

IN THE COURT OF JUDICIAL MAGISTRATE, VANUR
PRESENT: TMT.N.PREETHI, B.A., B.L.,
JUDICIAL MAGISTRATE
VANUR
Tuesday, the 21st day of April 2026
C.C.No.30/2015
CNR.No.TNVP 000151-2015

State Rep.By Inspector,
Vanur Police Station,
Cr.No.176/2014

....Complainant

//Vs//

Accused	Baskar (23/2014), S/o.Chandrasekar Ambethkar Street, Sendoor, Tindivanam Taluk
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....Accused

The case coming on today for final hearing before me in the presence of learned A.P.P. Thiru.Rajasekar for the State and Thiru.P.Thiruvenkadam, learned counsel for the accused and on hearing both sides, upon perusing the records, and having stood over for consideration till this day, this Court delivered the following:

CASE SUMMARY

S.No.	Particulars	Report
1.	The period of remand of the accused	Accused Remanded on 18-08-2014 and Released on Bail 18-08-2014
2.	The date of filing of the	Date of filing final report on

	complaint/final report in the Court	26-05-2015 Taken Cognizance on 29-05-2015
3.	The date of committal of the case to the Court of Session	Not Applicable
4.	The date of 1 st questioning of the accused under Sections 228, 240, 246 and 251 of the Code of Criminal Procedure, 1973, as the case may be	Accused questioned on 04-08-2015
5.	Filing of all miscellaneous petitions and their results including the results on challenge before superior courts: except routine petitions like petitions under section 317 of the Code:	Nil
6.	Date of examination in – Chief and cross – Examination of a Witness	P.W.1 - Chief and Cross Examined on 19-02-2026 P.W.2 - Chief and Cross Examined on 25-02-2026 P.W.3 - Chief and Cross Examined on 16-03-2026 P.W.4 - Chief and Cross Examined on 09-04-2026 P.W.5 - Chief and Cross Examined on 16-04-2026 P.W.6 - Chief and Cross Examined on 16-04-2026
7.	Date of examination of the	16-04-2026

	accused U/Sec.313 of the Code	
8.	Details of abscondence of an accused and his appearance / production, as the case may be ; and NBW pending/recalled	Nil
9.	Grant of stay by superior Courts and the results thereof	Nil

1. The Inspector of Police, Vanur Police Station, laid charge sheet as against the accused that on 15.08.2014 at 08:20 A.M. at Perumpakkam to Thiruvakkarai Main Road near Sagadevan's house Omankulam Petrol Bunk the accused in a rash and negligent manner drove a Lorry bearing Registration Number TN-09-Y-2646 from Perumpakkam towards Thiruvakkarai and hit one two wheeler bearing registration number PY-01-BR-6440 driven by one Rajkumar which was coming in the opposite direction. Due to which the above said Rajkumar sustained severe injuries and there after died. Hence the accused is charged for the offence u/s 279, 304(A) IPC and the same was perused and taken on file and ordered to issue summons to the stated accused.
2. Accused appeared on receipt of summons and copies of the documents and statements relied upon by the prosecution was furnished to the accused at free of cost u/s 207 Cr.P.C. and questioned about his alleged involvement in the offence and accused denied the offence

and claimed to be tried. Upon denial by the accused, prosecution was asked to let his side evidence to prove the guilt of the accused.

3. From the side of the prosecution totally thirteen witnesses were cited out of the said witnesses, only six witnesses were examined as Pw1 to Pw6. LW4 Died. Lw6, Lw7 Lw9 to 12 are dispensed by the prosecution. Prosecution also marked eight documents as Ex.P1 to Ex.P8 in support of their case. No witnesses are examined on the side of defense and no exhibits are marked.

4. **The brief facts of the prosecution case is as follows:**

On 15.08.2014 at 08:20 A.M. at Perumpakkam to Thiruvakkarai Main Road near Sagadevan's house Omankulam Petrol Bunk the accused in a rash and negligent manner drove a Lorry bearing Registration Number TN-09-Y-2646 from Perumpakkam towards Thiruvakkarai and hit one two wheeler bearing registration number PY-01-BR-6440 driven by one Rajkumar which was coming in the opposite direction. Due to which the above said Rajkumar sustained severe injuries. He was then rushed to Jipmer Hospital, Puducherry. But he breathed his last on the same day.

