

IN THE COURT OF THE JUDICIAL MAGISTRATE, KOMARAPALAYAM

**Present : Tmt.A.K.Padmapriya, B.Sc, M.L.,
Judicial Magistrate,
Komarapalayam.**

Wednesday, the 08th day of July – 2026

CC.No.322/2020

CNR No : TNNM16-000691-2020

State represented by
The Inspector of police,
Pallipalayam police station,
Cr.No.280/2016

... Complainant

//vs//

1. Babu @ Manikandan (24)
S/o. Tirumoorthy,
M.G.R.Nagar,
Avarankadu,
Pallipalayam.

2. Udayamoorthy (26)
S/o.Selvaraj
Kollikara Line Veedu,
Kannanur Mariyamman Kovil near,
Pallipalayam.

3. Kalaiyarasan (23)
S/o.Rajendran
Om Sakthi kovil opposite,
Pallipalayam.

.... Accused

This case was filed before the Court of Judicial Magistrate, Thiruchengode and taken on file on 23.09.2016 in CC.NO.344/2017 and on constitution of this court, the said case was transferred to this court on 26.07.2020 as per order of the Hon'ble Principal District Judge in

CC 322/2020

R.O.C.No.5880/2020 dated 13.07.2020 and came for final hearing before me on 18.06.2026 in the presence of **Tmt.A.Udayabau, Assistant Public Prosecutor**, the learned counsel for the complainant and **Thiru.A.Baskaran**, the learned counsel for all the accused and upon hearing arguments and on perusing the entire records and having stood over for consideration till this day, this court doth the following

JUDGMENT

1. The Inspector of police of Pallipalayam police station had laid down final report against the accused stating that on 09.06.2016 around 08.00.p.m., the defacto complainant Vijayakumar who is residing at Veppadai had came in two wheeler bearing registration no.TN 34 U 4919 along with kumar as pillion rider and they had went to veppadai and then to Andikadu and while they were returning they had stopped infornt of the house of Dhanabal at Kullamedu Therukkupalayam within the jurisdiction of Pallipalayam police station, and had went to seen Dhanabal and while the came out around 10.00 p.m., all the accused who had came there in Bajaj Discover two wheeler bearing registration no.TN 34 Q 2238, had stopped the defacto complainant and A1 to A3 had threatened to take money from his packet and when defacto complainant had stated that there is no amount, all the accused had took his two wheeler bearing registration no. TN 34 U 4919 from the defacto complainant with dishonest intention to cause loss to the defacto complainant on putting the defacto complainant under fear and thereby, all the accused was committed the offence of robbery punishable under section 392 of IPC.

2. This court on perusal of the material records had on satisfaction had taken cognizance of the offence under section 392 of IPC. Upon appearance of the accused, copies of documents relied on the side of the prosecution was furnished to all the accused under section 207 of Cr.P.C. On perusal of the materials placed by the prosecution, this Court felt that the materials placed by the prosecution were

sufficient and adequate to presume not only a prima facie case has been made out against the accused, but also to presume that the accused might have committed the said offence, framed charges against the accused under section 392 of IPC and all the charge was read over to all the accused in tamil. All the accused had denied the charges against them and pleaded not guilty and claimed to be tried. Thereupon, the case was adjourned for examination of the prosecution witnesses.

3. In order to prove the guilt of the accused, the prosecution had examined five witnesses as PW1 to PW5 and marked documents as EX.P.1 to EX.P.8. The material object was marked as M.O.1 to M.O.2.

4. **The case of the prosecution as deposed by the prosecution witness is as follows:**

4.1 The defacto complainant Vijayakumar was examined as PW1. PW1 has deposed as that he is residing at veppadai and on 09.06.2016 at 09.30 p.m., he had went to his friends house in his two wheeler bearing Registration No. TN 34 U 4919. PW1 had parked his vehicle and went inside the house of his friend Dhanapal. PW1 later came outside and saw his vehicle missing. He could not trace his vehicle inspite of complete search.

