



CNR Number : TNSA12001-329-2023

**IN THE COURT OF THE ASSISTANT SESSIONS JUDGE, ATTUR
(SALEM DISTRICT)**

**PRESENT: Thiru.S.Ganesan,B.Sc.,M.A.B.L.,
Assistant Sessions Judge, Attur.**

Monday, this the 10th day of November 2025

SESSIONS CASE NO.400 /2023

(P.R.C. No.36/2023 on the file of the Judicial Magistrate No.I,Attur)

(Cr.No.47/2023 of Attur Police Station)

Complainant	State of Tamilnadu, Represented by Inspector of Police, Attur Police station. Crime No.47/2023.
Accused	1. Marimuthu @ Soriyan, aged about 24 years, son of Angu, N.S.Theatre back side, 9th ward, Marimuthu Road Attur, Salem District. 2. Ramachandramoorthy, aged about 23 years, son of Appukutti, Kothukkarar Thottam, Periyasemur, Erode District (<i>Died</i>). 3. Deva, aged about 25 years, son of Sithan, Kalingarayanpalayam, Bhavani Taluk, Erode District. 4. Siva, aged about 25 years, son of Rajkumar,D.No.1008, Magali Amman Veethi, Lakshmi Nagar, Mettu Nasuvampalayam, NearVasuki College, Bhavani Taluk, Erode District.
Offence	Obscene songs in a public place, Punishment for robbery, Robbery or dacoity with attempt to cause death or

	grievous hurt and(previous conviction in CC.325/2021 of Judicial Magistrate No.1,Attur) under section 294(b), 392 r/w 397 and 75 of Indian Penal Code
Finding	Accused No.1 found not guilty for the offence U/Sec. 294 Indian Penal Code, A1 found guilty for the offence U/Sec.392 r/w 397 r/w 75 of Indian Penal Code. A3 and A4 found guilty for the offence U/Sec.392 r/w 397 of Indian Penal Code.
Sentence	<i>In the result, the accused A1 found guilty and convicted and punished under sections 392 r/w 397 of Indian Penal Code r/w 75 of Indian Penal Code and he is sentenced to undergo Rigorous Imprisonment of 10 years and imposed a fine of Rs.2,000/- in default of payment of fine, the accused shall undergo Rigorous Imprisonment for two months.</i> <i>A1 is found not guilty for the offence u/s.294(b) of IPC and acquitted u/s 235(i) of Cr.P.C.</i> <i>The accused A3 & A4 found guilty and convicted U/s 235 (2) of the Cr.P.C. and punished under sections 392 r/w 397 of Indian Penal Code and they are each sentenced to undergo Rigorous Imprisonment of 7 years and imposed fine of Rs.2,000/- each in default of payment of fine, the accused persons shall undergo Rigorous</i>

Imprisonment for two months. A1 fine is Rs.2,000/- A2 and A4: fine Rs.4,000/-(each Rs.2,000/-). Hence total fine is Rs.6,000/-.

The conviction and sentence run concurrently. The period of incarceration/detention with this case already undergone by the accused persons shall be set off against the term of imprisonment imposed upon them under Section 428 of Cr.P.C.

The 2nd accused Ramachandramoorthy son of Appukutti, (A2) passed away during pendency of trial. Therefore, the charge against the 2nd accused is abated.

Sl. No.	Description of Accused					
	Name	Father's Name	Caste or race	Occupation	Residence	Age
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	Marimuthu @ Soriyan	Angu	Hindu. Indian	Coolie	N.S.Theatre back side, 9 th ward, Marimuthu Road Attur, Salem District	24 years
2.	Ramachandramoorthy (died)	Appukutti	Hindu. Indian	Coolie	Kothukkaran Thottam, Periyasemur, Erode District	23 years
3.	Deva	Sithan	Hindu. Indian	Coolie	Kalingarayanpal ayam, Bhavani Taluk, Erode	25 years

					District		
4.	Siva	Rajkumar	Hindu. Indian	Coolie	D.No.1008, Magali Amman Veethi, Lakshmi Nagar, Mettu Nasuvampalayam, NearVasuki College, Bhavani Taluk, Erode District		25 years
Occurrence	Complaint	Apprehension of appearance	Release on bail	Commencement of trial	Close of trial	Sentence of order	Explanation of delay
(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
10.02.2023	10.02.2023	24.11.2023	A2: 20.03.2023 A4: 20.03.2023	05.08.2025	16.10.2025	10.11.2025	Due to non production of witness promptly by the prosecution.

CASE SUMMARY

1.	The period of remand of the Accused:	Accused 1 & 3 are custody A1 remand on 11.02.2023 to till date he is in custody A2 died A3: Remanded on 11.02.2023 to till date
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		A4 : 11.02.2023 Remanded Bail on 20.03.2023
2.	The date of filing of the Complaint/final report in the Court	10.02.2023
3.	The date of committal of the case to the Court of Sessions	29.11.2023
4.	The date of questioning of the accused under Sections 228,240,246 and 251 of the Code as the case may be	22.07.2025
5.	Filing of all miscellaneous petitions and their results including the results on challenge before Superior courts, except routine petitions like petitions under section 317 of the Code etc	1) Warrant recall petition of A4 Siva in Cr.M.P.No.82/2024 filed and allowed on 13.03.2024 2) Warrant recall petition filed by A4 in Cr.M.P.No.200/2024 and warrant recalled on 22.08.2024. 3) Warrant recall petition filed by A4 in Cr.M.P.No.170/2025 and warrant recalled on 19.07.2025
6.	Date of examination in chief and cross examination of a witnesses	PW.1 to PW.4 chief and cross : 05.08.2025 PW.5,PW6,PW.7 : chief and

		cross by 18.08.2025 PW8 and PW.9 chief and cross; 22.09.2025 PW.10 chief and cross 06.10.2025
7.	Date of examination of the accused under Section 313 of the Code	13.10.2025
8.	Details of abscondence of an accused and his appearance/production as the case may be	A3 warrant issued on 08.11.2024 and produced on 25.11.2024 and remanded to Judicial custody.
9.	Grant of stay by superior Courts and the results thereof	--
10.	Details of Victim compensation ordered	-----

