

In the Court of Judicial Magistrate No:III, Thoothukudi

Present: V.Cheraladhan,

Judicial Magistrate No:III, Thoothukudi,

Tuesday the 17th day of October 2023

Calendar Case No. 600 of 2023

CNR.No.TNTT02-014083-19

S.No.	Statement of Particulars as per Criminal Rules of Practice, 2019- Rule 106	
1.	Name of the Police Station and Crime Number	Pudukottai Police Station, Thoothukudi Cr.No.119/2019 U/s.341, 294(b), 387 and 506 para 2 of the Indian Penal Code.
	Description of the accused	1.Karuppasamy, S/o.Rajasekar, 9/300. North Street, Thirumalaiyapuram, Kootampuli, Thoothukudi
3.	Date and time of occurrence	30.04.2019 at 12.00 Hrs.
2.	Date of Complaint	30.04.2019
3.	Date of arrest	30.04.2019
4.	Date of release on bail and period of remand	15.05.2019, 16 days.
5.	Date of commencement of trial	04.10.2023
6.	Charge questioning u/s.240 of Crpc.	06.10.2023, u/s.341, 294(b), 387 and 506 para 2 of IPC.
7.	Date of Examination of witness	PW1-09.10.2023 PW2-10.10.2023
8.	Date of questioning the accused u/s.313(1) Crpc	10.10.2023
9.	Date of closure of trial	10.10.2023
10.	Period of abscondence of the accused.	Nil
11.	Miscellaneous petitions	Nil
12.	Details of stay by Superior Court	Nil
13.	Date of Judgment and particulars	17.10.2023 The accused is found not guilty and is acquitted
14.	Reason for delay	Not applicable

This case came up before this court for final hearing on 17.10.2023. Upon perusal of the documents, after hearing both the parties and this case having stood over for consideration till this date, this Court delivers the following,

JUDGMENT

The State has filed a final report against the accused u/s 341,387, 294(b) and 506 para 2 of the Indian Penal Code (herein after the “IPC”)

Brief averments in the Complaint:

1. On 30.04.2019 around 12.00 AM the de-facto complainant Mr. Narayanan (herein after the “COMPLAINANT”) was traveling in his bike along the Kootampuli - Pudukottai road. When the complainant was nearing Sirupadu junction, the accused has approached the Complainant and has wrongfully restrained him. Subsequently, the accused has demanded money from the complainant for his personal needs. As the Complainant declined the demand, the accused has used filthy languages against the Complainant and made life threat to the complainant by using a Aruval. Further, the accused have made attempts to extort money from the complainant. Thus, the prosecution has come up with this case against the accused.

2. Points for determination:

- a) Whether the accused wrongfully restrained the complainant and has used filthy languages against the complainant?
- b) whether the accused attempted to extort money from the Complainant?
- c) Whether the accused made life threat to the Complainant?
- d) Whether the accused is to be punished for the alleged offenses. If so, what is the quantum of punishment?

Appreciation of evidence on record:

3. The prosecution in order to prove their case had examined the Complainant/Mr.Narayanan as PW1. PW1 in the course of his deposition has stated that

".....இந்த வழக்கின் எதிரியை எனக்கு யார் என்று தெரியாது. வழக்கு தொடர்பாக எனக்கு வேறு எதுவும் தெரியாது. சுமார் 4 வருடங்களுக்கு முன்னர் காவல்துறையினர் கேட்டுக்கொண்டதற்கிணங்க ஒரு வெள்ளை

தாளில் கையெழுத்து போட்டுக்கொடுத்தேன்.." From the above this court finds that the complainant is not acquainted with the accused. Further it is also found that PW1 is unaware on the facts of this case and has denied preferring a petition before the jurisdictional police. Thus, from the above it is evident that P.W 1 has deposed against the case of the prosecution, there by creating a doubt over the story of the prosecution's case.

