

**IN THE SPECIAL COURT FOR THE EXCLUSIVE TRIAL OF THE CASES
UNDER SC/ST (POA) ACT, KANCHEEPURAM
(PRINCIPAL DISTRICT AND SESSIONS COURT), KANCHEEPURAM.**

Present : Thiru. S. Nagarajan, M.L.,
Special Judge for the exclusive trial of the
cases under the SC/ST(POA) Act
Principal District and Sessions Judge,
Principal District and Sessions Court,
Kancheepuram.

Wednesday, this the 22nd day of July 2026

SESSIONS CASE No. 209/2024
(CNR.No. TNKP06-004518-2024)
(CPT Spl. S.C.No.127/2014)

Cr.No.360/2012 on the file of Walajabad Police Station, Kancheepuram District

Name of the complainant	Inspector of Police, B-5 Walajabad Police Station in Crime No. 360/2012
Name of the Accused	1. Egambaram, age 60, S/o. Kumarasamy Mudaliar 2. Narayanasamy @ Narayanan, age 44, S/o. Ezhumalai Mudaliar 3. Prakasam @ Jayaprakash, age 41, S/o. Ezhumlai Mudaliar 4. Arun @ Abel, age 42, S/o. Nagappan 5. Anthony @ Pilot (died) 6. Silonee @ Mohan (died)

	7. James, age 51 S/o. Yagob 8. Kutty @ Kuttiyappan (died) 9. Murugan, age 30 S/o. Parthiban 10. Unjiyappan, age 39 S/o. Duraisamy 11. Baskar, age 40 S/o. Anthony @ Annakkili 12. Munusamy, age 56 S/o. Sadayan 13. Vinoth, age 28 S/o. Rose 14. Dhanraj, age 50 S/o. Govindasamy
Charges framed	A1 – u/s.147, 323(7 counts), 323 r/w 149 (6 counts) of IPC, 3(1) of TNPPDL Act and 3(1)(x), 3(1)(xv) of Scheduled Caste / Scheduled Tribes (Prevention of Atrocities) Act 1989 A2, A3 – u/s.147, 323, 323 r/w 149 (12 counts) of IPC, 3(1) of TNPPDL Act and 3(1)(x), 3(1)(xv) of Scheduled Caste / Scheduled Tribes (Prevention of Atrocities) Act 1989 A4 - u/s.147, 323 (2 counts), 323 r/w 149 (11 counts) of IPC, 3(1) of TNPPDL Act and 3(1)(x), 3(1)(xv) of Scheduled Caste / Scheduled Tribes (Prevention of

	Atrocities) Act 1989 A5 - u/s.147, 323 (9 counts), 323 r/w 149 (4 counts) of IPC, 3(1) of TNPPDL Act and 3(1)(x), 3(1)(xv) of Scheduled Caste / Scheduled Tribes (Prevention of Atrocities) Act 1989 A7 - u/s.147, 323 r/w 149 (13 counts) of IPC, 3(1) of TNPPDL Act and 3(1)(x), 3(1)(xv) of Scheduled Caste / Scheduled Tribes (Prevention of Atrocities) Act 1989 A8 – 147, 323 (4 counts), 323 r/w 149 (9 counts), 3(1) of TNPPDL Act A9 - 147, 323 (5 counts), 323 r/w 149 (8 counts), 3(1) of TNPPDL Act A10, A11 - 147, 323, 323 r/w 149 (12 counts), 3(1) of TNPPDL Act A12, A13 - 147, 323 (3 counts), 323 r/w 149 (10 counts), 3(1) of TNPPDL Act A14 - 147, 323 (2 counts), 323 r/w 149 (11 counts), 3(1) of TNPPDL Act
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Plea of the Accused	Not guilty
Finding of the Court	Found guilty
Sentence or Order	In fine, A5 Pilot @ Anthony, A6 Silone @ Mohan, A8 Kutty @ Kuttiappan were died and hence charge abated against them. A9 found not guilty for the offences under section 147, 323 (5 counts), 323 r/w 149 (8 counts), 3(1) of TNPPDL Act and A10 and A11 found not guilty for the offences under section 147, 323, 323 r/w 149 (12 counts), 3(1) of TNPPDL Act and A12 and A13 found not guilty for the offences under section 147, 323 (3 counts), 323 r/w 149 (10 counts), 3(1) of TNPPDL Act and A14 found not guilty for the offences under section 147, 323 (2 counts), 323 r/w 149 (11 counts), 3(1) of TNPPDL Act. A1 found guilty for the offences under sections 147, 323 (7 counts) r/w 149 of IPC, 3(1) of TNPPDL Act 1994 and 3(1)(x), 3(1)(xv) of Scheduled Caste/Scheduled Tribe (Prevention of Atrocity) Act 1989. A2, A3, A7 were found guilty for an offences under sections 147, 323 r/w 149 of IPC, 3(1) of

	TNPPDL Act 1994. A4 found guilty for an offences under sections 147, 323 (2 counts) r/w 149 of IPC, 3(1) of TNPPDL Act 1994 and 3(1)(x), 3(1)(xv) of Scheduled Caste/Scheduled Tribe (Prevention of Atrocity) Act 1989. a) A1, A2, A3, A4, A7 were convicted and sentenced to undergo one year Rigorous imprisonment and imposed to pay a fine of Rs.1000/- each ($1000 \times 5 = 5000$) in default simple imprisonment for three months for the offence u/s.147 of IPC. b) A1 convicted and sentenced to undergo two years Rigorous imprisonment and imposed to pay a fine of Rs.1000/- ($1000 \times 7 = 7000$) in default simple imprisonment for three months for the offence u/s.323 r/w 149 (7 counts) of IPC. c) A2, A3, A7 were convicted and sentenced to undergo two years Rigorous imprisonment and imposed to pay a fine of Rs.1000/- each ($1000 \times 7 \times 3 = 21000$) in default simple imprisonment for three months for the offence u/s.323 r/w 149 (7 counts) of
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	IPC. d) A4 convicted and sentenced to undergo two years Rigorous imprisonment and imposed to pay a fine of Rs.1000/- each ($1000 \times 7 = 7000$) in default simple imprisonment for three months for the offence u/s.323 r/w 149 (7 counts) of IPC. e) A1, A2, A3, A4, A7 were convicted and sentenced to undergo one year Rigorous imprisonment and imposed to pay a fine of Rs.500/- each ($500 \times 5 = 2500$) in default simple imprisonment for three months for the offence u/s.3(1) of TNPPDL Act. f) A1 and A4 were convicted and sentenced to undergo three years of Rigorous imprisonment and imposed to pay a fine of Rs.1000/- each ($1000 \times 2 = 2000$) in default simple imprisonment for three months for the offence u/s.3(1)(x) of Scheduled Caste/Scheduled Tribe (Prevention of Atrocity) Act 1989. g) A1, A4 were convicted and sentenced to undergo two years of Rigorous imprisonment and
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	imposed to pay a fine of Rs.1000/- each (1000 x 2 = 2000) in default simple imprisonment for three months for the offence u/s.3(1)(xv) of Scheduled Caste/Scheduled Tribe (Prevention of Atrocity) Act 1989. h) The period of Judicial custody already undergone is ordered to be set off under section 428 Cr.P.C. The above sentences are ordered to run concurrently. The properties marked as M.O.1 and M.O.2 are ordered to be destroyed after the period of appeal time. Total Fine amount Rs.46,500/-.
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The Details of case summary given below as per

R.O.C.No.814/2020/RG/F1(P.Dis.No.36/2021 dated 07.04.2021)

Sl. No.	Particulars	Remarks		
1.	The period of remand and release particulars of the accused	Rank	Remand on	Released on
		A1 - Egambaram	26.07.2012	26.07.2012
		A2 –Narayanasamy	21.01.2014	21.01.2014

		@ Narayanan		
		A3 - Prakasam @ Jayaprakash	21.01.2014	21.01.2014
		A4 -Arun @ Abelu	26.07.2012	26.07.2012
		A5 -Anthony @ Pilot (died)	21.01.2014	21.01.2014
		A6 - Silone @ Mohan (died)	21.01.2014	21.01.2014
		A7 - James	21.01.2014	21.01.2014
		A8 - Kutty @ Kuttiyappan (died)	21.01.2014	21.01.2014
		A9 -Murugan	21.01.2014	21.01.2014
		A10 - Unjiyappan	21.01.2014	21.01.2014
		A11 -Baskar	21.01.2014	21.01.2014
		A12 -Munusamy	21.01.2014	21.01.2014
		A13 - Vinoth	21.01.2014	21.01.2014
		A14 -Dhanraj	21.01.2014	21.01.2014
		A1 and A4 released on bail as per the order of Hon'ble High Court in CrI.O.P.No.15100/2012 dated 28.06.2012. Other accused released on bail as per the order of Hon'ble High Court in CrI.O.P.No.18725/2013 dated 23.07.2013		
2.	The date of filing of	Date of Complaint	17.06.2012	

	the Complaint/Final Report in the Court		Final Report		14.03.2013	
3.	The date of committal of the Case to the Court of Sessions		11.02.2014			
4.	The date of Questioning of the accused under Section 228, 240, 246 and 351 of Cr.P.C., 1973 as the case may be		19.11.2014			
5.	Filing of all miscellaneous Petition and their results including the results on challenge before superior Courts, except routine petitions like Petitions under Section 317 of Cr.P.C.		Nil			
6.	Date of examination in chief and cross examination of a witness					
	Rank of Witness		Name of Witness		Chief Examined on	Cross Examined on
	PW	1	Tr.	Karthick	05.11.2019	05.11.2019
	PW	2	Tmt.	Punitha	05.11.2019	05.11.2019