This case came before me on 30.10.2025 for final hearing in the presence of Thiru.S.Sivakumar, Learned Additional Public Prosecutor for the State and A1 and A3 are in custody, A2 Died, Tr.Vinayagamorthy, Learned Counsel for the Accused No.1,3,4 and considering that on hearing both sides and upon perusing the entire case records and having stood over for consideration till this day, this court delivered the following.

JUDGMENT

1. This is a Sessions Case committed under section 209 of the Code of Criminal Procedure, in short, 'the Code' by the Judicial Magistrate, no.1 Attur to whom final report under section 173 (2) of the Code was laid by the Inspector of Police, Veerganur alleging offences under Sections 294(b),

392 r/w 397 and 75 of Indian Penal Code.

2. FINAL REPORT :

3. The case of the Prosecution is that the PW.1 Manikandan is belonged to Vadakku Kadu Avvaiarmedu first ward, Attur and doing centering work. 1 to 4 accused are friends and 1st accused has got cases in Cr.No.Attur Rural police P.S. Cr.No.486/2021, 290/2022 and Attur Town P.S Cr.No.340/2022 and Vazhapady P.S. Cr.No.11/2022 and 2nd accused has got Attur Rural P.S. Cr.No.290/2022 which is pending. The 1 to 4 accused joined together in order to rob in a common intention and went in TN86D3315 pulsar bike by the 4 accused persons belonging to the 1st accused on 10.02.2023 at about 3.30 P.M. in the bus stop in the Vadachenimalai Murugan Temple road Kattukottai bus stop nearby the Venkateswara Cool drinks shop within the jurisdiction of Attur Rural police. At that time, the witness came in a two wheeler belonging to him, the 1st accused drive his vehicle and other accused sit as pillion riders wrongfully restrained the witness by the 1st accused and said to get down by the other accused persons and 1st accused came and showed a knife from his hip and threatened the witness to give money from his pocket and scolded in a filthy language and saying ஏண்டா தேவடியா பையா and do you know who I am. Thereby scolded in a public place failing which, he will stab him with knife and murder. Thereby, grabbed Rs.1500/- from the upper shirt pocket and also 1 /4 sovereign ear stud, which is purchased for witness Sister from the pant pocket. Thereby, the 1 to 4 accused committed offence under Section 294(b), 392 and 397 of Indian Penal Code. In which, the 1st accused is convicted in Attur Rural P.S.No.486/2021 under sections 392 r/w 34 of Indian Penal Code before the Judicial Magistrate No.1, Attur in C.C.No.325/2021 as contested conviction

on 28.04.2023 and convicted to undergo R.I. for 3 years and to pay a fine of Rs.1,000/- i/d one month S.I., Thereby, the accused is to be convicted under section 75 of Indian Penal Code for enhanced punishment.

4. Hence, all the Accused are found committed offences as the 1st accused under Sections 294(b), 392 r/w 397 of Indian Penal Code and 75 of Indian Penal Code and as against 2,3,4 accused under section 392 r/w 397 of Indian Penal Code. Thereby filed charge sheet for the aforesaid Sections. After concluding the investigation, this Final Report had been laid before the Learned Judicial Magistrate No.I, Attur.

5. The Learned Judicial Magistrate No.I, Attur had taken the charge sheet on file on 27.06.2023 under Sections 294(b), 392 r/w 397 and 75 of Indian Penal Code. and prepared copy of the documents and supplied the free copies to the Accused on his appearance u/S 207 of Cr.P.C.

6. Since the case is triable by the Court of Sessions, the learned Judicial Magistrate No.1 has committed the case to the Court of Principal District Judge, Salem u/S 209 of Cr.P.C. Subsequent on, the case was made over to this court for conducting the fair trial.

7. Framing of charges:-

8. The Accused was appeared in person before this court. On hearing both sides and based on the materials available on record, Charges were framed under Sections 294(b), 392 r/w 397 of Indian Penal Code and 75 of Indian Penal Code against Accused No.1, and under sections 392 r/w 397 of Indian Penal Code against A3 and A4 read over, explained and when they were questioned, they repudiated and decried the charges leveled against them.

9. In this case, the 3rd accused Ramachandramoorthy son of Appukutti, (A2) passed away during pendency of trial. Therefore, the charge against the 2nd accused is abated.

10. Trial:-

11. In order to evince the case of the prosecution, the prosecution examined PWs 1 to 10 and ExP1 to Ex.P.16 and material object M.O.1 to M.O.5 were marked. No Defence witnesses were examined on the side of the accused.

