

**IN THE COURT OF THE JUDICIAL MAGISTRA/TE - VII AT
PUDUCHERRY**

**PRESENT : THIRU. A. VINOTH., B.A., L.L.B.,
JUDICIAL MAGISTRATE - VII,
PUDUCHERRY.**

Saturday, the 01st day of August, 2026

CALENDAR CASE NO. 1516/2016

(C.N.R.No.PYPY03-003715-2016)

Serial Number	:	Calendar Case (C.C.) No. 1516/2016
Name of the Police Station and Crime Number	:	Union Territory of Puducherry, rep. By The Station House Officer, Kirumampakkam Police Station,Puducherry. (Crime.No.74/2016)
Accused persons	:	1. Sankar @ Sivasankar (34/2016), S/o. Mani @ Security mani, No. 56, Mariammankoil Street, Pilliyarkuppam, Puducherry. 2. Jayakumar (35/2016), S/o. Pandian, No. 12, Mariammankoil Street, Pilliyarkuppam, Puducherry. 3. Karthick @ Sakthivel (20 /2016), S/o. Sakthivel, No. 14, Nadar Street, Pilliyarkuppam, Puducherry. 4. Balaji (22/2016), S/o. Mariappan, No. 36, Paper mill road,

		Pilliyarkuppam, Puducherry.	
Date of Occurrence	:	29.05.2016	
Date of Report of Information	:	29.05.2016	
Date of Final Report & Date of Filing of Final Report	:	17.08.2016 & 20.09.2016	
Date of Cognizance	:	20.09.2016	
Date of Apprehension	:	A1, A3, A4 are not arrested. A2- arrested on 30.05.2016	
Date of Release on Bail	:	Accused A2 is released on bail by the Hon'ble Judicial Magistrate – IV court, Puducherry on 03.06.2016	
Commencement of Trial Date of furnishing documents u/s. 230 of B.N.S.S.	:	15.04.2026	
Date of charges framed and it's explanation to the accused u/s. 263 B.N.S.S.	:	16.04.2026	
Charges Framed	:	Charges u/s.448, 294(b)(2 counts), 427, 506(ii) IPC r/w 34 IPC & 3 (a) of PDPP Act 1984	
Plea of the Accused	:	Not Guilty	
Date of Examination in chief and Cross examination of the witnesses	:	Chief Examination	Cross Examination
		PW1 16.06.2026	By prosecution on 16.06.2026
		PW2 16.06.2026	By prosecution on 16.06.2026
		PW3 19.06.2026	By prosecution on 19.06.2026

		PW4 23.06.2026	By prosecution on 23.06.2026
		PW5 11.07.2026	11.07.2026
Date of Examination of accused u/s.351(1)(b) of B.N.S.S.	:	01.08.2026	
Closure of Trial (Date of Order of Acquittal)	:	01.08.2026	
Finding of the Judge	:	Not Guilty	
Sentence or Order	:	In the result, the accused A1 to A4 are found not guilty of the offense punishable u/s. 448, 294(b)(2 counts), 427, 506(ii) IPC r/w 34 IPC & 3 (a) of PDPP Act 1984 and the accused A1 to A4 are acquitted from the said charges u/s. 271(1) of B.N.S.S.	
Property Order u/s. 498 of B.N.S.S	:	No property has been handed over to the custody of this court. Hence, there is a need to pass an order u/s. 498 of the B.N.S.S. does not arise.	
Service of copy of judgment or findings on accused.	:	No. Copy of the Judgment was uploaded on CIS and made available on E-Courts Portal.	
Explanation of Delay	:	The delay was occasioned due to delay in service of summons to the accused by police.	

This case come up on 01.08.2026 for final hearing before me in the presence of learned Assistant Public Prosecutor Mr.V. Devendiran.,B.A.LL.B., for the Union Territory of Puducherry and learned counsel for the accused Mr.S.Sundararajan., B.A.LL.B., and S.Manikandeshwaran., B.A.LL.B., On hearing both sides, upon perusing the records having stood over for consideration till this day, this court delivered the following:

JUDGMENT

I. CASE OF THE PROSECUTION:

1. The Sub Inspector of Police, Kirumampakkam Police Station, Puducherry has laid a final report against the accused persons alleging that on 29.05.2016 at about 20.30 hrs, at Mariammankoil Street, Pilliyarkuppam, Kirumampakkam PSL, Puducherry, the accused person joined to gather infurtherance of common intention, criminally trespassed into the complainant's house and abused the complainant and his wife with filthy words and damaged the house hold articles. TVS XL Super motor cycle bearing Reg. No.PY 01 AE 9311 and one Tourist van Reg. No. TN 31 AY 9435 and damaged one Alagentiran's Maligai Shop and street tube light fittings belongs to Electricity Dept. Govt. of Puducherry all damaged worth about Rs. 50,000/- they also threatened the complainant and others with dire consequences of life. Therefore the police filed a charge sheet against the accused person for an offence punishable U/s 448, 294(b), 427, 506(ii) r/w 34 IPC & 3 (a) of PDPP Act 1984.

