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 12th day of March 2026

Calendar Case No:902 of 2025

(TNCB18-004524-2025)

1.	Serial Number of the Case	Calendar Case No:902 of 2025
2.	Name of the Complainant & Address	The State of Tamil Nadu, represented by the Sub Inspector of Police, Karumathampatty Police station in Crime No:504 of 2024.
3.	Name, age, father's name and address of the Accused	Mr.Divakar (29/2024), S/o.Thangadurai, 11/5, Sayakara Street, Sathankulam, Thoothukudi, Now at: 3, Anjaneyarkovil Street, Thennampalayam, Covai.
4.	Offence Complained of	Offence under Sections 296(b), 118(1), 351(3) of BNS.
5.	Date of Offence	03.11.2024.
6.	Date of Complaint	04.11.2024.
7.	Plea of the Accused and his Examination in Brief	Pleaded not guilty.
8.	Apprehension	Accused obtained Anticipatory Bail from the Hon'ble Principal District Court, Coimbatore in Vide order in CMP No.6719/2024 dated 20.11.2024.
9.	Released on bail	Accused obtained Anticipatory Bail from the Hon'ble Principal District Court, Coimbatore in Vide order in CMP No.6719/2024 dated 20.11.2024.
10.	Commencement of trial	26.02.2026.
11.	Close of trial	12.03.2026.
12.	Judgment Reserved on	12.03.2026.

13.	Judgment Pronounced on	12.03.2026.
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
		Mr.Divakar (29/2024), S/o.Thangadurai, 11/5, Sayakara Street, Sathankulam, Thoothukudi, Now at: 3, Anjaneyarkovil Street, Thennampalayam, Covai.	Accused obtained Anticipatory Bail from the Hon'ble Principal District Court, Coimbatore in Vide order in CMP No.6719/2024 dated 20.11.2024.	Accused obtained Anticipatory Bail from the Hon'ble Principal District Court, Coimbatore in Vide order in CMP No.6719/2024 dated 20.11.2024.
ii).	Date of filing of the complaint/ final report in the court	Filing of Complaint	Filing of Final report	
		-	31.10.2025 (E-Filing)	
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	Questioning under section 263(2) of BNSS on 26.02.2026.		

	Procedure, 1973, as the case may 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;		Crl.M.P.No. & under section or prayer	Date of filing	Result
			M.P.No.2/2026 – 359 BNSS Petition filed.	Filed on 09.03.2026	Dismissed on 09.03.2026
			MP No.3/2026 – 311 Cr.P.C Petition filed by the prosecution.	Filed on 11.03.2026	Allowed on 11.03.2026
vi).	Date of Examination in chief and cross		Name of the Witness	Date of Chief Examination	Date of Cross Examination
			PW1-Mr.Kasirajan PW2-Mr.Vadivelkumar, the Inspector of Police.	09.03.2026 11.03.2026	Hostile. 11.03.2026
vii).	Date of examination of the accused under section 313 of the Code;		12.03.2026		
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 31.10.2025 and came up for final hearing this the 12th day of March 2026 before this court, in the presence of Tmt.K.Jayanthi, M.B.A.,B.L., Learned Assistant Public Prosecutor Grade II for the State and Tmt.M.TamilSelvi, B.A., B.L., Learned Counsel for the accused and having stood over for consideration till this day, upon perusing the records and on hearing both sides, this court doth delivers the following

JUDGMENT

(1). The gist of the final report filed by the Sub Inspector of Police, Karumathampatty Police Station in Crime No:504 of 2024 under Sections 296(b), 118(1), 351(3) of BNS is as follows: -

(2). On 03.11.2024 at 20.00 hrs, in the TASMAC bar at Somanur, the accused abused the defacto complainant by using filthy language and assaulted him with hands and caused simple injury and by showing the bottle, threatened him with dire consequences and hence, the accused is alleged to have committed an offence punishable under sections 296(b), 118(1), 351(3) of BNS. Hence, the Sub Inspector of Police, Karumathampatty Police Station had laid the final report under Section 193(2)(1) of BNSS.

(3). On appearance of the accused, he was furnished with the copies of the case records in compliance of section 230 of BNSS., As there was a prima facie case made out against the accused, he was questioned for offence under sections 296(b), 118(1), 351(3) of BNS and charges were framed against the accused for the offence punishable under sections 296(b), 118(1), 351(3) of BNS and read over and explained. When the accused was questioned under Section 263(2) of BNSS on the charges framed against him, he pleaded not guilty and claimed to be tried.

(4). Since the accused denied the charges framed against him, to prove the prosecution case, summons were issued to the witnesses. Out of 9 witnesses mentioned in the list of witness, the prosecution had examined the defacto complainant LW1 Mr.Kasirajan as PW1 and on permission, examined the Inspector

of Police Mr.Vadivelkumar as PW2 and marked exhibits Ex.P:1 to Ex.P:7 and LW2 to LW9 were dispensed by the prosecution. No property had been produced on the side of the prosecution.

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

(5.1). The case of the prosecution is that on 03.11.2024 at 20.00 hrs, in the TASMAC bar at Somanur, the accused abused the defacto complainant by using filthy language and assaulted him with hands and caused simple injury and by showing the bottle, threatened him with dire consequences and hence, the defacto complainant gave **Ex.P:2** report to the police for taking necessary action against the accused.

(5.2). PW1 Mr.Kasirajan is the defacto complainant in this case deposed in his evidence that he knew the accused and last years one day between 7.00pm to 8.00pm, dispute arose between himself and the accused and identified his signature (Ex.P:1) alone in the report and hence, he was declared as hostile witness and cross examined by the prosecution.