12. Case of the prosecution, as unfolded from the evidence:-

13. The case observed from the evidence of the prosecution side witnesses concisely projected that the PW. Tr.Manikandan, he deposed that he is residing in Attur Mullaivadi Uppodai and doing centering work and he knew the accused persons. On 10.03.2024 at about 3.30 P.M. while he was going to worship god near the Vadachennimalai Murugan Temple in Kattukottai nearby the Venkateswara Cool drinks, while he was driving in Unicorn bike, four persons came in a two wheeler bearing No.TN-86-D 3315 pulsar bike aged around 22 ,25 wrongfully restrained him by showing knife in their hand and threatened to give money. One Marimuthu taken a knife from his hip and shown to him by stating take money. The accompanied persons took Rs.1,500/- from his upper pocket and also took ¼ sovereign ear studs from the under pocket by three persons. While, the witness shouted thief, thief, all of the accused were threatened with dire consequences of stabbing him. Thereafter, scolded in filthy language. Thereafter, they thrown away the cool drinks bottle from the cool drinks store in the road and

Marimuthu threatened that if anybody came near by him, he will stab them. Thereafter, they went in bike. On 10.02.2023 in the night, he gave complaint to the police station. The signature in the complaint is of him. The complaint is marked as Ex.P1. Later, they asked come to court and receive the seized articles. Thereby, got interim custody of Rs.500/- cash and 1/4 sovereign ear studs from the Court. The 1/4 sovereign ear stud is marked as M.O.1 and the photo along with muchalika containing Rs.100 x 5 = Rs.500/- Notes money were marked as M.O.2. The photo of the jewel also produced along with muchalika. The money and jewel returned to the PW.1 on interim custody from this Court. The knife which is shown to him has been identified as it is like one used for the commission of the offence which is marked as M.O.3. The Broken soda bottle pieces were marked as M.O.4. Police enquired him.

14. PW.2. Tr.Venkatachalam deposed that he is residing in Vadachennimalai Government Arts college and running a tea shop in the road going to Vadachennimalai named Venkateswara Tea stall and did not knew the accused persons and PW.1. He did not knew the incident and only after receipt of summons he came to the court. He didn't seen the occurrence. Police did not enquire him. Thereby, he turned hostile.

15. PW.3 Uma, deposed that she is residing in Manivilunthan colony, Kattukottai and running a fancy shop in the Vadachennimalai going road and knew the accused persons and seen them. On 10.02.2023 on the Friday afternoon, at about 3 to 3.30 P.M., there was a sound aroused before the tea shop hence she came out of the shop and saw that A1 Marimuthu has taken money from the PW.1 pocket and also took small box (tappa) from pant pocket which is shown before this Court. The pocket of Manikandan was torn

away. At the time, peoples gathered there. One of the persons from the accused has shown knife and threatened all of them and another person broken away beer bottle in the road and threatened if any come to catch them they will stab them. The college students attempted to caught them. Thereafter, they called over the police and they caught them. Police enquired her.

16. PW.4 Tr.Dhanabal deposed that he is residing in Vadachennimalai M.P. Nagar and doing real estate work and he did not know the accused and PW.1 and knew the PW.2 & 3. The next day of the incident, the police came to obtain signature from him so as to give evidence regarding to the incident. He only heard about the incident and not seen the occurrence. Police enquired him.

17. PW.5 Tr. Kumaresan, deposed that he is residing in Sarvoypudur and having flower shop in Kattukottai to Vadachennimalai road. On 10.02.2023, at about 3 P.M. there was group of people present and gathered around there. It is stated that chain and money was robbed. The first signatures found in the observation and seizure mahazar are of him and one Thangadurai of Amman Hotel has signed along with him, The signature in the observation mahazar has been marked as Ex.P2 and signature in Seizure mahazar marked as Ex.P3. The police did not enquire him. Later, he deposed to the police and they seized bottle glasses. Thereby, he was turned partly hostile.

18. PW.6 Tr.Thangadurai, deposed that he is residing in Ramaseshapuram and running Amman Hotel in Kattukottai and knew the PW.5 and he is running flower shop. On 10.02.2023 evening at around 5 to 5.30 P.M. there was people gathered around his stop and stated ear stud and

cash of Rs.1,500/- has been taken. Police enquire at that time. Further glasses found broken there. AT that time. Police enquire him and obtained signature. The second signatures found in the observation and seizure mahazar are of him and one Kumaresan has signed along with him, The signature in the observation mahazar has been marked as Ex.P4 and signature in Seizure mahazar marked as Ex.P5. Police enquired him.

19. PW.7 Tr.Muniappan, deposed that Village Administrative Officer deposed that he is now working as VAO Veeraganur South. While he was worked as Village Administrative Officer of Kattukottai on 11.02.2023 at about 06.30 A.M. for which Attur Rural Inspector of Police has requested to assist as witness by the that jewel robbery is occurred and the accused persons are in the custody of the Police, Based upon the same, he went to SOC i.e., Attur bye pass Kattukottai fly over, the police enquired the present accused persons. The accused persons gave confession statement that on 10.02.2023 at about 3.30 P.M. near Venkateswara Coll drinks shop, they threatened one person and robbed Rs.1500/- cash and $\frac{1}{4}$ sovereign gold ear studs. On the next day, they were caught hold by the police. In which, they spent Rs.1000/- by one Marimuthu. Thereby, the police has recovered Rs.500 and $\frac{1}{4}$ sovereign gold ear studs and knife and pulser bike from the accused persons in that place itself. The knife is the weapon which is recovered from the accused. The photos containing bike and cash and jewel has been recovered before him. The vehicle photo has been marked as M.O.5. The first signature in the confession statement is of him which is marked as Ex.P6 The signature in the seizure mahazar is of him which is marked as Ex.P7 and Police enquired him.