5) On 15-08-2014 at about 10:30 A.M. when Tr.Thirunavukarasu, Sub Inspector of Police, Vanur Police Station was working as station incharge, one Tr.Purushothaman S/o.Arumugam, Nemili Village, Vanur Taluk lodged a complaint (Ex.P1). Based on the complaint he registered an FIR (Ex.P3) against the accused for the offence u/s 279,

304(A) IPC in Cr.No.176/2014. He then handed over the case file for further investigation to Inspector of Police Tr.Suersh Babu. The Inspector of Police took up the case for further investigation. He then reached the scene of occurrence and prepared observation mahazar Ex.P2 and rough sketch Ex.P4 in the presence of witnesses Muniyan and Gopal. He examined the witnesses Purushothman, Anbumani, Velmurugan and observation mahazar witnesses and recorded their statements. He then conducted inquest on the body of the deceased in the presence of inquest witnesses and prepared inquest report Ex.P5. He examined the inquest witnesses Selvaraj, Jawahar, Asokkumar and recorded their statements. He sent the body of the deceased for post-mortem through Police Constable Tr.Malaiyalathan and recorded his statement.

6) On 18-08-2014 he arrested the accused and produced before this court. He sent both the vehicles involved in the alleged occurrence for motor vehicle inspection to the Motor Vehicle Inspector.

7) He then examined Dr.Siddharatha Das who conducted postmortem on body of the deceased, recorded his statement and obtained the Postmortem Report Ex.P8 of Rajkumar from him. He then examined the Motor Vehicle Inspector Tr.Murugavel, recorded his statement and obtained Motor Vehicle Inspection Reports Ex.P.6, Ex.P.7 respectively from him. On completing the investigation, the final report is filed before this court seeking to punish the accused for the offences under section 279, 304(A) IPC.

8) Tr.Purushothaman is examined as Pw1, Tr.Anbumani is examined as Pw2, Tr.Gopal is examined as Pw3, Tr.Jawahar, is examined as Pw4, Tr.Velmurugan is examined as Pw5, Tr.Suersh Babu, Inspector of Police is examined as Pw6.

9) After completion of prosecution side evidence, the accused was questioned under section 313(1)(b) of Cr.P.C as to the incriminating circumstances available against him in the evidence. The accused has stated the evidence given against him are false and that he has no witnesses to be examined.

10) The point for determination in this case is whether the prosecution has proved the charges against the accused under section 279, 304 A IPC beyond reasonable doubt ?

In a nutshell in order to prove the offences under section 279, 304 A IPC the prosecution is required to prove the following facts:-

- (a) The identity of the accused being the driver of the offending vehicle;
- (b) The alleged occurrence is caused by the rash or negligent driving by the accused at a public place;
- (c)The rash or negligent driving resulted to the death of the deceased which is not amounting to Culpable Homicide.

ON THE POINT:

11) Heard both sides. On perusal of case records it appears that one Tr.Purushothaman, uncle of the deceased Rajkumar had lodged the complaint (Ex.P1). He is examined as Pw1 before this court. As per his testimony he is a hearsay witness to the alleged occurrence.

12) One Thiru.Anbumani, Jawahar and Velmurugan alleged to be witnesses to the alleged occurrence are examined as Pw2, Pw4 and Pw5 respectively. Pw2 testified that, "2015 ஆம் வருடம் ஒரு நாள் காலை சுமார் 0800 மணியளவில் நெமிலிக்கு அருகில் உள்ள திருவக்கரை மன்னார்சாமி கோவில் அருகே கிரஜருக்கு உதிரிபாகம் விற்கும்கடையில் நிற்குகொண்டிருந்தேன். அப்போது நான் திரும்பி பார்க்கும்போது ராஜ்குமார் என்பவர் கீழே விழுந்துகிடந்தார். அவர் அருகே அவர் வந்த ஒரு இருசக்கர வாகனம் விழுந்து கிடந்தது. ராஜ்குமார் விழுந்து கிடந்த இடத்தில் இருந்து சுமார் 10 மீட்டர் தூரத்தில் ஒரு டிப்பர் லாரி கடந்து சென்ற நின்று இருந்தது. டிப்பர் லாரியின் பதிவு எண் மற்றும் அதன் ஓட்டுநர் யார் என்று எனக்கு தெரியாது. விபத்து எவ்வாறு ஏற்பட்டது என்று எனக்கு தெரியாது. போலிசார் என்னை விசாரிக்கவில்லை" and turned hostile to the case of the prosecution.

