

IN THE COURT OF XIII METROPOLITAN MAGISTRATE, EGMORE.

Present: **Shri. M.DHARMAPRABU, M.A., M.L.,**

XIII Metropolitan Magistrate, Egmore.

Thursday, the 19th Day of June, 2025

Calendar Case No.9002 of 2022

S.No	Headings	Particulars
1.	Name of the Police Station & Crime No. of the offence	: State through:- Sub Inspector of Police, V-5, Thirumangalam P.S. Crime No.155 of 2022.
2 to 7.	Description of the Accused (Name, Father's name, Occupation, Residence & Age)	: 1. Yuvaraj, M/a 21, S/o. Venkatesan, No.12/32, Dr.Ambedkar Street, Tamilar Nagar, Shenoy Nagar, Chennai-30. 2. Subash, M/a 21, S/o. Poongavanam, No.134A, 2 nd Street, R.V.Nagar Main Road, Anna Nagar, Chennai-102. 3. Sudhan, M/a 21, S/o. Kumaran, No.34/B, 2 nd Street, Lakshmi Nagar, Perambur, Chennai-11. 4. Faruk, M/a 20, S/o. Rizwan, No.63, Bharathi Nagar, 1 st Street, Villivakkam, Chennai-49.
8.	Date of Occurrence	: 27.04.2022
9.	Date of Complaint	: 28.04.2022
10.	Date of Apprehension	: A1, A2-28.04.2022 A3,A4-Anticipatory Bail
11.	Date of Release on bail	: A1, A2-28.04.2022

12.	Date of Commitment	:	---
13.	Date of Commencement of Trial	:	09.12.2024
14.	Date of Closure of Trial	:	27.03.2025
15.	Date of Sentence or order	:	19.06.2025
16.	Date of Service of Copy of judgment or finding on accused	:	19.06.2025
17.	Explanation of Delay	:	---

(Under Rule 106 of Criminal Rules of Practice, 2019)

S.No	Headings	Particulars
1.	Name of the Complainant	: State through:- Sub - Inspector of Police, V-5, Thirumangalam P.S. Crime No.155 of 2022.
2.	Name of the accused	: 1. Yuvaraj, M/a 21, S/o. Venkatesan, No.12/32, Dr.Ambedkar Street, Tamilar Nagar, Shenoy Nagar, Chennai-30. 2. Subash, M/a 21, S/o. Poongavanam, No.134A, 2 nd Street, R.V.Nagar Main Road, Anna Nagar, Chennai-102. 3. Sudhan, M/a 21, S/o. Kumaran, No.34/B, 2 nd Street, Lakshmi Nagar, Perambur, Chennai-11. 4. Faruk, M/a 20, S/o. Rizwan, No.63, Bharathi Nagar, 1 st Street, Villivakkam, Chennai-49.
3.	Charges framed	: Under Sections 341, 294(b), 323, 324 r/w 34 of the IPC

4.	Plea of the accused	:	Not Guilty.
5.	Findings of this Court	:	Not Guilty
6.	Sentence or order	:	In the result, the Accused is found not guilty of the offences under Sections 341, 294(b), 323, 324 r/w 34 of the IPC and he is acquitted under Section 271(1) of the BNSS . The Property in B.No.1005/2022 Broken Black Helmet shall ordered to be destroyed after the appeal period. The bond executed by the Accused shall be cancelled after the appeal period.

Upon consideration of the materials, having heard Smt.Subashini, learned Assistant Public Prosecutor Grade-II and M/s. B.L.Sankar, S.Naveenkumar, J.Krishnakumar, R.Ranjith Kannan, Learned Counsels for the Accused and I made the following.

JUDGMENT

Before proceeding with the Judgment, it is necessary to state that the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) has come into effect from 01.07.2024. In view of repeals and savings Clause provided under Section 531 of the BNSS, the case was taken on file as per the Code of Criminal Procedure (in short, 'the Code'), the Charge was framed on 21.10.2024 after the implementation of the BNSS. Therefore, the Judgment is being delivered in terms of the relevant provisions of the BNSS.

2. This is a case instituted upon the Police report under section 173(2) of the Code the alleging offences under Sections 341, 294(b), 323, 324 r/w 34 of the IPC.

3. This case arises out of an occurrence on 27.04.2022, the *defacto* Complainant parked his two-wheeler in Metro Parking near V.R.Mall, Chennai. At that time, near 'Oh my Shawarma' hotel, three persons grabbed him by collar and abused in a filthy language and demanded for getting alcohol but he refused and went away and called 100 and waited. They again came with another person who also abused in a filthy language and demanded his phone and beaten him with helmet and hand over his face and made criminal intimidation. Hence, he gave a complaint, Ex.P1 to the Police based on which FIR, Ex.P7 was registered. Following an investigation on the said complaint, it was found that the Accused were involved in the occurrence and the final report was filed.

4. Upon scrutiny of the final report, this Court took cognizance and issued summons to the Accused. After taking cognizance of the offence, summons were issued to the accused. Upon appearance, copies of the documents were furnished to the accused under Section 230 of the BNSS. Charges under Sections 341, 294(b), 323, 324 r/w 34 of the IPC were framed, read over, and explained to the accused, who pleaded not guilty.