	PW	3	Tr.	Duraisamy	05.04.2022	05.04.2022
	PW	4	Tr.	Sathya	05.04.2022	05.04.2022
	PW	5	Tr.	Siva (a) Sivamani	05.04.2022	05.04.2022
	PW	6	Tr.	Kotteeswaran	05.04.2022	05.04.2022
	PW	7	Tr.	Manoharan	21.06.2022	21.06.2022
	PW	8	Tr.	Yuvaraj	21.06.2022	21.06.2022
	PW	9	Tr.	Sathish	19.07.2022	19.07.2022
	PW	10	Tr.	Iyyappan	19.07.2022	19.07.2022
	PW	11	Tr.	Mahesh	19.07.2022	19.07.2022
	PW	12	Tr.	Srinivasan	23.08.2022	-
	PW	13	Tr.	Hariharan	20.10.2022	20.10.2022
	PW	14	Tr.	Manikandan(a) Pazhani	10.11.2022	10.11.2022
	PW	15	Tr.	Nagabooshanam	10.11.2022	-
	PW	16	Tr.	Deivasigamani	01.12.2022	01.12.2022
	PW	17	Tr.	Anandhan	01.12.2022	01.12.2022
	PW	18	Tr.	Ponnurangam	01.12.2022	01.12.2022
	PW	19	Dr.	Rajesh Chakravarthy	15.12.2022	15.12.2022
	PW	20	Tr.	Panneerselvam	19.01.2023	19.01.2023
	PW	21	Tr.	Veerappan	19.01.2023	19.01.2023
	PW	22	Tr.	Ettiyappan	19.01.2023	19.01.2023

	PW	23	Tr.	Thulasidass	09.02.2023	09.02.2023
	PW	24	Tr.	Kanikannan	09.02.2023	09.02.2023
	PW	25	Tr.	Radhakrishnan	23.02.2026	23.02.2026
7.	Date of examination of the accused under Section 313 of the Code			02.04.2026		
8.	Details of abscondence of an accused and his appearance/production as the case may be			Nil		
9.	Grant of stay by superior Courts and the results thereof			Nil		
10.	Details of Victim compensation details			Nil		

This Sessions Case coming up for final hearing before me on 21.07.2026 in the presence of Mr.S.Sudhan, the Special Public Prosecutor for the State and M/s.M.Varadhan, T.Kishore, A.Sujatha, Advocates appearing for the Accused persons, upon hearing both sides, after perusing the case records and having stood

over the matter for consideration till this day, this Court delivered the following . . .

JUDGMENT

The Inspector of Police, B5, Walajabad Police Station, Kancheepuram filed his final report on 14.03.2023 in Crime No.360/2012 charging A1 to A14 accused for offences under section 147, 323, 323 r/w 149 of IPC, 3(1) of TNPPDL Act and 3(1)(x), 3(1)(xv) of Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act 1989.

COGNIZANCE :

2. The case was taken up as PRC No.14/2013 on the file of the Judicial Magistrate No.II, Kanchipuram. On completion of formalities, the Learned Magistrate was of the opinion that the said case was exclusively triable by the Court of Sessions and therefore committed the case to the court of the District and Sessions Judge No.II, Kanchipuram under section 209 of Cr.P.C. Considering the nature of the offence, the case was transferred to the Sessions Court, Chengalpattu for disposal in accordance with law. Thereafter, upon bifurcation of Kanchipuram

District, the case was transferred to the newly constituted Principal District Court, Kanchipuram on 01.08.2024 and was taken up by this court on 21.11.2024 for disposal in accordance with law.

FURNISHING OF COPIES :

3. On the appearance of the accused the copies were duly served upon the accused in compliance with s.207 Cr.P.C. On appearance of the defacto complainant, the copies were duly served.

FRAMING OF CHARGES :

4. On appearance of the accused and his counsel, and after hearing both sides, on being satisfied that prima facie reasons exist for framing charges against the accused A1 to A5 and A7 to A14, the Principal District and Sessions Judge, Chengalpattu framed the following charges against the accused. The 6th accused died at the time of framing of charges. A1 – u/s.147, 323(7 counts), 323 r/w 149 (6 counts) of IPC, 3(1) of TNPPDL Act and 3(1)(x), 3(1)(xv) of Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act 1989, A2 and A3 – u/s.147, 323, 323 r/w 149 (12 counts) of IPC, 3(1) of TNPPDL Act and 3(1)(x), 3(1)(xv) of

Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act 1989, A4 - u/s.147, 323 (2 counts), 323 r/w 149 (11 counts) of IPC, 3(1) of TNPPDL Act and 3(1)(x), 3(1)(xv) of Scheduled Caste / Scheduled Tribes (Prevention of Atrocities) Act 1989, A5 - u/s.147, 323(9 counts), 323 r/w 149(4 counts) of IPC, 3(1) of TNPPDL Act and 3(1)(x), 3(1)(xv) of Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act 1989, A7 - u/s.147, 323 r/w 149 (13 counts) of IPC, 3(1) of TNPPDL Act and 3(1)(x), 3(1)(xv) of Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act 1989, A8 – 147, 323 (4 counts), 323 r/w 149 (9 counts), 3(1) of TNPPDL Act, A9 - 147, 323 (5 counts), 323 r/w 149 (8 counts), 3(1) of TNPPDL Act, A10 and A11 - 147, 323, 323 r/w 149 (12 counts), 3(1) of TNPPDL Act, A12 and A13 - 147, 323 (3 counts), 323 r/w 149 (10 counts), 3(1) of TNPPDL Act, A14 - 147, 323 (2 counts), 323 r/w 149 (11 counts), 3(1) of TNPPDL Act. On questioning upon the charges, the accused A1 to A5 and A7 to A14 pleaded not guilty and therefore proceedings were issued for commencement of trial. Due to bifurcation of the District of Kanchipuram, the case was transferred to the file of this court and was taken on file on 21.11.2024.

PROSECUTION WITNESSES :

5. In order to prove the charges against the accused, the prosecution examined P.W.1 to P.W.25 and marked exhibits P1 to P25 and M.O.1 and M.O.2 material objects were produced and marked.

313 PROCEEDINGS :

6. The accused A5 Pilot @ Anthony, A6 Silone @ Mohan, A8 Kutty @ Kuttiappan were died at the time of questioning u/s.313(1)(b) of Cr.P.C. On completion of the prosecution evidence, the incriminating portions of the evidence of the witnesses as against accused A1 to A4, A7, A9 to A14 was put to them and they were questioned under s.313(1)(b) of Cr.P.C. In reply, the accused A1 to A4, A7, A9 to A14 has stated that all the statements of witnesses are false; they are not connected in any way with the crime and that a false case has been foisted as against them. No oral evidence or documentary evidence was adduced on behalf of accused. Heard the arguments of both the prosecution and of the defence.

SUM AND SUBSTANCE OF THE CASE OF THE PROSECUTION :

7. The case of the prosecution is that the accused A1 to A4 were belonged to Hindu Mudaliar Caste, A5, A6 and A7 were belonged to Christian Adi Dravida Caste, which are Backward Community. The accused A8 to A14 were belonged to Hindu Adi Dravida Caste, which is a Scheduled Caste Community. The complainant/witness Karthick and the witnesses Punitha, Perundevi, Duraisamy, Sathya, Yuvaraj, Manoharan, Iyappan, Sahish, Kotteeswaran, Hari @ Hariharan, Palani, Siva @ Sivamani and Mahesh were all belonged to Hindu Irular Caste, which is a Scheduled Tribes Community. The witnesses Punitha and Perundevi who were sisters residing at Irular Area, Yadaval Street, Thenneri Village, Kancheepuram District in the land of Village natham poramboke by constructing hut, and the accused A1 gave complaint to the Walajabad Police Station on 15.06.2012 against the above family to vacate from the said place as their residence in Survey No.218/47 of 22 X 200 sq.ft. Plot is belong to him. The concerned police authorities advised both of them to approach the Court and Revenue Authorities for their remedy. This enraged the accused A1 against the

above witnesses and decided to vacate the above residences of the witnesses along with the other accused persons.

