



**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, CHENGALPATTU**

Present: Thiru.T.Chandrasekaran, M.L.,
Principal District and Sessions Judge,
Chengalpattu.

Dated: Monday, the 01st day of June 2026.

Sessions Case No.134 of 2018
(CNR No.TCGP01-001006-2018)

(P.R.C. No.37 of 2003 on the file of
the then learned Judicial Magistrate, Tambaram)

1.	Name of the Complainant	K.Elangovan, S/o. Kandasamy, Aged 37 years / 2003, No.4-A, Madha Kovil Street, Bharathi Nagar, Selaiyur, Chennai - 73.
2.	Name of the Accused	A.N. Santhanam, Commissioner - Tambaram Municipality, Tambaram, Chennai - 600 045.
3.	Charges framed	Intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view - Punishable U/s.3(1)(x) of SC/ST (PoA) Act, 1989.
4.	Plea of the Accused	Pleaded not guilty
5.	Finding of the Judge	Found not guilty.
6.	Sentence or Order of the Court	In the result, the accused is found not guilty of the offence punishable under Sec.3(1)(x) of the SC/ST (Prevention of Atrocities) Act, 1989 and he is acquitted under Sec.235(1) Cr.P.C. The bail bond,



		if any, executed by the accused shall stand cancelled. The accused is set at liberty forthwith.
7.	Material Objects	-----

Case Summary:

S. No.	Particulars	Remarks
1.	The Period of Remand of the Accused	Surrendered on - 19.11.2003 Released on - 19.11.2003. The accused surrendered before this court as per the order of the Hon'ble High Court of Madras in CrI.O.P. No.37544 of 2003 dated 20.10.2003, subsequently granted bail by this court as ordered in CrI.M.P. No.7567 of 2003 dated 19.11.2003.
2.	Date of Filing of Complaint/ Final Report in the Court	Date of Complaint - 14.12.2002. Date of Final Report - ----
3.	Date of Committal of Case to the Court of Sessions	27.07.2018
4.	Date of questioning of the accused U/s.228, 240, 246 and 251 of Cr.P.C.	29.11.2018
5.	Filing of Miscellaneous petitions and their results including the results on challenge before Superior Courts; except routine petitions filed U/s.317 Cr.P.C	1. CrI.M.P. No.630 of 2024 - reopen petition filed by the complainant - petition allowed on 10.06.2024.



6.	Date of Examination in Chief and Cross of the Witnesses	PWs	Chief	Cross
		PW1	21.08.2025	21.08.2025
		PW2	16.10.2025	16.10.2025
		PW3	13.11.2025	13.11.2025
		PW4	13.11.2025	13.11.2025
7.	Date of Examination of Accused under Sec.313 of Cr.P.C.	02.12.2025		
8.	Details of abscondence of an accused and his appearance/ production as the case may be	-Nil-		
9.	Grant of Stay by Superior Courts and the results thereof	-Nil-		
10.	Details of Victim compensation details	-Nil-		

This case was committed to the Court of Sessions by the then learned Judicial Magistrate, Tambaram in P.R.C. No.37 of 2003 on 27.07.2018.

The complainant's case was conducted by M/s.T.Aravindan, the learned counsel for the complainant and the accused was defended by M/s.N.Kanakaraj, the learned Counsel for the defense.

J U D G M E N T

This case arose from a private complaint U/s.200 of Cr.P.C. which



was preferred by the complainant before the then learned Judicial Magistrate, Tambaram against the accused for the alleged commission of offence U/s.3(1)(x) of SC/ST (PoA) Act, 1989.

2. According to the complainant, he was working as Sanitary Inspector at the Office of Tambaram Municipality, where the accused was working as Commissioner of Tambaram Municipality. On 14.11.2002, the accused herein abused the complainant - who came to his chamber, and scolded him for having not cleared the garbage at Ganapathypuram area. The complainant explained his position that the said area was under the control of some other Sanitary Inspector and also assured to take alternate arrangements to clear the garbage. Nevertheless, without heeding to his explanation, the accused kept on abusing the complainant by uttering "நீ என்ன மயிரைப் பிடுங்குகிறாய், இந்த பறையன்களுக்குப் பதவி கொடுத்தால் இப்படித்தான்..."in the presence of the complainant's colleagues and subordinates. Not stopping with this, the accused went to the extent of threatening to take disciplinary action against all the staffs who witnessed the ugly scene in case of they support the complainant. Abusing the complainant by his Caste tantamount to causing of in-dignity, humiliation



and harassment. The complainant's Caste name was intentionally dragged to insult himself in front of general public, thus the accused had committed an offence punishable U/s.3(1)(x) of SC/ST (PoA) Act, 1989. Hence, the complainant preferred the private Complaint against the accused, before the learned Judicial Magistrate, Tambaram.

