



IN THE COURT OF THE JUDICIAL MAGISTRATE, AT UTHANGARAI

Present:- Tmt. S. Sahaana, M.A., M.L.,MA.,

Judicial Magistrate, Uthangarai

Friday, the 04th day of April 2025

C.C.No.192 of 2022

State Represented by
Inspector of Police,
Uthangarai Police Station
(Cr. No.380/2022)

.... Complainant

-vs-

1. Babu, aged about 40 years,
S/o. Rajagopal
2. Govinthan, aged 25 years,
S/o. Mani
3. Manjula, aged 50 years,
W/o. Mani
4. Balaji, aged 35 years,
S/o. Rajagopal
5. Thirumurugan, aged 32 years,
S/o. Palani
6. Valayuthan, aged 23 years,
S/o. Mani
7. Sakku @ Jakkammal, aged 48 years,
W/o. Natesan
8. Balamurugan, aged 27 years,
S/o. Natesan

.... Accused A1 to A8

This case came up for final hearing on 04.04.2025 in the presence of Learned Assistant Public Prosecutor Grade I for Complainant and M/s. S. Moorthi, Learned Counsels for the accused A1 to A8. Upon hearing both side arguments and upon perusing the records and having stood over till this day for the consideration of this Court, this Court delivered the following:-

(As per Circular of the Hon'ble High Court, Madras in ROC.No.814/2020/RG/F1, dated 07.04.2021)

Complaint	State Represented by Inspector of Police,
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	Uthangarai Police Station (Cr. No.380/2022)
Accused	1. Babu, aged about 40 years, S/o. Rajagopal 2. Govinthan, aged 25 years, S/o. Mani 3. Manjula, aged 50 years, W/o. Mani 4. Balaji, aged 35 years, S/o. Rajagopal 5. Thirumurugan, aged 32 years, S/o. Palani 6. Valayuthan, aged 23 years, S/o. Mani 7. Sakku @ Jakkammal, aged 48 years, W/o. Natesan 8. Balamurugan, aged 27 years, S/o. Natesan
The period of remand of the accused	A1, A4, A5, A6: Accused are 14.08.2022 to 17.08.2022 (Released on bail) A2, A3, A7, A8: Accused are appeared 41-A Cr.P.C notice.
The date of filing of the complaint/final report in the Court	04.11.2022
The date of committal of the case of the Court of Session	NIL
The date of charges was framed as against the accused under section 240 of Cr.P.C.	24.07.2023
Filing of all miscellaneous petitions and their results including the results on the challenge before superior Courts; except routine petitions like petitions under section 317 of the Code.	NIL
Date of Examination in chief and cross- examination of witnesses.	PW. 1 - 10.03.2025 PW. 2 - 02.04.2025



	PW. 3 - 02.04.2025
Date of Examination of the accused under section 313 (1)(b) of the Code	03.04.2025
Date of absconding of an accused and appearance/production, as the case may be;	NIL
Offence	Section 147, 148, 447, 294(b), 323, 427, 324, 506(ii) of IPC
Charges Framed	Section 147, 148, 447, 294(b), 323, 427, 324, 506(ii) of IPC
Plea of the Accused	Not guilty
Finding	Accused A1 to A8 are found not guilty for an offence punishable under Section 147, 148, 447, 294(b), 323, 427, 324, 506(ii) of IPC
Sentence	Accused A1 to A8 are acquitted under Section 248(1) Cr.P.C.

JUDGMENT

1. The accused A1 to A8 stands charged in Crime No. 380/2022 for having committed offences punishable u/s. 147, 148, 447, 294(b), 323, 427, 324, 506(ii) of IPC.