8. That on 17.06.2012, at about 06.00 hrs., at the Yadaval Street, Thenneri Village, within the limits of Walajabad Police Station, having grudge over the enmity supra, the accused A1 to A7 noted herein not being members of Scheduled Caste or Scheduled Tribe formed themselves into an unlawful assembly along with the remaining accused A8 to A14 in prosecution of their common object to cause hurt to the witnesses Karthik, Punitha, Duraisamy, Sathya, Yuvaraj, Manoharan, Iyappan, Sathish, Kotteeswaran, Hari @ hariharan, Palani, Siva @ Sivamani and Mahesh and to commit mischief to destructing the thatched hut of witnesses Punitha and Perundevi who are members of Scheduled Tribe and to criminally intimidate and insult them in the public view committed the offence of rioting armed with deadly weapons i.e., crowbars and stones in their hands. The accused A1 to A4 voluntarily caused simple hurt to the witness Punitha by A1 beat her with his hands on their chest, A4 beat her with his hands on her back. A1 to A3, A5, A6 voluntarily caused simple hurt to the witness Karthick by beating him with their hands on his body. A5, A6, A9 voluntarily caused simple hurt to the witness

Duraisamy by A5 beat him with his hands on his back. A6 beat him with his hands on his right shoulder and A9 pushed him on the flier and kicked him over his body. A1 and A8 voluntarily caused simple hurt to the witness Sathya by beating him with his hands on his back and over his stomach. Accused A5, A6 and A12 voluntarily caused simple hurt to the witness Yuvaraj by A5 beat him with his hands. The accused A1, A5, A6 and A9 voluntarily caused simple hurt to the witness Manoharan beat him with hands. A5, A9, A13 voluntarily caused simple hurt to the witness Sathish beating him with hands. A5, A8, A9, A13 voluntarily caused simple hurt to the witness Kotteeswaran beating him with hands. A1 to A4 voluntarily caused simple hurt to the witness Palanai beat him with his hands. A1 to A5 voluntarily caused simple hurt to the witness Iyappan and Hari @ Hariharan beat them with hands. A5, A6, A8, A9, A11, A12 and A14 voluntarily caused simple hurt to the witness Magesh beat him with hands. A8, A10, A12 to A14 voluntarily caused simple hurt to the witness Siva @ Sivamani beat him and kicked him over his thigh.

9. A1 to A14 committed mischief by smashing the thatched houses of the witnesses Punitha and Perundevi with crowbars and stones and caused loss and

damage to the said thatched house to the tune of Rs.20,000/-. A1 to A7 who were all Caste Hindu Community and not being members of a Scheduled Caste or Scheduled Tribe at the time of inflicting injuries to the witnesses Karthick, Punitha, Perundevi, Durisamy, Sathya, Yuvaraj, Manoharan, Iyyappan, Satish, Kotteeswaran, Siva @ Sivamani, Hari @ Hariharan, Palani and Magesh who were members of Scheduled Tribe Community and committing mischief to the thatched house of Punitha and Perundevi in the above said manner, humiliated them in the public place by making derogatory reference to their Irular Community by saying

“இருள ஜாதி பசங்களுக்கு ரொம்ப திமிரா, குடிசையை பிரிச்சி போட்டு அடித்து துரத்துங்கடா, இங்கே என்னடா இவனுங்களுக்கு வீடு இவனுங்களை இப்படியே விட்டா நிறை கொட்டா போட்டு விடுவானுங்க”.

Upon investigation, the investigation officer has filed a final report charging the A1 to A7 accused for offences under s.147, 323 r/w 149 of IPC, s.3(1) of TNPPDL Act 1994 and s.3(1)(X) & 3(1)(XV) of the Scheduled Caste/Scheduled Tribes (Prevention of Attrocities) Act 1989 and A8 to A14 accused for offences under s.147, 148, 323 of IPC, s.3(1) of TNPPDL Act 1994.

STATEMENTS OF PROSECUTION WITNESSES:

10. The charges as against the accused persons A1 to A7 accused for offences under s.147, 323 r/w 149 of IPC, s.3(1) of TNPPDL Act 1994 and s.3(1)(X) & 3(1)(XV) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act 1989 and A8 to A14 accused for offences under s.147, 148, 323 of IPC, s.3(1) of TNPPDL Act 1994. It is seen that the accused No.6 namely Silonee @ Mohan died subsequent to the filing of the charge sheet and the evidence adduced by the prosecution is P.W.1 to P.W.25. It has to be analyzed whether the prosecution has established that the occurrence took place within the public view as mandated under sec.3(1)(x) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act and that it has to be analyzed and traversed through the evidence whether the investigation has been done by the competent authority namely the Deputy Superintendent of Police and further whether the investigation has been completed as per Rule 7(2) of Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act rules 1995. It is a settled preposition of law that the investigation has to be completed within 30 days.

11. Whether the accused persons namely A.1 to A.14 had hurled caste related abuses at the complainant and others with a view to insult or humiliate him or as to bring the case within the ambit of the Scheduled Caste/Scheduled Tribes Act. It has been observed in various Hon'ble Appellate forums dictum that the legislative intent seems to be clear that every insult or intimidation for humiliation to the person would not amount to an offence u/s.3(1)(x) of the Scheduled Caste/Scheduled Tribes (POA) Act unless such insult or intimidation is targeted at the victim because of he or she being a member of the particular scheduled caste or tribes.

12. Now coming to the evidence adduced particularly P.W.1 Karthick had deposed that he belong to the Irular community and knew all the accused and at Thenneri Village there are about twelve families belonging to the Irular community and that only two persons by name Parthiban and Dharaniamal were granted patta in the said area and the others have sought patta from the Revenue Divisional Officer and that Caste certificate was issued by the concerned Revenue Divisional Officer by inspecting the village in person. P.W.1 has further categorically deposed that his Aunt one Perundevi and Punitha were residing in the Grama Natham

vacant site and the Revenue Divisional Officer assured that he will issue patta to the said land and at that time knowing the same, the 1st accused Egambaram Mudaliyar and his son- in-law Abel alias Arun had given a complaint as against them and that all the persons had went to the said police station for enquiry on 16.06.2012 and the Revenue Divisional Officer assure to grant patta until such time they will not vacate the house and that the police ensured that the dispute be settled through a court of Law.

13. It is the case of P.W.1. Karthick that on 17.06.2012, the 1st accused Ekambaram Mudaliyar and his son-in-law Abel @ Arun, James, Unjiyapan, Pilot (a) Anthony, Narayan Mudaliyar, Munusamy, Vinoth, and some others whose name is not known but identity is known to him. On 17.06.2012 at about 6.00 a.m. his aunt Perundevi, Punitha were assaulted along with the child and the house was dismantled and after knowing the same when P.W.1 proceeded to enquire the same, the 1st accused, Abel @ Arun and all others as stated above abused him with in filthy languages and also threatened him of dire consequences and further proclaimed that the Irular Family should not reside in that place and also snatched the cellphone of P.W.1 and did not return the same and assaulted him with hand,

leg and he fled from the said scene of occurrence and lodged a complaint namely Ex.P.1 and since he developed fever, he took treatment at Kancheepuram Government Hospital and was treated as inpatient for about three days.

14. P.W.2 one Punitha had deposed before this court that her husband Narayanan had passed away and P.W.1 Karthick is his brothers son and she knew the accused persons and was a maid serving at Ekambaram Mudaliyar's House and one Perundevi being his sister also worked there and she had stated for the past ten years, she was working at the house of the 1st accused and that they have approached the District Collector, Kancheepuram by way of an application for grant of community certificate, Patta etc., and when they returned, the officials came and examined them and ensured that the place in which she was residing is a Natham Poramboke land and patta would be issued and at that time the 1st accused Ekambara Mudaliyar along with fifty members came and tried to assault her and abused her with filthy languages and destroyed the house and had thrown the utensils out of the house and she was assaulted by them and that the accused Abel, Prakash, Narayanan, Pilot, James assaulted her over the face and she got fainted and was admitted at Government Hospital, Kancheeputam.

15. P.W.3 one Duraisamy had deposed the statements made by P.W.1 Karthick and P.W.2 Punitha and had stated that complaint was lodged by Egambaram Mudaliyar as against them and that they should not live at the adjacent land of the 1st accused house and that on the fateful day the accused persons came and assaulted his elder mother-in-law Punitha and also dismantled the house and thrown the utensils and that his wife being a blind person and that the house was dismantled by using JCB. Now that P.W.3 had spoken that JCB was used to dismantle the house, which was not spoken by P.W.1 and P.W.2 in their evidence.

