

**IN THE COURT OF THE JUDICIAL MAGISTRATE No. II
AT SALEM**

Present : POOVARAGAVAN S B.A., LL.B.,
Judicial Magistrate No.IV, Salem
Judicial Magistrate No.II, Salem (FAC)

On Thursday, the 30th Day of July, 2026

Calendar Case (C.C.) No.2498 of 2025

in

Crime No.476 of 2025

(On the file of Sooramangalam Police Station, Salem)

CNR No. TNSA04-018118-2025

<i>Statement as per Rule 106 of the Criminal Rules of Practice, 2019</i>		
1.	Serial Number	Calendar Case (C.C.) No.2498 of 2025
2.	Name of the Police Station and Crime Number	State of Tamil Nadu represented by its Sub-Inspector of Police Sooramangalam Police Station, Salem Crime No.476 of 2025 ...Complainant
3.	Name of the Accused	A1 – PANNEERSELVAM (F/24/2025 years) W/o. Muruganantham. 5/210, Veerapandiyar Nagar, Jagir Chinna Ammapalayam, Salem. Occupation: Labourer A2 – MURUGANANTHAM @ SIGA (M/45/2025 years) S/o. Mahalingam 5/210 Kalyana Sundaram Colony, Jagir Chinna Ammapalayam, Salem. Occupation: Labourer ...Accused 01 and 02
4.	Father's name	
5.	Occupation	
6.	Residence	
7.	Age	
8.	Date of Occurrence	27.08.2025 at about 17:30 Hrs

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9.	Date of chargesheet and Date of which chargesheet was filed into Court	Date of Chargesheet: 10.10.2025 Date of Filing of Chargesheet: 30.10.2025
10.	Date of Apprehension	The accused No.1 and 2 were arrested on 03.09.2025
11.	Date of Release on bail	The accused No.1 and 2 were released on Station bail on 03.09.2025
12.	Date of Commitment	Not Applicable
13.	Date of Commencement of Trial (The date of furnishing of documents u/s.230, BNSS)	23.02.2026
14.	Charge framed to the accused as per section 263(1) of the Sanhita	On 06.07.2026, Charges framed against the Accused No.1 for the offences u/s.118(1) and 115(2) of BNS, 2023 and Accused No.2 for the offence u/s.115(2) (2 counts) of BNS, 2023. When the charges were read out and explained to the accused, they pleaded not guilty and claimed to be tried. Hence, the case was posted for trial in accordance with section 265(1) of Bharatiya Nagarik Suraksha Sanhita, 2023.
15.	Closure of Trial	30.07.2026
16.	Sentence or Order	The Accused No.1-Panneerselvam S/o. Muruganantham is found not guilty and acquitted of the offence u/s.118(1) and 115(2) of BNS, 2023 and Accused No.2-Muruganantham @ Siga S/o.

		Mahalingam is found not guilty and acquitted of the offence u/s.115(2)(2 counts) of BNS, 2023 as per section 271(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and accused are hereby set at liberty.
17.	Service of copy of judgement or finding on accused	Copy of the judgment was uploaded on CIS and made available for download on E-Courts Portal
18.	Explanation of delay	There is no reasonable delay in this case.
19.	Property Order u/s.498 of the BNSS, 2023	No property has been handed over to the custody of this Court in this case. Hence, the need to pass an order u/s.498 of BNSS, 2023
<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 others (2023 LiveLaw SC 303)</i>		

This case came up for final hearing before me on 30.07.2026 in the presence of **Mr. N. Murugesan Advocate**, the learned counsel for the accused No.1 and 2 and **the learned Assistant Public Prosecutor**, for the State. Having heard both sides, perused the records and having stood over it for consideration, this Court on **30.07.2026 (Thursday)** delivers the following,