2. Final report was filed on 20.09.2016. Cognizance was taken on 20.09.2016. Charges were framed on 16.04.2026. Prosecution evidence was closed on 11.07.2026. The accused persons were questioned u/s. 351(1)(b) of B.N.S.S. on 01.08.2026. Accused side evidence was closed on 01.08.2026.

3. Upon service of summons, the accused persons appear before this court, copies of the documents, which were relied by the prosecution were furnished to them u/s.230 B.N.S.S., free of cost and the charges were framed against the accused persons u/s. 448, 294(b)(2 counts), 427, 506(ii) IPC r/w 34 IPC & 3 (a) of PDPP Act 1984 . The charges were read over and explained to the accused persons in Tamil. The accused persons pleaded not guilty of the offences charged. The plea of the accused persons were recorded and case was posted for trial.

II. EVIDENCE ADDUCED BY THE PROSECUTION:

4. On the side of the prosecution 4 witnesses were examined as PW1 to PW5 and Ex. P1 to Ex. P5 were marked in support of its case.

5. PW1 being the first informant – cum - Victim, PW2 being the victim and PW4 being the ocular witnesses, PW3 being the ocular witness and attesting witness to the crime detail form were turned hostile did not support the prosecution case.

6. PW5 who is currently working as a SGASI of police in Kirumampakkam Police Station, deposed about the investigation from the documents. Further, Ex.P3-

Written first information lodged by the first informant, Ex-P4- First Information Report, Ex. P5- Crime detail form, were marked through him.

III. QUESTIONING u/s. 351(1)(b) of B.N.S.S., 2023:

7. The incriminating circumstances against the accused persons in the evidence of prosecution witnesses were put to the accused persons as per Sec. 351(1)(b) of B.N.S.S. The accused persons replied that the evidence against them is false and stated that they had no defence witnesses. Hence, the defence side evidence was also closed.

IV. ARGUMENTS:

8. The learned A.P.P. appearing on the side of the prosecution argued before the court that based on the oral and documentary evidences, the prosecution has proved its case beyond reasonable doubts. On the other hand, the learned counsel for the accused persons argued before this court that the prosecution witnesses have not supported their case, PW1 being the first informant – cum - Victim, PW2 being the victim and PW4 being the ocular witnesses, PW3 being the ocular witness and attesting witness to the crime detail form were turned hostile did not support the prosecution case

V. POINT FOR CONSIDERATION:

9. Whether prosecution has proved its case against the accused persons beyond all reasonable doubts?

VI. ON THE POINT:

10. Heard both side and perused the case records. The case of the prosecution is that the accused persons alleging that on 29.05.2016 at about 20.30 hrs, at Mariammankoil Street, Pilliyarkuppam, Kirumampakkam PSL, Puducherry, the accused person joined to gather infurtherance of common intention, criminally trespassed into the complainant's house and abused the complainant and his wife with filthy words and damaged the house hold articles. TVS XL Super motor cycle bearing Reg. No.PY 01 AE 9311 and one Tourist van Reg. No. TN 31 AY 9435 and damaged one Alagentiran's Maligai Shop and street tube light fittings belongs to Electricity Dept. Govt. of Puducherry all damaged worth about Rs. 50,000/- they also threatened the complainant and others with dire consequences of life. Therefore the police filed a charge sheet against the accused persons for an offence punishable U/s 448, 294(b), 427, 506(ii) r/w 34 IPC & 3 (a) of PDPP Act 1984. This court framed the charges against the accused persons for the offence U/s. 448, 294(b)(2 counts), 427, 506(ii) IPC r/w 34 IPC & 3 (a) of PDPP Act 1984.

11. In order to prove its case, the prosecution has examined the first informant – cum - Victim LW1/Patchaiappan as PW1, ocular witnesses LW2/ Chithra as PW2, LW6/ Silambarasan as PW4, ocular witness and attesting witness to the crime detail form LW3/ Alagenthiran as PW3 and Additional witness Murugan, Special Grade Assistant Sub-Inspector of police as PW5.