20. PW.8 Tr.Nithyanantham, Special Sub Inspector of Police,

Karumanthurai deposed that while he was working as Head constable in Attur Rural Police station in 2003. The Inspector RajiniKanth has investigated a case in Cr.No.47/2023 under Section 341,294(b), 427, 392 r/w 397 and 506(ii) of Indian Penal Code of Attur Rural Police, he helped him by typing the statements of the witnesses in the scene of occurrence and taken print out. Inspector enquired him.

21. P.W.9: Thiru.Arulkumar,, Inspector of Police deposed that at present he is working as Inspector of Police, Yethpaur police station. While he was working as Sub Inspector of Police in Yethapur police station on 10.02.2023, one Manikandan son of Arul , Attur Awaiyar medu Vellaiya Naicker, Servaipattu of Karumanthurai appeared before him and gave a written complaint on 4.30 hours and registered a FIR in Cr.No.47/2023 under Sections 341, 294(b) 427 , 392 r/w 397 and 506(2) of Indian Penal Code and handed over the Inspector of Police for investigation. The FIR is marked as Ex.P8. Inspector enquired him.

22. PW.10 Tr.Rajinikanth, Inspector of Police deposed that on 10.02.2023 he was working as Inspector of Police, Attur Rural Police station, he received the FIR in Cr.No.47/2023 under section 341, 294(b) 427, 392 r/w 397, 506(ii) of Indian Penal Code. On the same day he taken up investigation and he went to the scene of occurrence near Kattukottai, Vadachennimalai Venkateswara cool drinks ship on 17.15 hours and prepared the observation mahazar and Rough Sketch before the witnesses Kumaresan and Thangadurai. Rough Sketch is marked as Ex.P9. Observation Mahazar is marked as Ex.P10. Further, at 17.45 hours, broken piece of cool drinks glass bottle 3 pieces have been seized before the witnesses under the Seizure Mahazar. The Seizure Mahazar is marked as Ex.P11. Also, recorded the

statement of witnesses Manikandan, Venkatachalam, Uma, Dhanabal, Kumaresan and Thangadurai. Thereafter, on investigation for searching the 4 accused persons involved in the offence, at about 6.15 A.M. on 11.02.2023 along with Police party made vehicle check in Chennai to Salem highways nearby Kattukottai fly over down point, there was a vehicle coming from Thalaivasal to Attur bearing registration no. TN86D3315 in ash black colour and they trying to flew away after seeing the police party. After securing them, they disclosed that 1st accused Marimuthu, 2nd Accused Ramachandramoorthy, 3rd accused Deva and 4th Accused Siva about their description. In which, the 1st accused Marimuthu came and gave a voluntary confession before the Kattukottai VAO Muniappan and Ramesh at 08.00 hours and based upon the confession he handed over the pulsar motor cycle TN86D3315 and also handed over the Rs.500/- cash (100 x 5) and 1 / 4 sovereign ear studs one pair and blue colour hand grip knife were seized before the witnesses. The admitted portion of the confession of the 1st accused is Ex.P12. Seizure Mahzar-2 is already marked as Ex.P2. Thereafter came to the police station along with accused and sent to the Court for remand along with property under Form 95. The form 95- 1 is Ex.P13. The form 95- 2 is Ex.P14. Thereafter recorded the statement of Kattukottai VAO Muniappan and Ramesh on 20.04.2023. He examined the Head constable Nithyananthan who helped in recording the statement of witnesses in computer by typing also examined the SSI Arulkumar. After completing the investigation, he is found that the 1st accused Marimuthu has already involved in Cr.No.486/2021 under Section 392 r/w 34 of Indian Penal Code and committed on 28.04.2023 in CC.No.325/2022 and went to prison. Hence, obtained Judgment from the Court . The Judgment is Ex.P15. As per the

investigation, the charge against the 1st accused is under Section 294(b), 392 r/w397 of Indian Penal Code and 75 of Indian Penal Code and as against 2,3,4 accused under section 294(b), 392 r/w397 of Indian Penal Code. On 26.05.2023, he filed alteration charge sheet which is marked as Ex.P16. After completing investigation, he filed the charge sheet against the accused persons 1st accused is under Sections 294(b), 392 r/w397 of Indian Penal Code and 75 of Indian Penal Code and as against 2,3,4 accused under sections 392 r/w397 of Indian Penal Code on 03.06.2023. Hence, the case.

23. Examination U/s 313 (1)(b) of the code.

24. After the completion of evidence of the prosecution, accused were put with the incriminating circumstances against them from the evidence of prosecution U/s 313 (1) (b) of the code, for which their answers were total denial, the accused has denied their complicity. For disproving the case of the Prosecution, no defence witnesses were examined on the side of defense.

25. Defence of the accused projected from the cross examination and other materials.

26. The defence of the accused has been propelled by the cross examination of the prosecution witnesses. The accused were not let in oral as well as documentary evidences on their side.

27. The case is put up case. The prosecution didn't prove the guilt of the accused. Arrest, confession, Seizure, recovery was not proper and not proved according to Law. The case is foisted in the police station itself. After securing the accused, the Police have foisted the false case against the accused persons. Merely, the accused persons are involved in previous cases.