4.2. PW1 had gave **EX.P.3 written complaint** before Jeganmohan, Sub Inspector of Police on 10.06.2016 at about 12.30 hours. Jeganmohan, Sub Inspector of Police having receiving the complaint, had registered **EX.P.4 FIR** in Cr.No.280/2016 u/s 379 of IPC. Jeganmohan, Sub Inspector of Police had then sent the copy of FIR to the court of Judicial Magistrate, Tiruchengode and took up the case for investigation and had went to the scene of occurrence on 10.06.2016 at 01.30 p.m., and inspected and prepared **EX.P.5 Observation Mahazar** and **EX.P.6 Rough Sketch** in the presence of witnesses Vignesh and Mohanraj. Jeganmohan, Sub Inspector of Police had placed the case file before PW5 Ashok kumar, Inspector of Police for further

investigation. PW5 had took up the case for investigation and then examined and recorded the statements of PW1 to PW3 and witnesses Selvaraj, sathishkumar, Dhanapal, vignesh, Mohanraj, Kumar. PW5 had engaged in search of accused in respect of Cr.No.282/2016 U/s.392 r/w.397 of IPC along with Sub Inspector of police Sekar, Murugesan and engaged in vehicle check up at Pallipalayam to salem road near pallipalayam bus stop. All the three accused who had game in to the two wheeler had tried to escape on seeing the police. PW5 and other police had rounded up the accused and on enquiry, they had stated their names as Babu @ Manikandan, Udayakumar and Kaliyarasan. All the accused had voluntarily confessed their guilt and the confession statement given by all the accused was recorded by PW5 in the presence of PW4 Gurudevan, Village Administrative Officer and witness Subramani, village assistant. On the basis of the confession statement given by A2, PW5 had seized M.O.1 vehicle bearing registration Number TN 34 U 4919, M.O.2 11 cm knife on preparation of **EX.P.3 seizure mahazer**. PW5 had sent the material objects seized to the court on preparation of **EX.P.7 Form.91**. PW5 had then examined and recorded the statement of PW4 Gurudevan, Village Administrative Officer and witness Subramani, village assistant. PW5 had then produced all the accused before the Court of Judicial Magistrate, Tiruchengode and all the accused remanded to Judicial custody. PW5 had altered the charges u/s.392 of IPC all the basis of confession statement. On completion of the investigation, PW5 had then laid down final report against the accused u/s 392 of IPC on 24.07.2016.

5. On completion of prosecution evidence, the incriminating materials available on records, as deposed by the prosecution witnesses, have been explained and questioned all the accused u/s 313(1)(b) of Cr.P.C for their answers. All the accused denied the complicity of incriminating circumstances appeared against them and they have stated that it is false case foisted against them and stated that they have no defence witness and after recording the same, this court heard both sides. The

evidence of witnesses and material records have been perused.

6. THE POINT FOR CONSIDERATION:

Whether the prosecution had proved the charges under section 392 of IPC as against the accused with relevant evidence and documents beyond all the reasonable doubt ?

7. THE POINT:

7.1. The case of the prosecution is that on 09.06.2016 around 08.00.p.m., the defacto complainant Vijayakumar who is residing at Veppadai had came in two wheeler bearing registration no.TN 34 U 4919 along with kumar as pillion rider and they had went to veppadai and then to Andikadu and while they were returning they had stopped infornt of the house of Dhanabal at Kullamedu Therukkupalayam within the jurisdiction of Pallipalayam police station, and had went to seen Dhanabal and while the came out around 10.00 p.m., all the accused who had came there in Bajaj Discover two wheeler bearing registration no.TN 34 Q 2238, had stopped the defacto complainant and A1 to A3 had threatened to take money from his packet and when defacto complainant had stated that there is no amount, all the accused had took his two wheeler bearing registration no. TN 34 U 4919 from the defacto complainant with dishonest intention to cause loss to the defacto complainant on putting the defacto complainant under fear and thereby, all the accused was committed the offence of robbery punishable under section 392 of IPC.