JUDGMENT

I. CASE OF THE PROSECUTION

1. The prosecution's case is that, the defacto complainant stated that due to a long-standing enmity between her father-in-law, Kannan, and his younger brother, Siga @ Muruganandam and her son, Panneer Selvam, assaulted her on the previous day. When her husband went to Siga's house to question

them regarding the assault, the members of Siga's family informed Panneer Selvam about it. Subsequently, on 27.08.2025 at about 5.30 p.m., while the complainant's husband was near the community hall close to their house, Siga @ Muruganandam allegedly assaulted him by kicking him repeatedly. Thereafter, Panneer Selvam took out a knife from his pocket and stabbed the complainant's husband on the left eyebrow, causing a bleeding injury. On hearing the complainant's cries, her father-in-law rushed to the spot to intervene, but he was also assaulted by the accused. After committing the assault, the accused fled from the scene.

3. Based on the first information statement received from the first informant, First Information Report in Crime No.476/2025 dated 27.08.2025 was registered against the Accused No.1-Panneerselvam S/o.Muruganantham and Accused No.2- Muruganantham @ Siga S/o. Mahalingam for the offences under section 115(2) and 118(1) of the Bharatiya Nyaya Sanhita, 2023.

4. At the completion of investigation in the case, Final Report dated 10.10.2025 was laid out against the Accused No.1-Panneerselvam S/o.Muruganantham and Accused No.2- Muruganantham @ Siga S/o. Mahalingam for the offences u/s.115(2) and 118(1) of the Bharatiya Nyaya Sanhita, 2023.

II. THE CHARGE AND PLEA OF THE ACCUSED

5. Upon service of summons and appearance of the accused, the Final Report and the documents annexed with the Final Report were furnished to the accused as per section 230 of the Bharatiya Nagarik Suraksha Sanhita, 2023 on 23.02.2026

6. Thereafter, on 06.07.2026, Charges framed against the Accused No.1 for the offences u/s.118(1) and 115(2) of BNS, 2023 and Accused No.2 for the offence u/s.115(2) (2 counts) of BNS, 2023.

7. When the charges were read out and explained to the accused, they pleaded not guilty and claimed to be tried. Hence, the case was posted for trial in accordance with section 265(1) of Bharatiya Nagarik Suraksha Sanhita, 2023.

III. EVIDENCE ADDUCED BY THE PROSECUTION

8. In order to prove the charge against the accused, the prosecution examined only 3 witnesses, P.W.1 to P.W.4. Exhibits P.1 to P.7 and No Material object were marked on behalf of the prosecution.

9. P.W.1 is the Defacto complainant/ alleged victim in the case. P.W.2 is the victim/alleged eye witness in the case. P.W.3 is the Observation Mahazar witness in the case. P.W.4 is the investigation officer in this case.

IV. QUESTIONING u/s.351(1)(b) OF BNSS, 2023

10. The circumstances appearing in the evidence against the accused were put to them and their answers were elicited. The accused replied that the case against them is false.

V. POINT FOR DETERMINATION

11. Whether the prosecution has proved beyond all reasonable doubts that the accused has committed the offences u/s. 115(2) and 118(1) of the Bharatiya Nyaya Sanhita, 2023 charged against them?

VI. APPRECIATION OF EVIDENCE AND FACTS

12. Due to a previous enmity between the complainant's father-in-law, Kannan, and his younger brother, Siga @ Muruganandam and her son, Panneer Selvam, allegedly assaulted the complainant. When the complainant's husband questioned them, the accused later attacked him near the community hall on 27.08.2025 at about 5.30 p.m. Siga @ Muruganandam kicked him, while Panneer Selvam stabbed him on the left eyebrow with a knife, causing a bleeding injury. The accused also assaulted the complainant's father-in-law when he intervened and then fled the scene.

13. The role of witnesses is undeniably pivotal in the adjudication of the case, as their testimonies form the foundation upon which the truth is to be discerned. A fair and reasoned conclusion hinges upon a comprehensive evaluation of the evidence presented by both the prosecution and defence. Hence, any determination made without a thorough analysis of witnesses would fall short of the standards required for a just and lawful decision of the case. In this context, it becomes necessary for this Court to discuss the evidence *thread by thread*, ensuring that every relevant aspect is duly considered for the proper administration of justice.

