

**IN THE COURT OF JUDICIAL MAGISTRATE, GUDIYATTAM,
VELLORE DISTRICT**

Present: R.Saranya, B.A.,LLB., (Hons), LLM

Judicial Magistrate, Gudiyattam.

On Monday, this 6th day of July, 2026

Calendar Case (C.C) No. 517/2019

in

Crime No. 267 of 2015

<i>Statement as per Rule 106 of the Criminal Rules of Practice, 2019</i>		
1	Serial Number	CC No. 517 of 2019
2	Name of the Police Station and Crime Number of the Offence	State Represented by Gudiyatham Taluk Police Station, Cr.No. 267/2015, U/S- 279, 304 (A) IPC. Complainant
3	Name	G.K.Seethapathi @ Kishore (53 Yrs), S/o Kothandaramalu, Kottamitta, Gudiyatham Taluk. Accused.
4	Father's Name	
5	Occupation	
6	Residence	
7	Age	
8.	Occurence	15-07-2015
9	Date of Final Report	25-07-2015

	And Date of Filing of Final Report		
10	Date of Apprehension or appearance		09-07-2015
11	Release on bail		09-07-2015
12	commitment		Not applicable
13	Details of Criminal Miscellaneous Petitions(CMP's)		--
14	Date of Chief examination of witnesses		Cross examination
	PW1	02-07-2026	---
	PW2	03-07-2026	---
	PW3	04-07-2026	04-07-2026
15	Commencement of Trial		02-07-2026
16	Closure of Trial		04-07-2026
17	Sentence or order		The accused is not found guilty and acquitted of the charges under section 279, 304 (A) IPC. This acquittal is recorded under section 255 (1) CRPC.
18	Service of copy of Judgement or Finding on Accused		No, copy of judgment uploaded in CIS Portal.
19	Explanation of delay		Due to non-appearance of accused

		and Prosecution side failed to produce witness promptly.
20	Property Order	No property has been remanded in this case. Hence, no order as to property.
<i>Paragraphs in the judgment assigned continuous paragraph numbers in due obedience of the direction of the Hon'ble Supreme Court of India in BS Hari Commandant vs Union of India and Other (2023 LiveLaw SC 303)</i>		

This case came up for final hearing before me on 06.07.2026 in the presence of Mr.S.Sambathkumar,B.A.,B.L., Advocate, Learned Counsel for the accused and the learned Assistant Public Prosecutor Grade II for the State. Having heard both sides. Perused the records and having stood over for consideration till this date, this court delivers the following:

JUDGMENT

I.CASE OF THE PROSECUTION:

1)The case of the prosecution is that on 05-07-2015 at about 7.50 AM when the deceased Mahadevan was walking on the left side of Modikuppam bus stand, the accused herein drove his two-wheeler in a rash and negligent manner and hit on him causing serious head injury leading to death. Hence, the prosecution filed final report under section 279, 304 A IPC after investigation. Thus, the case of the prosecution.

II.THE ACCUSATION AND PLEA OF ACCUSED

2) Upon service of the summons under section 204 of the code of criminal procedure and appearance of the accused copies of the final report and documents were given to the accused in compliance with section 207 of the code. After providing them with sufficient opportunity and reviewing the material records, this court prima facie found an offence triable by this court. Consequently, charges framed against the accused offence u/s 279, 304 (A) IPC and questioned, accused pleaded not guilty and claimed to be tried. The plea of the accused was recorded and case was posted for trial.

III EVIDENCE ADDUCED BY THE PROSECUTION

3) In order to prove the accusation against the accused, the prosecution examined witnesses, PW1 to PW3. Exhibits P1 to P8 were marked on behalf of the prosecution. No witnesses were examined and no documents were marked on behalf of the defence.

PW 1 is the defacto complainant. PW2 is the eye-witness to the incident. PW3 is the Investigation officer in the case.

IV QUESTIONING UNDER SECTION 351 BNSS., 2023

4) The circumstances appearing in the evidence against the accused were put to him and his answer was elicited. The accused replied that the case against him is false. The accused further stated that there are no defence witnesses and evidence.

V POINT FOR DETERMINATION

5) Whether the prosecution has proved beyond all reasonable doubts that the accused has committed the offences charged against them?

VI APPRECIATION OF FACTS AND EVIDENCE

6) PW1 Kantha raj, deposed that he knew the accused person and he further stated that he does not know anything about the case and identified only his signature in the complaint and stated that the police didn't examine him.

7) PW2 Balaji eye-witness to the incident deposed that he doesn't know anything about the case and turned hostile.

8) When the complainant of the case and other key witness of the case itself turned hostile, the prosecution requested to dispense the other witnesses listed in the final report. The same is allowed and other witnesses are dispensed with from examination.

9) Further prosecution filed a petition under section 311 CRPC and prayed to examine Special Sub-Inspector Kothandaraman as an additional witness instead of investigation officer, Inspector Shanthi since she was transferred. PW3, Special Sub-Inspector Kothandaraman submitted his evidence based on the documents.

VII ANALYSIS

10) On analysis of evidence of PW1 and PW2, uniformly stated that they didn't know anything about the case and turned hostile. Hence, their evidence will not be helpful in incriminating the accused.

11) PW 3, SSI Kothandaraman deposed as additional witness and submitted his evidence only based on the documents available in this case. When all the key witnesses of a case turned hostile, except the testimony of PW 3 SSI Kothandaraman is there on record to prove the offence alleged against him. Yet when PW1, the complainant itself, doesn't uphold the case of the prosecution, a

conviction based on sole testimony of PW3 whose evidence is completely based on documents is not lawful. Therefore, from an overall analysis, the prosecution failed to prove the overall charges alleged against the accused beyond reasonable doubt.

VIII.DECISION:

12) The accused is found not guilty and acquitted of the offences under section 279, 304 (A) Indian Penal Code, 1860 as per section 248 (1) of the Code of Criminal Procedure, 1973. Bonds stand cancelled after the expiry of the appeal period. No property has been remanded in this case. Hence, no order as to property.

This order is dictated by me to the Steno typist, corrected and pronounced by me in open court on this the 06th day of July 2026.

S/d-.R.Saranya.,
Judicial Magistrate,
Gudiyatham.

Appendix:

1. List of Prosecution side Witnesses:-

PW-1 Kantharaj.
PW-2 Balaji.
PW-3 Kothandaraman.

2. List of Prosecution side documents:-

Ex.P1 PW1 Signature in the Complaint.
Ex.P2 Complaint.
Ex.P3 First Information Report.
Ex.P4 Observation Mahazar.
Ex.P5 Rough Sketch.
Ex.P6 Inquest Report.

Ex.P7 Post Mortem Report.

Ex.P8 MV Report.

3. Prosecution side of Material Object: NIL

4. List of Accused side Documents and witnesses : NIL

5. List of Material Objects: NIL

//True Copy//

Judicial Magistrate,
Gudiyatham.

9

9