By itself, it cannot be ground to suspect the accused persons in the offence alleged.

28. Be it noted, the burden is only on the side of the prosecution, notwithstanding the defence of the accused. It is also not necessary to expect to the accused to lead any evidence, unless the burden is shifted U/s 106 of the evidence act.

29. Point for determination

Whether the prosecution has proved the charge against the accused person beyond reasonable doubts ?

30. Arguments advanced :-

31. On the side of the prosecution

32. It has been submitted that the prosecution has framed charges upon prima facie satisfaction of this case and that the prosecution has proved the charges beyond reasonable doubts, based on the oral evidence of PW1 to PW10 and the documentary evidence of the PW1 – Ex.P1 to Ex.P16 and also the material objects 1 to 5 were marked by the prosecution entered in RPR.No. 09/2025. The prosecution has proved that on the basis of the oral evidence of by Prosecution witnesses, the P.W.1 registered FIR and on investigation by the P.W. and supported by PW.2 Further, the A1,2 has previous cases and A1 has previous conviction and sought to convict the accused No.1 for maximum sentence.

33. Hence, prayed for conviction of the accused persons for maximum sentence.

34. On the side of the accused.

35. The learned counsel for the accused submitted that entire prosecution case of falsely foisted against the accused for statistical purposes and the PW1 to 10 could not able to depose about the alleged arrest and the incident.

36. The case is put up case. The prosecution didn't prove the guilt of the accused. Arrest, confession, Seizure, recovery was not proper and not proved according to Law. The case is foisted in the police station itself . After securing the accused, the Police have foisted the false case against the accused persons. Merely, the accused persons are involved in previous cases. By itself, it cannot be ground to suspect the accused persons in the offence alleged.

37. Thereby, the prosecution has failed to prove the guilt of the accused persons beyond on all reasonable doubts.

38. Answer to the point.

39. This court has anxiously considered the rival contentions canvassed by the either sides and gingerly combed the entire records oral and well as documentary. The case of the prosecution as per the final report and as per the evidence of the prosecution projected before the court have been well explained supra.

40. The main charge against the accused is that as against the 1st accused offences under Section 294(b), 392 r/w397 of Indian Penal Code and 75 of Indian Penal Code and as against 2,3,4 accused under section 392 r/w397 of Indian Penal Code.

41. For the proper understanding the provision has been reproduce herewith.

42. S. 392 Punishment for robbery. Whoever commits robbery shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine; and, if the robbery be committed on the highway between sunset and sunrise, the imprisonment may be extended to fourteen years.

43. S. 397 Robbery or dacoity, with attempt to cause death or grievous hurt If, at the time of committing robbery or dacoity, the offender uses any deadly weapon, or causes grievous hurt to any person, so attempts to cause death or grievous hurt to any person, the imprisonment with which such offender shall be punished shall not be less than seven years.

44. In the light of the legal precedents, gingerly combing out the evidence of the PW1 to 10 as follows :-

45. It is not necessary to reproduce all the vernacular evidence. Only the material part is necessary.

46. The PW.1 is defacto complainant and categorically deposed that ஆஜரில் உள்ள எதிரிகளை தெரியும். 10.02.2023 ம் தேதி பகல் 3.30 மணிக்கு காட்டுக் கோட்டாய் வடசென்னிமலை முருகன் கோவில் அருகே சாமி கும்பிட சென்ற போது, வெங்கடேஸ்வரா கூல் டிரிங்ஸ் அருகே, நான் யூனிகார்ட் பைக்கில் சென்று கொண்டு இருந்தபோது நான்கு பேர் TN 86 D 3315 என்ற பல்சர் பைக்கில் வந்தவர்களுக்கு சுமார் 20,25 வயது இருக்கும். அவர்கள் என்னை வழி மறித்து பணம் இருந்தால் எடு என்று சொன்னார்கள். மாரிமுத்து என்பவர் தன் இடுப்பில் இருந்த கத்தியை காட்டி பணம் எடு என்றார். உடன் இருந்தவர்கள் என் மேல் பாக்கெட்டில்

இருந்த ரூ.1500 பணம் மற்றும் கீழ் பாக்கெட்டில் இருந்த தோடு 1/4 பவுன் 3 பேரும் சேர்ந்து எடுத்துக் கொண்டனர். நான் திருடன் திருடன் என்று கத்திய போது பக்கத்தில் வந்தால் குத்தி விடுவேன் என்று அனைவரும் மிரட்டினர். பின்னிட்டு கெட்ட வார்த்தையால் திட்டினார்கள்

47. Later deposed that பின்னிட்டு கூல்டிரிங்ஸ் கடையில் இருந்த பாட்டிலை உடைத்து ரோட்டில் உடைத்து விட்டு பக்கத்தில் வந்தால் குத்தி விடுவேன் என்று மாரிமுத்து சொன்னார். பின்னிட்டு அவர்கள் பைக் எடுத்துக்கொண்டு சென்றுவிட்டனர். பின்னிட்டு 10.02.2023 ல் அன்று இரவே காவல் நிலையத்தில் வந்து புகார்கொடுத்தேன். என்னிடம் காட்டப்படும் புகாரில் உள்ள கையெழுத்து என்னுடையது தான்.

48. Therefore, the PW.1 himself categorically deposed that the A1 Marimuthu is the person who stabbed him and threatened with knife to give money by giving his life in danger. Thereby, the other accused persons present in the Court as took away the money and jewel from the defacto complainant. Thereby, this unequivocal testimony of the PW.1 categorically proves that the accused persons or the persons who threatened the complainant by showing knife in front of him and grabbed money Rs.1,500/- from his pocket and ½ sovereign jewels from his pant pocket.