7.2. The learned counsel for prosecution contended that the prosecution had proved the case against the accused beyond reasonable doubt through the oral and documentary evidences adduced and prayed for conviction of the accused with maximum punishment. The learned counsel for the accused had argued that the said case was lodged against the accused for statistical purpose. The facts stated in the complaint are entirely different from the case of the prosecution which falsify the case of the prosecution and also contended that no identification parade conducted to

identify the accused. Hence, prayed for acquittal of the accused.

7.3. PW1 had gave complaint EX.P.1 stating that he had stopped his Hero Honda shine bike bearing registration No.TN 34 U 4919 and went inside the house of his friend Dhanabal at Therukupalayam and when he came out of his house, he found his vehicle to be missing. Whereas, the case of prosecution is that, all the accused had threatened PW1 and had took away the bike by putting PW1 under instant fear.

7.4. The defacto complainant Vijayakumar who is the alleged victim was examined as PW1. PW1 had deposed as that he is residing at veppadai and on 09.06.2016 at 09.30 p.m., he had went to his friends house in his two wheeler bearing Registration No. TN 34 U 4919. PW1 had parked his vehicle and went inside the house of his friend Dhanapal. PW1 later came outside and saw his vehicle missing. He could not trace his vehicle inspite of complete search. PW1 had then later filed complaint and FIR was registered in Cr.No.280/2016 u/s 379 of IPC. PW1 had no where deposed that the accused had put him under threat and had received bike from him.

7.5. The nexus between the accused and the offence alleged was obtaining of confession statement by PW5 from A2 and recovery of material object from A2. The confession given by the accused to the police is not valid unless any recovery is made in pursuance of the confession statement. The whole prosecution case hangs on the evidence under section 27 of the Indian Evidence Act. To consider the evidence under section 27 of the Indian Evidence Act, the seizure and the confession should inspire fullest confidence of the court. The nexus between the accused and the guilt was the recovery of M.O.1 based on the confession statement given by the accused. PW5 had stated that the accused had confessed about his involvement in the crime in the presence of PW4 Gurudevan and witness Subramani. Witnesses Subramani was not examined by the prosecution as he had died. The another confession witness who was examined as PW4 had deposed as that on 11.06.2016 at 10.00 a.m., while they were

in their office, the Inspector of police had made call to him and had stated that three were arrested and to record confession statement he had called him. On request of the police, PW4 and his assistant subramani had went to salem road and in his presence all the accused had given confession statement and A2 had stated that on 09.06.2016 at 10.00 p.m., he had went therukupalayam and intimidated one person and had took away his bike. On the basis confession statement given by the accused they had went to pallipalayam, Kannanur, Mariyamman kovil and the police had seized bike and M.O.2 knife in their presence. PW5 had prepared seizure mahazer and PW4 and witness subramani had signed in it. The learned counsel of the accused contended that no confession statement was obtained from the accused and no material objects were seized from the accused. PW4 are stock witnesses and they had deposed infavour of the prosecution. The oral evidence of PW4 is not acceptable one for the reason that PW1 who is the alleged victim had no were stated in his oral evidence that the accused had threatened him and took away from his bike. He had just stated that the bike was missing and later found by the police. PW1 had no were identified the accused and deposed in consonance with the case of the prosecution. Hence, the oral of PW4 is not acceptable one and the oral evidence of PW4 and PW5 creates doubt in the manner of seizure of the material object from the accused and also the manner of occurrence. This court hold that the accused are entitled for benefit of doubt. Considering foregoing discussion made, this court conclude the prosecution had failed to proved the charge u/s 392 of IPC against the accused beyond reasonable doubt. Thus, the point is answered accordingly.

8. Finally, in view of the above discussion made, this Court holds that the prosecution had not proved the charge against all the accused beyond reasonable doubt and this court finds the accused as not guilty and all the accused had acquitted u/s 248(1) of Cr.P.C. The property two wheeler M.O.1 TN 34 U 4919 received in C.P.No.324/2021 (Old C.P.No.204/2016) already handed over to the owner of the

property as per order in CMP.No.4224/2016 dated.29.08.2016 shall be retained by the owner of the property. The bond executed shall be cancelled. The property M.O.2 knife received in C.P.No.324/2021 (Old C.P.No.204/2016) shall be destroyed after the lapse of appeal time.

