

**IN THE COURT OF THE JUDICIAL MAGISTRATE,  
SULUR, COIMBATORE DISTRICT.**

**Present: Thiru.T.Arunkumar, M.A.,M.L.,M.B.A.,**

Judicial Magistrate, Sulur.

**Wednesday, the 27<sup>th</sup> day of May 2026**

**Calendar Case No: 1017 of 2017**

**(CNR No.TNCB18-000615-2017)**

1.	Serial Number of the Case	Calendar Case No:1017 of 2017
2.	Name of the Complainant & Address	The State of Tamil Nadu, represented by the Sub Inspector of Police, Karumathampatti Police station in Crime No:313 of 2017.
3.	Name, age, father's name and address of the Accused	Mr. Boopathi (32/2017), S/o. Ramasamy, 305 Segudanthali Road, Senniandavar Koil, Karumathampatty.
4.	Offence Complained of	Offence under Sections 294(b), 324, 506(ii) of IPC.
5.	Date of Offence	09.07.2017.
6.	Date of Complaint	13.07.2017.
7.	Plea of the Accused and his Examination in Brief	Pleaded not guilty.
8.	Apprehension	13.07.2017.
9.	Released on bail	19.07.2017.
10.	Commencement of trial	09.08.2019.
11.	Close of trial	27.05.2026.
12.	Judgment Reserved on	27.05.2026.
13.	Judgment Pronounced on	27.05.2026.
14.	Sentence or Order	<b>Acquitted.</b>
15.	Explanation of Delay	No delay.
16.	Remarks	No remarks.

**As per Amendment to the Criminal Rules of Practice 2019 dated 23.03.2022, the case summary is detailed below**

Sl.No.	CASE SUMMARY			
i).	The period of remand of the accused	Name of the accused	Date of Remand	Release on
		Mr. Boopathi (32/2017), S/o. Ramasamy, 305 Segudanthali Road, Senniandavar Koil, Karumathampatty.	13.07.2017.	19.07.2017.
ii).	Date of filing of the complaint/ final report in the court	Filing of Complaint	Filing of Final report	
		-	29.11.2017.	
iii).	Date of committal of the cases to the Court of Sessions.	Nil	Nil	
iv).	Date of questioning of the accused under section 228, 240, 246 and 251 of the Code of Criminal Procedure, 1973, as the case may be;	Questioning under section 240(2) of Cr.P.C on 09.08.2019.		
v).	Filing of all miscellaneous petitions and their results including the results on challenge before superior Courts; except routine petitions like petitions under Section 317 of the	Crl.M.P.No. & under section or prayer	Date of filing	Result

	Code;			
		CRL MP.No.318/2017 – Bail Petition	Filed on 14.07.2017	Allowed on 14.07.2017
		CRL MP.No.694/2018 – Advance Hearing Petition	Filed on 23.03.2018	Allowed on 23.03.2018
		CRL MP.No.695/2018 – Surrender petition	Filed on 23.03.2018	Allowed on 23.03.2018
		CRL MP.No.696/2018 – Petition u/s 70(2) of Cr.P.C	Filed on 23.03.2018	Allowed on 23.03.2018
		CRLMP.No.4161/2022 – Surrender Petition	Filed on 05.12.2022	Allowed on 05.12.2022
		CRLMP.No.4162/2022 – Petition u/s 70(2) of Cr.P.C	Filed on 05.12.2022	Allowed on 05.12.2022
		CRLMP.No.965/2024 – Surrender Petition	Filed on 08.03.2024	Allowed on 08.03.2024
		CRLMP.No.966/2024 – Advance Hearing Petition	Filed on 08.03.2024	Allowed on 08.03.2024
		CRLMP.No.967/2024 – Petition u/s 70(2) of Cr.P.C	Filed on 30.03.2022	Allowed on 05.04.2022
		MP.1/2025 - Surrender Petition	Filed on 24.03.2025	Allowed on 24.03.2025
		MP.2/2025 – Recall Petition	Filed on 24.03.2025	Allowed on 24.03.2025
		MP.2/2025 – Advance Hearing Petition	Filed on 24.03.2025	Allowed on 24.03.2025
		MP.7/2026 – Petition u/s 348 of BNSS	Filed on 24.03.2025	Allowed on 24.03.2025
vi).	Date of Examination in chief and cross	Name of the Witness	Date of Chief Examination	Date of Cross Examination
		PW1-Mr. Sivakumar	31.01.2019	31.01.2019