16. P.W.4 one Sathya had deposed the other aspects spoken by the witnesses P.W.1 to P.W.3 and further had affirmed that she was assaulted by the accused persons and his father was abused by calling him as Irular boy and made him to claim the thatched house, so as to remove the thatches and also proclaimed that why the Irular people has any business in their area and drove them from the place of occurrence. PW5 Siva @ Sivamani had also stated that the Duraisamy was made to claim the thatched shed and to remove the thatched leafs by the accused persons and that his father's brother Duraisamy was made to claim thatched shed and photos have been taken by the accused persons and that at the

same time the witness Karthick, Mahesh, Yuvaraj Manoharan, Iyyappan Sathish Hari, Palani, Kottiswaran came and thwarted the situation but they were also assaulted by the accused persons and that all have gone to the government hospital, Kancheepuram for treatment it is to be noted that the specific words that if the Irulars are left unattended they will put thatched sheds all over the village was not spoken by him and before the police the act of hurling the caste name as against the witnesses and the words spoken by reached the witnesses differs in words and other specific words alleged to have been spoken by the accused persons.

17. PW.6 One Kotteswaran had stated that at the time of occurrence 10 to 15 persons were assaulted him and that he could pinpoint the accused Ekambara Mudaliyar, Abel, Pilot, Kuttiyappan, Seylon for the persons assaulted him and after hearing the incident, he proceeded with Manokaran, witnesses Iyappan, Manikandan, Mahesh, Karthick, Hariharan, Sathish Yuvaraj to the place of occurrence and caste abused has been hurled against them. During cross examination he had deposed that he did not gave any statement to the police and that he knew name of the accused and a later point of time.

18. P.W.7 One Manoharan had stated that Duraisamy was made to claim the thatched shed by the accused persons and caste abuse was specifically spoken by Ekambaram Mudaliyar as against him and he was assaulted that A.1 over his cheek and at that time the other accused Abel, Perumal, Seylon, Murugan, Anthony, Narayanan, Prakash also assaulted him and when he took the utensils outside the alleged house they were assaulted.

19. The interesting point is that P.W.7 Manoharan had admitted in his cross examination that Punitha worked at the house of the 1st accused Ekambaram Mudaliyar and they have put a thatched shed in the place belonging to the 1st Ekamabara Mudaliyar.

20. P.W.8 One Yuvaraj had stated that on 17.06.2012, at about 6.00 a.m., the 1st accused along with other each men insisted to vacate the house of Punitha and Perundevi and his father's brother Duraisamy was made to claim the thatched shed and they were assaulted by hurling caste name. P.W.8 in his cross examination had deposed as follows which is extracted hereunder :

"காஞ்சிபுரம் மருத்துவமனைக்கு சென்றபோது மக்கள் மன்றத்தை

சேர்ந்தவர்கள் குறிப்பாக ஜெஸ்சி என்பவர் வந்தாரா என்றால் எனக்கு அதுப்பற்றி தெரியாது. போலிசார் என்னை விசாரணை செய்தனர், மருத்துவமனையில் வைத்து போலிசார் என்னை விசாரணை செய்தனர். அதன்பின்னர் போலிசார் என்னை விசாரணை செய்யவில்லை. போலிசார் என்னை விசாரணை செய்தபோது ஏகாம்பரம் முதலியாரும் அவரது மருமகன் ஆப்பேல் என்பவரும் என்னை அடித்தனர் என்பதை கூறி இருக்கிறேன். என் சித்தப்பா துரைசாமியை கூரை மீது ஏற்றி கூரையை பிரிப்பது போல் போட்டோ எடுத்துக்கொண்டனர் என்று முதல் விசாரணையில் கூறியதை போலிஸ் விசாரணை செய்தபோது கூறி இருக்கிறேன் முதல் விசாரணையில் கூறிய விவரமான இருளர் பசங்க வந்துட்டாங்க என்று சொல்லி எங்களை அடித்தனர். “

21. It is further stated by P.W.8 that the accused person proclaimed that if one person is permitted to put the thatched shed consequently hundred thatched shed will be put up by the witnesses but he stated that the said words were not spoken to the police at the time of examination by them.

22. P.W.9 One Sathish does not remembers the date of incident but stated that Ekambara Mudaliyar and others assaulted his uncle and the household utensils were thrown out of the house.

23. P.W.10 Iyyappan had stated that the Irular community people should not be granted patta and if they left unattended, they would seek patta for all the other places and they were injured by the 1st accused person and others on the day of the faithful day.

24. P.W.11 Mahesh had deposed that on 17.06.2012 his uncle Duraisamy house and Aunt Punitha house was insisted to be dismantled and that the accused persons A.1 and others insisted Duraisamy to claim the thatched shed and took photographs and at that time they have thrown has abused as against them and that the utensils were thrown in the streets.

25. P.W.12 one Srinivasan an independent witness had turned hostile. P.W.13 Hariharan had deposed that at the time of incident, when he questioned the witness Karthik, Manogaran, Iyyapan, Sathish, Magesh was assaulted by A.1 Ekambara Mudaliyar, accused Murugan, accused pilot, he was also assaulted by them at that point of time, particularly he was assaulted in his hand, shoulder and neck.

26. P.W.14 One Manikandan alias Palani had stated that he on the fateful day,A.1 with the help of henchmen, had dismantled the house and that when his brother Manogaran, Iyyapan, Hariharan, Kottiswaran went and questioned the act of the accused persons, they were assaulted by them and he was also assaulted by stating that he also belongs to same community if left unattended, he would also seek patta and then he was assaulted.

27. P.W.15 Nagabooshanam an independent witness turned hostile. P.W.16 Deivasigamani namely the revenue official had stated that in the house site of Ekambara Mudaliyar there was a thatched shed and at the time of his visit, the same was dismantled and that the observation mahazar was marked as Ex.P.2. Further as per the evidence of P.W.16 during his cross examination, it is mentioned by him that as per the revenue records the land belongs to one Suseela, w/o.Ekambara Mudaliyar and based upon the Chitta and Adangal, he had given the evidence and he had gone to the police station and he was made as a witness for the police.

28. P.W.17 Anandhan namely the Village Administrative officer of the Vadamangalam Village had categorically deposed that he knew the caste that the thatched shed of the Irular people was removed and as per the revenue records survey No.218/47 in the Natham records 236/9 an extent of 499 Sq.mtr is a vacant site and that Ex.P.4 was issued by him. During cross examination he had stated as follows:

" ஏகாம்பர முதலியார் அந்த இடத்திற்கு உரிமையாளர் என்பதையும் அந்தஇடத்தில் இருளர்கள் குடித்தனம் இருந்தனர் என்பதையும் பின்னிட்டு நான் தெரிந்துகொண்டேன். "

29. P.W.18 One Ponnurangam had stated that he did not witness the alleged incident. He was treated hostile by the prosecution. P.W.19 Dr.Rajesh Chakravarthy had stated that on 17.06.2012 at about 2.00 p.m. the witness Mahesh, Yuvaraj, Duraisamy, Sathya , Kotteswaran, Hari, Sathish, Sivamani came for treatment and they were treated by him and as per the Accident Report there was no external injuries but pain was stated to have been existed as per the version of the witnesses. He would further categorically admit that on the same day on

17.06.2012 at about 8.30 a.m. one Punitha was brought for medical examination and she had stated that two persons have assaulted her and there was no external injury and that Ex.P.16 was issued by him and P.W.1 Karthick was also examined at 12.15 hours and he had stated that 15 persons have assaulted him and Ex.P.17 was issued with regard to the witness Karthick.

30. P.W.21 One Veerapan had deposed that he had issued Ex.P.19 regarding the caste of the witnesses and that twelve persons belongs to Irular community and that the same was issued on the basis of records maintained by his office.

31. PW22 Ettiyappan, the Sub Collector who has worked as DRO at Kancheepuram, He had issued Ex.P21 with regard to the caste of the witness Palani as Irular. PW23 Thulasidoss, the Sub Inspector of Police had stated that based upon the complaint lodged by the witness Karthick on 17.06.2012 at about 9.00 a.m on the said day he had registered a case in Crime No. 360/2012 for the offence punishable u/s. 147, 148, 447, 427, 323, 506(i) of IPC and section 3(1) of TNPPDL Act and that the Ex. P22 was marked by them and he had proceeded to

the spot and in the said place, he had examined the witness Karthick, Punitha, Perundevi, Duraiswamy, Sathiya, Siva @ Sivamani and recorded the statement and prepared the observation mahazar Ex P23 and the rough plan Ex P24 and also had stated that in the place of occurrence at about 11.00 a.m., he noticed 5 thatched leafs and 4 bamboo sticks to the length of 10 feet and he had seized the same as per seizure mahazar Ex.P25.

