

**IN THE COURT OF THE IV METROPOLITAN MAGISTRATE /
IV JUDICIAL MAGISTRATE,
SAIDAPET, CHENNAI-15.**

Present: Mrs. Anitha Anand, M.B.A., L.L.M.,
IV Metropolitan Magistrate /
IV Judicial Magistrate
Thursday, the 11th day of December 2025



Calendar Case No.1916/2023

1.	Complainant	State represented by the Inspector of Police, J-3 Guindy Traffic Investigation Wing, Chennai.
2.	Number of First Information Report	J-3 Guindy Traffic Investigation Wing FIR No.47/2023 under Section 279, 304A of the Indian Penal Code, 1860 (IPC in brevity) .
3.	Name of the Accused Person	Rajkumar, aged 27 years, S/o.Dhandapani, No.203/2 Road Street, Irumbedu Village, Vandavasi, Thiruvannamalai District.
4.	Accusation against Accused Person	under Sections 279, 304A IPC.
5.	Plea of the Accused Person	Not guilty
6.	Decision of the court	Accused found guilty of the offences under 279, 304A IPC.

7.	Sentence	• Section 279 IPC - simple imprisonment for six months and fine of Rs.1000/-, in default of payment of fine, to undergo simple imprisonment for one month. • Section 304A IPC - simple imprisonment for two years and to pay a fine of ₹5,000/- (Rupees Five Thousand only), in default of payment of fine, to undergo simple imprisonment for four months.
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Final report filed against the Accused to take cognizance of the offences under Sections 279, 304A of the Indian Penal Code, 1860, taken on 16.06.2023 to try the Accused. After hearing this case finally on 08.12.2025 in presence of both sides, upon perusal of evidence and hearing argument on both sides, this court pronounces the following judgment.

Assistant Public Prosecutor : Mr.K. Nambirajan

Defence Counsel : Mr. P. Devakumaran

JUDGMENT

1. Final Report:

1.1. The Inspector of Police, J-3 Guindy Traffic Investigation Wing, filed the final report stating that on 28/01/2023 at 04:30 AM, the accused, Rajkumar, aged 27 years, while driving his Taurus lorry bearing registration number TN 19 U 2502, proceeded from west to east and turned towards the north near the post office at the junction of 100 Feet Road, Ashok Nagar, in a rash and negligent manner and collided with a two-wheeler bearing registration number TN 02 BV 7679, ridden by Lingeswaran, who was proceeding in front of the lorry. Due to the impact of the collision, the motorcycle rider fell down, and the front left tyre of the lorry ran over him. The two-wheeler rider sustained grievous injuries to his hip and limbs and died on the spot. The accused thus caused the death of the motorcyclist by his rash and negligent driving.

1.2. Hence, the accused is alleged to have committed the offences of rash and negligent driving on a public way and causing the death of the motorcyclist by negligence, punishable under Sections 279 and 304A of the Indian Penal Code, 1860.

2. Cognizance of the Offence:

Upon receiving the final report from Mrs. S. Akila, Inspector of Police, Traffic Investigation Wing, Pondy Bazar, this Court took cognizance of the offences under Sections 279 and 304A IPC. Upon appearance of the accused,

copies of the final report and other documents relied upon by the prosecution were furnished to him under Section 207 Cr.P.C. Thereafter, the accusations under Sections 279 and 304A IPC were explained to the accused under Section 251 Cr.P.C. As the accused pleaded not guilty, the Court proceeded with the trial.

3. Case of the Prosecution:

3.1. The defacto complainant, Murugan, aged 52 years, son of Natarajan, residing at No. 60/1, Nehru Nagar, Villivakkam, Chennai-49, stated in his complaint that he had been residing at the above address and running a vegetable shop. His son, Lingeswaran, studied B.Com., II year, and worked as a delivery boy for Swiggy, Vadapalani, whenever he found time. He left for work on the night of 27.01.2023, and the next day the defacto complainant received information over the phone that his son had met with an accident near Ashok Pillar.

3.2. Upon enquiry at the scene of occurrence, he learnt that when his son was returning to Vadapalani on his two-wheeler bearing registration number TN 02 BV 7679, coming from west to east and turning towards north at 4:30 AM on 28.01.2023, near the post office at the junction of 100 Feet Road, Ashok Nagar, a Taurus lorry bearing registration number TN 19 U 2502 came in a rash and negligent manner in the same direction, collided with the motorcycle, and its left tyre ran over him. His son sustained grievous injuries to his hip and limbs due to

the impact. A 108 ambulance arrived, and the paramedics declared him dead on the spot. The body was then sent to Royapettah Government Hospital. Hence, he prayed for action against the driver of the Taurus lorry.