3. Initially, after the alleged occurrence, the complainant had lodged a complaint before the Tambaram Police Station. Pursuant to the complainant, FIR was registered in Cr. No.792 of 2002 for the offence U/s.3(1)(x) of SC/ST (PoA) Act. However, after completion of investigation, the Investigating Officer - the Deputy Superintendent of Police, St. Thomas Mount Sub Division, filed a referred Charge Sheet by closing the complaint as '*Mistake of Facts*'.

4. Thereafter, the complainant had preferred a private complaint before the then Judicial Magistrate, Tambaram in CrI.M.P. No.4065 of 2003. However, after enquiry, the learned Judicial Magistrate, by order dated 02.06.2003, dismissed the complaint U/s.203 Cr.P.C., holding that there was no *prima facie case* made out for the offence U/s.3(1)(x) of SC/ST Act, 1989.



5. Challenging the said order of the learned Judicial Magistrate, Tambaram, the complainant preferred a Criminal Revision before the Hon'ble High Court of Madras in CrI.R.C. No.1045 of 2003 praying to set-aside the order of the learned Judicial Magistrate, Tambaram in CrI.M.P. No.4065 of 2003 dated 02.06.2003 and to direct the learned Judicial Magistrate to take cognizance of the complainant dated 04.04.2003. The Hon'ble High Court of Madras, by order dated 30.07.2003 was pleased to direct the learned Judicial Magistrate, Tambaram to take cognizance of the private complaint and issue process to the accused accordingly.

6. Pursuant to the order of the Hon'ble High Court of Madras, the then learned Judicial Magistrate, Tambaram had taken cognizance of the complaint on file and the case was numbered as P.R.C. No.37 of 2003. The copies of records relied upon by the complainant were furnished to the accused as per the provisions of Sec.207 Cr.P.C. Thereafter, since the offence falls under SC/ST (PoA) Act which is exclusively triable by the Court of Sessions, the learned Judicial Magistrate, Tambaram has committed the case to this Court as per the provisions of Sec.209 Cr.P.C.

7. This Court took up the case on file as S.C. No.134 of 2018.



8. After perusing the records and hearing both sides, since *prima-facie* case was made out against the accused, charge was framed against the accused for the offence U/s.3(1)(x) of SC/ST (PoA) Act, 1989. The said charge was read over and explained to the accused in Tamil. While questioning the accused regarding the charge framed against him, he pleaded not guilty and claimed to be tried. Hence, the case was posted for trial.

9. In a bid to prove the guilt of the accused, the complainant has chosen to examine four witnesses as P.W.1 to P.W.4. However, no documents were exhibited and no material objects were marked. No witness was examined and no documents were marked on the side of the accused.

10. The case of the Complainant as emerged from the evidence of the complainant side witnesses in substance goes as follows:

PW.1 Thiru. Ilangovan (Complainant):

The PW1 is the complainant; the accused was working as Commissioner at Tambaram Municipality Office; the complainant was



working as Sanitary Inspector; he worked there for 15 years; he worked under the accused for two years; on 14.11.2002, the accused issued an order to the complainant to come to the Municipality office; on 14.11.2002 at 08.30 hours in the morning, the complainant came to the office; at that time the accused came in a jeep; the accused called the complainant to come to his chamber; the complainant went to the chamber of the accused; the accused stated that a news is published in the newspaper as though the garbage is not removed / cleaned at East Tambaram area, which caused inconvenience / disturbance to the general public; the complainant replied the accused that the said area is not coming under his supervision, but under the supervision of one Palanisamy; the complainant also took arrangements to clean the garbage by informing the same to the said Supervisor; in the chamber, the accused abused the complainant and tried to assault him by stating that "நீங்க என்ன மயிர புடுங்குவிடீயா... இந்த பறையன்களுக்கு பதவி கொடுத்தால் அப்படித்தான்...". The complainant replied as "அவ்வாறு சொல்லி திட்டாத்தீர்கள், பிரச்சினையை முடித்துவிட்டேன்". At that time, Thatchinamoorthy, Radhakrishnan, one Krishnamoorthy belonging to a political party, driver Thamodharan and night Watchman Palani were present there and due to frustration / depression, the complainant came out



from the chamber. He lodged a complaint before the Mount SC/ST Police Officer; on the same day of the occurrence, he was suspended from service; the accused refused to reinstate the complainant to duty; he stated the same in the complaint; but, the police did not take action; hence, he filed the private complaint and he prays to punish the accused.