32. P.W.23 One Panneerselvam, namely the Thasildar, Kancheepuram had issued the caste details of the fourteen accused persons which has been marked as Ex.P.18. During cross examination P.W.23 would state that Arun belongs to Adidravidar community as per Ex. R.1.

33. The said witness PW. 23 had admitted in his cross examination that on the date of receipt of the complaint, he did not sent the witnesses through memo to the Government Hospital for treatment and that the witness Karthick in his statement had not stated that his cell phone was seized by the accused persons and he had mentioned in the name of A.1 Ekampara Mudaliyar and Abel at the time of his examination and the witness Punitha in her statement have not specifically

mentioned in the names of the accused Abel, Prakash, Narayanan, Pilot, James and they assaulted her over the face in his examination but she had stated that large number of person came and assaulted her and that they did not deposed that the witnesses were dragged to the streets by holding the title deeds over the heads at the time of his examination. It is to be noted that the witnesses PW 23 had stated that Ex.P25 namely the thatched leaves and bamboo were recovered from Yathaval street. PW24 one Kavikannan namely the Inspector of Police had stated that on 18.06.2012 with regard to crime No. 360/2012 he had examined the witnesses and he altered the sections by including section 3(1)(v), 3(1)(x) of Schedule Caste/Schedule Tribes (POA) Act and that the altered report is Ex.P26. During cross examination PW24 would admit that in his examination the witness Manoharan had stated that only on hearing the incident he had proceeded to the spot and he had not seen alleged act of insisting the witness Duraisamy pressurizing him to claim over the thatched shed and photo was taken. Further that witnesses Manoharan have not specifically stated the name of the accused persons namely Abel, Perumal, Narayanaswamy, Prakash but he alleged have stated Ekampara Mudaliyar and others assaulted him by hurling the caste abuses over

him. PW25 one Radhakrishnan had namely the Deputy Superintendent of Police had stated that he took up the investigation with regard to crime no. 360/2012 of Walajabad Police Station, and on 26.12.2012 he had proceeded to the spot and examined the witnesses again and also visited the spot S.No. 218/47 and thereafter he proceeded to the hospital and examined the Doctor who had treated the witnesses and that the accused persons have taken anticipatory bail before the Hon'ble High Court and he had examined the Thasildar with regard to the community certificate pertaining to 14 accused persons and also the other evidences of the revenue department and had filed an altered report and altering the sections and on 07.06.2012 he had examined the Sub Inspector of Police and that form 95 is marked as Ex.P27 and that the 5 thatched leafs was marked as MO1 and the 4 bamboo stick to the length of 10 feet was marked as MO2.

34. During the cross examination the vital witness PW25 namely the investigation officer has deposed that dispute arose with regard to the patta to be obtained for the disputed place and he had admitted that the place of occurrence is not mentioned in the complaint and that in Ex.P1, it is stated that 2 persons have asked to vacate the house was admitted by him. He had further admitted that as

per Ex.P25 only the Inspector had examined the case, when after including the Schedule Caste/Schedule Tribes Act, he had taken up for the investigation and admitted that in Ex P25 the house one Punitha and Perundevi were shown and the existence of thatched leafs and bamboo stick were not mentioned in the said Ex.P25 rough plan. During further cross examination the Deputy Superintendent of Police had admitted that at the time of examination he did not know the Makkal Mandram but at present he knew that Punitha is a member of Jessy, the Social Welfare Organization and that the Punitha spoken before the Doctor that two persons had assaulted her.

35. Upon hearing the arguments of both sides and having perused the materials on record, this court frames the following points for consideration.

1. Whether the prosecution has established the guilt of the accused beyond reasonable doubt?

POINT :

36. The learned counsel for the accused persons would submit that the charge as against the accused persons have not been proved in the manner

required under Law and that though that the 25 prosecution witnesses have been examined, the witnesses PW12 Srinivasan, PW15 Nagabooshanam, PW18 Ponnurangam had turned hostile and that the other witnesses PW1 to PW11, PW13 and PW14 belongs to the same community and are relatives among themselves and that the evidence of such witnesses should be rejected. He further forcibly submitted that PW16 Deivasigamani is a observation mahazar witness and that PW17 Anandan is the Village Administrative Officer of Thenneri and Madavilakkam and PW19 is the Dr. Rajesh Chakravarthi, who have treated the persons admitted and had issued the wound certificate and PW20 Pannerselvam is the official who have granted the community certificate to the 14 accused persons and PW21 Veerappan and PW22 Ettiyappn is the official who have granted community certificate to the complainants and the other witnesses and PW23 Thulasidoss is the person who had lodged the First Information Report PW24 Kanikannan who have conducted the further investigation being the Inspector of Police of Walajabad Police Station. He further stated that PW25 is the Deputy Superintendent of Police who had examined the offence which falls under the category of Schedule Caste/Schedule Tribes Act.

37. The learned counsel submitted that PW1 Karthik had stated that on 17.06.2012 at about 9 a.m., he had given the complaint before the Walajabad Police and that as per the case of the prosecution, it is alleged that the incident had happened at 6 a.m., but in the first information report the time has not been specifically stated and further the complaint contents as if on the previous night stones were pelted and lamps were broken pertaining to the complainants house but none of the witnesses has been examined to the said allegations. He further submit that the allegations that in the early morning the house was dismantled and the persons namely Punitha, Duraiswamy, Perundevi, who was a differently abled persons along with children were driven out of the house but none of the independent witnesses have been examined regarding the said occurrence alleged to have been committed by the accused persons. Further more in the complaint, it is not stated that PW2 to PW11, PW13 and PW14 were present at the time of occurrence and further at the time of occurrence, the other witnesses were alleged to have been injured was not stated in the complaint and that in the complaint about 50 persons came and assaulted was found and as such the investigation has not revealed, who are all those persons, who are involved in the alleged act.

38. The learned counsel further submitted that in the complaint the place of occurrence was not mentioned and PW1 in the cross examination has stated that the occurrence took place in the Irular area and he was assaulted by the accused person with hand and PW2 had deposed that the PW1 resides 1 k.m away from her house to the distance about 1 k.m. Pw3 Duraiswamy had spoken had deposed that he resides adjacent to the house site abutting Ekamparam Mudaliyar house in a thatched shed and he does not reside in the Irular Community. He further stated that the PW4 Sathiya in her cross examination had stated that all her community people are residing in a separate area and that the name of the said street is first street and PW5 Siva @ Sivamani in his cross examination he had stated that he resided in the first street and his mother, his mother's sister resided adjacent to the house of Ekamparm Mudaliyar. He further vociferously submitted that the Sub Inspector of Police who had prepared the observation mazhaar Ex.P23 and rough Plan Ex.P24 had mentioned as if the occurrence had took place at Yathaval Street and that there is a severe contradiction as to at which place the occurrence had taken place.

39. The learned counsel further submitted that PW2, PW3, PW4, PW6 Koteeswaran, PW7 Manogaran, PW9 Sathish, PW14 Manikandan @ Palani, PW10 Iyyappan and PW17 Mahesh had deposed before this court and evidence adduced by them if perused would reveal that each contradicts with the other witnesses. She further submitted that the alleged injured person were not send to the hospital through the memo of the police only the social welfare persons were interested in taking the injured persons to the Government Hospital was spoken by PW19 government doctor. Further he submitted that the occurrence being not taken place in any public area and that the alleged threatening of the defacto complainant and others by calling their caste name by the first accused is not correct because the 4th accused belongs to Adi Dravidar Community and as such he has no not distinction of caste as alleged by the prosecution.

40. It is further argued that the alleged damage to the house to a tune of Rs.20,000/- was assessed properly with the help of independent witnesses and as per the evidence of P.W.17 Village Administrative Officer Anandhan S.No. 236/9 an extent of 499 Sq.mtr., vacant site is mentioned as vacant site in the government records and whether there was any thatched shed over the same and whether P.W.2

Punitha and one Perundevi actually resided that whether the thatched shed was dismantled by the accused persons were not corroborated by any independent witnesses. He further submit that the alleged seizure of palm leaves and 10 feet Bamboo stick would not throw same by itself and does not falls under the category of Sec.3(1)(x) of the Scheduled Tribes/Scheduled caste (POA) Act.

41. He further submitted that the prosecution fail to establish that on proper request, a higher official was appointed to investigate the matter and that though P.W.23 Inspector Kavikannan had deposed that he had send a requisition letter to the higher officials to appoint Deputy Superintendent of Police to enquiry the case, the documents pertaining to such authorization was not projected before this court and as such the Rule 7(2) of the Schedule Caste/Schedule Tribes (POA) Act rules have not been complied. He cited the following authorities in support of his contention.