5. On the side of the prosecution, the PW1 and PW5 were examined and Ex.P1 to Ex.P12 were marked.

6. The PW1 deposed, in chief examination, about the occurrence that on 27.04.2022 at about 04.00 p.m., near V.R.Mall, the Accused had assaulted him demanding money and they abused in a filthy language. He further stated that he

went to Be Well Hospital and then gave complaint to the Police. He further stated that he had compromised the matter with the Accused and expressed that he did not want to precipitate the matter.

7. The PW2 Raja deposed that he made signature in the confession statement regarding an assault and the police recovered a helmet allegedly used in the weapon. The PW3 Mukabur Rahman deposed that the police got his signature near V.R. Mall but he did not know the reason and hence he was treated as hostile and cross examined by the prosecution.

8. The PW4 Dr.Vishal deposed that when he was on duty in Be Well Hospital on 27.04.2022 at about 04.20 or 04.30 p.m., the PW1 came for treatment and alleged that he had assaulted him using helmet and he found laceration measuring 1 x 1 x 1 cm near right eyebrow and a laceration below right eye measuring 4 x 1 x 1 cm and contusion on his left cheek and he opined the injuries as simple in nature vide the Wound certificate, Ex.P6.

9. The PW5 Gopinathan is the Sub-Inspector of Police who registered the FIR and conducted the investigation. He deposed about the arrest and confession of the Accused and recovery of properties from the Accused based on the confession statement.

10. The incriminating evidence was put to the accused under Section 351 of the BNSS, he denied the allegations. No defence evidence was adduced.

11. Point to be determined is as to whether the prosecution has proved the charges against the accused beyond reasonable doubts.

12. This Court has carefully considered the oral and documentary evidence let in by the prosecution and the submissions made by the learned Assistant Public Prosecutor and the learned counsel for the accused. The crux of the prosecution case rests on the evidence of PW1, the defacto complainant, who has alleged that the accused persons assaulted him and used filthy language demanding alcohol and his mobile phone, and caused simple injuries on his face. The medical evidence through PW4 corroborates the fact that PW1 sustained simple injuries, as recorded in Ex.P6, the wound certificate. However, in the chief examination itself, PW1 has clearly stated that he had compromised the matter with the accused and does not wish to pursue the case further. This statement significantly weakens the substratum of the prosecution case.

13. As regards the other witnesses, PW2 deposed that he merely signed the confession statement and recovery mahazar and had no direct knowledge of the incident. PW3, a claimed witness to the recovery near the place of occurrence, turned hostile and did not support the prosecution case. PW5, the Investigating Officer, deposed about the steps taken in the investigation, arrest, confession, and recovery of helmet allegedly used in the assault. However, the evidentiary value of confession to police and recovery based on such confession requires corroboration from independent evidence, which is lacking in this case.

14. It is trite law that conviction cannot rest solely on the evidence of the Investigating Officer and that the prosecution must prove the case beyond all reasonable doubt through cogent, credible, and consistent evidence. In the present case, except the partially reliable testimony of PW1, there is no independent or unimpeachable evidence to link the accused conclusively to the alleged crime. Moreover, the compromise between the complainant and the accused, although not a ground for acquittal in serious offences, further casts doubt on the veracity and seriousness of the prosecution case. The lack of consistent testimony from independent eyewitnesses and the hostile attitude of key witnesses erodes the reliability of the prosecution case. Therefore, I answer the point in negative.

15. In the result, the Accused are **found not guilty** of the offences under Sections 341, 294(b), 323, 324 r/w 34 of the IPC and they are **acquitted under Section 271(1) of the BNSS**. The Property in B.No.1005/2022 Broken Black Helmet shall ordered to be destroyed after the appeal period. The bond executed by the Accused shall be cancelled after the appeal period.

Prepared by me in the Computer and pronounced in the Open Court this the 19th day of June, 2025.

XIII METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI-08.

APPENDIX

A. Prosecution Witnesses:

1. PW1 – Harish
2. PW2 – Raja
3. PW3 – Mukabur Rahman
4. PW4 – Vishal (Doctor
5. PW5 – Gopinathan(Investigation Officer)

B. Prosecution documents:

1. Ex.P1/PW1 – Complaint
2. Ex.P2/PW2 – Signature of PW2 in Confession Statement
3. Ex.P3/PW2 – Signature of PW2 in Seizure Mahazer
4. Ex.P4/PW3 – Signature of PW3 in Confession Statement
5. Ex.P5/PW3 – Signature of PW3 in Seizure Mahazer
6. Ex.P6/PW4 – Wound Certificate and Report
7. Ex.P7/PW5 – FIR
8. Ex.P8/PW5 – Observation Mahazer
9. Ex.P9/PW5 – Rough Sketch
- 10.Ex.P10/PW5 – Seizure Mahazer
- 11.Ex.P11/PW5 – Form 91
- 12.Ex.P12/PW5 – CD along with Certificate

XIII METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI-08.

Copy submitted to,

The Chief Metropolitan Magistrate, Egmore.

(With Calendar Statement)