Directly typed by me in the Computer and corrected by me and the order pronounced in the open court on the 08th day of July 2026.

**Judicial Magistrate,
Kumarapalayam.**

Prosecution side witnesses:-

PW1	Thiru.Vijayakumar S/o.Sathasivam (Defacto complainant)
PW2	Thiru.Manikandan S/o.Varatharajan (HearsayWitness)
PW3	Thiru.Ramesh S/o.Lakshmanan (HearsayWitness)
PW4	Thiru.Gurudevan S/o.Arumugam (Seizure Mahazer Witness)
PW5	Thiru.Ashokkumar S/o.Rangasamy (The Inspector of Police, Investigating Officer)

Prosecution side Exhibits:-

Judicial Form No.68

S.No of the exhibit	Description of the exhibit and its date	Date,When the exhibit was filed in the case	How marked	By Whom filed	Remarks
1.	Complaint	21.07.2022	Exhibit P1	PW1	Original
2.	Photo copy	12.10.2022	Exhibit P2	PW1	Original

3.	Seizure Mahazer	16.11.2023	Exhibit P3	PW4	Original
4.	FIR	12.06.2026	Exhibit P5	PW5	Original
5.	Rough Sketch	12.06.2026	Exhibit P5	PW5	Original
6.	Observation Mahazer	12.06.2026	Exhibit P6	PW5	Original
7.	Form 91	12.06.2026	Exhibit P7	PW5	Original
8.	Alteration Report	12.06.2026	Exhibit P8	PW5	Original

Defence side Witness and Exhibits Nil

Material Objects:

S.No of the exhibit	Description of the exhibit and its date	Date, When the exhibit was filed in the case	How marked	By Whom filed	Remarks
1.	Two wheeler Vehicle bearing Registration No. TN 34 U 4919	12.10.2022	M.O.1	PW1	Original
2.	Knife	16.11.2023	M.O.2	PW4	Original

Court Documents:- -Nil-

**Judicial Magistrate,
Komarapalayam.**

Note:-

1. Copy of free judgment was furnished to A2 free of cost as he was in judicial custody on execution of warrant issued against A2.
2. No witnesses had been called for evidence more than 3 days.
3. Result of the judgment had been informed to the complainant.
4. Bail bond executed by all the accused shall be cancelled.

Judicial Form No.61
(See Rule 106)
IN THE COURT OF THE JUDICIAL MAGISTRATE, KUMARAPALAYAM.
JUDGMENT IN CC No.322/2020
ON THE FILE OF THE JUDICIAL MAGISTRATE, KUMARAPALAYAM .

Complainant :	The Inspector of Police, Pallipalayam police station, Cr.No.280/2016
Accused :	1. Babu @ Manikandan (24) S/o. Tirumoorthy 2. Udayamoorthy (26) S/o.Selvaraj 3. Kalaiyarasan (23), S/o.Rajendran
Offence :	U/s 392 IPC
Charge :	This Court explained framed and explained charge against all the accused u/s 392 IPC
Finding :	This court finds all the accused not guilty.
Sentence/ order :	This Court holds that the prosecution had not proved the charge against all the accused beyond reasonable doubt and this court finds the accused as not guilty and all the accused had acquitted u/s 248(1) of Cr.P.C. The property M.O.1 TN 34 U 4919 received in C.P.No.324/2021 (Old C.P.No.204/2016) already handed over to the owner of the property as per order in CMP.No.4224/2016 dated.29.08.2016 shall be retained by the owner of the property. The bond executed shall be cancelled. The property M.O.2 knife received in C.P.No.324/2021 (Old C.P.No.204/2016) shall be destroyed after the lapse of appeal time.