		PW2-Mr. Perumal	31.01.2019	31.01.2019
		PW3-Mr. Thangavel	21.08.2019	21.08.2019
		PW4-Mr. Parthiban	21.08.2019	21.08.2019
		PW5-Mr.Kumaresan, the Sub Inspector of Police	27.05.2026	27.05.2026
vii).	Date of examination of the accused under section 313 of the Code;		27.05.2026.	
viii).	Details of abscondance of an accused and his appearance / production, as the case may be; and		Nil	
ix).	Grant of stay by superior courts and the results thereof		Nil	
x).	Details of victim compensation ordered.		Nil	

This case cognizance was taken on file on 29.11.2017 and came up for final hearing this the 27<sup>th</sup> day of May 2026 before this court, in the presence of Tmt.R.Senthamil Selvi, B.A.,B.L.,(Hons) Learned Assistant Public Prosecutor Grade II for the State and Thiru.A. Lenin Ganeshan, B.A.,B.L., Learned Counsel appeared for both the accused and having stood over for consideration till this day, upon perusing the records and on hearing both side arguments, this court doth delivers the following

### **JUDGMENT**

**(1). The gist of the final report filed by the Sub Inspector of Police, Sullur Police Station in Crime No: 313 of 2017 under Sections 294(b), 324, 506(ii) of IPC is as follows:-**

The Prosecution alleges that on 09.07.2017, at 21.30 hours, while PW1 Sivakumar

was standing in front of Karuppaarayan Temple within the Karumathampatty Police Station limits, the accused confronted him and publicly hurled obscene abuse words. The Accused is alleged to have used obscene language, assaulted the complainant with a Metal stone **P.M.O.1**, and caused criminal intimidation. Based on the complaint, an FIR was registered, and upon completion of the investigation, a Final Report was filed against the accused for the offences u/s 294 (b), 324 and 506(ii) of IPC.

(2). On appearance of the accused he was furnished with the copies of the case records in compliance of section 207 of Cr.P.C., As there was a prima facie case made out against the accused was questioned for offence under sections 294(b),324,506(ii) of IPC and charges were framed against the accused for the offence punishable under sections 294(b), 324, 506(ii) of IPC and read over and explained. When the accused was questioned under Section 240(2) of Cr.P.C on the charges framed against him, he pleaded not guilty and claimed to be tried.

(3). Since the accused denied the charges framed against him to prove the prosecution case, summons were issued to the witnesses. Out of 8 witnesses mentioned in the list of witness, the prosecution had examined the defacto complainant LW1 Mr. Sivakumar as PW1, eye witness LW2 Mr. Perumal as PW2 and Observation Mahazar witness LW5 Mr. Thangavel as PW3, LW6 Mr. Parthiban as PW4 and on permission, examined the Sub Inspector of Police Mr. Kumaresan as PW5 and marked exhibits **Ex.P:1** to **Ex.P:7**, **P.M.O.1** were marked and LW3, LW4, LW7 and LW8 were dispensed by the prosecution.

**(4). The gist of the prosecution case is as follows:-**

(4.1) The case of the prosecution is that hat on 09.07.2017, at 21.30 hours, the Accused is alleged to have used obscene language, assaulted the complainant with a stone **P.M.O.1**, and caused criminal intimidation.

(4.2) PW-1 Sivakumar deposed that he works as a construction labourer. On the night of the incident, while he and his coworker Perumal PW-2 were standing near a shop close to the Karupparayan Temple, the accused Boopathi, were found creating a disturbance in an inebriated state, upon being questioned by the witness regarding their abusive language, obscene words were hurled at him by the accused. Subsequently, the

witness was assaulted, pushed down, and struck on the forehead with a stone picked up from the ground by the accused. Profuse bleeding and momentary unconsciousness were caused by the blow. A complaint **Ex.P.1** was later lodged by him at the Karumathampatti Police Station on July 13, 2017, after undergoing three days of inpatient treatment at Royal Care Hospital. The stone was identified by him in court as **P.M.O.1**. During cross examination turned hostile and not supported the case of the prosecution.

**(4.3)** PW-2 Perumal deposed that he was present at the scene along with Sivakumar PW-1 when the altercation took place. The abusive language used by the accused and the subsequent stone-pelting incident targeting PW-1's forehead were witnessed by him. It was further stated that the injured was rushed to Royal Care Hospital by him and other local boys.

