

In the Court of Judicial Magistrate No.III, Thoothukudi.

Present: Thiru. M. VIJAYRAJKUMAR, B.A., B.L., (Hons),
Judicial Magistrate No. III,
Thoothukudi

திருவள்ளூர் ஆண்டு 2057 தமிழ் ஸ்ரீ பரபவ ஆண்டு ஆடி மாதம் 18-ஆம் நாள் திங்கட்கிழமை

Monday, the 03rd day of August 2026

CALENDAR CASE No.763/2023

(Cr. No.112/2018, Sipcot P. S.)

(CNR No:**TNTT02-014266-2022**)

State of Tamilnadu represented by

Inspector of police,
Sipcot P.S,
Thoothukudi
Crime No.112/2018

....Petitioner

//Vs//

Sanmugapandian, S/o. Murugan

.... Accused

This case was taken on file by this Court on 04.05.2023 and it is coming up for final hearing on 15.07.2026 before me in the presence of Assistant Public Prosecutor Grade-II for complainant and accused appeared and Thiru. M. Murugan B.B.A., L.L.B., the learned counsel for the accused and upon perusal of records and on hearing both the sides and having stood over till this day for consideration, this Court delivered the following:

S.No.	Statement of Particulars as per Criminal Rules of Practice,2019- Rule 106		
1.	Name of the Police Station and Crime Number of the offence	Inspector of police, Sipcot P.S, Thoothukudi Crime No.112/2018	
2.	Description of the accused	Sanmugapandian, (Age 28/2018) S/o. Murugan 102X/42, 6 th Street, Kurinji nagar, Thoothukudi	
3.	Date of occurrence	04.02.2018	
4.	Date of Complaint	28.03.2018	
5.	Date of apprehension	-	
6.	Date of release on bail	Anticipatory bail	
7.	Date of filling of final Report	30.04.2018	
8.	Date of commencement of trial	22.08.2025	
9.	Date of Framing of Charges	22.08.2025	
10.	Date of Examination of witness	P.W1-27.05.2026 P.W2- 27.05.2026	P.W3-27.05.2026 P.W4-10.06.2026
11.	Date of questioning the accused u/s.313(1)b)Cr.P.C	15.07.2026	
12.	Date of closure of trial	15.07.2026	
13.	Date of Sentence or order	03.08.2026	
14.	Service of copy of judgement or finding on accused	Accused is acquitted from the offence u/s 427 IPC, u/s 248(1) Cr.P.C	
15.	Explanation of delay	-	

The Brief of the case as per the final report:

1. The case of the prosecution is that the de facto complainant is the owner of the lorry bearing the registration number TN 69 BB 7254 and also the accused is the driver of the above mentioned lorry. On 04.02.2018 at about 15.00 hrs., the accused in the state of intoxication came to the Masha Alla Workshop, Machathu nagar, Thoothukudi

and when the de facto complainant said to the accused, Don't drive the truck, when was drunk and asked him to come tomorrow, the accused made a commotion and damaged the glass of the lorry which is worth about Rs.2,000/- by using stone. Hence, this final report is filed against the accused by the prosecution for offence u/s 427 of IPC.

2. This case was taken on file by this court on 04.05.2023 as CC.No. 763/2023 for offence under Sections 427 of IPC and the accused appeared and the accused was furnished with copies of the case documents of free of cost as implicated under section 207 Cr.Pc.

3. On appearance of the accused before this Court and upon perusing the material records placed before this Court there was *prima facie* case made out against the accused to proceed further and accordingly charges were framed against the accused, under sections 427 of IPC and read over and explained to the accused. He denied the charges and he pleaded not guilty and claimed to be tried. Hence, this Court has ordered prosecution to let in evidence.

4. On the side of prosecution to prove the guilt of the accused PW1 to PW4 were examined and Exhibit P1 to P5 were marked.

5. It is case of the prosecution that when LW.8 was serving as the Inspector of Police in Sipcot Police Station, on 28.03.2018 at about 10.00hrs., the de facto complainant appeared and lodged a complainant which is marked as Ex.P.1 and FIR was filed based on the complaint which is marked as Ex.P.2. Thereafter, IO took the case for investigation, he went to the place of occurrence on the same day at about 13.00 A.M., and inspected the same in presence of L.W.5 and L.W.6 and prepared observation Mahazar Ex.P3 and Rough sketch Ex.P4. He enquired the witnesses and recorded their statements in a separate manner. Thereafter, when he was searching the accused, the accused obtained anticipatory bail. So arrest could not be made. Thereafter, he enquired the witness LW7 who inspected the vehicle and his statement was recorded and obtained the damage certificate which is marked as Ex.P.6. Thereafter, on 30.04.2018 charge sheet was laid against the accused and it is submitted before this Court for offences under sections 427 of IPC.