Description of the Accused

Sl. No	Name	Father's Name	Occupation	Residence Address	Age
(1)	(2)	(3)	(4)	(5)	(6)
1.	Babu @ Manikandan	S/o. Tirumoorthy	Coolie	M.G.R.Nagar, Avarankadu, Pallipalayam	24
2.	Udayamoorthy	S/o.Selvaraj	Coolie	Kollikara Line Veedu, Kannanur Mariyamman Kovil near, Pallipalayam.	26
3.	Kalaiyarasan	S/o.Rajendran	Coolie	Om Sakthi kovil opposite, Pallipalayam	23

DATE OF							EXPLANATION OF DELAY
Offence	Report of complaint	Apprehension of accused	Release on bail	Commencement of trial	Close of trial	Sentence or order	Date of FIR 10.06.2016 Charge Sheet 24.07.2016 T.O.F. 23.09.2016
(7)	(8)	(9)	(10)	(11)	(12)	(13)	
09.06.2016	10.06.2016	A1 – A3 23.06.2016	25.03.17	21.07.2022	01.07.2026	08.07.2026	23.09.2016

**Judicial Magistrate,
Kumarapalayam.**

CASE SUMMARY																						
Sl. No	Description	Remarks																				
1.	Period of Remand of the Accused	A1 to A3- 23.06.2016 – 25.03.2017 A3 07.06.2026 – 08.07.2026																				
2.	The date of filing of the Complainant/final report of the Court	10.06.2016																				
3.	The date of committal of the case to the court of Session	Nil																				
4.	The date of questioning of the accused under Sections 228,240,246,251 of the Code of Criminal Procedure. 1973, as the case maybe	01.08.2018																				
5.	Filling of miscellaneous petitions an their results inculding the results on challenge before superior Courts. Except routine petitions like petitions Under Section 317 of the code	1. CMP.No.3764/2016 Dated: 27.07.2016 U/s.437 of BNSS filed bail petition filed and dismissed. 2. CMP.No.3936/2016 Dated: 03.08.2016 U/s.437 of BNSS filed bail petition filed and dismissed. 3. CMP.No.4224/2016 Dated: 29.08.2016 U/s.497 of BNSS filed bail petition filed and allowed. 4. CMP.No.4850/2016 Dated: 05.10.2016 U/s.437 of Cr.P.C filed bail petition filed and allowed. 5. MP.No.832/2021 Dated: 23.03.2021 U/s.70(2) of Cr.P.C petition filed and allowed. 6. MP.No.7/2025 Dated:24.09.2025 U/s.70(2) of Cr.P.C petition filed and allowed. 7. CMP.No.8/2026 Dated: 09.06.2026 U/s.70(2) of Cr.P.C petition filed and allowed.																				
6.	Date of examination in-chief and cross-examination of a witness	<table><tr><th>Wit ness</th><th>Chief</th><th>Cross</th></tr><tr><td>PW1</td><td>21.07.22 12.10.22</td><td>12.10.22</td></tr><tr><td>PW2</td><td>15.11.22</td><td>15.11.22</td></tr><tr><td>PW3</td><td>03.01.23</td><td>03.01.23</td></tr><tr><td>PW4</td><td>16.11.23</td><td>15.05.2025</td></tr><tr><td>PW5</td><td>12.06.26</td><td>18.06.26</td></tr></table>	Wit ness	Chief	Cross	PW1	21.07.22 12.10.22	12.10.22	PW2	15.11.22	15.11.22	PW3	03.01.23	03.01.23	PW4	16.11.23	15.05.2025	PW5	12.06.26	18.06.26		
Wit ness	Chief	Cross																				
PW1	21.07.22 12.10.22	12.10.22																				
PW2	15.11.22	15.11.22																				
PW3	03.01.23	03.01.23																				
PW4	16.11.23	15.05.2025																				
PW5	12.06.26	18.06.26																				
7.	Date of examination of the accused Under Section 313 of the code	15.06.2026																				
8.	Details of abscondence of an accused and his appearance/production, as the case maybe	A1, A2 - 22.12.2020 – 23.03.2021 A2 – 10.06.2025 – 07.06.2026																				
9.	Grant of stay by Superior Courts and the results thereof	Nil																				

**Judicial Magistrate,
Komarapalayam.**