PW.2 Thiru.Dhatchinamoorthy:

The P.W.2 is aged 81 years; he worked as Sanitary Inspector at Tambaram Municipality and during September, 2002, he retired from service; he knows the accused; while he was in service, the accused was the Commissioner of Municipality; on 14.11.2002, at 09.00 hours in the morning, he went to the Municipality office to ask for leave salary; he went to the chamber of the commissioner; at that time, the commissioner was not there; he waited there for his arrival; later commissioner came there; the Sanitary Inspector Ilangovan came behind him; the commissioner came there by scolding that "இந்த பறபசங்களுக்கு பதவி கொடுத்தது தப்பு..."; Ilangovan who came behind him also went inside the chamber; at that time, the Commissioner, Ilangovan and PW2 alone were present there; but the PW2 did not go inside the chamber.



PW.3 Thiru.Thamotharan:

The PW.3 is now working as JCB Operator at Tambaram Municipality; he knows the accused; he was working as Commissioner of Tambaram Municipality; the complainant Ilango worked as Sanitary Inspector; the accused asked the complainant as to 'why garbage were not cleaned at Ganapathypuram area?' for which, the complainant replied that the said area is not his area, but one Palanasamy's area; the accused rebuked the complainant by saying that "நீ என்ன மயிரை பிடுங்கிக் கொண்டிருக்கிறாயா... பறையனுக்கு பதவி கொடுத்தால் இப்படித்தான் செய்வீர்கள்...".

PW.4 Thiru. Radhakrishnan:

The PW.4 is now working as Sanitary worker at Tambaram Municipality; he knows the accused; the accused was working as Commissioner of Tambaram Municipality; he also knows the complainant; the complainant Ilango was working as Sanitary Inspector; since the PW.4 fell into sick, he was on medical leave; he went to meet the Commissioner to give leave letter; while he arrived, the accused asked the complainant that "கணபதிபுரத்தில் குப்பை எடுக்க சொன்னேனே... எடுத்தாயிற்றா?"; for which, the complainant replied that the said area is not his area, but other person's area; the accused stated towards the complainant as "இந்த பறையன்களுக்கு



வேலை கொடுத்ததால் இப்படித்தான் செய்வீர்கள்..." and went away and thereafter, the PW4 went to his house.

11. The evidence of the complainant was closed with the evidence of PW4. Thereafter, the accused was questioned U/s.313(1)(b) of Cr.P.C. with regard to the incriminating materials emanating from the deposition of P.W.1 to P.W.4. He denied the same as false. No witness was examined and no documents were marked on the side of the defence.

12. During the course of arguments, the learned counsel for the accused pressed into service the following precedents:

1. The Judgment rendered by the Hon'ble Supreme Court of India in *Criminal appeal Nos..... of 2025 (arising out of Special Leave Petition (Criminal) No.8778 - 8779 of 2024)*
2. The Judgment rendered by the Hon'ble Supreme Court of India in *Criminal appeal No..... of 2026 (Special Leave Petition (Crl.) No.12144 of 2025)*

13. The point for consideration is:

Whether the complainant has proved his case that the accused committed the offence U/s.3(1)(x) of SC/ST (PoA) Act, 1989, beyond all reasonable doubts?



14. The Point: Before going into the merits of the prosecution case, it is imperative to see Sec.3(1)(x) of the SC/ST (Prevention of Atrocities) Act, 1989 (pre-2016 amendment) which defines an atrocity as intentionally insulting or intimidating, with intent to humiliate, a member of a Scheduled Caste or Scheduled Tribe in any place within public view. It is also pertinent to note that this clause was largely modified and renumbered as Sec.3(1)(r) and 3(1)(s) in the 2015 amendment.