3.3. Upon receiving this complaint from P.W.1 / defacto complainant, Mr. Pushparaj, Sub-Inspector of Police, registered the First Information Report in FIR No. 47/2023 under Sections 279 and 304A IPC on 28/01/2023 at 06:00 hours against the driver of the Taurus lorry bearing registration number TN 19 U 2502 and handed over the case to Mrs. Akila, Inspector of Police, for investigation. She continued the investigation and, after completion, submitted the final report under Sections 279 and 304A IPC against the accused on 15/06/2023.

4. Observation on Case Records:

On perusal of the case records, it is noted that the accused was arrested and released on bail by the police on 28/01/2023. No property was seized in this case.

5. Evidence on the Side of the Prosecution:

5.1. The prosecution cited eleven witnesses. The defacto complainant, two alleged ocular witnesses, the observation mahazar witness, the doctor who conducted the post-mortem, and both Investigating Officers were examined as P.W.1 to P.W.7. The prosecution invoked Section 294 Cr.P.C. to mark formal expert documents, dispensing with their oral examination.

5.2. Exhibits P1 to P10 were marked:

- Ex.P1 – Complaint, marked through P.W.1.
- Ex.P2 – Observation mahazar, marked through P.W.4.
- Ex.P3 – FIR, marked through P.W.5, Sub-Inspector of Police.
- Exs.P4 to P7 – Rough sketch, Accident Register extract, inquest report, post-mortem report, marked through P.W.6, Inspector of Police.
- Ex.P8 series – Registration Certificate, insurance policy, permit, Form 47 of the lorry, and the driving licence of the accused, marked through P.W.6.
- Exs.P9 and P10 – Motor Vehicle Inspection Reports for the two-wheeler TN 02 BV 7679 and lorry TN 19 U 2502.

6. Statement under Section 313(1)(b) Cr.P.C.:

After the closure of the prosecution evidence, the accused was examined regarding the incriminating circumstances under Section 313(1)(b) Cr.P.C. He denied the allegations and claimed that a false case had been foisted upon him. No defence evidence was adduced.

7. Point for Determination:

Whether the prosecution has proved the accusations under Sections 279 and 304A IPC against the accused beyond reasonable doubt?

8. Heard Both Sides.

9. Appreciation of Evidence:

9.1. P.W.1, the defacto complainant and father of the deceased, deposed on 16/07/2024 that his son worked as a part-time delivery boy in Swiggy between 10 PM and 5 AM. He received information at 4:30 AM on 28/01/2023 about the accident near the post office near Ashok Pillar. Upon reaching the spot, he learnt from the public that a Taurus lorry bearing registration number 2502 collided with his son's motorcycle. He saw the crushed motorcycle at the spot.

9.2. In cross-examination, he admitted he did not personally know the lorry number and lodged the complaint based on information from the public. He denied the suggestion that a barricade had fallen on the two-wheeler.

9.3. P.W.2, Moosakoyya, and P.W.3, Arumugam, are cited as ocular witnesses. P.W.2 stated he heard about the accident from a customer at 5:30 AM on 28/01/2023, but he did not witness the occurrence.

9.4. P.W.3 deposed that at 4:30 AM, while having tea near Ashok Pillar, he saw a two-wheeler standing at the signal, and a tipper lorry coming at high speed collided with it and dragged the rider a short distance. The lorry driver attempted to flee, but the public apprehended him. P.W.3 informed the ambulance service. He identified the lorry number TN 19 U 2502 and the driver at the police station.

9.5. As the accused was absent and a petition under Section 355 BNSS was allowed, the defence did not object to continuing the evidence and undertook not to dispute identification.

9.6. In cross-examination, P.W.3 stated he had 24 years of experience as an auto-rickshaw driver. He confirmed the signal was functioning at 4:30 AM, that there was no drainage water channel, but only a pothole. He reiterated that the lorry hit the two-wheeler with its left front tyre.

9.7. P.W.4, Suryaprakash, the observation mahazar witness, deposed on 19/06/2025 that at 7:30 AM on 28/01/2023 he saw a crowd near Ashok Nagar Police Station and witnessed the observation of the scene at the request of the police.

9.8. In cross-examination, he confirmed seeing a crushed motorcycle and a lorry parked further away. He also admitted noticing a pit dug by the Water Board, cordoned with barricades.

9.9. P.W.7, Dr. Jayalakshmi, who conducted the post-mortem on 27.11.2025, stated that she noted 13 injuries. The spleen, liver, kidneys, and lungs were severely damaged, and the ribs and spinal cord were fractured. The injuries were consistent with a road traffic accident. She denied the defence suggestion that the injuries were caused by a fallen barricade, stating that the severity of injuries indicated heavy blunt-force impact.

