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

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

On Tuesday, this 1st day of September 2026

Calendar Case (C.C) No.250/2022
(CNR.No.)

in
Crime No. 227 of 2017

Statement as per Rule 106 of the Criminal Rules of Practice, 2019

1	Serial Number	CC No. 250 of 2022
2	Name of the Police Station and Crime Number of the Offence	State Represented by Pernambut Police Station, Cr.No.227/2017, U/s. 279, 304 (A) IPC. Complainant
3	Name	VinothKumar, S/o Kattaiyar, Samarishi kuppam, M.V.Kuppam, Pernambut Taluk. ..Accused
4	Father's Name	
5	Occupation	
6	Residence	
7	Age	

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8	Occurrence		05.06.2017
9	Date of Filing of Final Report		17.06.2017
10	Date of Apprehension or appearance		Absconding
11	Release on bail		Absconding
12	Commitment		Not applicable
13	Details of Criminal Miscellaneous Petitions (CMP's)		--
14	Date of Chief examination of witnesses		Cross examination
	PW1	20.05.2026	20.05.2026
	PW2	24.08.2026	24.08.2026
	PW3	24.08.2026	24.08.2026
	PW4	28.08.2026	28.08.2026
	PW5	31.08.2026	31.08.2026
15	Date of 1 st questioning of the accused		30.01.2023

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16	Date of examination of the accused u/s.313 of CrPC	01.09.2026
17	Sentence or order	The accused is not found guilty and acquitted of accusation under section 279, 304 (A) IPC as per section 255 (1) of the code of criminal procedure, 1973. Bonds stand canceled after the expiry of the appeal period. No property has been remanded in this case. Hence, no order as to property.
18	Service of copy of Judgment or Finding on Accused	No. copy of judgment uploaded in CIS software.
19	Explanation of delay	Prosecution failed to produce witness promptly.
20	Property Order	No property has been remanded in this case. Hence, no order as to property.

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).

This case came up for final hearing before me on 01.09.2026 in the presence of Mr.A.Kumar.,B.Sc.,M.B.A.,B.L., Advocate, Learned Counsel for the accused and the

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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 05.06.2017 at about 8.30AM at Pernambut to Gudiyatham road near the house of one Ashokan at Saalapettai, while the deceased Govindhan was walking across the road, the accused who came in his crane bearing registration number TN 09 BB 4662 hit and rammed into him thereby causing death of Mr. Govindhan. Thus, the prosecution filed charge sheet under section under section 279, 304 (A)IPC. Thus, the case of the prosecution.

II. THE ACCUSATION AND PLEA OF ACCUSED:

2) Upon service of the summons under section 204 of the CRPC 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

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triable by this court. Consequently, substance of accusation explained under section 279, 304 (A) 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 PW5. 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.

PW1 is the first informant in the case. PW2 and PW3 are the eye-witness to the incident. PW4 is the witness to the Observation mahazar and rough sketch. PW5 is the Investigation officer in the case.

IV. QUESTIONING UNDER SECTION 313 (1) (b) CRPC:

4) The circumstances appearing in the evidence against the accused were put to him and his answers were 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:

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

VI. APPRECIATION OF FACTS AND EVIDENCE:

6) PW1, Sarthar, the de facto complainant in this case, deposed that he is working as Village administrative officer at Natrampalli and stated that when he was in duty at Pernambut on 05.06.2017 at about 8.30 AM, the village assistant called him over phone and said that a 65 to 70 years old person died in an accident. Thereafter, he went to the place of occurrence and the people over there informed him that the crane driver Vinothkumar is responsible for the accident. PW1 further deposed that thereafter he gave complaint to Pernambut Police station. PW1 stated that the complaint was written by him.

7) In his cross-examination, PW1 deposed he don't know anything about the case first-hand and he don't know on whose fault the alleged incident took place. PW1 admitted that he came to know about the name of the accused only through the persons over there at the place of accident.

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8) PW2 Dakshinamoorthy, eye-witness to the incident, deposed that he doesn't remember the date and month and stated that in the year 2017 when he went to a marriage at Saalapettai, he heard some sound and someone died in an accident and stated that the police didn't examine him. In his cross-examination, PW2 admitted that he didn't witness the accident first-hand.

9) PW3, Prabhu, deposed that he do not know the accused and stated that in the year 2017 he went to a marriage and heard some sound and someone died in an accident and stated that the police didn't examine him. In his cross-examination, PW3 admitted that he didn't witness the accident first hand.

10) PW4 Abdul bashith, deposed that he do not know anything about the case and turned hostile. Further prosecution filed a petition under section 311 CRPC and prayed to examine Special Sub-Inspector Shanthi as an additional witness instead of investigation officer, SI Kuppan and Srinivasan since they were transferred. PW3, Special Sub-Inspector Shanthi submitted her evidence based on the documents.

VII. ANALYSIS:

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11) On analysis of evidence of PW1 to PW3 all the witnesses uniformly admitted that they did not witness the accident first hand and PW3 deposed that he do not know the accused. PW4 witness to the observation mahazar and rough sketch also turned hostile and failed to support the prosecution case. Hence, their evidence will not be helpful in incriminating the accused.

12) PW3, Special Sub-Inspector Shanthi deposed as additional witness and submitted her evidence only based on the documents available in this case. When all the key witnesses of a case turned hostile, except the testimony of PW3 Special Sub-Inspector Shanthi 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:

13) The accused is not found guilty and acquitted of accusation under section 279, 304 (A) IPC as per section 255 (1) of the code of criminal procedure, 1973. Bonds

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stand canceled 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 01st day of September 2026.

Sd/- R.Saranya.,
Judicial Magistrate,
Gudiyatham.

Appendix:

1. List of Prosecution side Witnesses:-

PW1 - Sarthar
PW2 - Dhaksinamurthy
PW3 - Prabu
PW4 - Abdul Bashith
PW5 - Shanthi

2. List of Prosecution side documents:-

Ex.P1 Complaint
Ex.P2 PW4 1st signature in the Observation Mahazar
Ex.P3 First Information Report
Ex.P4 Observation Mahazar
Ex.P5 Rough Sketch

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Ex.P6 Inquest Report
Ex.P7 Postmortem Certificate
Ex.P8 Motor Vehicle 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.