



**IN THE COURT OF THE ADDITIONAL DISTRICT & SESSIONS JUDGE
ARUPPUKOTTAI**

Present : **Thiru. M. VASANTHA KUMAR, M. L.,**
Additional District and Sessions Judge, Aruppukottai

Monday, the 08th day of June, 2026

Criminal Appeal No. 119/2024
CNR. No. TNVR220005942024

Name of the trial Court.	:	Judicial Magistrate Court, Aruppukottai.
Number of the case in trial court	:	C.C. No. 137/2020
Name and description of the Appellants/Accused.		Saravanan, Age 45/2024 S/o Ramaiah Kollankulam, Muthukulathur Taluk, Ramanathapuram District.
Name and description of the Respondent/Complainant.	:	State through The Inspector of Police, M. Reddiyapatti Police Station Cr. No. 76/2019
To what offence the Trial Court passed the order.	:	under Section 279, 337 (3 counts) and 304(A) of I.P.C.
Sentence and law under it was imposed in the trial court		The trial court has passed a judgment that the accused is found

		guilty for the offence under Section 279, 337 (3 counts) and 304(A) of I.P.C. and for the offence under Section 279 of I.P.C. he was convicted and sentenced to pay a fine of Rs. 1,000/- in default sentenced him to undergo simple imprisonment for 2 months and for the offence under Section 337 (3 counts) of I.P.C. he was convicted and sentenced to pay a fine of Rs. 500/- each totally Rs.1500/- in default sentenced him to undergo simple imprisonment for 2 months each counts and for the offence under Section 304(A) of I.P.C. he was convicted and sentenced to undergo simple imprisonment for one year.
Whether the judgment of the trial court has been confirmed or modified or set-aside?	:	Appeal is dismissed Conviction and sentences of the trial court is confirmed.
Finding of this court		In the result, this appeal is dismissed and the Judgment of conviction and sentence passed by the trial court namely Judicial Magistrate Court, Aruppukottai in C.C. No. 137/2020 dated 02.08.2024 is confirmed. The trial court is directed to secure the accused and commit him to prison to undergo the period of sentence.
Date of Presentation of the appeal	:	19.08.2024
Date of taken on file by Principal Sessions Court.	:	19.08.2024

Date of receipt of the Appeal by this court.	:	27.08.2024
Trial Court Judgment date	:	02.08.2024
Date of Judgment	:	08.06.2026

This Criminal Appeal was originally presented on 19.08.2024 before Hon'ble Principal District Court, Virudhunagar District at Srivilliputtur and taken on file as C.A. No. 119/2024 on the same day and it was made over to this Court as per the order of Hon'ble Principal District Judge, Virudhunagar District at Srivilliputtur and case records were received by this court on 27.08.2024 and proceeded as C.A. No. 119/2024.

This Criminal Appeal came up before me on 02.06.2026 for final hearing in the presence of Thiru. T. Muthuramalingam and Thiru. K. Shreetharan, learned advocates for the Appellant/Accused and Thiru. C. Thangapandian, learned Additional Public Prosecutor (incharge) for the respondent/Complainant and having stood over for my consideration and this court delivered the following

JUDGMENT

1. This criminal appeal is filed by the Appellant/Accused to set aside the Judgment of Conviction passed by the learned Judicial Magistrate, Aruppukottai in C.C. No. 137/2020 dated 02.08.2024.

2. **Brief facts of the Prosecution case in C.C. No. 137/2020 is as follows:**

On 01.05.2019, the defacto complainant Sankareswari along with Selvi, Murugeswari, Guruvulakshmi, Karuppiah, Kalimuthu and Muthumari went to load the Karuvel firewood in the lorry. Then, they weighed the firewood at the