- 1) Crl.Appeal No.474 of 2009 of Hon'ble High Court of Madras
- 2) Crl.Appeal No.1249 of 2023 of Hon'ble High Court of Madras
- 3) 2016-1-L.W.(Crl.) 761 of Hon'ble High Court of Madras

- 4) (2002) M.L.J.(Crl.) 202 of Hon'ble High Court of Madras
- 5) 2015-2-L.W.(Crl.) 368 of Hon'ble High Court of Madras
- 6) Crl.OP.No.4120 of 2022 of Hon'ble High Court of Madras
- 7) 109 (2004) DLT 915
- 8) Crl.A.(MD).No.273 of 2008 of Hon'ble Madurai Bench of Madras High Court
- 9) Crl.R.C.No.389 of 283 and Crl.M.P.No.2991 of 2023 of Hon'ble High Court of Madras

42. On the other hand the learned Special Public Prosecutor vehemently submitted that the prosecution had established its case through the witnesses P.W.1 to P.W.25 and that the place of occurrence has been exposed by the witnesses particularly the revenue officials and that the disputed property is a Government Poramboke Land and that Patta has been sought by the Irular Community people and knowing the same the 1st accused along with his son in law had given a police complaint even on 16.06.2012 and when the police after enquiry directed both parties to seek legal remedy before the court of law, the first accused and others knowing the request of patta by the Irular people, had forcibly evicted the witnesses house Punitha and Perundevi and had dismantled the house by throwing

caste aspersions over the said person by saying Irular people should not reside their and if they reside their, severe consequences would be faced and when the witnesses particularly P.w.1 Karthick and other witnesses P.W.2 to P.W.8 had questioned the said act of the 1st accused with the assistance of all the other accused, they have assaulted all the witnesses and abused them and for which they have got admitted in the Government Hospital and wound certificates were issued and futher all the accused persons have jointly abused the Irular people and that they committed the offence charged as against them and further forcibly submitted that the protection given by the parliament by way of Schedule Caste/Schedule Tribes (POA) Act, severe punishment has to be given inorder to protect the weaker section of the society.

FACTUAL MATRIX :

43. The factual matrix of the case is that the complainant and the witnesses belong to Scheduled Tribes community and that they are classified as Irular and resided at Irular area Yathaval Street, Thenneri Village, Kancheepuram District and that the 1st accused Ekambara Mudaliyar had given a complaint to the

Walajabad Police Station on 15.06.2012 against the complainant Karthik and others to vacate from the said place as their residents in S.No.218/47 of 22 x 200 Sq.ft., plot belonged to him and that the revenue officers have considered the request of the defacto complainant and others for grant of patta and aggrieved over the same on 17.06.2012 at about 6.00 hrs at the Yathaval Street, Thenneri Village, the accused persons A.1 to A.7 not being the members of the Scheduled Caste or Scheduled Tribes formed themselves into an unlawful assembly with the remaining accused persons A.8 to A.14 and with the common object caused hurt to the witnesses Karthik, Punitha, Duraisamy, Sathya, Yuvaraj , Manoharan, Iyyappan, Sathish, Koteswaran, Hari @ Hariharan, Palani, Siva @ Sivamani and Magesh and to commit mischief of destructing the thatched hut of witnesses Punitha and Perundevi who also belonged to Scheduled Tribe Community and criminally intimidated and insulted them in the public view had committed the offence of rioting armed with deadly weapons namely crowbars, stones in their hands and have committed an offence punishable u/s 147 of IPC and at the same time and occurrence the accused persons have assaulted the defacto complainant and the witnesses as mentioned in the charge sheet and that an offences u/s. 323 r/w 149 (7

counts) of IPC have been committed and further more the accused A.1 to A.7 at the time of inflicting injuries over the said witnesses as mentioned supra humiliated them in a public place by making a derogatory reference to the Irular community by saying “இருள ஜாதி பசங்களுக்கு ரொம்ப திமிரா, குடிசையை பிரிச்சி போட்டு அடித்து துரத்துங்கடா, இங்கே என்னடா இவனுங்களுக்கு வீடு இவனுங்களை இப்படியே விட்டா நிறை கொட்டா போட்டு விடுவானுங்க” and that they have alleged to have been committed the offences punishable u/s.147, 323 r/w 149 (7 counts) of IPC, 3(1) of TNPPDL Act 1994 and Sec. 3(1)(x) and 3(1)(xv) of Schedule Caste/Schedule Tribes (POA) Act 1989.

44. The act and its ambit has to be considered by this court and that it is evident that very sole purpose of the Act 1989 used to prevent the commission of offences of atrocity against the members of the Scheduled Caste/Scheduled Tribe in order to provide a remedy for them. The establishment of special court to try such offences and to make provisions for the relief and rehabilitation of the victim of such offences and the act has been enumerated by the legislature. It is also to be noted that the object of the act is to provide an environment to improve the social and economic conditions especially of the poor vulnerable sections of the society as they have been subjected to various, in dignities and in equalities, humiliations

and harassment in the past and also in order to secure them proper care and protection and to give a proper identity not only to them but also to their property and to punish those persons to take the law into their own hands, while using their mighty power as against the poor section of the society. Further more, in order to attract the provisions of Scheduled Caste/Scheduled Tribe (POA) Act, it is mandatory that the victim should be a person, who belongs to a Scheduled Caste/Scheduled Tribe and that in the case on hand the defacto complainant and the witnesses particularly Punitha and Perundevi belonged to Scheduled Tribe Irular community.

45. It is a settled position of law that the alleged abuse which was stated to have been hurled at the witnesses by the accused persons by calling their caste name Irular and to do away with them has to be seen in the light of the witness and the genuineness of complaint, which has been projected as to whether the same is proved in accordance with law. Whether it is sufficient to hold that the offence has been made out under section Scheduled Caste/Scheduled Tribe (POA) Act unless the intention is to insult or humiliate the victim and the defacto complainant for the sole reasons that they belonged to Scheduled Caste/Scheduled Tribe as a prima

facie fact, which has to be established by the prosecution in line with admitted relevant evidence and documents. The gamut of investigation has to be considered in the light of the peculiar facts and circumstances and on what specific circumstances, the dispute between the parties had taken place and whether the hurling of caste name by the defacto complainant and the witnesses has been with poor intention to humiliate the entire community at large that to in a public place has to be analysed.

46. It is seen that as per the statement given by the witness Karthick before the Police on 17.06.2012, he had categorically stated that on 16.06.2012 the house of Puitha and Perundevi, stones were thrown and electric bulbs were broken by the accused Ekambara Mudaliyar and his henchmen and along with Ekamabara Mudaliyar and his son in law Arun @ Abelu along with 15 known persons, they have demolished the house and thrown the utensils and assaulted Punitha, Duraisamy and Perundevi. It is seen that the subsequent statement on 19.06.2012 there was an improvement with regard to the abuses of specific caste hurling and insult by the accused persons. A close reading of the complaint namely Ex.P.1, the defacto complainant on 17.06.2012 had stated that already Ekambara Mudaliyar

had lodged a complaint with regard to the issuance of patta and that the revenue officials had assured to consider the request of the irular community and on the fateful night stones were hurled as against the house of the said Punitha and Perundevi and on the early hours on the next day the two houses were demolished and utensils were thrown out and specifically Punitha, Duraisamy, Perundevi a differently abled persons were assaulted by the 1st Ekambara Mudaliyar and his son in law Arun @ Abelu along with 15 men and they have proclaimed that the Irular people has to move out and if they remain in the village till night time, their house should be burned out and that pin pointing Karthick, Ekambaram Mudaliyar proclaimed that he is the person responsible for all this acts and alleged others to do away with him in order to settle the score and he fled from this scene of occurrence and further his allegation is that cell phone of the Irular people were snatched by the said accused person, based upon which the case has been registered in Cr.No. 360/2012 by the concerned B5 Walajabad Police Station . It is seen that there was an improvement after the so called Makkal Mandram and particularly P.W.1 had lodged the complaint. It is seen that the at the first instance injured punitha had been admitted in the hospital on the fateful day at about 8.30

a.m. but whereas the other alleged injury sustained by the witnesses they have admitted in the hospital from 12.30, 2.00 clock etc. The main dispute between the parties is with regard to the patta claimed by the Irular people over the land adjacent to A.1's car shed, wherein two thatched sheds have been their and Punitha Perundevi, and Duraisamay were residing in the two thatched sheds. It has been brought out in the evidence that on the fateful day A.1 and his son in law played a vital role and had assaulted the witnesses and also dismantled the thatched sheds. This court is not concerned with regard to the title of the disputed property nor the issuance of patta, which is pending with the revenue officials and that the said issue has to be decided by a competent civil Forum. Criminal intimidation and the act of the accused over the witnesses has to be considered in total. Further as per Ex.P.18, A.1 to A.4 belongs to Hindu Mudaliyar Community and that A.5 to A.14 belongs to both Hindu Adidraavidar and Christian Adi Dravidar. The original dispute with regard to the title over the disputed land had driven the parties to take the law into their own hands and that the persons responsible for the assault and dismantled the house has to be considered and properly decided in order to render

justice to both the parties and to strike a balance between them in accordance with law.