Sec.3(1)(r) : intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;

Sec.3(1)(s) : abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view;

15. In the complaint, it is stated that on 14.11.2002 in the morning the accused asked the complainant to come to the office, scolded him as to why garbage at Ganapathypuram area was not cleared/cleaned, when he informed him that that particular area comes under some other sanitary inspector, the accused scolded him by uttering the word "நீ என்ன மயிரைப் பிடுங்குகிறாய், இந்த பறையன்களுக்குப் பதவி கொடுத்தால் இப்படித்தான்..."



and attempted to assault him and then started intimidating to take disciplinary action against all the sanitary workers and staffs including driver Perumal who witnessed the occurrence in case of they support the complainant and this had already happened to the sanitary inspector by name Palanisamy. No doubt the complaint is lacking material particulars of exact time and place of occurrence. The name of the persons who witnessed the occurrence is not furnished in the complaint and of course it need not be an encyclopedia of entire facts.

16. Coming to the deposition of witness the P.W.1 in his cross examination pleaded ignorance about the Referred Charge Sheet; affirmed the police enquired Krishnamoorthy who belongs to a political party, driver Damodharan and night Watchman Palani and they were not examined before the learned Judicial Magistrate Court, Tambaram. The fact remains that the so-called Sekar, Thavamani, Kandan and Perumal have not been shown as witnesses in the police complaint. The deposition of P.W.1 spelling the name of these witnesses in the cross examination is an utter lie.

17. The P.W.2 in his cross examination has deposed about the physical features of the Office of Tambaram Municipality, 300 persons



working in the Municipality, 60 persons working in the office, the complainant was in charge of Birth and Death Section, he admits that he did not speak about the so called occurrence in the statement recorded on 23.04.2003 for C.M.P. No.4065/2003 and he was not enquired by police. His presence at the time of occurrence itself is a big question mark, his name having not been furnished by the complainant to police, he was not enquired by police at any point of time and all of a sudden he has been brought to this court to depose in favour of the complainant. He is examined before this court at the age of 81 years after taking much time by the complainant to produce corroborative witness on his side creating suspicion over the prosecution case. The reason why he was chosen to be examined all of a sudden and retracting the statement recorded on 23.04.2003 for C.M.P. No.4065/2003, why he has elected to support the prosecution case is a million-dollar question.

18. As per the cross examination of P.W.2 and P.W.3, the accused was a strict officer, they did not know whether any disciplinary action was taken against the complainant previously and he was suspended from service and the complainant was in charge of Birth and Death Section. The



P.W.3 also admitted that he was the office bearer of the workers' union and the complainant was one of its members.

19. Nevertheless P.W.4 fairly admitted in his cross examination that during October-2002, the complainant was suspended from service by the accused and thereafter the order of suspension was revoked by the accused. Reading this along with the alleged date of occurrence i.e. 14.11.2002, this court is bound to take a firm view and irresistible conclusion that the complaint *per se* is an attempt to wreak vengeance upon the accused.

20. On a careful appreciation of the oral evidence adduced on the side of the complainant, this Court finds that the substratum of the prosecution case suffers from serious infirmities and material contradictions. Though the complainant alleged that the accused intentionally insulted him by referring to his caste name in a place within public view, the evidence let in before this Court does not inspire the confidence required for recording a conviction under Sec.3(1)(x) of the SC/ST (PoA) Act, 1989. It is trite law that in order to attract the offence under Sec.3(1)(x) of the SC/ST (PoA) Act, the prosecution must establish



that the victim is a member of Scheduled Caste or Scheduled Tribe, that the accused intentionally insulted or intimidated the victim with intent to humiliate him on the ground of caste and that such insult or intimidation occurred in a place within public view.

21. The burden squarely lies upon the complainant to establish all these essential ingredients beyond all reasonable doubts. In the present case, though the PW1 has spoken about the alleged occurrence, his testimony is not free from embellishments and improvements. In the complaint, there is absolutely no mention regarding the exact place inside the Municipality Office where the occurrence allegedly took place, nor are the names of all the alleged witnesses furnished therein. During evidence, PW1 improved his version by introducing several names which were neither cited before the police nor mentioned in the earlier proceedings. Such material improvements strike at the root of the credibility of the witness.

22. Further, admittedly, the earlier police investigation in Crime No.792 of 2002 ended in filing of a referred charge sheet treating the complaint as "*Mistake of Fact*". Though such closure report is not binding upon this court, it nevertheless assumes significance while appreciating the



overall probabilities of the case, particularly when the complainant failed to produce convincing and independent corroboration before this Court.

23. The evidence of P.W.2 also does not inspire the confidence of this court. By his own admission, he had not spoken about the alleged caste abuse in the earlier statement recorded during proceedings in C.M.P. No.4065 of 2003. Admittedly, he was not examined by the police during investigation. His sudden introduction as a supporting witness after long lapse of time creates a serious doubt regarding the genuineness of his testimony. Moreover, P.W.2 categorically admitted that he did not enter inside the chamber of the accused. Therefore, his evidence regarding the exact utterances allegedly made by the accused becomes doubtful and hearsay in nature.