weighing station belonged to Subbaraj situated near M. Reddiyapatti and sent the lorry away. Thereafter, the defacto complainant Sankareswari and all those who had gone with him were walking from the weighing station to their villages. While they were walking from the weighing station to the Othakadai on the Aruppukottai to Sayalgudi main road from east to west, at about 11.00 p.m. when they were proceeding near the Othakadai Deepika weighing station, the accused drove Scorpio car bearing registration number TN 60 E 3335, behind them in a rash and negligent manner and hit the defacto complainant Sankareswari as well as the woman who were walking with her namely Selvi, Murugeswari and Guruvulakshmi. As a result, the above four people fell into a nearby Odai. Thereby the defacto complainant Sankareswari sustained simple injury on her right hand, right thigh and hip. Selvi sustained simple injury on her right thigh. Murugeswari sustained simple injury on her head and near her left elbow. Guruvulakshmi sustained severe injuries on her head and forehead and died on the spot. Therefore, the accused had committed the offence under Section 279, 337 (3 counts), 304(A) of I.P.C.

3. After taking cognizance of the offence, the trial court furnished copies of the documents relied by the prosecution to the Accused under Section 207 of Cr.P.C. After perusing the material on records trial court has explained the accusation and the accused had denied the accusation and claims to be tried. Hence the trial court had proceeded with the trial.

4. In order to prove the case, the prosecution has examined P.W. 1 to P.W. 13 and marked Ex. P-1 to Ex. P-12.

5. **Brief facts of the Prosecution case as spoken by the witnesses is as follows:**

5.1. The defacto complainant was examined as P.W. 1. Other injured persons namely Selvi and Murugeswari were examined as P.W. 3 and P.W. 4

respectively. Before 4 years P.W. 1 Sankareswari along with P.W. 2 Muthumari, P.W. 3 Selvi, P.W. 4 Murugeswari, Guruvulakshmi and P.W. 5 Karuppiyah went to load the Karuvel firewood in the lorry and then, they weighed the firewood at the weighing station belonged to Subbaraj situated near M. Reddiyapatti. Thereafter, all the above six persons were walking in the mud road, at about 11.00 p.m. the accused drove Scorpio car bearing registration number TN 60 3335 from east side without light and horn and hit on them, thereby they fell into a neary Odai. As a result Guruvulakshmi died on the spot. P.W. 1 sustained injury on her hip and right hand. P.W. 2 Muthumari sustained injury on her left hand. P.W. 3 sustained injury on her head. P.W. 4 Murugeswari sustained injury on her top hand. P.W. 5 Karuppiyah also sustained injury on his left hip.

5.2 P.W.7 Rasaiah and P.W. 8 Karuthapandi are the eye witnesses to the occurrence. P.W. 7 Rasaiah is the husband of deceased Guruvulakshmi and P.W. 8 Karuthapandi is the husband of P.W. 1 Sankareswari. P.W. 7 stated that before 4 years one day at about 10.30 p.m. his wife Guruvulakshmi made a phone call and stated that she finished her work. So, P.W. 7 Rasaiah went to pick up his wife Guruvulakshmi in the two wheeler and saw the occurrence. P.W. 8 stated that before 4 years one day at about 10.30 p.m. when he had come to Reddiyapatti Othakadai to pick up his wife, P.W. 1 Sankareswari, he saw the occurrence. P.W. 9 Gurusamy is the hearsay witness. He is the husband of P.W. 4 Murugeswari. He stated that before 4 years one day at about 11.00 p.m. he received an information about the accident through phone. Then he went to Reddiyapatti in his two wheeler and saw his wife P.W. 4 Murugeswary with injuries. P.W. 3 Seliv, P.W. 1 Sankiareswari, P.W. 2 Muthumari and Guruvulakshmi were also injured. Thereafter they took the injured persons and deceased Guruvulakshmi to Aruppukottai Government Hospital through 108

Ambulance. On the next day at about 04.00 am. P.W. 1 Sankareswari gave a complaint to Reddiyapatti Police, who came to Aruppukottai Government Hospital. P.W. 2 Muthumari put her signature in the complaint as witness. Ex. P-1 is the complaint. Ex. P.2 is the signature of P.W. 2 in the complaint.