2. Brief averment of the Police report:

On 12.08.2022 at 8.00 PM, A1 to A8 in an unlawful assembly with wooden log trespassed into Sri Mahalakshmi vegetable shop and damaged the vegetables worth Rs.6300/- and uttered obscene words at public place to the annoyance of others and attacked the defacto complainant using hands and wooden log and threatened with dire consequences. Subsequently, a complaint was lodged in Uthangarai Police station and a FIR was registered in Cr. No. 380/2022 for offences u/s. 147, 148, 447, 294(b), 323, 427, 324, 506(ii) of IPC as against the accused A1 to A8.

3. On filing the Final Report U/s.173 Cr.P.C. before this Court, cognizance was taken against the accused A1 to A8 and the same was taken on file as C.C. No.192 of 2022,



for offences u/s. 147, 148, 447, 294(b), 323, 427, 324, 506(ii) of IPC. The Summon was served to the accused A1 to A8. Subsequent, to the appearance of both the accused, copies of relevant prosecution records were furnished as per section 207 of the Criminal Procedure Code.

4. On perusal of the material records, this court has considered that a prima facie case was made out against the accused A1 to A8, to proceed further. Hence, the charges were framed by this Court as against the accused A1 to A8 u/s. 147, 148, 447, 294(b), 323, 427, 324, 506(ii) of IPC. The charges thus framed were read over and explained to the accused A1 to A8. However, the accused A1 to A8 have pleaded innocence and claimed to be tried by this Court as it is a false case foisted against them.

5. On commencement of trial, the prosecution had examined PW.1 to PW.3. Exhibits P.1 to P.12 were marked.

6. The case of the Prosecution case as it was unravelled by the witnesses before this Court is as follows: -

PW. 1 – Thiru. Mohan deposed in his evidence that he knows the appeared accused. There was a money transaction between the accused Velayutham's father and Venketesan. In respect of that, they were talking. The accsued did not scold or attack or threaten him. The signature in the complaint is his and he does not know its content. The signature in the complaint is marked as Ex.P.1. The Polcie did not enquire him.

PW. 2 - Thiru. Venketesan deposed in his evidence that he knows the appeared accused. There was a money transaction between the accused Velayutham's father and Venketesan. In respect of that, they were talking. The accsued did not scold or attack or threaten him. The Police did not enquire him.

PW. 3 - Thiru. Mohan, Sub Inspector of Police, on perusal of records, he deposed in his evidence that on 13.08.2022, on the information received from the Uthangarai Government Hospital, the complaint of the defacto complainant was



recorded. F.I.R. was registered in Crime No.380/2021 offences U/s. 147, 148, 447, 294(b), 323, 427, 324, 506(ii) of IPC. The Complaint is marked as Ex.P2. FIR was marked as Ex.P3. Then, proceeded to the scene of occurrence and prepared observation mahazar and rough sketch in the presence of the witnesses Sureshkumar, Selvaraj and recorded their statements. The Rough sketch is marked as Ex.P4 and the observation mahazar is marked as Ex.P5. The witnesses Mohan, Venketesan, Ramya, Saranya, Perumal were examined and recorded their statements separately. On 14.08.2022, the accused Babu, Balaji, Thirumurugan, Velayutham were arrested and remanded to Judicial custody. Other accused were given Sec.41 A Cr.P.C notice. Two trays were seized from the scene of occurrence and produced before the Court through Form 95. Seizure mahazar is marked as Ex.P6 Form 95 is marked as Ex.P7. Two drums are marked as MO.1, MO.2. The damage certificate is marked as Ex.P8. Dr. Abirami, who gave treatment for the injured was examined. The accident register and Wound certificate of Mohan is marked as Ex.P9 and Ex.P10 respectively. The accident register and Wound certificate of Venketesan is marked as Ex.P11 and Ex.P12 respectively. After completion of the Investigation, the final report has been filed as against the accused A1 to A8.

7. When the accused A1 to A8 were questioned on 03.04.2025 U/s. 313(1)(b) of Cr.P.C. about the incriminating circumstances available against them, they denied the same to be false. Further, mentioned that no evidence on their side.