24. Similarly, P.W.3 and P.W.4 are admittedly employees working under the Municipality establishment and one among them was also an office bearer of the workers' union in which the complainant was a member. Their testimonies are interested in nature and no truly independent witness from the public has been examined, though according to the complainant, the occurrence had taken place in a busy Municipality Office where several



persons were allegedly present.

25. As a matter of fact, the requirement of “public view” is an essential ingredient of the offence. The Hon’ble Supreme Court has consistently held that mere utterance of caste name inside a chamber or office room in the presence of interested persons would not automatically satisfy the requirement of “public view” unless it is proved that independent members of the public witnessed the occurrence. In this regard, it is useful to refer to the settled proposition laid down by the Hon’ble Supreme Court in *Swaran Singh v. State through Standing Counsel*, wherein it was held that an insult or intimidation inside a building in the presence of some persons may not amount to an offence unless it is shown that the occurrence was within “public view”. The Hon’ble Apex Court further explained that “public view” would mean that the public persons must have viewed the incident.

26. Similarly, in **Hitesh Verma v. State of Uttarakhand**, the Hon’ble Supreme Court reiterated that every insult or abuse to a member of Scheduled Caste would not attract the provisions of the SC/ST (PoA) Act unless the insult is intentionally directed on account of the caste of the



victim and occurs in a place within public view. It was further held that the Act cannot be permitted to be invoked to settle personal or service-related disputes.

27. In the present case, the evidence on record clearly reveals that there existed prior administrative friction between the complainant and the accused. The evidence of PW4 categorically discloses that the complainant had already been suspended from service by the accused prior to the alleged occurrence and later reinstated. The evidence of PW2 and PW3 also portrays the accused as a strict administrative officer. Therefore, the possibility of exaggeration or motivated implication arising out of official animosity cannot be ruled out.

28. It is also significant to note that no contemporaneous document has been produced by the complainant to corroborate the occurrence. Though the complainant alleged humiliation before several co-workers, no complaint from any staff member, no written representation and no supporting documentary material were produced before this Court. Even the alleged threat of disciplinary action to witnesses has not been substantiated by any acceptable evidence.



29. The cardinal principle of criminal jurisprudence is that suspicion, however strong, cannot take the place of legal proof. The prosecution must stand on its own legs and prove the guilt of the accused beyond all reasonable doubts. If two views are possible, the one favourable to the accused must necessarily be adopted.

30. The Hon'ble Supreme Court has repeatedly held that where material contradictions, omissions and improbabilities create doubt regarding the prosecution version, the accused is entitled to benefit of doubt. In the present case, the inconsistencies in the evidence of PW1 to PW4, absence of independent corroboration, doubtful proof regarding "public view", admitted prior service disputes and the delayed and improved version of witnesses cumulatively create serious doubt regarding the truthfulness of the prosecution case.

31. Therefore, this Court is of the considered opinion that the complainant has failed to establish beyond all reasonable doubts that the accused intentionally insulted or intimidated the complainant by caste name in a place within public view so as to constitute the offence punishable under Sec.3(1)(x) of the SC/ST (PoA) Act, 1989.



In the result, the accused is found not guilty of the offence punishable under Sec.3(1)(x) of the SC/ST (Prevention of Atrocities) Act, 1989 and he is acquitted under Sec.235(1) Cr.P.C. The bail bond, if any, executed by the accused shall stand cancelled. The accused is set at liberty forthwith.

Dictated by me to the steno-typist, directly computerized by him, corrected and pronounced by me in the open Court, on this the 01st day of June 2026.

**Principal District and Sessions Judge,
Chengalpattu.**

List of Witnesses on the side of the Complainant:

	Name of witness	Description
PW.1	Thiru.Ilangovan	Complainant.
PW.2	Thiru.Dhatchinamoorthy	Occurrence witness / Sanitary Inspector
PW.3	Thiru. Dhamodharan	Occurrence witness / JCB Operator
PW.4	Thiru.Radha Krishnan	Occurrence witness / sanitary worker

List of Exhibits on the side of the Complainant side: - NIL -

LIST OF MATERIAL OBJECTS: - NIL -

List of Witnesses and Exhibits on Defense side: - NIL -

**Principal District and Sessions Judge,
Chengalpattu.**