9.10. P.W.5, Mr. Pushparaj, S.I. of Police, deposed on 24/06/2025 that he received the complaint at 4:30 AM and registered FIR No.47/2023. He saw the body and the crushed two-wheeler at the scene. The lorry was parked nearby and the driver was present. He denied noticing any rainwater channel or barricade.

9.11. P.W.6, Mrs. Akila, the Investigating Officer, deposed on 25/06/2025 that she visited the scene at 7:30 PM, prepared the Observation Mahazar and Rough Sketch, and conducted inquest at 10:00 hours on 28/01/2023. The post-mortem certificate opined that death was due to shock and haemorrhage caused by blunt injuries.

9.12. She arrested and released the accused on bail, collected vehicle documents, and subjected both vehicles to inspection. The lorry had no mechanical defects, and the two-wheeler had heavy damage.

9.13. In her cross-examination, P.W.6 denied the suggestion that the accident had occurred when the deceased attempted to overtake the lorry. She also denied the defence suggestion that the deceased had fallen into a rainwater channel. She further stated that she had mentioned the skid marks of the lorry in the rough sketch prepared at the scene of occurrence.

9.14. When the defence suggested that the lorry did not run over the deceased and that the injuries appeared simple, P.W.6 firmly denied the suggestion and clarified that the injuries noted in the post-mortem report were consistent with a heavy blunt-force impact. The final suggestion that the

accident was caused due to the negligence of the deceased was also categorically denied by P.W.6.

10. Findings on the Point for determination:

10.1. The prosecution case is that on 28/01/2023 at 04:30 AM, the accused Rajkumar, aged 27 years, drove a Taurus lorry bearing registration number TN 19 U 2502 in a rash and negligent manner from west to east and attempted to turn north near the post office at the junction of 100 Feet Road, Ashok Nagar. The lorry collided with a two-wheeler bearing registration number TN 02 BV 7679, ridden by Lingeswaran, who was proceeding ahead of the lorry after completing his delivery work.

10.2. Due to the impact, the rider fell, and the front left tyre of the lorry ran over him, causing grievous injuries to the hip and limbs and resulting in instantaneous death. A 108 ambulance arrived and declared him dead at the scene. The FIR was registered, and investigation revealed no mechanical defect in either vehicle. The post-mortem revealed multiple rib fractures, spinal cord fracture, and severe damage to internal organs attributable to blunt-force impact.

10.3. The defence contended that the prosecution witnesses did not witness the occurrence directly or gave inconsistent accounts. There was a Water Board excavation and barricades at the junction, and the deceased may have slipped or fallen near the channel. The motorcycle might have been hit by a fallen barricade, and not by the lorry. The deceased was negligent and may have fallen

before the lorry approached. The accident was not caused by the accused, and the injuries were not consistent with a run-over by a heavy vehicle. No defence evidence was adduced.

10.4. Seven witnesses including two investigating officers and doctor were examined on the side of the prosecution. The evidence of P.W.1 (Defacto Complainant) is hearsay regarding the manner of accident. His testimony is reliable only to the extent of identifying his son, stating his movements, and lodging the complaint. P.W.2 (Tea Stall Worker) admittedly did not witness the accident. His evidence is not relevant for proving the manner of occurrence.

10.5. P.W.3, Auto-rickshaw Driver is the only direct eye-witness. His account is consistent, natural, and withstands cross-examination. He categorically stated that he saw the lorry collide with the motorcycle while the signal was functioning and that there was no rainwater channel at the spot. His presence at 4:30 AM near the tea stall is plausible considering his occupation. He correctly identified the vehicle and driver.

10.6. P.W.4 is the Observation Mahazar Witness. His testimony corroborates the scene of occurrence, including the crushed motorcycle and position of the lorry. The fact that he noticed a Water Board pit cordoned with barricades does not contradict the prosecution version but only describes the broader surroundings.

10.7. P.W.7 is the Doctor, who had conducted the post-mortem. Her evidence fully supports the prosecution. She expressly denied that the injuries could have been caused by a fallen barricade and affirmed that the injuries were due to heavy blunt-force impact, consistent with being run over.

10.8. The Investigating Officers (P.W.5 and P.W.6) deposed their portion of the investigation clearly before the court. Their testimony is consistent with the prosecution narrative. The FIR was promptly registered, and the scene was visited immediately. Both stated that they did not see any rainwater channel or barricade near the injured person.

10.9. The materials show that P.W.3 is a credible eyewitness, and the medical and investigation evidence corroborates his version. Only P.W.4 noted a pit and barricades in the vicinity. No witness, including P.W.3 (eyewitness), P.W.5 (first officer at scene), or P.W.6 (Investigating Officer), stated that the deceased fell into or collided with the barricade. Defence suggestion that a barricade fell on the deceased is contradicted by the post-mortem findings showing high-impact crushing injuries. The defence attempted to describe the vehicle as a tipper or loaded lorry, but this has no bearing on the essential fact that the lorry collided with the motorcycle.