49. To terrorize defacto complainant, the A-1 showed the knife to the P.W.1. A robbery indeed occurred and the proof of the crime establish the identity of the perpetrators. This Court conducted a meticulous examination of the ocular testimony P.W.1 and corroborative evidence of P.W.3 regarding the incident and the Manner of incident and manner of

Arrest by the Investigation Officer and Recovery of Weapons through the P.W.7.

50. Thereby, the evidence is totally reliable and acceptable one in the facts and circumstances. Moreover, there is no contra evidence revealed from the cross examination of P.1 Moreover, there is no other previous enmity or any other motive was attributed or revealed or elicited from the cross examination of PW.1 by the defense counsel. Therefore, the money was belonging to the defacto complainant and it was grabbed and robbed by the accused persons by showing knife in a public place. The same was categorically endorsed by the PW.3 Uma, has deposed about the actual occurrence made and the over-tact done by the accused person Marimuthu with the PW.1 and the accused persons threatened with knife and also broken down beer bottle, thereby, the incident categorically reveals and corroborates the presence of accused persons.

51. The accused persons who did not merely attempt to commit robbery but also succeeded in committing the crime. Hence it attracts the provision of 397 of IPC.

52. Further the P.W.3 deposed that ஆஜர் எதிரிகளை தெரியும். பார்த்திருக்கிறேன். 10.02.2023 ம் தேதியில் மதியம் வெள்ளிக்கிழமை 3 - 3.30 மணியளவில் என் கடைக்கு முன்பாக டிக்கடை அருகே சத்தம் கேட்டது. பின்னிட்டு கடையை விட்டு விட்டு நான் சென்று பார்த்த போது, அ.சா.1 பாக்கெட்டில் இருந்த பணத்தையும் பேண்ட் பாக்கெட்டில் வைத்திருந்த சின்ன டப்பாவையும் இன்று நீதிமன்றத்தில் ஆஜரில் உள்ள மாரிமுத்து (எ 1) எடுத்துக்கொண்டார். மணிகண்டனின் பாக்கெட்

கிழிந்திருந்தது. அப்போது கூட்டம் நிறைய கூடி இருந்தது. கத்தியை காண்பித்து ஆஜரில் எதிரிகளில் ஒருவர் மிரட்டினார். ஒருவர் பீர் பாட்டிலை கீழே போட்டு உடைத்து என்னை பிடிக்க வந்தால் குத்தி விடுவோம் என்று மிரட்டினார்கள்.

53. Thereby, categorical evidence of PW.3 corroborates the evidence of PW.1 regarding to the incident, the manner of the incident, the manner of attempt to cause hurt and the manner of threatening.

54. The PW.4 has categorically endorsed about the happening of the offence as the secondary hear say witness. PW.5 who is the attesor witness has categorically deposed about the investigation made by the SOC.

55. Further, PW.6 endorses the investigation and recovery made by the Inspector in the SOC after the commission of the offence. Thereby, the defense counsel could not able to cull out any favourable answer or to doubt the case of the prosecution regarding to the investigation and also recovery of the M.O. in the SOC. Thereby, though the PW.5 &6 were partly hostile. Their examination categorically shows that after the commission of the offence, the Police has come to the SOC and made investigation rough sketch observation mahazar and seizure of the broken glass pieces of the SOC. Thereby there may be minor contradictions in the prosecution version and the evidence of the witnesses. For which, the entire evidence of the prosecution witnesses cannot be thrown away.

56. Regarding to the confession, Seizure, the VAO of Kattukottai has categorically deposed that the A1 Marimuthu has given confession statement regarding to the offence alleged and his involvement and also the involvement of other accused persons relating to the offence

dated 10.02.2023. Furthermore, the confession and seizure has been properly deposed by the PW.7 through him the seizure of the articles from the accused persons has been revealed and proved through the Ex.P6 & 7.

57. Furthermore, the PW.8 who is the police constable has categorically endorsed the examination of witnesses by the investigation officer and recording of their statements in the laptop. Furthermore, the PW.9 has categorically deposed regarding to the receipt of complaint and registration of FIR by him on 4.30 hours and registered a FIR in Cr.No.47/2023 under Sections 341, 294(b), 427, 392 r/w 397 and 506(2) of Indian Penal Code

58. Furthermore the FIR has been immediately sent to the concerned Court within 24 hours of its registration. Because, the offence was on 10.02 2023 at 3.30 P.M the complaint was made on 10.022023 at 14.30 hours FIR was immediately registered and sent to the Court and received on 11.02.2023 at 09.30 P.M. Thereby, the complaint itself named the accused persons. Therefore, there is a direct evidence regarding to the involvement of the accused persons in the offence alleged. The same was not countenanced by the accused persons through the cross examination. Thereby, there is no delay in FIR.