47. It is seen that though the prosecution had not filed the proceedings with regard to the entrustment of the case to the DSP, the case is handed over to the Deputy Superintendent of Police and the fact remains that he had examined the witnesses on 19.06.2012 and that the original inspector investigated the witnesses on 17.06.2012. As rightly contented by the learned counsel for the accused, there is an improvement with regard to the overtact as against the other accused, the genesis of the complaint and the contents therein, the admission of witness Punitha on 17.06.2012 at 08.30 a.m., in the government hospital and the other witnesses who are injured namely the defacto complainant PW1, PW2 one Punitha, PW3 Duraisamy, PW4 Sathya, the nature of allegation as against the accused has to be considered. In that view of the matter PW1 had deposed that the 1st accused Ekambara Mudaliar along with his son in law Abel @ Arun and the accused persons James, Unjiyappan, Pilot @ Anthony, Narayana Mudaliar, Munusamy, Voinoth have assaulted the witness Perundevi, Punitha and had dismantled the thatched shed and abused caste aspersions has to be considered.

48. It is to be noted that PW1 Karthick is the person, who had lodged the complaint and who had accompanied the injured PW2 Punitha to the government hospital but he had admitted himself only at 02.00 clock in the afternoon. It is to be noted that after the so called Makkal Mandram, being containing the members of the witnesses and spoken by other witnesses, the case has turned into a public gaze that caste aspersions were hurled as against the witnesses and particularly the defacto complainant and the injured Punitha and Duraisamy. With regard to the 1st accused PW1, PW2, PW3 and PW4 had spoken in unison that the 1st accused along with his son in law Abel @ Arun and others had assaulted. Even PW2 Punitha had stated that the accused Ekambara Mudaliyar had sent 50 persons to dismantled the house and abused her of filthy language and damaged the thatched shed, wherein she had resided in one house and her sister Perundevi and Duraisamy had resided in the other house. PW2 also admitted that one Jessy, Social Welfare Organization had taken her to the hospital and that PW1 Karthick is one of the administrator of the said Makkal Mandram and after consulting with them, the allegations as against the other accused has been projected byway of statement before the police

and it led to the further alteration of the case under the purview of the provisions of the Scheduled Caste/Scheduled Tribe (Prevention of Atrocity) Act.

49. Further the words hurled as against the witnesses PW1 to PW4 by calling their caste name, the 1st accused had committed an offence u/s.3(1)(x) of the Scheduled Caste/Scheduled Tribe (Prevention of Atrocity) Act and further he had assaulted the witnesses PW1 Karthick, PW2 Punitha, PW3 Duraisamy, PW4 Sathya, PW5 Sivva @ Sivamani, PW6 Kotteshwaran, PW7 Manoharan. It is seen that PW8 Yuvaraj had reached the place of occurrence after hearing the incident that Punitha was injured and her house was dismantled. PW9 Sathish had alleged that Ekambara Mudaliyar had assaulted Duraisamy and also raised caste aspersions of Irular Community. Hence A1 Ekambara Mudaliyar has committed an offence punishable u/s.147, 323 (7 counts) r/w 149 of IPC and had dismantled the thatched sheds situated adjacent to his car parking area, though the revenue officials had admitted that in the land of the 1st accused, the witnesses Punitha and Duraisamy had put up thatched sheds, A1 though had lodged the complaint on 16.06.2012, he should have taken recourse to Law to establish his title to the property. The act of the 1st accused in connection with the other accused A2 to A4 had dismantled the

thatched sheds cannot be approved as a rightful act. Hence the 1st accused had committed an offence punishable u/s.3(1) of TNPPDL Act 1994 and sec.3(1)(x) and 3(1)(XV) of the Scheduled Caste/Scheduled Tribe (Prevention of Atrocity) Act.

50. As regards the 2nd accused Narayanaswamy, A3 Prakasam, A7 James, they have accompanied A1 in execution of the alleged overtact as stated in the above paragraph and hence this court considers the nature of the evidence spoken by witness, it is seen that the accused persons had committed the offence and had assaulted the witnesses and they have been at the scene of occurrence and as such the charges with regard to sec.147, 323 r/w 149 of IPC and sec.3(1) of TNPPDL Act stands proved. With regard to the offence u/s.sec.3(1)(x) and 3(1)(XV) of the Scheduled Caste/Scheduled Tribe (Prevention of Atrocity) Act., stands not proved as such there was contradiction regarding the hurling of caste aspersions by single voice of the said accused persons.

51. As regards A4, taking into consideration by the evidence adduced by the prosecution witnesses namely PW1 to PW4 and the revenue officials, this court

comes to the subjective conclusion that the 4th accused had played an acting role in the commission of the said offence including the dismantling of the thatched sheds of the witnesses Punitha and Perundevi. Hence A4 had committed an offence punishable u/s. Sec.147, 323 r/w 149 of IPC (2 counts) and sec.3(1) of TNPPDL Act stands proved. With regard to the offence u/s. sec.3(1)(x) and 3(1)(XV) of the Scheduled Caste/Scheduled Tribe (Prevention of Atrocity) Act, the same is proved.

52. A close reading of the evidence of the witnesses in total, it can be safely segregated that before the admission of Punitha on the said date 17.06.2012 at 08.30 a.m., the sequence of events as spoken by her is considered and categorically it is self evident that after the so called Makkal Mandram, Jessy and the defacto complainant Karthick lodged the complaint, a development has been seen and that after the alleged occurrence in the so called early morning, the other witnesses after hearing the incident had gone to the place of occurrence and there seems to be some altercation and that both parties had planned to win over the other by throwing frivolous allegations and that this court is duty bound to consider the entire gamut of circumstances and at the same time hurling of caste abuse cannot

be permitted not even for a movement and that the dignity of every individual has to be protected by a court of law.

53. It is further noticed that though the other witnesses namely PW5 Siva @ Sivamani, PW6 Kotteswaran, PW7 Manogaran, Pw8 Yuvaraj, PW9 Sathish, PW10 Ayyapan, PW11 Magesh stated had been injured along with PW13 Hariharan, PW14 Manikandan @ Palani, the incident had stated to have happened subsequent to the 1st incident and that after lodging of the complaint, the witnesses had admitted themselves in the hospital from 12.30 a.m., to 02.00 p.m. supposing if the said witnesses had been injured, then they should have resorted to go to the police station, wherein already PW1 Karthick had lodged a complaint and had set the criminal law in motion, without any observance and memo by the police, the fact that the wound certificates does not reveal any grievous injury and no external injury and pain being stated, the nature of admission, the time of admission, the outcome of the wound certificate plays a predominant role in deciding the case and that this court had given its anxious consideration to all the above facts and circumstances and that a court of law being a neutral party has to ensure that the law breakers should be punished at the same time unwanted, subsequent

development of the case with the help of social welfare organization has to be considered and that nowadays media trial and other external forces plays a predominant role in the Justice Delivery System and at no point of time, such external forces shall be given due weightage unless the evidence and documents projects a clean evidence regarding the overtact of the accused persons. Normally the whistle blowers are to be considered because they bring out the hidden untold sufferings of the weaker section of the society and in the case on hand, the witnesses particularly PW1 had brought out the gamut of incidence regarding the injury inflicted upon the witness Punitha, Duraisamy, Karthick and other witnesses as discussed in the earlier paragraph and the caste aspersions of the accused persons and that the same is considered and evaluated within the lens of law, based upon relevant and admissible documents. The offence as against the other persons has not been given any corroborative evidence and that before the doctor PW2 Punitha had stated that she was assaulted by 2 persons and other hinge men of the 1st accused had dismantled her house and the other witnesses had stated before the doctor that about 15 to 20 members have assaulted them, the facts remains that

there was no external injury and as such the charges as against A5 to A14 stands not proved and accordingly they are entitled to acquittal.

54. In fine, A5 Pilot @ Anthony, A6 Silone @ Mohan, A8 Kutty @ Kuttiappan were died and hence charge abated against them. A9 found not guilty for the offences under section 147, 323 (5 counts), 323 r/w 149 (8 counts), 3(1) of TNPPDL Act and A10 and A11 found not guilty for the offences under section 147, 323, 323 r/w 149 (12 counts), 3(1) of TNPPDL Act and A12 and A13 found not guilty for the offences under section 147, 323 (3 counts), 323 r/w 149 (10 counts), 3(1) of TNPPDL Act and A14 found not guilty for the offences under section 147, 323 (2 counts), 323 r/w 149 (11 counts), 3(1) of TNPPDL Act.