5.3 On 02.05.2019 at about 01.40 a.m. when P.W. 12 Uthayasooriyan, Special Sub Inspector of Police was on duty in the M.Reddiyapatti Police station, he received an information about the accident from Aruppukottai Government Hospital. At about 03.30 a.m. he went to Aruppukottai Government hospital and enquired three injured persons. At that time P.W. 1 gave a complaint. P.W. 12 received the complaint and return back to the police Station at about 04.30 a.m. and registered a case in Cr. No. 76/2019 under Section 279, 337, 304(A) of I.P.C and sent the F.I.R. to Court and higher officials. Ex. P-5 is the First Information report.

5.4 On 02.05.2019 P.W. 13 Anitha, Inspector of Police took up the investigation of this case and at about 06.00 a.m. she visited the occurrence spot and prepared observation mahazar and rough sketch in the presence of Senthilkumar and P.W. 10 Murugesan. P.W. 10 Murugesan also stated about the preparation of observation mahazar. Ex. P-6 is the observation mahazar. Ex. P-7 is the Rough sketch. Ex. P-3 is the signature of P.W. 10 in the observation Mahazar. Then at about 08.00 a.m. P.W. 10 went to Aruppukottai Government Hospital and conducted inquest on the body of Guruvulakshmi from 08.00 a.m. to 10.00 a.m. and prepared inquest report. Ex. P-8 is the Inquest report. Then she sent the body to postmortem through police constable 3413 Suganya and after autopsy, she handed over the body to the relatives of the deceased. Thereafter on the same day P.W. 13 interrogated, P.W.1 to P.W. 9 and P.W. 12 and recorded their statements separately.

5.5 On the same day i.e. 02.05.2019 at about 07.00 p.m. P.W. 13 Inspector of Police arrested the accused near Mandapasalai Bus Stop and then she released the accused on bail, since the offence against the accused are bailable in nature. Thereafter on 08.05.2019, he interrogated the owner of the Scorpio car bearing registration number TN 60 E 3335 namely Azhagarsamy and recorded his statement. On the same day she sent the above vehicle to Motor Vehicle Inspector for Inspection.

5.6 On 08.05.2019 at about 14.40 hours, P.W. 11 Amarnath, Motor Vehicle Inspector inspected the above Mahendra & Mahendra Scorpio car bearing registration number TN 60 E 3335 and found that the left side wheel arch dented and gave an opinion that no mechanical defect is attributed to the cause of this accident. Ex. P-4 is the Motor Vehicle report.

5.7 On 10.06.2019, P.W. 13 Anitha, Inspector of Police interrogated the Doctor Ezhil, who given treatment for P.W. 1, P.W. 3 and P.W. 4, and recorded her statement and received the copy of Accident registers for the injured persons. Ex. P-9 is the Accident register of P.W. 3 Selvi. Ex. P-10 is the Accident register of P.W. 1 Sankareswari and Ex. P-11 is the Accident register of P.W. 4 Murugeswari. Then on the same day P.W. 13 interrogated P.W. 11 Motor Vehicle Inspector and received the Motor Vehicle report. Then she interrogated Police Constable Suganya and recorded her statement. Then she interrogated Dr. Lokesh, who done postmortem on the deceased Guruvulakshmi, recorded his statement and received Postmortem Certificate. P.W. 12 is the Postmortem Certificate. After completion of her investigation, P.W. 13 Inspector of Police laid a charge sheet against the accused under Section Section 279, 337, 304(A) of I.P.C.

6. On completion of prosecution witnesses, the Accused was questioned under Section 313 of Cr.P.C. for the incriminating evidence

emerged against him. The Accused denied the evidence of Prosecution. On the side of defence accused himself was examined as D.W. 1 and no documents were marked.

7. D.W. 1 Saravanan deposed that on 01.05.2019 at about 11.30 pm, he was returning to home in the Scorpio car after loading firewood in Mudukulathur. When he was coming in the left side near the Sathya Weighing Machine in Rediyapatti, 2 or 3 load women entered the main road from the left side of the road. He dimmed his car's lights due to the light of a Taurus lorry coming in the opposite side. Suddenly, he heard a sound on the left side. He stopped the car and looked. A woman was lying behind the white line in the middle of the road. When he went to see, she was not breathing. 2 or 3 people were shouting . Hence he took the car to the Rediyapatti police station in a panic mood and told about the accident. The cause of the accident was coming close to the white line in the middle of the road.