59. Coming to the investigation, after receipt of the FIR, the investigation officer as he went to SOC and prepared the rough sketch, observation mahazar and seized articles and also on the next day he has arrested the accused persons in the vehicle check up and during the confession, the accused has deposed about the involvement of the accused and their role played in it. Thereby, the Investigation Officer has filed the alteration report and also charge sheet against the accused persons. Thereby,

the involvement of the accused persons in such previous cases also assume important at this point. Thereby, the property of the PW.1 has been seized from the accused persons. For which, there is no explanation has been offered by the accused persons regarding to the arrest, confession, Seizure. When the prosecution has proved the involvement of the accused persons through direct evidence, based upon the sole testimony of the PW.1 itself the accused can be fastened with guilt. Further, the same was corroborated by the other witnesses. Thereby, the overall evidence of PW.1 to 10 proves that the offence is true. The act of the accused persons are true. The accused persons committed robbery by putting the PW.1 into the fear of causing hurt and attempt to commit hurt by showing knife by grabbing Rs.1500/- from the pocket of PW.1 and robbed 1/4 sovereign of jewel from the pant pocket of PW.1 Therefore, in any view, the eye witness corroborated the victims statement. Further, the recovery of the weapon on the stolen property was properly proved by the prosecution. Hence, prosecution proved the guilt of the accused persons beyond reasonable doubts that the accused persons robber and used in a deadly weapon for attempt to cause grievous hurt.

60. Merely, the P.W.3 stated that the police took the accused persons in her evidence doesn't itself make the case of prosecution to thrown away regarding the arrest. Sine she is cited as eye witnesses, the police came thereafter. But itself, it will not give raise to any other theory. Merely the P.W.3 stated likes that it will not discard the entire evidence of prosecution.

61. There are no material discrepancies or contradictions in the testimony of a witness, his evidence can not be disbelieved merely on the basis of some normal, natural or minor contradictions, inconsistencies, exaggerations, embellishments etc. The distinction between material

discrepancies and normal discrepancies are that minor discrepancies do not corrode the credibility of a prosecution case. The same was held in **Mustak Vs. State of Gujarat, (2020) 7 SCC 237**.

62. Because, Minor contradictions in the testimonies of the Prosecution Witness are bound to be there and in fact they go to support the truthfulness of the witnesses. If the witnesses are examined after lapse of time, it is bound to occur. All the accused persons were identified by the prosecution witness. Victim and eyewitnesses. Since the offence is of the year.

63. The A.1 had did some overt act such as brandishing the weapon against another person in order to overawe him or displaying the deadly weapon to frighten his victim. Which in turn attracts the provisions of Section 397 of the Penal Code.

64. Therefore, the intention to cause and attempt to cause grievous injury so as to commit robbery has been proved according to Law. Therefore, the accused persons used deadly weapon knife and identified by the PW.1 seized from the accused corroborated by the PW.7 VAO. Further, there is no explanation for the presence of the money and jewel from the accused persons. Furthermore, they have not also taken any stand that it was belonged to them.

65. The Accused No.1 was therefore carrying a deadly weapon open to the view of the victims sufficient to frighten or terrorize the P.W.1. In the instant case admittedly no injury has been inflicted. The use of weapon by offender for creating terror in mind of victim is sufficient. It need not be further shown to have been actually used for cutting, stabbing or shooting, as the case may be. The same was held in **Ashfaq v. State (Govt. Of NCT Of**

Delhi) [(2004) 3 SCC 116. It is expected of the prosecution to collect all evidence in accordance with law to ensure that the prosecution is able to establish the charge with which the accused are charged, beyond reasonable doubt.

66. So, in these circumstances, the prosecution has proved the offence under sections 392 r/w 397 of Indian Penal Code against the accused persons.

67. Coming to the aspect of 294(b) of Indian Penal Code except PW.1 none of the witness uttering of word by the A-1 in the public. Further, for the alleged act of abusing words, there is no proof has been submitted that due to the alleged uttering of obscene words, except the PW1 no other person deposed that the words uttered were obscene and the utterance caused annoyance to the public. Moreover, as to the test of obscenity applied to the case in hand, "the test of obscenity is this, Whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences". By applying the same, there is no evidence that put forth to corroborate the same. Hence, the charge u/s 294 (b) of Indian Penal Code not proved.

68. Therefore, the charge under section 294(b) of Indian Penal Code is not made out against A-1. However, the prosecution has proved the offence under sections 392 r/w 397 of Indian Penal Code against the accused persons.

69. **Findings :-**

70. In the long run, the A-1 is found not guilty under section 294(b) of Indian Penal Code and acquitted from the charge under section

294(b) of Indian Penal Code.

71. The accused A-1 found guilty under sections 392 r/w 397 of Indian Penal Code r/w 75 of Indian Penal Code. The accused A-3 & A-4 found guilty under sections 392 r/w 397 of Indian Penal Code.

72. Hence, the accused are questioned about their sentence going to be imposed upon them.

73. A1 stated that குறைவான தண்டனை வழங்க வேண்டும்.

74. A3 stated that எனக்கும் வழக்கிற்கும் சம்மந்தமில்லை.

75. A4 stated that எனக்கும் வழக்கிற்கும் சம்மந்தமில்லை.

76. The accused No.3 & 4 are found guilty of the offence under Sections 392 r/w 397 of Indian Penal Code. Considering the nature and gravity of the offences and the social status of the accused persons it will not possible to impose lesser punishment regarding to the nature of the offences being the organized crime. Therefore, it will apt to imposed enhanced punishment to the A-1 and the minimum punishment provided under section 392 r/w 397 of Indian Penal Code.

