

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

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

Judicial Magistrate, Sulur.

Thursday, the 16th day of April 2026

Calendar Case No: 40 of 2022

(CNR No. TNCB18-002942-2022)

1.	Serial Number of the Case	Calendar Case No: 40 of 2022
2.	Name of the Complainant & Address	The State of Tamil Nadu, represented by the Inspector of Police, Sulur Police station in Crime No: 647 of 2021.
3.	Name, age, father's name and address of the Accused	Mr.Varatharajan (48/2021), S/o. Krishnamoorthy, Maha Complex 1 st Floor, NT Nagar, Kannampalayam Privu, Sulur Taluk, Coimbatore.
4.	Offence Complained of	Offence under Sections 287,338 of IPC.
5.	Date of Offence	24.06.2021.
6.	Date of Complaint	24.06.2021.
7.	Plea of the Accused and his Examination in Brief	Pleaded not guilty.
8.	Apprehension	25.06.2021.
9.	Released on bail	25.06.2021.
10.	Commencement of trial	06.10.2022.
11.	Close of trial	10.04.2026
12.	Judgment Reserved on	10.04.2026.
13.	Judgment Pronounced on	16.04.2026.
14.	Sentence or Order	Acquitted.
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
		Varatharajan aged 48/2021 S/o. Krishnamoorthy, Maha Complex 1 st Floor, NT Nagar, Kannampalayam Privu, Sulur Taluk, Coimbatore. 25.06.2021 station bail. 25.06.2021.
ii).	Date of filing of the complaint/ final report in the court	Filing of Complaint Filing of Final report
		- 04.08.2022.
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	Questioning under section 251(2) of Cr.P.C on 06.10.2022.

	be;			
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 Code;	CrI.M.P.No. & under section or prayer	Date of filing	Result
		M.P.No. 3/2026 - Petition u/s 294 of Crpc.	Filed on 25.03.2026	Allowed on 25.03.2026
vi).	Date of Examination in chief and cross	Name of the Witness	Date of Chief Examination	Date of Cross Examination
		PW1-Mr. Lawrance. PW2-Mr. Ramakrisnan. PW3-Mr. Ponmuthu. PW4-Mr. Palaniyandi, the Investigating Officer.	22.12.2022. 30.01.2023. 20.03.2024. 25.03.2026.	22.12.2022. 30.01.2023. Hostile. 25.03.2026.
vii).	Date of examination of the accused under section 313 of the Code;	30.03.2026		
viii).	Details of abscondance of an accused and his appearance / production, as the case	Nil		

	may be; and	
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 05.08.2022 and came up for final hearing on 16th day of April 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. T. Raja, B.A., B.L., Learned Counsel appeared for 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

J U D G M E N T

(1).The gist of the final report filed by the Inspector of Police, Sular Police Station in Crime No: 647 of 2021 under Sections 287,338 of IPC is as follows:-

The Inspector of Police, Sular Police Station, filed the final report under Section 173(2) of the Code of Criminal Procedure against the accused. The prosecution case is that on 12.03.2020 at about 3.00 PM the accused was employed as manager in the M/s. D.P Mills had instructed the victim to operate old roving bobin open machine eventhough victim informed that he had no prior experience in operating the machine. Despite such information accused insisted the victim to operate the machine. While so the victim sustained grievous injury over his righ hand during operation of machine. Accordingly, the Sub Inspector of Police filed the charge sheet against the accused for offences punishable under Sections 287, 338 of the Indian Penal Code.

(2). The Accused appeared on summons and he was furnished with the free copies of the case records in compliance with section 207 of Cr.P.C. After giving sufficient time, on the basis of contents in the final report the substance of accusation was explained to the accused in terms of Section 251 Cr.P.C. The accused denied the accusation under sections U/s. 287, 338 of IPC to be false and claimed to be tried. Thereafter the Prosecution witnesses were ordered to be examined by issuing summons to the witnesses.

(3). It is the endeavour of the prosecution to prove the guilt of the accused beyond all reasonable doubts by adducing suitable evidence and relevant materials. The prosecution side has examined 4 witnesses out of 07 witnesses let in the final report to establish the guilt of the accused, LW3, LW5, LW6 were dispensed by the prosecution and marked Ex.P1 to Ex.P 5. No Material objects were marked. On the side of the defense, no oral or documentary evidence were adduced and no Material objects were marked.

(4). The case of prosecution as revealed by the prosecution witnesses and their evidence is as under:-

(4.1) PW2 is the victim/defacto complainant in this case. He has deposed in his evidence that on 12.03.2021 at about 2:45 P M, while he was working in M/s. D.P Mills, PW1 insisted him to operate the bobbin roving machine. While operating the said machine, PW2 sustained grievous injuries to his right hand, and during the course of treatment, his right hand was amputated. Thereafter, he preferred a complaint marked as Ex.P1 before PW4, Palaniyandi, for necessary action.

(4.2) PW1 has deposed regarding the manner of occurrence of the accident. PW3, Mr. Ponnumuthu, who is one of the witnesses to the Observation Mahazar, turned hostile.