55. A1 found guilty for the offences under sections 147, 323 r/w 149 (7 counts) of IPC, 3(1) of TNPPDL Act 1994 and 3(1)(x), 3(1)(xv) of Scheduled Caste/Scheduled Tribe (Prevention of Atrocity) Act 1989. As regards A.1 the individual offence falls under Sec.323 of IPC is not made out but Sec.323 r/w 149 of IPC regarding seven counts had been established. A2, A3, A7 were found guilty for an offences under sections 147, 323 r/w 149 (7 counts) of IPC, 3(1) of

TNPPDL Act 1994. As regards A.2, A.3, A.7 the individual offence falls under Sec.323 of IPC is not made out but Sec.323 r/w 149 of IPC regarding seven counts had been established. A4 found guilty for an offences under sections 147, 323 r/w 149 (7 counts) of IPC, 3(1) of TNPPDL Act 1994 and 3(1)(x), 3(1)(xv) of Scheduled Caste/Scheduled Tribe (Prevention of Atrocity) Act 1989. As regards A.4 the individual offence falls under Sec.323 of IPC is not made out but Sec.323 r/w 149 of IPC regarding seven counts had been established. and A1, A2, A3, A4 and A7 were questioned about the conviction and sentence as mandated under section 235(2) Cr.P.C. The 1st accused Ekambaram replied that **it is a false case and he has not seen the witnesses on the said date.** The 2nd accused Narayanan @ Narayanasamy replied that **it is a false case and he has not seen the witnesses on the said date and he has not said the words.** The 3rd accused Prakasam @ Jayaprakasam replied that **it is a false case and he has not seen the witnesses on the said date and he has not said the words.** The 4th accused Arun @ Abelu replied that **it is a false case and he has not said the words.** The 7th accused James replied that **it is a false case and he has not seen the witnesses on the said date.** Request considered. Considering the gravity of the offence and the nature of

overtact by each of the accused and the reply of the accused, this Court is of considered view that the sentence normally prescribed for the said offences has to be awarded and leniency has no way in such an exercise. Further more the accused persons are not entitled to any benefit under Section 360 of Cr.P.C regarding probation of good conduct, when the nature of offence is gruesome.

a) A1, A2, A3, A4, A7 were convicted and sentenced to undergo one year Rigorous imprisonment and imposed to pay a fine of Rs.1000/- each ($1000 \times 5 = 5000$) in default simple imprisonment for three months for the offence u/s.147 of IPC.

b) A1 convicted and sentenced to undergo two years Rigorous imprisonment and imposed to pay a fine of Rs.1000/- ($1000 \times 7 = 7000$) in default simple imprisonment for three months for the offence u/s.323 r/w 149 (7 counts) of IPC.

c) A2, A3, A7 were convicted and sentenced to undergo two years Rigorous imprisonment and imposed to pay a fine of Rs.1000/- each ($1000 \times 7 \times 3 = 21000$) in default simple imprisonment for three months for the offence u/s.323 r/w 149 (7 counts) of IPC.

d) A4 convicted and sentenced to undergo two years Rigorous imprisonment and imposed to pay a fine of Rs.1000/- each ($1000 \times 7 = 7000$) in default simple imprisonment for three months for the offence u/s.323 r/w 149 (7 counts) of IPC.

e) A1, A2, A3, A4, A7 were convicted and sentenced to undergo one year Rigorous imprisonment and imposed to pay a fine of Rs.500/- each ($500 \times 5 = 2500$) in default simple imprisonment for three months for the offence u/s.3(1) of TNPPDL Act.

f) A1 and A4 were convicted and sentenced to undergo three years of Rigorous imprisonment and imposed to pay a fine of Rs.1000/- each ($1000 \times 2 = 2000$) in default simple imprisonment for three months for the offence u/s.3(1)(x) of Scheduled Caste/Scheduled Tribe (Prevention of Atrocity) Act 1989.

g) A1, A4 were convicted and sentenced to undergo two years of Rigorous imprisonment and imposed to pay a fine of Rs.1000/- each ($1000 \times 2 = 2000$) in default simple imprisonment for three months for the offence u/s.3(1)(xv) of Scheduled Caste/Scheduled Tribe (Prevention of Atrocity) Act 1989.

h) The period of Judicial custody already undergone is ordered to be set off under section 428 Cr.P.C. The above sentences are ordered to run concurrently. The properties marked as M.O.1 and M.O.2 are ordered to be destroyed after the period of appeal time. Total Fine amount Rs.46,500/-.

Dictated by me to the Stenographer, transcribed and typed by her, corrected and pronounced by me in Open Court on this the 22nd day of July 2026.

Principal District and Sessions Judge /
Special Judge for the exclusive trial of
cases under the Scheduled Caste and
Scheduled Tribe (Prevention of
Atrocities) Act, 1989

Principal District and Sessions Court,
Kancheepuram.

Prosecution side witnesses:

PW	1	Tr.	Karthick
PW	2	Tmt.	Punitha
PW	3	Tr.	Duraisamy
PW	4	Tr.	Sathya
PW	5	Tr.	Siva (a) Sivamani

PW	6	Tr.	Kotteswaran
PW	7	Tr.	Manoharan
PW	8	Tr.	Yuvaraj
PW	9	Tr.	Sathish
PW	10	Tr.	Iyyappan
PW	11	Tr.	Mahesh
PW	12	Tr.	Srinivasan
PW	13	Tr.	Hariharan
PW	14	Tr.	Manikandan(a) Pazhani
PW	15	Tr.	Nagabooshanam
PW	16	Tr.	Deivasigamani
PW	17	Tr.	Anandhan
PW	18	Tr.	Ponnurangam
PW	19	Dr.	Rajesh Chakravarthy
PW	20	Tr.	Panneerselvam
PW	21	Tr.	Veerappan
PW	22	Tr.	Ettiyappan
PW	23	Tr.	Thulasidass
PW	24	Tr.	Kanikannan
PW	25	Tr.	Radhakrishnan

Prosecution side Exhibits:

Ex.P.	1	17.06.2012	Complaint
Ex.P.	2	17.06.2012	Signature in observation Mahazar
Ex.P.	3	17.06.2012	Signature in seizure mahazar
Ex.P.	4	--	VAO Certificate
Ex.P.	5	17.6.2012	Accident register of Magesh
Ex.P.	6	17.6.2012	Accident register of Yuvaraj
Ex.P.	7	17.6.2012	Accident register of Iyyappan
Ex.P.	8	17.6.2012	Accident register of Duraisamy
Ex.P.	9	17.6.2012	Accident register of Sathya
Ex.P.	10	17.6.2012	Accident register of Manoharan
Ex.P.	11	17.6.2012	Accident register of Sathish
Ex.P.	12	17.6.2012	Accident register of Kotteswaran
Ex.P.	13	17.6.2012	Accident register of Hari
Ex.P.	14	17.6.2012	Accident register of Palani
Ex.P.	15	17.6.2012	Accident register of Sivamani
Ex.P.	16	17.6.2012	Accident register of Punitha

Ex.P.	17	17.6.2012	Accident register of Karthick
Ex.P.	18	06.08.2012	Community certificate proceedings of RTO for accused
Ex.P.	19	22.08.2012	Community certificate proceedings of RTO for victim
Ex.P.	20	03.09.2012	Community certificate proceedings of RTO for victim
Ex.P.	21	26.09.2012	Community certificate proceedings of RTO for victim
Ex.P.	22	17.06.2012	First Information Report
Ex.P.	23	17.06.2012	Observation mahazar
Ex.P.	24	17.06.2012	Rough Sketch
Ex.P.	25	17.06.2012	Seizure Mahazar
Ex.P.	26	19.06.2012	Alteration report.
Ex.P.	27	17.06.2012	Form 91 – PI.No.162/2013

Defence side witnesses and Exhibits :

Ex.D.	1	21.09.2011	Community certificate of A.N. Arun
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MATERIAL OBJECTS:

M.O.	1	கிழிந்த பழைய பனைஓலைகள் (5)
M.O.	2	சுமார் பத்தடி நீளமுள்ள மூங்கில் கம்புகள் (4)

Principal District and Sessions Judge /
Special Judge for the exclusive trial of
cases under the Scheduled Caste and
Scheduled Tribe (Prevention of
Atrocities) Act, 1989

Principal District and Sessions Court,
Kancheepuram.

Copy to:

1. The Special Public Prosecutor,
Schedule Caste/Schedule Tribes Act Cases.

Draft/Fair Judgment
S.C.No.209/2024
(CPT Spl.SC.No.127/2014)
Prl. District & Sessions Court
Kancheepuram
Date : 22.07.2026