

**IN THE COURT OF JUDICIAL MAGISTRATE, GUDIYATTAM,
VELLORE DISTRICT**

Present: R.Saranya, B.A.,LLB., (Hons), LLM

Judicial Magistrate, Gudiyattam.

On Monday, this 25th day of May, 2026

Calendar Case (C.C) No. 128/2023

in

Crime No. 294 of 2022

<i>Statement as per Rule 106 of the Criminal Rules of Practice, 2019</i>		
1	Serial Number	CC No. 128 of 2023
2	Name of the Police Station and Crime Number of the Offence	State Represented by Pernambut Police Station, Cr.No. 294/2022, U/s.294(b), 323, 325, 506(2) IPC. Complainant
3	Name	A1- Kathiravan, age-26, S/o. Rajini. A2- Arunachelam, age-29, S/o. Rajini. <u>A1, A2 Residing address:-</u> Kottacheri Colony, Pernambut. A3- Kumar, age-40, S/o. Penni. A4- Vasanth, age-26, S/o. Mannan. <u>A3, A4 Residing address:-</u> Erikuthi, Pernambut, Accused A1 to A4
4	Father's Name	
5	Occupation	
6	Residence	
7	Age	

8.	Occurrence	05.07.2022
9	Date of Final Report And Date of Filing of Final Report	17.08.2022
10	Date of Apprehension or appearance	---
11	Release on bail	A1 to A4 – 27.07.2022
12	commitment	Not applicable
13	Details of Criminal Miscellaneous Petitions(CMP's)	--
14	Date of Chief examination of witnesses	Cross examination
	PW1	18.05.2026
	PW2	18.05.2026
	PW3	19.05.2026
15	Commencement of Trial	18.05.2026
16	Closure of Trial	19.05.2026
17	Sentence or order	The accused A1 to A4 are not found guilty and acquitted of the offence u/s 294(b), 323, 325, 506(2) IPC as per section 248 (1) of the CRPC.
18	Service of copy of Judgement or Finding on Accused	No, copy of judgment uploaded in CIS Portal.

19	Explanation of delay	Due to non-appearance of accused and Prosecution side failed to produce witness promptly.
20	Property Order	The Case Property No.128/2022 "உடைந்த செங்கல் துண்டு ஒன்று மற்றும் சுமார் மூன்று அடி நீளம் உள்ள கொம்பு ஒன்று" is ordered to be destroyed after the lapse of appeal period.
<i>Paragraphs in the judgment assigned continuous paragraph numbers in due obedience of the direction of the Hon'ble Supreme Court of India in BS Hari Commandant vs Union of India and Other (2023 LiveLaw SC 303)</i>		

This case came up for final hearing before me on 25.05.2026 in the presence of Mr.M.Ravi..BA.,BL., Advocate, Learned Counsel for the accused and the learned Assistant Public Prosecutor Grade II for the State. Having heard both sides. Perused the records and having stood over for consideration till this date, this court delivers the following:

JUDGMENT

I. CASE OF THE PROSECUTION:

1) The case of the prosecution is that on 05.11.2022 at about 4.20pm before the house of elumalai at kottai colony marriyamman temple, when Ranil was dancing before the temple the accused A1 abused him in filthy words. When LW1

siva questioned A1, the accused assaulted him with brick stone and in continuation of the said act the accused A2 assaulted LW1 with wooden log. The accused A3 and A4 assaulted LW1 with their hands and all A1 to A4 threatened LW1 with dire consequences. Thus, the prosecution filed charge sheet under section 294(b), 323, 325, 506(2) IPC. Thus, the case of the prosecution.

II. THE ACCUSATION AND PLEA OF ACCUSED

2) Upon service of the summons under section 204 of the code of criminal procedure and appearance of the accused copies of the final report and documents were given to the accused in compliance with section 207 of the code. After providing him with sufficient opportunity and reviewing the material records, this court prima facie found an offence triable by this court. Consequently, charges framed against the accused A1 to A4 offence u/s 294(b), 323, 325, 506(2) IPC and questioned, accused pleaded not guilty and claimed to be tried. The plea of the accused was recorded and case was posted for trial.