77. In this case, since the offences against the A1 has been proved under section 392 r/w 397 of Indian Penal Code, he was already previously convicted. Hence, the charge under 75 of Indian Penal Code has been framed against him for enhanced punishment under section 75 of Indian Penal Code. The same has been proved through the Ex.P15. Copy of Judgment in CC 325/2022 of Judicial Magistrate No.1 Attur. He has convicted to undergo R.I. for 3 years. Hence, the prosecution has proved the charge u/s 75 of Indian Penal code against the accused No.1 For which he pleaded for

lesser punishment. Therefore, this Court finds that the A-1 is liable to be punished under Section 75 of Indian Penal Code for enhanced punishment.

78. *In the result, the accused A-1 found guilty and convicted U/s 235 (2) of the Cr.P.C. and punished under sections 392 r/w 397 of Indian Penal Code r/w 75 of Indian Penal Code and sentenced to undergo Rigorous Imprisonment of 10 years and a fine of Rs.2,000/- in default of payment of fine, the accused shall undergo Rigorous Imprisonment for two months. A1 is found not guilty for the offence u/s.294(b) of IPC and acquitted u/s 235(i) of Cr.P.C.*

79. *The accused A-3 & A-4 found guilty and convicted U/s 235 (2) of the Cr.P.C. and punished under sections 392 r/w 397 of Indian Penal Code and they are each sentenced to undergo Rigorous Imprisonment of 7 years and a fine of Rs.2,000/- each in default of payment of fine, the accused persons shall undergo Rigorous Imprisonment for two months A-1 fine Rs.2,000/-, A-2 and A-4 fine of Rs.4,000/-(each Rs.2,000/-). Hence, total fine is Rs.6,000-.*

80. *The conviction and sentence run concurrently. The period of incarceration/detention with this case already undergone by the accused persons shall be set off against the term of imprisonment imposed upon them under Section 428 of Cr.P.C.*

81. *The 2nd accused Ramachandramoorthy son of Appukutti, (A2) passed away during pendency of trial. Therefore, the charge against the 2nd accused is abated.*

82. *Property order*

83. *The material objects in C.P.No.09/2025, M.O.1 - 1/4*

sovereign Ear Stud and M.O.2 Rs.500/-money are handed over to defacto Complainant Thiru.Manikandan son of Arul by the Judicial magistrate No.1 Court in Crl.M.P.No.904/2023 dated 09.03.2023. M.O.3 knife and M.O.4 glass pieces of soda bottle are ordered to be destroyed after the appeal time or after disposal of appeal. The M.O.5 ash and black colour pulsar bike bearing Registration TN86-D 3315 (Accused Marimuthu @ Soriyan Vehicle) and handed over to police custody by the Judicial Magistrate No.1, Attur. The M.O.5 is ordered to be seized to the Government after Appeal period.

84. Hence, the properties M.O.1 to be retained by the P.W.1. and the bail bond executed by him is stand cancelled after the appeal time or after disposal of appeal.

Dictated to the Steno-typist, transcribed and computerized by her, corrected by me in my Laptop, and pronounced by me in the open Court on the 10th day of November 2025.

**Assistant Sessions Judge,
Attur**

A – Prosecution witnesses :-

P.W.1: Thiru.Manikandan

P.W.2: Thiru.Venkatachalam

P.W.3: Tmt.Uma

P.W.4: Thiru.Dhanabal

P.W.5: Thiru.Kumaresan

PW.6 : Thiru.Thangadurai

P.W.7: Thiru.Muniappan

P.W.8: Thiru.Nithyanantham, S.I.of Police

P.W.9: Thiru.Arulkumar, S.I.of Police

PW.10:Thiru.Rajinikanth, Inspector of Police.

B. Prosecution documents :-

Ex.P1	10.02.2023	Complaint
Ex.P2	10.02.2023	Signature of PW5 in the observation Mahazar
Ex.P3	10.02.2023	Signature of PW5 in the Seizure Mahaza
Ex.P4	10.02.2023	Signature of PW6 in the observation Mahazar
Ex.P5	10.02.2023	Signature of PW6 in the Seizure Mahazar
Ex.P6	11.02.2023	Signature of PW 7 in the confession statement
Ex.P7	11.02.2023	Signature of PW 7 in the Seizure Mahazar
Ex.P8	10.02.2023	First Information Report
Ex.P9	10.02.2023	Rough Sketch
Ex.P10	10.02.2023	Observation Mahazar
Ex.P11	10.02.2023	Seizure Mahazar
Ex.P12	11.02.2023	Admitted portion of Confession statement of Accused Marimuthu.
Ex.P13	11.02.2023	Form 95
Ex.P14	10.02.2023	Form 95
Ex.P15	28.04.2023	Copy of Judgment in CC 325/2022 of Judicial Magistrate No.1 Attur
Ex.P16	26.05.2023	Alteration Report

C. PROSECUTION MATERIAL OBJECTS MARKED:-

PMO.1 - Photo relating to ¼ sovereign Ear Stud

PMO.2 - Photo relating to amount of Rs.500/-.

- PMO.3 - Knife.
- PMO4: - Soda bottle glass pieces -3.
- PMO5: - Photo regarding Two wheeler vehicle.

WITNESSES AND EXHIBITS ON THE SIDE OF THE DEFENCE:-

M.O on the side of Accused: NIL

**Assistant Sessions Judge,
Attur.**

1. None of the witnesses were held thrice during trial.
2. During the trail, the Accused 1 And A 4 are in custody, A3 is on bail.
3. Accused 1 to 3 did not pay any fine.

JUDGMENT
S.C. No.400/2023
A.S.J.Court, Attur
Dated. 10.11.2025