8. After full trial, the trial court held that the accused is found guilty for the offence under Section 279, 337 (3 counts) and 304(A) of I.P.C. and for the offence under Section 279 of I.P.C. sentenced him to pay a fine of Rs. 1,000/- in default sentenced him to undergo simple imprisonment for 2 months and for the offence under Section 337 (3 counts) of I.P.C. sentenced him to pay a fine of Rs. 500/- each totally Rs.1500/- in default sentenced him to undergo simple imprisonment for 2 months each counts and for the offence under Section 304(A) of I.P.C. sentenced him to undergo simple imprisonment for one year.

9. Aggrieved over the Judgment of conviction passed by the Trial Court against the accused, the Appellant/Accused had preferred this Appeal. In this Appeal, For the sake of convenience, the parties are referred as per the ranking in the trial court.

10. Point for determination

1. Whether the trial court was justified in convicting the accused for the offence under Section 279, 337 (3 counts), 304(A) of I.P.C. ?
2. Whether this Appeal has to be allowed or not ?

11. Discussion on Points :

The Appellant is the accused, who has been convicted by the trial court for the offence under Section 279, 337 (3 counts), 304(A) of I.P.C. and for the offence under Section 279 of I.P.C. sentenced him to pay a fine of Rs. 1,000/- in default sentenced him to undergo simple imprisonment for 2 months and for the offence under Section 337 (3 counts) of I.P.C. sentenced him to pay a fine of Rs. 500/- each totally Rs.1500/- in default sentenced him to undergo simple imprisonment for 2 months each counts and for the offence under Section 304(A) of I.P.C. sentenced him to undergo simple imprisonment for one year.

12. The learned counsel for the appellant/accused contended that there was no negligence on the part of the accused and the accused was examined as D.W. 1 and he has stated that the deceased and injured persons were no walked in the left side of the load and walked in the center of the road. Further the accused stated that in the opposite direction a Taurus lorry was came by putting its light in a bright manner, for which he had dimmed his car's light and hence the accident was occurred and the cause of accident is on the driver, who had drove the Taurus lorry in the opposite direction. Further the counsel for the accused contended that the trial court had failed to note the contradictions in the evidence of the prosecution witness and hence prays to extent the benefit of doubt to the accused and acquit the accused.

13. On the other hand, the learned Additional Public Prosecutor submitted that there is no contradictions in the evidence of prosecution

witnesses and the trial court has correctly weighed the evidence in proper perspective and after analyzing all the materials before the trial court and appreciating the evidence in a proper perspective had rightly convicted the accused and there is no necessity to interfere with the well considered judgment passed by the trial court and prays to dismiss the appeal.

14. By considering the rival submissions and by perusing materials available on record, this court finds that in this case the admitted fact is that the accused has not dispute his identity and his presence in the scene of occurrence. The accused had admitted that he only drove the Scorpio car bearing registration number TN 60 E 3335. The specific defence taken by the accused is that the Taurus lorry, which was coming in the opposite direction, had put the head light in a bright manner, as a result he had dimmed his head light and the accident was occurred. The releavnt portion of evidence of chief examination of D.W. 1 is extracted hereunder for better reference

