



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

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

Thursday this the 16th day of July 2026
Thiruvalluvar Aandu 2057, Siri Parabhava Aandu 32nd day of Aani Thingal.
C.C.No. 624/2025

CNR.No.TNTU020064292025

(Old CC.No.225/2021 on the file of Judicial Magistrate II, Tirupathur)

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

... Complainant.

Cr.No.27/2019
U/s 279, 304(A) IPC

// Versus //

Venkatesan S/o. Chinnathambi.

... Accused.

1.	Serial Number	C.C.No.624/2025
2.	Name of the Police Station and the crime number of the offence.	Tirupathur Taluk Police Station, Cr.No.27/2019
Description of the Accused		
3.	Name.	Venkatesan.
4.	Father's Name.	Chinnathambi.

C.C. No.624/2025
Date:- 16.07.2026

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



5.	Occupation.	-
6.	Residence.	Su Pallipattu Village, Adhiyur Post, Tirupathur Taluk.
7.	Age.	54
Date of		
8.	Occurrence.	11.01.2019
9.	Complaint.	11.01.2019
10.	Apprehension.	12.01.2019
11.	Release on bail.	Station Bail.
12.	Commitment.	-NA-
13.	Commencement of trial.	30.11.2021
14.	Closure of trial.	13.07.2026
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.	26.10.2021		
20.	Date of Questioning under Section 251 Cr.P.C.	02.12.2021		
21.	Miscellaneous Petition and their results :	-Nil-		
22.	Date of examination in chief and cross.	PW's	Chief	Cross
		PW.1	16.08.2022	13.07.2026
		PW.2	12.12.2023	12.12.2023
		PW.3	26.12.2023	26.12.2023
		PW.4	14.05.2026	14.05.2026
		PW.5	21.05.2026	21.05.2026
		PW.6	10.06.2026	13.07.2026
23.	Date of examination of the accused under section 313 Cr.P.C.	14.07.2026		
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.Rajivgandhi,B.A.,E.Ed.,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, 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 11.01.2019 at about 09.30 A.M., the complainant was a driver driving a car bearing Reg.No. WB 02 AA 1644 at the place of, Salem to Tirupathur Main Road and at near of, Pulikuttai Lake, the accused was driver driving a Maruti Swift car bearing Reg.No. TN 66 P 0583 who rode the vehicle in a rash and negligence manner. The accused was overtaking the complainant's car on the right side and, he collided with the TVS XL Super two-wheeler bearing Reg.No. TN 23 AQ 4970, which was coming from the opposite direction towards Koratti on the left side of the road and hit the deceased who was a rider riding a two-wheeler TVS XL Super bearing Reg.No. TN 23 AQ 4970. By a virtue of the said act rider of two-wheeler namely Prabhu @ Muthuveeran 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.225/2021 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.624/2025 was assigned.

4. The prosecution has examined 06 witnesses and marked Ex.P.1 to Ex.P.10.

5. Case of the Prosecution :-

5.1. The case of the prosecution is that on 11.01.2019 at about 09.30 A.M., the complainant was a driver driving a car bearing Reg.No. WB 02 AA 1644 at the place of, Salem to Tirupathur Main Road and at near of, Pulikuttai Lake, the accused was driver driving a Maruti Swift car bearing Reg.No. TN 66 P 0583 who rode the vehicle in a rash and negligence manner. The accused was overtaking the complainant's car on the right side and, he collided with the TVS XL Super two-wheeler bearing Reg.No. TN 23 AQ 4970, which was coming from the opposite direction towards Koratti on the left side of the road and hit the deceased who was a rider riding a two-wheeler TVS XL Super bearing Reg.No.TN 23 AQ 4970. By a virtue of the said act rider of two-wheeler namely Prabhu @ Muthuveeran 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, Sasi has preferred a complaint in **Ex.P.1** against the accused.

5.2. LW.16, Tr.Bharathi, Sub Inspector of Police has received the complaint and registered the case in Cr.No.27/2019, U/s 279, 337 of IPC. The First Information report is **Ex.P.3**. LW.16 has went to the place of occurrence in the presence of PW.2 Vadivel and PW.3 Pandiyan has prepared the **Ex.P.2** Observation Mahazar and Sketch **Ex.P.4**. The Alteration report was filed by LW.16 altering the offences U/s 279, 337 IPC @ U/s.379, 304(A) IPC. The Alteration Report marked as **Ex.P.5**. Thereafter the case file was handed over to PW.6 Tr.Ulaganathan, Inspector of Police for further investigation. In the presence of witness the PW.6 of has prepared the Inquest report is marked as **Ex.P.6**.