10.10. All witnesses consistently place the occurrence at around 4:30 AM. P.W.3's testimony remained firm despite extensive cross-examination and is corroborated by medical and physical evidence. None of the contradictions are

material enough to discredit the prosecution version. They do not create reasonable doubt regarding the involvement of the accused.

10.11. The evidence of P.W.3, supported by the medical findings of P.W.7, the scene observation of P.W.4, and the investigation of P.W.5 and P.W.6, establishes that the accused drove the Taurus lorry in a rash and negligent manner. The lorry hit the motorcycle from behind, causing the rider to fall, and the left front tyre ran over him. The injuries described in the post-mortem report are fully consistent with such an impact and wholly inconsistent with the defence theory of a barricade fall or self-fall.

10.12. The testimony of the prosecution witnesses was reliable and consistent in their testimonies. P.W.6's version that there were skid marks at the scene was not shaken in cross-examination. The medical evidence corroborated the prosecution case, and the injuries recorded in the post-mortem report were consistent with a heavy vehicular impact. The defence suggestions were unsupported by any material and were merely put as suggestions without evidence. No contradictions of material nature were brought out during cross-examination to discredit the core version of the prosecution. The asserted theories of overtaking or falling into a rainwater channel were found improbable and contrary to the physical evidence.

10.13. In the overall analysis, the Court held that the prosecution has proved beyond reasonable doubt that the accused drove the vehicle in a rash and

negligent manner and caused the accident resulting in the death of the victim. The defence failed to create reasonable doubt or show contributory negligence on the part of the deceased.

11. Conclusion :

The accused Rajkumar is held guilty of committing the offences under Sections 279 and 304A IPC. The prosecution has proved the ingredients of rashness and negligence, the causal connection between the driving and the death, and the identity of the offender. Accordingly, this Court holds the accused guilty of the offences punishable under Sections 279 and 304A IPC.

12. Result:

The accused is hereby convicted under section 255(2) of the Criminal Procedure Code, 1973 of the above offences under sections 279 and 304A IPC accordingly.

13. Sentence:

Considering the nature of the offence, the manner in which it was committed, and the resultant loss of human life, this Court is of the view that a deterrent sentence is warranted. Accordingly, the accused is sentenced as follows:

- For the offence under **Section 279 IPC**, the accused is sentenced to **simple imprisonment for six months and fine of Rs.1000, in default of payment of fine, to undergo simple imprisonment for one month.**

- For the offence under **Section 304A IPC**, the accused is sentenced to **simple imprisonment for two years** and to pay a **fine of ₹5,000/- (Rupees Five Thousand only)**, in default of payment of fine, to undergo **simple imprisonment for four months**.

Dictated by me to the Steno-typist and directly computerized by him, corrected and pronounced by me in the open court on this 11th day of December 2025.

IV Metropolitan Magistrate /
IV Judicial Magistrate
Saidapet, Chennai-15.

Appendix

Prosecution Witnesses:

<u>S.No.</u>	<u>Witnesses</u>	<u>Name of the Witnesses</u>
1.	P.W.1	Murugan
2.	P.W.2	Moosakoya
3.	P.W.3	Arumugam
4.	P.W.4	Suryaprakash
5.	P.W.5	Pushparaj, Sub Inspector of Police
6.	P.W.6	Akila, Inspector of Police
7.	P.W.7	Dr.Jeyalakshmi, Asst Professor

Prosecution side Exhibits:

<u>S.No.</u>	<u>Exhibits</u>	<u>Date</u>	<u>Description of the document</u>
1.	Ex.P1	28.01.2023	Complaint
2.	Ex.P2	28.01.2023	Observation Mahazar
3.	Ex.P3	28.01.2023	First Information Report in FIR No.47/2023
4.	Ex.P4	28.01.2023	Rough Sketch
5.	Ex.P5	28.01.2023	Accident Register extract
6.	Ex.P6	28.01.2023	Inquest Report
7.	Ex.P7	28.01.2023	Postmortem Report
8.	Ex.P8 series		Registration Certificate, insurance policy, permit, Form 47 of the lorry, and the driving licence of the accused
9.	Ex.P9	30.01.2023	Motor Vehicle Inspection Report of Ashok Leyland Lorry bearing registration number TN 19 U 2502
10.	Ex.P10	16.02.2023	Motor Vehicle Inspection Report of motorcycle bearing registration number TN 02 BV 7679

Material Objects: Nil**Defence side evidence and exhibits:** Nil.

IV Metropolitan Magistrate /
IV Judicial Magistrate,
Saidapet, Chennai-15.