4. Hence to clear the doubt, this court examines the testimony of P.W1 made during his further examination by the prosecution, where in it has been deposed as " கடந்த 30.04.2019 அன்று பகல் 12.00 மணிக்கு நான் தூத்துக்குடி கூட்டாம்புளி சிறுபாடு சாலை அருகே நடந்து சென்றுகொண்டிருந்தபோது அங்கு வந்த ஆஜர் எதிரி என்னை வழிமறித்து என்னிடம் செலவுக்கு பணம் கேட்டாரா என்றால் இல்லை. நான் பணம்தரமறுத்தவுடன் ஆஜர் எதிரி கையில் வைத்திருந்த கத்தியை வைத்து என்னை கொலை செய்துவிடுவேன் என்று மிரட்டினாரா? என்றால் இல்லை.." From the above, it is evident that P.W 1 has entirely denied the story of the prosecution and has also denied reporting of the alleged occurrence to the Police Station. Further it is evident that the accused did not restrain the complainant and have not made any attempts to extort money from the complainant. As P.W 1 in his testimony before this court has deposed against the case of the prosecution in entirety, a doubt has been created in the mind of this court and hence this court is forced to test the veracity of the prosecution's story.

5. To clear the ambiguity, this court scrutinized the deposition of Sub Inspector of Police/ PW2 Mr.Ramachandran and found that he has deposed on the facts, such as to receipt of statement/ **Ex. P2** from the Complainant and filing of the FIR/ **Ex. P3** in crime number 119/2019. P.W 2 has further deposed on the investigation carried out by the investigation officer, wherein the investigation officer has visited the scene of occurrence and had prepared observation mahazar / **Ex. P4**, rough sketch/ **Ex. P5** and has recorded the statements of witnesses. Further it was found that the investigation

officer on the same day has arrested the accused in relation to the Ex. P3.

6. Now the question before this court is that, whether the deposition of P.W 2 on the investigation carried out by the investigation officer and the subsequent arrest of the accused is sufficient to find the accused guilty of the charges leveled against him. In order to ascertain it, this court scrutinizes the deposition of P.W2, from which it is found that the investigating officer had made an investigation based on the Ex. P2 and has found the occurrence to be true. However, as the complainant has denied the contents of the Ex. P2 and has denied preferring a statement to the Police, this court has a doubt on the alleged occurrence, as well as the Ex. P2. As the genuineness of Ex. P2 is under question, the filing of Ex. P3 and the subsequent investigation thereof based on the Ex.P2 does not give any belief to this court on the alleged occurrence.

7. Thus, on the whole this court views that the deposition of P.W2 in spite of it favoring the case of the prosecution, cannot be a reliable piece of evidence to find the accused guilty of the alleged offenses. Further, this court is of the view that the deposition of P.W2 who has deposed in his official capacity can be relied as a supportive piece to the case of the prosecution, if the other witnesses has deposed in favor of the prosecution. As the other witness/complainant has not supported the case of the prosecution, this court observes that it would be unfair to solely rely on the deposition of P.W2, to find the accused guilty of the offenses charged against him, as it would nullify the right of fair trial to the accused.

8. Thus, from the above discussion this court views that the prosecution has miserably failed to prove its case beyond doubt and hence answers in negative to the points (a) ,(b) and (c). In result, this court taking in to consideration the ambiguities over the case of the prosecution, opines that the Prosecution has miserably failed to establish their case beyond doubt and hence this court acquits the accused from the charges under section 341, 294(b), 387 and 506 para 2 of IPC.

9. Thus for the aforementioned reasons the accused is acquitted under Sec.248(1) of Cr.P.C from the charges under section 341, 294(b), 387 and 506 para 2 of IPC leveled against him. The bond, if any, executed by the accused shall stand canceled. As, it is

found that the complainant has not been victimized due to the alleged occurrence, this court is of the view that there is no need to award compensation to the Complainant. The property in P.R.No.117/2019 is to be destroyed after the appeal time.

This Judgment is dictated by me to the Steno-Typist, typed by her, corrected and pronounced by me in the open court on this the 17th day of October 2023.

Judicial Magistrate No. III,
Thoothukudi

Prosecution Witnesses:

PW1 - Mr.Narayanan

PW2 - Mr.Ramachandran

Complainant side Exhibits:

Ex. P1:	30.04.2019	Sign of PW1 in Complaint.	PW2
Ex. P2:	30.04.2019	Complaint	PW2
Ex. P3:	30.04.2019	FIR	PW2
Ex. P4:	30.04.2019	Observation Mahazar	PW2
Ex.P5	30.04.2019	Rough Sketch	PW2

Accused Side witness and Exhibit: -Nil

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