5.3. The accused has appeared before the Police Station and, he was arrested by the PW.6 and released on Bail. LW.13 Dr.Kogularamanan has conducted the postmortem for and given the certificate vide **Ex.P.7**. PW.6 has sent the vehicle bearing Reg.No.TN 66 P 0583 and Reg.No.WB 02 AA 1644 for Motor Vehicle Inspection. Thereafter the case file was handed over to LW.18 Tr.Chiranjeevi, Inspector of Police for further investigation. LW.18 has sent the vehicle bearing Reg.No.TN 23 AQ 4970 for



Motor Vehicle Inspection. The said person has obtained the Motor vehicle report from LW.12 Tr.Kathirvelu in **Ex.P.8** to **Ex.P.10**. The accused has committed the offense LW.18 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 11.01.2019 at about 09.30 A.M., the complainant was a driver driving a car bearing Reg.No. WB 02 AA 1644 at the place of, Salem to Tirupathur Main Road and at near of, Pulikuttai Lake, the accused was driver driving a Maruti Swift car bearing Reg.No. TN 66 P 0583 who rode the vehicle in a rash and negligence manner. The accused was overtaking the complainant's car on the right



side and, he collided with the TVS XL Super two-wheeler bearing Reg.No. TN 23 AQ 4970, which was coming from the opposite direction towards Koratti on the left side of the road and hit the deceased who was a rider riding a two-wheeler TVS XL Super bearing Reg.No.TN 23 AQ 4970. By a virtue of the said act rider of two-wheeler namely Prabhu @ Muthuveeran 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 Prabhu @ Muthuveeran 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 Prabhu @ Muthuveeran died due to effects of Head Injuries. There is no dispute over the said fact.



10.2. In this case the complainant was examined as PW.1. The complainant deposed during cross examination and the relevant portion is, “அவ்வாறு இருக்கும்பொழுது இரண்டு கார்கள் ஒரே நேரத்தில் அந்த பாதையில் செல்ல முடியுமா என்றால் முடியும். இருசக்கர வாகனம் நீங்கள் சொல்லுவதை போன்று சரியாக சென்றிருந்தால் விபத்து ஏற்பட வாய்ப்பு இல்லை என்று சொன்னால் சரிதான்.” The evidence of PW.1 did not incriminate the accused. There is no incriminating materials available as against the accused.

10.3. The PW.5 deposed that the date, month and year of accident is not known to him. The defacto complainant is classmate of PW.5. Further he was not present at the scene of occurrence. So, the evidences did not identify the accused and vehicle involved at the scene of occurrence. The evidence is not sufficient to prove the case of prosecution.

10.4. The PW.2 and PW.3 are witnesses to Observation Mahazar. The witnesses categorically deposed ignorance about the contents of document. The Observation Mahazar witnesses namely Pandiyan deposed about ignorance of other witness. Therefore the evidences are not sufficient to establish and prove the case of prosecution.

10.5. The PW.4 is hearsay evidence and did not speak about occurrence. Therefore, the evidence is not sufficient to prove the case of prosecution.



10.6. The PW.6 is an Investigation Officer. The evidence of Investigation Officer alone cannot be sufficient to sustain conviction as against the accused. The Motor Vehicle Report would show that the defacto complainant's car was inspected on 22.01.2019, the Maruthi Swift car was inspected on 11.01.2019 and two-wheeler was inspected on 12.11.2020. The two-wheeler was inspected after the period of 20 months and the defacto complainant's car was inspected after 10 days of accident. The delay in sending other two vehicles was not properly and satisfactorily explained. Therefore, the evidences are not sufficient to incriminate the accused.

11. As None of the prosecution witnesses identified the 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 16th day of July 2026.

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

**1.Prosecution side witness :-**

1. PW.1 Sasi.
2. PW.2 Vadivel.
3. PW.3 Pandiyan.
4. PW.4 Suganthi.
5. PW.5 Thirumurugan.
6. PW.6 Tr.Ulaganathan.

2. Prosecution side exhibits :-

S.No.	Exhibits	Date	Description of Documents
1.	Ex.P.1	11.01.2019	Complaint.
2.	Ex.P.2	11.01.2019	Observation Mahazar.
3.	Ex.P.3	11.01.2019	First Information Report.
4.	Ex.P.4	11.01.2019	Rough Sketch.
5.	Ex.P.5	16.01.2019	Alteration Report.
6.	Ex.P.6	16.01.2019	Inquest Report.
7.	Ex.P.7	17.01.2019	Post Mortem Certificate.
8.	Ex.P.8	11.01.2019	MV Report Reg.No. TN 66 P 0583.
9.	Ex.P.9	22.01.2019	MV Report Reg.No. WB 02 AA 1644.
10.	Ex.P.10	12.11.2020	MV Report Reg.No. TN 23 AQ 4970.



Material Objects:- Nil

Defense side witness and Exhibits:- Nil

No witness detained more than 3 times

Dated at Tirupathur Taluk and District this the 16th day of July 2026.

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