8. Heard on both sides and perused the material records produced before this Court.

9. Points for determination:

The point for consideration is whether the accused A1 to A8 were guilty of offences punishable, U/s. 147, 148, 447, 294(b), 323, 427, 324, 506(ii) of IPC and whether the prosecution has proved their case beyond a reasonable doubt?

10. Discussion:

The Learned Assistant Public Prosecutor argued that the accused A1 to A8 have committed an offence punishable U/s. 147, 148, 447, 294(b), 323, 427, 324,



506(ii) of IPC and the prosecution proved the case beyond all reasonable doubt, hence accused A1 to A8 may be dealt with accordance with law.

11. Per contra, the accused counsel contended that the accused A1 to A8 have not committed any offence, the prosecution has not proved the case beyond all reasonable doubts, accused A1 to A8 are innocent, hence, the accused A1 to A8 may be acquitted from this case.

12. Heard. Records perused. On perusal of records, it reveals that the fact of the prosecution case is that on 12.08.2022 at 8.00 PM, A1 to A8 in an unlawful assembly with wooden log trespassed into Sri Mahalakshmi vegetable shop and damaged the vegetables worth Rs.6300/- and uttered obscene words at public place to the annoyance of others and attacked the defacto complainant using hands and wooden log and threatened with dire consequences. Hence, the accused A1 to A8 were charged with an offence punishable u/s. 147, 148, 447, 294(b), 323, 427, 324, 506(ii) of IPC.

13. On the prosecution side PW1 to PW3 witnesses were examined through the evidence Ex.P1 to Ex.P12 were marked.

14. PW1 namely Mohan, who is the defacto complainant and as well as the victim in this case deposed that he knows the appeared accused. There was a money transaction between the accused Velayutham's father and Venketesan. In respect of that, they were talking. The accused did not scold or attack or threaten him. The signature in the complaint is his and he does not know its content. The signature in the complaint is marked as Ex.P.1. The Police did not enquire him. On going through the above records, it reveals that PW1 did not support the Prosecution case as against the accused that is on 12.08.2022 at 8.00 PM, A1 to A8 in an unlawful assembly with wooden log trespassed into Sri Mahalakshmi vegetable shop and damaged the vegetables worth Rs.6300/- and uttered obscene words at public place to the annoyance of others and attacked the defacto complainant using hands and wooden log and threatened with dire consequences and therefore, PW1 was treated as hostile



witness. Hence, the evidence of PW1 not to be taken into consideration as against the accused A1 to A8. Hence, Ex.P1 - Signature in the Complaint also not taken into consideration as the accused A1 to A8.

15. PW2 namely Venketesan, who is the eye witnesses of the alleged occurrence in this case, deposed in his evidence that he knows the appeared accused. There was a money transaction between the accused Velayutham's father and Venketesan. In respect of that, they were talking. The accused did not scold or attack or threaten him. The Police did not enquire him. On going through the evidence of PW2, it reveals that PW2 did not depose the case of prosecution and therefore, PW2 was treated as hostile witness. Hence, the evidence of PW2 is not to be taken into consideration as against the accused A1 to A8.

16. PW3 namely Mohan, Sub Inspector of Police, on perusal of records, he deposed in his evidence that on 13.08.2022, on the information received from the Uthangarai Government Hospital, the complaint of the defacto complainant was recorded. F.I.R. was registered in Crime No.380/2021 offences U/s. 147, 148, 447, 294(b), 323, 427, 324, 506(ii) of IPC. The Complaint is marked as Ex.P2. FIR was marked as Ex.P3. Then, proceeded to the scene of occurrence and prepared observation mahazar and rough sketch in the presence of the witnesses Sureshkumar, Selvaraj and recorded their statements. The Rough sketch is marked as Ex.P4 and the observation mahazar is marked as Ex.P5. The witnesses Mohan, Venketesan, Ramya, Saranya, Perumal were examined and recorded their statements separately. On 14.08.2022, the accused Babu, Balaji, Thirumurugan, Velayutham were arrested and remanded to Judicial custody. Other accused were given Sec.41 A Cr.P.C notice. Two trays were seized from the scene of occurrence and produced before the Court through Form 95. Seizure mahazar is marked as Ex.P6 Form 95 is marked as Ex.P7. Two trays are marked as MO.1, MO.2. The damage certificate is marked as Ex.P8. Dr. Abirami, who gave treatment for the injured was examined. The accident register and Wound certificate of Mohan is marked as Ex.P9 and Ex.P10 respectively. The