12. In this case, PW1 has being the first informant - cum - Victim has eventhough identified the accused persons in the dock, did not deposed anything about the involvement of the accused persons in the occurrence. PW1 turned hostile to the prosecution case. Relevant portion of the testimony of PW1 as follows:

“ நான் கொத்தனார் வேலை செய்கிறேன், ஆஜர் எதிரிகளை எனக்கு தெரியும், அவர்கள் எங்கள் ஊரைச்சேர்ந்தவர்கள். தேதி, மாதம் ஞாபகமில்லை ஒரு நாள் எனது வீட்டில் இருந்த பொருட்களையும், வாகனங்களையும் யாரோ அடித்து உடைத்துவிட்டார்கள், யார் உடைத்தார்கள் என்று எனக்கு தெரியாது, இது சம்பந்தமாக காவல் நிலையம் புகார் கொடுத்தேன், என்னிடம் காட்டப்படும் புகாரில் உள்ள கையெழுத்து என்னுடையதுதான், அதில் உள்ள விவரங்கள் எனக்கு தெரியாது. புகாரில் உள்ள கையெழுத்து மட்டும் அ.சா.ஆ.1 ஆக குறியீடு செய்யப்படுகிறது. போலீசார் என்னை விசாரிக்கவில்லை.”

13. In this case, PW2 being the victim and PW4 being the ocular witness has eventhough identified the accused persons in the dock, did not deposed anything about the involvement of the accused persons in the occurrence. PW2 and PW4 turned hostile to the prosecution case.

14. In this case, PW3 being the ocular witness and attesting witness to the crime detail form has eventhough identified the accused persons in the dock, did not deposed anything about the involvement of the accused persons in the occurrence. PW2 and PW4 turned hostile to the prosecution case.

15. PW1 being the first informant - cum - Victim, PW2 being the another victim and PW4 being the ocular witnesses, PW3 being the ocular witness and

attesting witness to the crime detail form turned hostile to the prosecution case. Also, the evidence of LW4 to LW5, LW7 to LW9 were dispensed by the prosecution.

16. PW5 who is currently working as SGASI of Police in Kirumampakkam Police Station, Puducherry has deposed about the investigation. Hence, this court is of the considered view that the accused persons cannot be held guilty based on PW5 testimony alone.

17 . There is no acceptable evidence with regard to the alleged involvement of the accused persons in the alleged occurrence. Therefore, this court comes to the conclusion that the prosecution has failed to prove the charges against the accused persons beyond all reasonable doubts. The point is answered accordingly.

18. In the result, the accused A1 to A4 found not guilty of the offense punishable u/s. 448, 294(b)(2 counts), 427, 506(ii) IPC r/w 34 IPC & 3 (a) of PDPP Act 1984 and the accused A1 to A4 are acquitted from the said charges u/s. 271(1) of B.N.S.S.

19.No property has been handed over to the custody of this court. Hence, the need to pass an order u/s. 498 of the B.N.S.S. does not arise.

20. The bond executed by the accused persons ordered to be cancelled after the expiry of appeal time or after disposal of appeal.

Dictated by me to the Stenographer, typed by her, corrected and pronounced by me in the open court on this the 01st day of August, 2026.

(A. VINOTH)
JUDICIAL MAGISTRATE-VII,
PUDUCHERRY

NOTE:

- i. The accused persons were on bail throughout the entire period of trial.*
- ii. No witness was retained more than three times.*
- iii. The outcome of the case shall be forthwith communicated to the police and learned APP.*

LIST OF EVIDENCE

BY PROSECUTION

WITNESSES:

Examined	Name of the Witness	Nature of Witness	Date of Examination	Exhibits
PW1	Patchaiappan, S/o. Veerappan	First informant - cum - Victim	16.06.2026	Ex.P1
PW2	Sumathi, W/o. Patchiappan	Victim	16.06.2026	-
PW3	Alagenthiran, S/o. Vairamuthu	Ocular witness and attesting witness to the crime detail form	19.06.2026	Ex.P2
PW4	Silambarasan, S/o. Ayyanarappan	Ocular witness	23.06.2026	-
PW5	Murugan SGASI	Additional Witness	11.07.2026	Ex.P3

	of Police,Kirumamp akkam P.S,Puducherry.			to ExP5
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EXHIBITS :

Exhibits	Marked through	Date of Document	Description
P1	PW1	29.05.2016	Signature in written first information lodged by the first informant
P2	PW3	29.05.2016	First signature of PW3 in crime detail form
P3	PW5	29.05.2016	Written first information lodged by the first informant
P4	PW5	29.05.2016	First Information Report
P5	PW5	29.05.2016	Crime details form

MATERIAL OBJECTS : NIL**BY DEFENCE****WITNESSES : NIL****EXHIBITS : NIL****MATERIAL OBJECTS : NIL**

(A. VINOTH)
JUDICIAL MAGISTRATE-VII,
PUDUCHERRY