(4.3) PW4, Mr. Palaniyandi, the Sub-Inspector of Police and Investigating Officer, deposed that on 24.06.2021, while he was in charge of Sular Police Station, PW2 appeared before him and lodged a complaint Ex.P1. Based on the same, Ex.P2

the First Information Report was registered in Crime No. 647 of 2021 for offences under Sections 287 and 338 of the Indian Penal Code. The original FIR along with the complaint was forwarded to the Judicial Magistrate, Sulur. He further deposed that on 24.06.2021 at about 4:30 PM, he visited the scene of occurrence in the presence of witnesses PW3 Ponnumuthu and LW5 Rajan, and prepared the Observation Mahazar Ex.P3 and Rough Sketch Ex.P4. He examined the doctor who treated PW2 and obtained the Wound Certificate marked as Ex.P5. On 25.06.2021, the accused voluntarily appeared before the police station, was arrested after being informed of the grounds of arrest, and was subsequently released on station bail. Upon completion of investigation, a final report was filed on 26.06.2021 for offences under Sections 287 and 338 IPC. With this, the prosecution evidence was closed.

5. EXAMINATION

(5.1) The accused was questioned under Section 313(1)(b) Cr.P.C. with regard to the incriminating circumstances appearing in the evidence of the prosecution witnesses. The accused denied all such allegations and stated that he has witnesses. However, no witness was examined on the side of the defence. Hence, the defence evidence was closed.

6.Points for Determination.

1. Whether the accused was negligent in permitting PW2 to operate the machinery?
2. Whether such alleged negligence caused grievous hurt to PW2?

7. Discussions

(7.1) Section 287 of IPC

The core allegation of the prosecution is that the accused permitted or directed an inexperienced worker to operate the machinery.

(7.2) According to the prosecution, the accused insisted that PW2 operate the bobbin roving machine, despite his lack of experience. PW2, the victim/defacto complainant, has deposed that PW1 insisted that he operate the machine, during

which he sustained injuries to his right hand. This evidence clearly indicates that PW2 operated the machinery upon the instruction of PW1 and not upon any direct instruction from the accused. Further, PW1 has deposed that at the time of the incident, he had gone for lunch and came to know about the accident only later through one Santhosh.

(7.3) On careful appreciation of the evidence of PW1 and PW2, coupled with the fact that there is an unexplained delay of 105 days in lodging the complaint, the case of the prosecution becomes doubtful. Moreover, the prosecution has not produced any documentary or oral evidence to show that the accused specifically assigned the work to PW2 or that the operation of the machine was under the exclusive control of the accused. During cross-examination, PW4 (Investigating Officer) admitted that there is no documentary or other evidence to establish that the accused was the manager of M/s. D.P Mills.

(7.4) It is equally possible that PW2 voluntarily attempted to operate the machine or that the work was generally assigned without specific instructions. Therefore, entrustment of work to PW2 by the accused has not been proved beyond reasonable doubt.

(7.5) Section 338 of IPC

(7.6) It is not in dispute that PW2 sustained grievous injuries, as evidenced by Ex.P5 Wound Certificate. However, the prosecution must establish a specific negligent act on the part of the accused and a direct causal link between such act and the injuries sustained. This Court has already found that the prosecution has failed to prove the exact manner of occurrence. Further, no expert opinion has been furnished to demonstrate the condition or functioning of the bobbin roving machine at the time of the incident.

(8). In view of the foregoing findings, this Court is of the considered opinion that the prosecution has failed to prove beyond reasonable doubt that the accused employed or permitted PW2 to operate the bobbin roving machine negligently,

thereby causing grievous injury and thereby committed an offence punishable u/s. 287,338 of IPC.

(9). In result, the accused not found guilty of the charge under Sections u/s. 287, 338 of IPC and is therefore acquitted under Section 255(1) of the Code. The bail bonds executed by the accused stands cancelled after appeal or appeal period.

(10). No case property is produced in this case. Hence no case property order.

This judgment is dictated by me to the typist and typed by her directly in the computer and after effecting necessary corrections pronounced by me in the open Court on this the 16th day of April 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. Lawrance.	Eye Witness
02.	Mr. Ramakrishnan.	Defacto complainant.
03.	Mr. Ponnumuthu.	Observation Mahazar Witness
07.	Mr. Palaniyandi Sub Inspector of Police/ the Investigating Officer.	The 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 24.06.2021.	30.01.2023	Ex.P:1	PW2	Original
02.	First Information report dated 24.06.2021.	25.03.2026	Ex.P:2	PW4	Original
03.	Observation Mahazar dated 24.06.2021.	25.03.2026	Ex.P:3	PW4	Original
04.	Rough Sketch dated 24.06.2021.	25.03.2026	Ex.P:4	PW4	Original
05.	Wound Certificate Dated 12.03.2021	25.03.2026	Ex.P:5	PW4	Original

Prosecution side material objects:-

Material Object No.	Description of the Exhibit	Proved by / Attested by
01.	Nil	Nil
02.	Nil	Nil

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). In the result the accused is acquitted under section 255(1) of Crpc for the offences under section 287,338 of IPC. The bail bonds executed by the accused stands cancelled after appeal or appeal period.
- (4). The result of the case informed to the police.
- (5). Copy of judgment submitted.
- (6). Office is directed to send entire case records to consignment after appeal or appeal period, if any.

(Sd/- T. Arunkumar)

Judicial Magistrate,

Sulur.