration Report is marked as Ex.P.5 and it is re-arranged and re-assigned as Ex.P.4. The Sketch is marked as Ex.P.6 and it is re-arranged and re-assigned as Ex.P.5. The Inquest Report is marked as Ex.P.7 and it is re-arranged and re-assigned as Ex.P.6. The wound certificate of Sundar is marked as Ex.P.8 and it is re-arranged and re-assigned as Ex.P.7. The wound certificate of Ajithkumar is marked as Ex.P.9 and it is re-arranged and re-assigned as Ex.P.8. The Post Mortem Certificate is marked as Ex.P.10 and it is re-arranged and re-assigned as Ex.P.9. The MV Report of TN 23 BL 1137 is marked as Ex.P.11 and it is re-arranged and re-assigned as Ex.P.10. The MV Report of TN 23 BX 8275 is marked as Ex.P.12 and it is re-arranged and re-assigned as Ex.P.11.

5. Case of the Prosecution :-

5.1. The case of the prosecution is that on 30.12.2017 at 19.00 hours, the accused was a rider riding a two-wheeler Hero Honda Splendor Plus bearing Reg.No. TN 23 BX 8275 who rode the two-wheeler in a rash and negligence manner at the place of Tirupathur to Pudur Nadu main road, Merkathiyanur Village, opposite to Ramasamy



house and hit the deceased who was a pillion rider of a two-wheeler bearing Reg.No.TN 23 BL 1137. By virtue of the said act pillion rider of two-wheeler namely Dinesh died. The pillion rider of two-wheeler namely Sundar sustained simple injuries. The rider of two-wheeler namely Ajithkumar sustained grievous injuries. The accused also sustained injuries. As the accident was happened due to rash and negligent riding of the accused he is liable to be punished for the offense U/s. 279, 337, 338, 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, Sundar has preferred a complaint in **Ex.P.2** against the accused.

5.2. LW.17, Tr.Arul, Inspector of Police has received the complaint and registered the case in Cr.No.596/2017, U/s 279, 338 of IPC. The First Information report is **Ex.P.3**. Thereafter the case file was handed over to LW.18 Tr.Ulaganathan, Inspector of Police for further investigation. The Alteration report was filed by LW.16 altering the offences U/s 279, 337 IPC @ U/s.279, 337, 304(A) IPC @ 279, 337, 338, 304(A) IPC. The alteration report is marked as **Ex.P.4**. LW.18 has went to the place of occurrence in the presence of PW.10 Ramasami and LW.1 Murugan has prepared the **Ex.P.1** Observation Mahazar and Sketch **Ex.P.5**. In the presence of witness the LW.18 of has prepared the Inquest report is marked as **Ex.P.6**.

5.3. The accused has appeared before the Police Station on 04.12.2018 and, he was arrested by the LW.18 and released on Bail. LW.18 has sent the vehicle bearing



Reg.No.TN 23 BL 1137 and Reg.No.TN 23 BX 8275 for Motor Vehicle Inspection. The said person has obtained the Motor vehicle report from LW.13 Tr.Kathirvelu in **Ex.P.10** and **Ex.P.11**. LW.15 Dr.Senthilkumaran has conducted the postmortem and given the certificate vide **Ex.P.9**. LW.13 Dr.Sivakumar issued Wound Certificate for Sundar and Ajithkumar in **Ex.P.7** and **Ex.P.8**. The accused has committed the offense LW.22 has filed the final report against the accused U/s 279, 337, 338, 304(A) IPC. PW.11 / 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. 337 of IPC as against the accused beyond all reasonable doubts?

7.3. Whether the prosecution has proved the offences U/s. 338 of IPC as against the accused beyond all reasonable doubts?



7.4. 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 30.12.2017 at 19.00 hours, the accused was a rider riding a two-wheeler Hero Honda Splendor Plus bearing Reg.No. TN 23 BX 8275 who rode the two-wheeler in a rash and negligence manner at the place of Tirupathur to Pudur Nadu main road, Merkathiyannur Village, opposite to Ramasamy house and hit the deceased who was a pillion rider of a two-wheeler bearing Reg.No.TN 23 BL 1137. By virtue of the said act pillion rider of two-wheeler namely Dinesh died. The pillion rider of two-wheeler namely Sundar sustained simple injuries. The rider of two-wheeler namely Ajithkumar sustained grievous injuries. The accused also sustained injuries. 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, 337, 338, 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 Dinesh died in the road traffic accident the prosecution has filed Ex.P.9, Post Mortem certificate and Inquest Report, Ex.P.6 are marked. On perusal of the said documents it is quiet evident that Dinesh died head injury. There is no dispute over the said fact.

10.2. The PW.1 / Sundar and PW.2 / Ajithkumar and the deceased Dinesh are alleged to be traveled in a two-wheeler bearing Reg.No.TN 23 BL 1137. The said two-wheeler is rode by Ajithkumar and the other two are pillion riders. So, the evidence of PW.1 and PW.2 are crucial. The evidence of PW.1 and PW.2 would show that the fact of accident is not spoken by the victims. The PW.1 and PW.2 did not speak about the offending vehicle and the driver of the said vehicle. They both expressed ignorance about the vehicle which is involved in the accident and the rider of such vehicle. In the said circumstance the involvement of two-wheeler bearing Reg.No.TN 23 BX 8275 and the rider of such vehicle is not proved by the prosecution. There is no incriminating materials available as against the accused in the evidence of prosecution.

10.3. The PW.3 to PW.5 speaks that they did not know about the vehicle which caused the accident. They did not witnessed the person and vehicle which caused the



accident. So, the evidence of prosecution neither identified the vehicle caused the accident and also the rider of offending vehicle. There is no incriminating materials available as against the accused.

10.4. The PW.6, PW.7, PW.8, PW.9 and PW.10 are witnesses of inquest and Observation Mahazar. There is no incriminating evidences as against the accused. The accused is not identified by the witnesses in the place of occurrence. So, the prosecution fails to prove the case as against the accused. There is no incriminating evidences.

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, 337, 338, 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. 337 of IPC beyond all reasonable doubts and accused is found not guilty for the offences charged u/s 337 of IPC, prosecution fails to prove the charges as against the accused U/s. 338 of IPC beyond all reasonable doubts and accused is found not guilty for the offences charged u/s 338 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, 337, 338, 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 Sundar.
2. PW.2 Ajithkumar.
3. PW.3 Mani.
4. PW.4 Sugumar.
5. PW.5 Anandhan.
6. PW.6 Sivanesan.
7. PW.7 Tirupathi.
8. PW.8 Boopathi.
9. PW.9 Janaga
10. PW.10 Ramasami.
11. PW.11 Tr.John Birrito, Inspector of Police.



2. Prosecution side exhibits :-

S.No.	Exhibits	Date	Description of Documents
1.	Ex.P.1	31.12.2017	Observation Mahazar.
2.	Ex.P.2	30.12.2017	Complaint.
3.	Ex.P.3	30.12.2017	First Information Report.
4.	Ex.P.4	14.12.2018	Alteration Report.
5.	Ex.P.5	31.12.2017	Rough Sketch.
6.	Ex.P.6	31.12.2017	Inquest Report.
7.	Ex.P.7	30.12.2017	Wound Certificate for Sundar.
8.	Ex.P.8	30.12.2017	Wound Certificate for Ajithkumar.
9.	Ex.P.9	31.12.2017	Post Mortem Certificate.
10.	Ex.P.10	05.12.2018	MV Report Reg.No. TN 23 BL 1137.
11.	Ex.P.11	05.12.2018	MV Report Reg.No. TN 23 BX 8275.

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.