6. The accused person was questioned under section 313(1)(b) Cr.Pc., about the incriminating evidence let in by prosecution, accused denied and he pleaded not guilty and also an endorsement was made to the effect that he had no evidence on defence side.

7. The learned Assistant Public Prosecutor appeared for the prosecution has argued that this case has been proved beyond the reasonable doubt through PW.1 to PW.4 and prays for maximum sentence and the learned counsel for the accused argument is also heard.

8. **Point for consideration:**

Whether the prosecution has proved the guilty of the accused beyond reasonable doubts?

9. The case of the prosecution is that the de facto complainant is the owner of the lorry bearing the registration number TN 69 BB 7254 and also the accused is the driver of the above mentioned lorry. On 04.02.2018 at about 15.00 hrs., the accused in the state of intoxication came to the Masha Alla Workshop, Machathu nagar, Thoothukudi and when the de facto complainant said to the accused, Don't drive the truck, when was drunk and asked him to come tomorrow, the accused made a commotion and damaged the glass of the lorry which is worth about Rs.2,000/- by using stone. Hence, this final report is filed against the accused by the prosecution for offence u/s 427 of IPC.

10. In order to prove the case of prosecution, the prosecution has examined the de facto complainant as PW.1. He deposed that he knows the accused and he also deposed that some unknown person damaged his lorry and he did not admit the signature in the complaint. So, he was treated as hostile and was cross examined by prosecution. But it ended up in vain. And further the prosecution has examined the eye witnesses as P.W2 and P.W3. They deposed that they did not know about the content of this case. So, they

were also treated as hostile and were cross examined by prosecution. But they have not resort any help to prove their prosecution case. Even though the prosecution has listed out 8 witnesses but they have examined only 4 witnesses. Since material witnesses have turned hostile.

11. And further prosecution side dispensed all other witnesses and examined Sub-Inspector of police who is now working in the station as PW.4. He deposed based on the records and charge-sheet submitted by then IO and marked the documents Ex.P1 to Ex.P5 and supported the case of the prosecution.

12. From the witnesses examined, it is found that the de-facto complainant itself did not depose any fact as alleged by prosecution, so it forms fatal to the prosecution. Further, P.W1 does not admit the signature in the complainant Ex.P1. More over the eye witness in this instant case failed to depose any fact as alleged by the prosecution. So it forms fatal to the prosecution and there is no evidence to show cause that accused damaged the lorry. So it forms fatal to the prosecution. None of the witnesses except PW.4 has supported the case of the prosecution. So, this Court considers that through the testimony of PW.4 alone the case is not proved beyond reasonable doubt.

13. In the absence of their testimony, the ingredients of Sections 427 of IPC does not get attracted. In the absence of clear evidence this Court cannot convict the accused based on the presumption and also cannot rely solely on testimony of PW.4 to convict the accused and he is entitled to be given benefit of doubt and to be acquitted from the charges.

14. Hence, this Court considers that the prosecution has failed to prove the case beyond reasonable doubt. With testimony of PW.4 alone, the accused cannot be held liable for the charges framed against him. So,he deserve to be acquitted from the case.

So, the benefit of doubt is reckoned to the accused and the accused is acquitted from the charges under Sections 427 of IPC, u/s 248(1) Cr.P.C., there is no mention with regard to the property and the bail bond entered if any shall expire automatically after appeal time is over and the accused person who have made criminal courts deposit of Rs. 3,000/- as per the conditions made by the Hon'ble Sessions court vide Crl.M.P. No. 1101/2018 dated 17.04.2018 shall apply before this court for receiving back the deposit amount. Since there is no prima facie evident factor against the allegations raised against the accused.

Dictated to the Typist and directly typed in the Computer by her corrected and pronounced by me in open Court, this the 03rd day of August 2026

Judicial Magistrate No.III,
Thoothukudi

Prosecution side Witness		Examined On
PW1 Perinbalingam	Complaint	27.05.2026
P.W2 Ananth	Eye witness	27.05.2026
P.W3 Murugan	Eye witness	27.05.2026
P.W4 Mariselvam	SI of Police	10.06.2026
Prosecution Exhibits	Marked through	Marked On
1. Ex.P1 Complaint	P.W4	10.06.2026
2. Ex.P2 FIR	P.W4	10.06.2026
3. Ex.P3 Observation Mahazar	P.W4	10.06.2026
4. Ex.P4 Rough Sketch	P.W4	10.06.2026
5. Ex.P5 Damage Certificate	P.W4	10.06.2026

Prosecution side Material Objects : Nil

Defence side witness: Nil

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