accident register and Wound certificate of Venketesan is marked as Ex.P.11 and Ex.P.12 respectively. After completion of the Investigation, the final report has been filed as against the accused A1 to A8. On going through the records, it reveals that since, the evidence of PW1, who is the defacto complainant and PW2, who is the eye witness is not taken into consideration as against the accused A1 to A8, at this juncture, the evidence of PW3 – Thiru. Mohan, Sub Inspector of Police alone is not taken into consideration as against the accused A1 to A8. Ex.P.2 to Ex.P.12 are not taken into consideration as against the accused A1 to A8.

17. In the above-said circumstances, the prosecution witnesses have not clearly tendered the evidence in order to incriminate the accused A1 to A8 for the charges levelled against them. Thus, there is no evidence that the accused A1 to A8 have committed the alleged offence. Hence, the prosecution has not proved, that if the accused A1 to A8 have committed an offence punishable U/s. 147, 148, 447, 294(b), 323, 427, 324, 506(ii) of IPC in this case, the prosecution has not proved the case beyond all the reasonable doubts against the accused A1 to A8 and the court is inclined to give the benefit of doubt to the accused A1 to A8, hence the accused A1 to A8 are entitled to an acquittal from this case.

18. In the result, the accused A1 to A8 are found not guilty for an offence punishable u/s.147, 148, 447, 294(b), 323, 427, 324, 506(ii) of IPC, since the prosecution has not proved the case as against the accused A1 to A8. Hence, this Court is inclined to give benefit of the doubt to the accused A1 to A8 and the accused A1 to A8 are hereby acquitted u/s. 248(1) Cr.P.C. of the above said charges with which they stands charged.

19. The bail bond of both the accused shall stand cancelled.

20. The MO.1 tray and MO.2 tray in C.P.No. 92/2022 are hereby ordered to be destroyed after appeal time.



**Dictated to the Typist directly, typed by her, corrected and pronounced
by me on this 04th day of April 2025.**

**Sd/- Tmt. S. Sahaana, M.A., M.L., M.A.,
Judicial Magistrate,
Uthangarai.**

I. List of Prosecution side witnesses:

- 1. PW.1 - Mohan (Complaint)**
- 2. P.W.2 - Venkatesan**
- 3. P.W.3 - Mohan (Sub-Inspector of Police)**

II. List of Documents on the side of Prosecution:

- 1. Ex.P.1 - 1st Signature in the complaint**
- 2. Ex.P.2 - Complaint**
- 3. Ex.P.3 - First Information Report**
- 4. Ex.P.4 - Rough Sketch**
- 5. Ex.P.5 - Observation Mahazar**
- 6. Ex.P.6 - Seizure Mahazar**
- 7. Ex.P.7 - Form-95**
- 8. Ex.P.8 - Damage certificate**
- 9. Ex.P.9 - Accident register of Mohan**
- 10. Ex.P.10 - Wound Certificate of Mohan**
- 11. Ex.P.11 - Accident register of Venkatesan**
- 12. Ex.P.12 - Wound Certificate of Venkatesan**

III. List of Material Objects:



1. M.O.1 - Tray

2. M.O.2 - Tray

IV. Defence side witnesses and Defence side Exhibits: Nil.

**Sd/- Tmt. S. Sahaana, M.A., M.L., M.A.,
Judicial Magistrate,
Uthangarai.**