(5.3). PW2 Mr.Vadivelkumar, the Inspector of Police deposed in his evidence that on 04.11.2024, LW8, the Head Constable Mr.Manikandan received **Ex.P:2** report from PW1 Kasirajan and registered **Ex.P:3** First Information Report in Crime No.504 of 2024 for the offence under sections 296(b), 118(1), 351(3) of BNS and then LW9 Mr.Radhakrishnan took the case for investigation and proceeded to the place of occurrence and prepared **Ex.P:4** Observation Mahazar and drew **Ex.P:5** Rough Sketch and the Accused has been granted anticipatory bail by the Honorable District Sessions Court and the doctor who treated the injured witness, Dr.Ramachandran, was questioned, statement was recorded, and an **Ex.P:6** Accident Register and **Ex.P:7** Wound Certificate were obtained and on completion of investigation filed the charge sheet on 04.12.2024 against the accused for the offence under sections 296(b), 118(1), 351(3) of BNS.

(6). EXAMINATION OF THE ACCUSED:

Upon the closure of the prosecution evidence, the accused was questioned

under section 351(1)(b) of BNSS 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 has no defence witness to be examined and Exhibits on his side, hence defence side evidence is closed.

(7). The learned APP argued that the prosecution has proved its case with the oral testimony of PW1 and PW2 and Ex.P:1 to Ex.P:7 and the witnesses examined on the side of prosecution were corroborated by each other and the prosecution case and prays for conviction.

(8). The learned defense counsel has argued that false case had been foisted against the accused and the witnesses examined on the side 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.

(9). Now the point for determination is Whether the prosecution has proved the charges against the accused beyond reasonable doubt. If so, then What would be the sentence to be imposed against him?.

(10). <u>DISCUSSION:</u>

(10.1). The prosecution case is that on 03.11.2024 at 20.00 hrs, in the TASMAC bar at Somanur, the accused abused the defacto complainant by using filthy language and assaulted him with hands and caused simple injury and by showing the bottle, threatened him with dire consequences and hence, the accused is liable to be punished.

(10.2). In order to prove the prosecution case, the prosecution cited LW1 to LW9 as the witness in this case. The prosecution examined the defacto complainant LW1 as PW1, he deposed in his evidence that he knew the accused and last years one day between 7.00pm to 8.00pm, dispute arose between himself and the accused and identified his signature (Ex.P:1) alone in the report and hence, he was declared as hostile witness and cross examined by the prosecution. The learned Assistant Public Prosecutor for the State have cross examined PW1 after obtaining permission from the

court, even then PW1 not supported the case of the prosecution in any way. Further, on the side of the prosecution, LW2 to LW9 were dispensed and even though they were examined as witnesses, no fruitful thing will happen in this case.

(10.3). Hon'ble Supreme Court in Satish Mehra v Delhi Administration & Anr.(decided on 31.7.1996) *as per which the time of the court should not be wasted merely for completion of procedure, where there is no chance of the trial culminating into a conviction.* The star witness who set the law into motion/victim in this case turned hostile.

(10.4). In this case, PW2 deposed about the registration of FIR, arrest, remand and filing of final report against the accused. It all shows that is only official in nature and no way connected with the crime and the accused. Therefore the evidence of PW1 and PW2 have absolutely lost their credibility and not corroborated the evidence and not supported the prosecution case.

(10.5). The burden of proof vests on the prosecution to prove the guilt of the accused beyond all reasonable doubts. In the present case, the prosecution has failed to elucidate the case of prosecution and turned hostile. On carefully weighing the evidence of prosecution, this court finds that there is no sufficient material, incriminating the Accused for the offence under sections 296(b), 118(1), 351(3) of BNS. Considering the facts and circumstances above, this court is of the considered view that the offence charged against the Accused under sections 296(b), 118(1), 351(3) of BNS is not proved beyond all reasonable doubts.

(11). The prosecution has not established the charges against the accused under sections 296(b), 118(1), 351(3) of BNS beyond reasonable doubt. Hence, the accused is entitled to the benefit of doubt.

(12). In the result, the accused is found not guilty for the offence under sections 296(b), 118(1), 351(3) of BNS and the accused is acquitted under section 271(1) of BNSS. The bail bonds of the accused stands canceled after appeal (or) appeal period.

(13). No case property produced and hence, no order for case property.

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 12th day of March 2026.

ARUNKUMAR T
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Date: 2026.03.12 19:38:29 +0530

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.Kasirajan	Defacto complainant
02.	Mr.Vadivelkumar, the 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.	The Signature of PW1 in report dated 04.11.2024.	09.03.2026	Ex.P:1	PW1	Original
02.	Report dated 04.11.2024.	11.03.2026	Ex.P:2	PW2	Original
03.	First Information report dated 04.11.2024.	11.03.2026	Ex.P:3	PW2	Original
04.	Observation Mahazar dated 04.11.2024.	11.03.2026	Ex.P:4	PW2	Original
05.	Rough Sketch dated 04.11.2024.	11.03.2026	Ex.P:5	PW2	Original
06.	Accident Register dated 04.11.2024	11.03.2026	Ex.P:6	PW2	Original

07.	Wound Certificate dated 20.11.2024	11.03.2026	Ex.P:7	PW2	Original

Prosecution side material objects:-

Material Object No.	Description of the Exhibit	Proved by / Attested by
	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.The result of the case informed to the police.

ARUNKUMAR T

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Judicial Magistrate,
Sulur.