13) Another witness to the alleged occurrence Pw4 testified that, Before 12 years during morning hours when he was going to Nemili from Thiruvakkarai he witnessed a crowd of people gathered near Mannatheeswarar temple. When he went closeby he

saw Rajkumar with sever injuries. But he has no knowledge about his cause of injuries and turned hostile to the case of the prosecution.

14) Yet another witness Pw5 testified that, during 2014 in the morning hours when he was standing near Sagadevan's house upon hearing a sound he saw a man succumbed to injuries. He also saw a lorry that was parked near him. Further he testified that he neither have knowledge about the driver of the offending vehicle nor has knowledge about its registration number and turned hostile to the case of the prosecution.

15) Pw3 alleged to be one of the witness to the observation mahazar and rough sketch prepared by the investigating officer had testified about attesting the observation mahazar.

16) That apart Pw6 being investigating officer had testified about the investigating procedures conducted by him.

17) On analysing the evidences of Pw1 to Pw5, alleged to be independent witnesses, Pw2, Pw4 and Pw5 being witnesses to the alleged occurance had not supported the case of prosecution instead turned hostile. Further none of the prosecution witnesses had idendified the accused as the driver of the offending vehicle on the alleged day of occurance.

18) Further none of the witnesses examined by the prosecution could give any indication even approximately as to the manner in which the alleged vehicle was driven. As per Ex.P8, postmortem report issued by the doctor, it is opined that the cause of death of the deceased is due to cranio-cerebral injuries arising as a result of road traffic accident. Further Ex.P6 and Ex.P7 Motor Vehicle inspection reports would reveal that the accident was not due to any mechanical defects of the vehicle. But none of the prosecution witnesses had specifically stated that the negligent driving of the alleged Vehicle by the accused was the proximate cause of death of the deceased. Therefore, there is absolute dearth of evidence regarding the cause of the death.

19) Hence, in view of the discussion made above and after scanning the entire evidence, this court has no hesitation to hold that the prosecution has failed to prove the case under section 279, 304A IPC against the accused beyond reasonable doubt. Therefore, this court is unable to accept the case of the prosecution that the accused was driving the alleged Lorry bearing Registration Number TN-09-Y-2646 rashly or negligently at the time of occurrence and caused death of the deceased in the absence of any direct evidence or circumstantial evidence to that effect in this case. In a criminal trial, the burden of proving everything essential to the establishment of the charge against an accused always rests on the

prosecution and there is a presumption of innocence in favour of the accused until the contrary is proved.

20) In such circumstances, the accused is entitled to get the benefit of doubt. Extending the benefit of doubt, the accused is acquitted.

21) In the result, accused is not found guilty for the offences under section 279 and 304(A) IPC and is acquitted from the said charges under section 255(i) Cr.P.C.

22) There is no order as to the case property under section 452 Cr.P.C as no MO's have been marked.

Dictated to the Stenographer typed by her, then corrected and pronounced by me in open Court this Tuesday the 21st day of April 2026.

Judicial Magistrate
Vanur.

List of Prosecution witnesses:

P.W.1	Tr.Purushothaman
P.W.2	Tr.Anbumani
P.W.3	Tr.Gopal
P.W.4	Tr.Jawahar
P.W.5	Tr.Velmurugan
P.W.6	Tmt. Suersh babu, Inspector of Police

List of exhibits:

1	15-08-2014	Complaint
2	15-08-2014	Observation Mahazar
3	15-08-2014	First Information Report
4	15-08-2014	Rough Sketch
5	16-08-2014	Inquest Report of Rajkumar
6	21-08-2014	Motor vehicle Report TN-09-Y-2646
7	21-08-2014	Motor vehicle Report PY-01-BR-6440
8	16-08-2014	Post-mortem Report of Rajkumar

Material Object: Nil

Defence side witnesses & Exhibits: Nil.

Judicial Magistrate,
Vanur.