...கடந்த 01.05.2019 ம் தேதி இரவு 11.30 மணியளவில் முதுகுளத்தூரில் லாரிக்கு விறகை ஏற்றிவிட்டு எனது ஸ்கார்பியோ காரில் திரும்ப ஊருக்கு வந்து கொண்டிருந்தேன். ரெட்டியபட்டி சத்தியா எடை மிஷின் அருகே இடது புறமாக வரும் போது லோடு ஏற்றும் பெண்கள் 2, 3 பேர் ரோட்டின் இடது புறத்திலிருந்து மெயின் ரோட்டிற்கு ஏறினார்கள். எதிர்த்தாற்போல் ஒரு டாரஸ் லாரி லைட் வெளிச்சத்தினால் எனது வண்டியின் லைட்டை டிம் செய்தேன். இடது புறத்தில் திடீரென்று டம் என்று சத்தம் கேட்டது. வண்டியை நிறுத்தி பார்த்தேன். நடுரோட்டில் வெள்ளை கோட்டிற்கு பின்னால் ஒரு அம்மா விழுந்து கிடந்தார்கள். நான் போய் பார்த்தபோது உயிர் மூச்சு இல்லாமல் இருந்தார். பின்னால் 2, 3 பேர் கத்தினார்கள்...

By perusing the above evidence, the only defence raised by the accused is that because of the Taurus lorry, which was came in the opposite direction with high light, the accident was occurred. This court is unable to appreciate the argument advanced by the learned counsel for the accused for the reason that admittedly in this case P.W. 1 and other injured persons were categorically denied the presence of Taurus lorry, which alleged to came in opposite direction, in the scene of occurrence.

15. Further by perusing the Ex. P-7 Rough Sketch, in which it has been found that the occurrence was took place in the Aruppukottai to Sayalkudi main road. By perusing Ex. P-7 Rough Sketch, it has been found that the occurrence place road was a straight road and it does not have any deviation or diversion and more particularly it does not have any bends. The accused, being a driver for 24 years, has to control his vehicle. If at all the accused would have came in a normal speed, then he may have control over his vehicle. According to the accused he dimmed his car head light and hence occurrence was took place. The other contention raised by the accused is that the injured and deceased were came in the middle of road. Whereas the injured persons as well as the other prosecution witnesses have categorically stated that the deceased and the injured persons were walking in the mud road and categorically denied the suggestion put forward by the accused that they are all walked in the Tar road and the suggestion that they are all walked in the center of the road was specifically denied by the injured persons.

16. Further it is the admitted case that the Scorpio car bearing registration number TN 60 E 3335 had hit the injured and the deceased, who were came in the back side. If the accused came in a normal speed, he ought to have manage the control of the vehicle. On the side of the accused it is contended that a Taurus lorry, which was coming in the opposite direction, had put the light in bright manner, which is the cause of the accident. Even though the

accused contended that in the opposite direction, a Taurus lorry, came in a high speed with fully focused light, but the same was not proved by the accused by examining any other persons, who were present in the scene of occurrence. The accused if at all drove the vehicle in a normal speed then he may control his vehicle. Per contra, the accused had hit the deceased and injured who are went in the front direction that too in the mud road. The act of the accused alone resulted in the death of the deceased and injury caused to the other injured persons. Hence for all the above reasons, this court feels that the negligence is on the part of the accused and if the accused came in a normal speed, the accident would not have happened. Because of the rash and negligent driving of the accused, the accident was occurred, which leads to the loss of life of deceased and also 3 persons were injured. The evidence of the prosecution witnesses is cogent and reliable and there is no variations or contradictions in the evidence of prosecution witnesses. The cross examination made by the accused in the prosecution witnesses does not make any doubt or any challenge to the prosecution case. Accordingly this court feels that the trial court had considered all the relevant aspects and rightly convicted the accused. Hence there is no need to interfere with the judgment of conviction of the trial court. This appeal is devoid of merits and it is liable to be dismissed. Accordingly, this appeal is dismissed.

17. In the result, this appeal is dismissed and the Judgment of conviction and sentence passed by the trial court namely Judicial Magistrate Court, Aruppukottai in C.C. No. 137/2020 dated 02.08.2024 is confirmed. The trial court is directed to secure the accused and commit him to prison to undergo the period of sentence.

Dictated by me to the steno-typist, transcribed and typed by her, corrected and pronounced by me in open court, on this the 08th day of June 2026.

Additional District and Sessions Judge,
Aruppukottai.

Copy to:
The learned Judicial Magistrate,
Aruppukottai.