**(4.4)** PW-3 Thangavel deposed that he was requested by the police to witness the spot inspection on the afternoon of July 13, 2017. The preparation of the observation mahazar **Ex. P-2** and the rough sketch by the police at the scene of the crime were witnessed and signed by him. Furthermore, the seizure of the offense stone from the spot under a seizure mahazar **Ex. P-3** was also witnessed and signed by him.

**(4.5)** PW-4 Parthiban deposed that the observation mahazar and the seizure of the stone from the place of occurrence were conducted by the police in his presence, and his signatures were affixed to the respective documents as the second witness.

**(4.6)** PW-5 Thiru. Kumaresan deposed that a written complaint was received from the victim, Sivakumar, on July 13, 2017, at 12:00 PM. Based on the complaint, a First Information Report **Ex.P-4** in Crime No. 313/2017 was registered under Sections 294(b), 324, and 506(ii) of the IPC. The investigation was subsequently taken up by him. The scene of the crime was visited, and an observation mahazar along with a rough sketch **Ex.P-5** was prepared in the presence of witnesses. Statements of the witnesses were recorded individually. The medical records and wound certificate **Ex.P-6** were obtained from Dr. Jeyasingh of Royal Care Hospital. The weapon of offense (stone) was seized under Form-91 **Ex.P-7**. Upon completion of a thorough investigation, the final charge sheet was filed by him before the court on October 9, 2017.

**(5). EXAMINATION OF THE ACCUSED:**

Upon the closure of the prosecution evidence, the accused was questioned under section 313(1)(b) of Cr.P.C with regard to the incriminating circumstances appears in the evidence of the prosecution witnesses as well as the Exhibits whereas the accused denied their complicity with the crime. The Accused stated that he have no defence witness to be examined and Exhibits on his side, hence defense side evidence is closed.

(6). The learned APP argued that the prosecution has proved its case with the oral testimony of PW1 to PW5 and **Ex.P:1 to Ex.P:7, P.M.O.1** and the witnesses examined on the side of prosecution were corroborated by each other and the prosecution case and prays for conviction.

(7). The learned defense counsel has argued that false case had been foisted against the accused and the witnesses examined on the side of the prosecution had not corroborated the case of the prosecution and further there is no reliable and credible evidence to prove the charges against the accused and hence the benefit of doubt may be given to the accused and the accused may be acquitted.

**(8) Points for Determination:**

(8.1) Whether the prosecution has proved beyond reasonable doubt that on 04.03.2022 at about 17.00 hours, the accused uttered obscene words against PW1 and thereby committed the offence under Section 294(b) IPC?

(8.2) Whether the prosecution has proved that the accused voluntarily caused hurt to PW1 by means of an stone **P.M.O.1** and thereby committed the offence under Section 324 IPC?

(8.3) Whether the prosecution has proved that the accused criminally intimidated PW1 with dire consequences and thereby committed the offence under Section 506(ii) IPC?

**(9) Discussion and Reasons:**

(9.1) The cardinal principle of criminal jurisprudence is that the prosecution must prove its case beyond all reasonable doubt and the burden never shifts upon the accused. Mere suspicion, however strong, cannot take the place of legal proof.

In the present case, the prosecution mainly relies upon the testimony of PW1, the de facto complainant. Apart from PW 1 no other witnesses supported the case of the prosecution.

(9.2) To prove its case, the prosecution examined 5 witnesses PW-1 to PW-5 and marked **Ex.P-1** to **Ex.P-7**, along with Material Object **P.M.O.1**. PW-1 Sivakumar is the injured defacto complainant who spoke about the incident in chief-examination but turned completely hostile during cross-examination, resiling from his earlier statements. PW-2 Perumal is an eyewitness and co-worker who supported the initial altercation and medical transportation. PW-3 Thangavel and PW-4 Parthiban are mahazar witnesses for the spot inspection, observation mahazar **Ex.P-2**, and seizure mahazar of the stone **Ex.P-3**. PW-5 Thiru. Kumaresan is the Investigating Officer who registered the FIR, prepared the rough sketch **Ex.P-5**, collected the wound certificate **Ex.P-6**, and filed the charge sheet.

The points for consideration are whether the prosecution has proved beyond reasonable doubt that the accused committed the offenses under Sections 294(b), 324, and 506(ii) of the IPC.