With respect to the evidence of P.W.1

14. P.W.1, Mrs. Suganya W/o. Gopalkrishnan is the defacto-complainant/ alleged victim in the case. She is also one of the alleged eye witness in this case. She deposed that the accused are from her village. She further states complete ignorance of the alleged incident. She had affixed her signature only because the police had asked her to do so. Exhibits P.1 is marked through P.W.1.

15. In his chief-examination, P.W.1 further states that her signature in the complaint alone is true. She did not know the contents in the Complaint. The P.W.1 turned hostile. Despite the re-examination of P.W.1, nothing incriminating against the accused could be found. Thus, the evidence of P.W.1 is not implicating the involvement of the accused. The accused herein cannot be held responsible for the occurrence on 27.08.2025.

16. Although, P.W.1 was declared hostile to the prosecution case and examined u/s.158 of the Bharatiya Sakshya Adhiniyam, 2023, no new fact in support of the prosecution case could be elicited by the prosecution from the witness.

With respect to the evidence of P. W.2

17. P.W.2, Mr. Gopalakrishnan S/o.Kannan is the victim/alleged eye witness in the case. The P.W.2 stated he did not know anything about the alleged occurrence. He failed to identified the accused in the dock. The P.W.2 turned hostile. No new facts could be elucidated by the prosecution in re-examination.

With respect to the evidence of P. W.3

18. P.W.3, Mr. Kannan S/o.Appusamy is the Observation Mahazar witness in the case. The P.W.3 stated he did not know anything about the alleged occurrence. He failed to identified the accused in the dock. He further stated that the signature found in the observation mahazar is not his. The P.W.3 turned hostile. No new facts could be elucidated by the prosecution in re-examination.

With respect to the evidence of P.W.4

19. P.W.4 is Mr. Anbarasu, S/o.Perumal, is the Investigating Officer in this case. P.W.4 deposed with respect to receipt of complaint statement recorded and registration of First Information Report, his visit to the scene of occurrence, preparation of rough sketch, observation mahazar interrogation of witnesses, arrest of the accused, collecting of wound certificate and filing of Final Report in the case. Exhibits P.2 to P.7 were marked through P.W.4. The suggestions put to P.W.4 by the defence in his cross-examination are only generic and not substantial. There is nothing to discredit the facts deposed by P.W.4.

20. Since witnesses, P.W.1 to P.W.3 failed to support the case of the prosecution, that too P.W.1 herself, the victim as per the prosecution, turned hostile, the evidence of P.W.4 alone cannot be relied to incriminate and attribute culpability to the accused. The prosecution also failed in its duty to examine other eye-witnesses to the alleged occurrence to prove its case against the accused.

21. In **Bhagwan Singh v. State of Haryana**, the Hon'ble Supreme Court of India while dealing with the subject of hostile witnesses held as follows:

“The fact that the court gave permission to the prosecutor to cross-examine his own witness, thus characterising him as, what is described as a hostile witness, does not completely efface his evidence. The evidence remains admissible in the trial and there is no legal bar to base a conviction upon his testimony if corroborated by other reliable evidence.”

22. If the above proposition enumerated by the Hon'ble Supreme Court is applied to the present case, it is important to take into consideration that no material fact was deposed by the prosecution witness, P.W.1 to P.W.4 to constitute the offences charged and to incriminate the accused. In such case, the accused herein cannot be convicted based on the evidence of the prosecution witness.

23. Therefore, upon consideration of the deposition of the witnesses and exhibits filed by the prosecution and the defence, this Court concludes that the prosecution has failed to prove in accordance with section 2(h) of the Bharatiya Sakshya Adhiniyam, 2023 the involvement of the accused herein in the alleged occurrence beyond all reasonable doubts.

VII. THE DECISION

24. In light of the discussion and conclusions drawn under the previous head, this Court holds that the prosecution HAS FAILED TO PROVE the charges against the accused beyond all reasonable doubts.

