

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

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

Judicial Magistrate, Gudiyattam.

On Monday, this 6th day of July, 2026

Calendar Case (C.C) No. 01/2023

in

Crime No. 154 of 2021

<i>Statement as per Rule 106 of the Criminal Rules of Practice, 2019</i>		
1	Serial Number	CC No. 01 of 2023
2	Name of the Police Station and Crime Number of the Offence	State Represented by Melpatti Police Station, Cr.No. 154/2021, U/S- 294 (b), 323, 324, 506 (ii) IPC. Complainant
3	Name	A1-Kuppusamy (50 Yrs), S/o Markan, Lakshiammalpuram, Melpatti post, Pernambut. A2-Praburaj (22 Yrs), S/o Kuppusamy, Lakshmiammalpuram, Melpatti post, Pernambut. Accused A1 to A2
4	Father's Name	
5	Occupation	
6	Residence	
7	Age	
8.	Occurence	19-09-2021

9	Date of Final Report And Date of Filing of Final Report	01-10-2021
10	Date of Apprehension or appearance	20-09-2021
11	Release on bail	A1- 21/09/2021 A2- 27/09/2021
12	commitment	Not applicable
13	Details of Criminal Miscellaneous Petitions(CMP's)	--
14	Date of Chief examination of witnesses	Cross examination
	PW1	04-07-2026
	PW2	04-07-2026
	PW3	04-07-2026
15	Commencement of Trial	04-07-2026
16	Closure of Trial	04-07-2026
17	Sentence or order	The accused A1 and A2 are not found guilty and acquitted of the charges under section 294 (b), 323, 324, 506 (II) IPC. This acquittal is

		recorded under section 248 (1) 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 in CP No.139/2022 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 06.07.2026 in the presence of Mr.T.Namachivayam., 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 19-09-2021 at about 4.00PM when the de facto complainant was standing before the house of Sekar, the accused A1-Kuppusamy abused him in filthy words and assaulted him using hands. In continuation of the same act, the accused A2 assaulted LW1 using iron rod and both threatened him with dire consequences. Thus, the prosecution filed charge sheet under section 294 (b), 323, 506 (I) 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 A1 and A2 copies of the final report and documents were given to the accused in compliance with section 207 of the code. After providing them 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 and A2 offence u/s 294 (b), 323, 324, 506 (II) 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 P9 were marked on behalf of the prosecution. M.O.1 marked. No witnesses were examined and no documents were marked on behalf of the defence.

PW 1 and PW2are the eye-witnesses to the incident. PW3 is the Investigation officer in the case.

IV QUESTIONING UNDER SECTION 351 BNSS., 2023

4) The circumstances appearing in the evidence against the accused were put to him and his answer was elicited. The accused replied that the case against him is false. The accused 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 and A2 has committed the offences charged against them?

VI APPRECIATION OF FACTS AND EVIDENCE

6) On analysis of evidence of PW1 Janakiraman, defacto complainant in this case deposed that he knew the accused persons and stated that he compromised the case between himself and the accused. PW1 further deposed that he does not know anything about the case and turned hostile.

7) PW2 Baskar, eye-witness to the incident deposed that he don't 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 Special Sub-Inspector Shankar as an additional witness instead of investigation officer, SI Aarumugam since he was transferred. PW 3, Special Sub-Inspector Shankar submitted his evidence based on the documents.

VII ANALYSIS

10) On analysis of evidence of PW1 and PW2, both uniformly stated that they didn't know anything about the case and turned hostile. Hence, their evidence will not be helpful in incriminating the accused.

11) PW 3, SSI Shankar deposed 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 PW 3 SSI Shankar 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 and A2 are found not guilty and acquitted of the offences under section 294 (b), 323, 324, 506 (II) Indian Penal Code, 1860 as per section 248 (1) of the Code of Criminal Procedure, 1973. Bonds stand cancelled after the expiry of the appeal period. The case property in CP No.139/2022 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 06th day of July 2026.

S/d-R.Saranya.,

Judicial Magistrate,
Gudiyatham.

Appendix:

1. List of Prosecution side Witnesses:-

PW-1 Janakiraman.

PW-2 Baskar.

PW-3 Sankar.

2. List of Prosecution side documents:-

Ex.P1 PW1 Signature in the Complaint.

Ex.P2 Complaint.

Ex.P3 First Information Report.

Ex.P4 Observation Mahazar.

Ex.P5 Rough Sketch.

Ex.P6 Seizure Mahazar.

Ex.P7 Form 91.

Ex.P8 PW1 Accident Register.

Ex.P9 PW1 Wound Certificate.

3. Prosecution side of Material Object: C.P. No.139/2022, சுமார் 2 அடி நீளமுள்ள இரும்பு கம்பி ஒன்று-1,

4. List of Accused side Documents and witnesses : NIL

5. List of Material Objects: NIL

//True Copy//

Judicial Magistrate,
Gudiyatham.