(9.3) The entire case of the prosecution rests upon the testimony of the injured victim, PW-1. While PW-1 initially supported the prosecution narrative in his examination-in-chief, he completely turned hostile during cross-examination and failed to support the case against the accused. It is a settled principle of law that the evidence of a hostile witness cannot be rejected in total, and the portions supporting the prosecution case can be considered. However, in the present case, the cross-examination of PW-1 entirely demolishes his credibility regarding the identity of the assailant and the manner of the occurrence.

(9.4) Although PW-2 supported the prosecution case as an eyewitness, his testimony cannot form the sole basis of conviction when the victim himself refuses to implicate the accused in cross-examination. The divergence between the victim's ultimate stance and the eyewitness's account creates an irreconcilable gap. Furthermore, the alleged incident took place on 09.07.2017, but the complaint **Ex.P-1** was filed only on 13.07.2017. While PW-5 states this was due to PW-1's hospitalization, the lack of definitive, uncontested support from the injured person makes this 4-day delay a serious vulnerability, leaving room for doubt and embellishment.

(9.5) The observation mahazar **Ex.P-2**, rough sketch **Ex.P-5**, and the recovery of a stone **P.M.O.1** witnessed by PW-3 and PW-4 are merely corroborative in nature. Since the substantive evidence the direct testimony of the victim identifying the accused as the perpetrator has failed, these procedural recoveries cannot independently establish the guilt of the accused. Criminal jurisprudence demands that the guilt of the accused must be proved beyond all reasonable doubt. When the primary injured victim fails to support the prosecution case in the witness box during cross-examination, it introduces a fatal element of doubt. The benefit of this doubt must inevitably be extended to the accused. Therefore, this Court holds that the prosecution has failed to prove the charges beyond reasonable doubt.

(10). In the result, the accused is found not guilty for the offence under sections 294(b), 324, 506(ii) of IPC and the accused is acquitted under section 248(1) of Cr.P.C. The bail bonds of the accused stands canceled after appeal (or) appeal period.

(11). Property in PR No.89/2017 – Item No.1- கருங்கல் ஒன்று is ordered to be destroyed after appeal (or) appeal period, if any.

This judgment is dictated by me to the Steno typist and typed by her directly in the computer and after effecting necessary corrections pronounced by me in the open Court on this the 27<sup>th</sup> day of May 2026.

(Sd/-T.Arunkumar)

Judicial Magistrate,  
Sulur.

**As per the Judgment of the Hon'ble Supreme Court of India in Manoj Bhai Jetha Bhai Parmar Vs State of Gujarat 2025 INSC 143 dated 15.12.2025, the appendix is added :-**

**List of prosecution side witnesses Examined:**

Prosecution Witness No.	Name of Witness	Description
01.	Mr.Sivakumar	Defacto complainant

02.	Mr. Perumal	Eye Witness
03.	Mr. Thangavel	Observation and Seizure Mahazar witness
04.	Mr. Parthiban	Observation and Seizure Mahazar witness
05.	Mr.Kumaresan, the Sub Inspector of Police	Investigating Officer

**List of prosecution side Exhibited Documents:**

Sl.No. of the exhibits	Description of the exhibit and its date	Date, when the exhibit was filed in the case	How marked	Proved by / attested by	Remarks
01.	Report dated 13.07.2017.	30.01.2019	Ex.P:1	PW1	Original
02.	Observation Mahazar dated 13.07.2017.	21.08.2019	Ex.P:2	PW3	Original
03.	Seizure Mahazar dated 13.07.2017.	21.08.2019	Ex.P:3	PW3	Original
04.	FIR dated 13.07.2025	27.05.2026	Ex.P:4	PW5	Original
05.	Rough Sketch dated 13.07.2017.	27.05.2026	Ex.P:5	PW5	Original
06.	Wound Certificate dated 11.07.2017.	27.05.2026	Ex.P:6	PW5	Original
07.	Form 91 dated 13.07.2017.	27.05.2026	Ex.P:7	PW5	Original

**Prosecution side material objects:-**

Material Object No.	Description of the Exhibit	Proved by / Attested by
01.	கருங்கல் ஒன்று	PW 1

**List of witness on the side of the accused:** Nil

**List of exhibits on the side of the accused:** Nil

**Note:**

- 1.The accused was on bail during the trial period.
- 2.No witnesses was detained for more than 3 hearings.
- 3.The result of the case informed to the police.

(Sd/-T.Arunkumar)

Judicial Magistrate,  
Sulur.