25. Hence, the Accused No.1-PANNEERSELVAM S/O. MURUGANANTHAM is FOUND NOT GUILTY and ACQUITTED of the offence u/s. 115(2) and 118(1) of BNS, 2023 and Accused No.2-MURUGANANTHAM S/O.MAHALINGAM is FOUND NOT GUILTY and ACQUITTED of the offence u/s.115(2)(2 counts) of BNS, 2023 as per 271(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and accused are hereby set at liberty.

VIII. PROPERTY ORDER u/s. 498 OF THE SANHITA, 2023

26. No property has been handed over to the custody of this Court in this case. Hence, the need to pass an order u/s.498 of BNSS, 2023

IX. BOND u/s.481 OF THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023

27. The accused No.1 and 2 shall furnish an own bond for a sum of Rs.10,000/- in accordance with section 481 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to appear before the Higher Court as and when such Court issues notice in respect of any appeal or petition against the judgment. The bond shall remain in force for six months from the date of its execution.

Directly dictated to the Steno-typist, aligned by him, corrected and pronounced by me in Open Court on this 30th Day of July, 2026.

Judicial Magistrate No.II(FAC), Salem

Note:

- 1. The accused No.1 and 2 were on bail throughout the entire period of trial in the case.*
- 2. No witness was retained more than three times.*
- 3. The outcome of the case shall be forthwith communicated to the complainant and the learned APP of this Court vide email.*

LIST OF EVIDENCE

(As per Rule 107(1) of Criminal Rules of Practice, 2019)

For Prosecution

Witnesses:

S. No.	Examined as	Name of Witness	Date of Examination	Exhibits Marked
1.	P.W.1	Suganya W/o. Gopalakrishanan	21.07.2026	P.1
2.	P.W.2	Gopalakrishanan S/o. Kannan	21.07.2026	-
3.	P.W.3	Kannan S/o. Appusamy	21.07.2026	-
4.	P.W.4	Anbarasu S/o. Perumal	28.07.2026	P.2 to P.7

Documents:

S. No.	Exhibits	By whom marked	Date	Description of Document
1.	P.1	P.W.1	21.07.2026	Signature of P.W.1 in the First Information statement received from the first-informant
2.	P.2	P.W.4	28.07.2026	First Information statement received from the first-informant
3.	P.3	P.W.4	28.07.2026	First Information Report in Crime No.476 of 2025
4.	P.4	P.W.4	28.07.2026	Rough Sketch
5.	P.5	P.W.4	28.07.2026	Observation Mahazar
6.	P.6	P.W.4	28.07.2026	Accident Register
7.	P.7	P.W.4	28.07.2026	Wound Certificate

Material Objects: - Nil

For Defence

Witnesses: Nil

Documents: Nil

Material Objects: Nil

Judicial Magistrate No.II(FAC), Salem

CASE SUMMARY

(As per Rule 106(4) of Criminal Rules of Practice, 2019)

i.	Period of remand of the accused	The accused No.1 and 2 were arrested and released on station bail .		
ii.	Date of filing of Final Report	Date of Chargesheet: 10.10.2025 Date of Filing of Chargesheet: 30.10.2025		
iii.	Date of committal of the case to the Court of Session	Not Applicable		
iv.	Date of hearing on charges u/s.263(1) of the Sanhita	06.07.2026		
v.	Filing of miscellaneous petitions and their results including the results on challenge before Superior Court	Nil		
vi.	Date of chief examination and cross examination of witnesses	Witness examined as	Date of chief examination	Date of cross examination
		P.W.1	2.07.2026	-
		P.W.2	21.07.2026	-
		P.W.3	21.07.2026	-
		P.W.4	28.07.2026	28.07.2026
vii.	Date of examination of the accused u/s.351(1)(b) of the BNSS	30.07.2026		
viii.	Details of abscondence of an accused and his appearance/production, as the case may be	Nil		

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ix.	Grant of stay by the Superior Courts and results there of	Nil
x.	Details of Victim Compensation Awarded	Nil

Judicial Magistrate No.II(FAC), Salem