III EVIDENCE ADDUCED BY THE PROSECUTION

3) In order to prove the accusation against the accused, the prosecution examined witnesses, PW1 to PW3. Exhibits P1 to P8 were marked on behalf of the prosecution. M.O1 Marked. No witnesses were examined and no documents were marked on behalf of the defence. PW 1 is the first informant in the case. PW 2 is the eye-witness to the case. PW3 is the Investigation officer in the case.

IV QUESTIONING UNDER SECTION 313 (1) (b) OF Cr.P.C., 1973

4) The circumstances appearing in the evidence against the accused were put to him and his answer was elicited. The accused A1 to A4 replied that the case

against him is false. The accused A1 to A4 further stated that there are no defence witnesses and evidence.

V POINT FOR DETERMINATION

5) Whether the prosecution has proved beyond all reasonable doubts that the accused A1 to A4 have committed the offences charged against him?

VI APPRECIATION OF FACTS AND EVIDENCE

6) PW 1, Siva, the de facto complainant in this case, stated that he knew the accused persons and deposed that he doesn't know anything about the case. PW1 further stated that the complaint statement does not contain his signature and deposed that the police didn't enquire him and turned hostile. He further stated that he compromised the case between himself and the accused person.

7) PW2, Bavani, the eye witness to the incident deposed that he do not know anything about the case and turned hostile.

8) When the complainant of the case and other key witness of the case itself turned hostile, the prosecution requested to dispense the other witnesses listed in the final report. The same is allowed and other witnesses are dispensed with from examination.

9) Further prosecution filed a petition under section 311 CRPC and prayed to examine Sub-Inspector Raju as an additional witness instead of investigation officer, Sub-Inspector Singaram and since he was transferred. PW3, Sub-Inspector Raju submitted his evidence based on the documents.

VII ANALYSIS

10) On analysis of evidence of PW1 and PW2, both stated that they didn't know anything about the case and turned hostile. Hence, their evidence will not be helpful in incriminating the accused. It is pertinent to note that before the commencement of trial, the accused and the defacto complainant jointly filed petition under section 320(2) CRPC to compound the offence and the same was numbered by this court and dismissed.

11) PW3, Sub-Inspector Raju as additional witness and submitted his evidence only based on the documents available in this case. When all the key witnesses of a case turned hostile, except the testimony of PW3, Sub-Inspector Raju is there on record to prove the offence alleged against him. Yet when PW1, the complainant itself, doesn't uphold the case of the prosecution, a conviction based on sole testimony of PW3 whose evidence is completely based on documents is not lawful. Therefore, from an overall analysis, the prosecution failed to prove the overall charges alleged against the accused beyond reasonable doubt.

VIII. DECISION:

12) The accused A1 to A4 are not found guilty and acquitted of the offence u/s 294(b), 323, 325, 506(2) IPC as per section 248 (1) of the CRPC. Bonds stand cancelled after the expiry of the appeal period. The Case Property No.128/2022 "உடைந்த செங்கல் துண்டு ஒன்று மற்றும் சுமார் மூன்று அடி நீளம் உள்ள கொம்பு ஒன்று" is ordered to be destroyed after the lapse of appeal period.

This order is dictated by me to the Steno typist, corrected and pronounced by me in open court on this the 25th day of May 2026.

Sd/-R.Saranya,
Judicial Magistrate,
Gudiyatham.

Appendix:

1. List of Prosecution side Witnesses:-

PW-1 Siva.
PW-2 Bavani.
PW-3 Raju.

2. List of Prosecution side documents:-

Ex.P1 Complaint
Ex.P2 First Information Report.
Ex.P3 Observation Mahazar.
Ex.P4 Rough Sketch.
Ex.P5 Seizure Mahazer.
Ex.P6 Form-91.
Ex.P7 Accident Register.
Ex.P8 Wound Certificate.

3. Prosecution side of Material Object: The Case Property No.128/2022
"உடைந்த செங்கல் துண்டு ஒன்று மற்றும் சுமார் மூன்று அடி நீளம் உள்ள கொம்பு ஒன்று"

4. List of Accused side Documents and witnesses : NIL

5. List of Material Objects: NIL

//True Copy//

Judicial Magistrate,
Gudiyatham.