

**IN THE COURT OF THE JUDICIAL MAGISTRATE No.II, AT  
CHENGALPATTU**

**Present:- Tmt. S. Sahaana, M.A., M.L., MA.,  
Judicial Magistrate No.2, Chengalpattu.**

**Monday, the 30<sup>th</sup> day of March 2026**

**STC.No. 458 of 2025**

State Represented by  
Special Sub Inspector of Police,  
Chengalpattu Taluk Police Station.  
(Cr. No. 369/2023)

.... Complainant

-vs-

1. Kanagaraj, aged about 28 years,  
S/o. Arumugam
2. Naresh, aged about 28 years,  
S/o. Suresh
3. Ajithkumar @ Ajith, aged about 42 years,  
S/o. Muralitharan
4. Santhosh, aged about 22 years,  
S/o. Ajithkumar

.... Accused A1 to A4

This case came up for final hearing on 30.03.2026, in the presence of Learned Assistant Public Prosecutor Grade I for Complainant and M/s. S. Jayakumar, Learned Counsel for the accused A1 to A4. Upon hearing both side arguments and upon perusing the records and having stood over till this day for the consideration of this Court, this Court delivered the following:-

**(As per Circular of the Hon'ble High Court, Madras in  
ROC.No.814/2020/RG/F1, dated 07.04.2021)**

Complaint	State Represented by Special Sub Inspector of Police, Chengalpattu Taluk Police Station. (Cr. No. 369/2023)
Accused	Kanagaraj, aged about 28 years, S/o. Arumugam
The period of remand of the accused	01.07.2023
The date of filing of the complaint/final	03.06.2025

report in the Court	
The date of committal of the case of the Court of Session	NIL
The date of charges was framed as against the accused under section 263 of BNSS.	11.03.2026
Filing of all miscellaneous petitions and their results including the results on the challenge before superior Courts; except routine petitions like petitions under section 355 of BNSS.	NIL
Date of Examination in chief and cross-examination of witnesses.	PW. 1 – 13.03.2026 PW. 1 – 25.03.2026
Date of Examination of the accused under section 351(1)(b) of the BNSS	30.03.2026
Date of absconding of an accused and appearance/production, as the case may be;	NIL
Offence	Section 294(b), 323 of IPC
Questioned about Substance of accusation	Section 294(b), 323 of IPC
Plea of the Accused	Not guilty
Finding	Accused A1 to A4 are found not guilty for an offence punishable under Section 294(b), 323 of IPC
Sentence	Accused A1 to A4 are acquitted under Section 248(1) Cr.P.C.

### **JUDGMENT**

1. The accused A1 to A4 stands charged in Crime No. 369/2023 for having committed offences punishable u/s. 294(b), 323 of IPC.

## **2. Brief averment of the Police report:**

On 28.06.2023, at 21.30 hours, at Navithar Nagar, Vallam Village, when the defacto complainant was standing, the accused A1 to A4 uttered obscene words at public place to the annoyance of others and attacked the defacto complainant using hands. Subsequently, a complaint was lodged in Chengalpattu Taluk Police station and a FIR was registered in Cr. No. 369/2023 for offences u/s. 294(b), 323 of IPC as against Accused.

3. On filing the Final Report U/s. 193 BNSS before this Court, cognizance was taken against the accused and the same was taken on file as STC. No. 458 of 2025, for offences u/s. 294(b), 323 of IPC. The Summon was served to the accused. Subsequent, to the appearance of the accused, copies of relevant prosecution records were furnished as per section 230 of BNSS.

4. On perusal of the material records, this court has considered that a prima facie case was made out against the accused, to proceed further. Hence, the accused A1 to A4 were questioned about the substance of accusation as against the accused A1 to A4 u/s. 294(b), 323 of IPC. However, the accused A1 to A4 have pleaded innocence and claimed to be tried by this Court as it is a false case foisted against them.

5. On commencement of trial, the prosecution had examined PW.1, PW.2. Exhibits P.1 to P.5 were marked.

## **6. The case of the Prosecution case as it was unravelled by the witnesses before this Court is as follows: -**

**PW. 1** – Thiru. Robinson deposed in his evidence that he know the appeared accused. Two to three years ago, he could not recollect date and month, when he was standing near clothes shop and talking to all the accused. Someone attacked him. On suspicion, he lodged complaint as against the accused. At present, they have compromised and he did not want to proceed with the case. The signature in the complaint is his and it is marked as Ex.P.1. The Police did not enquire him.

**PW. 2** - Thiru. Arul, Special Sub Inspector of Police deposed in his evidence that on 30.06.2023, at 15.00 hours, the defacto complainant lodged a complaint. F.I.R. was registered in Crime No. 369/2023 offences U/s. 294(b), 323 of IPC. The complaint is marked as Ex.P.2 and FIR was marked as Ex.P.3. Then, proceeded to the scene of occurrence and prepared observation mahazar and rough sketch in the presence of the witnesses Karthick and Pushparaj and recorded their statements. The Observation mahazar and Rough sketch is marked as Ex.P.4 and Ex.P.5 respectively. The witnesses No.1 to 3 were examined. The accused were arrested and released on station bail. After completion of the Investigation, the final report has been filed as against the accused A1 to A4.

7. When the accused was questioned on 30.03.2026, U/s. 351(1)(b) of the BNSS about the incriminating circumstances available against them, they denied the same to be false. Further, mentioned that no evidence on their side.

8. Heard on both sides and perused the material records produced before this Court.

**9. Points for determination:**

The point for consideration is whether the accused A1 to A4 were guilty of offences punishable, U/s. 294(b), 323 of IPC and whether the prosecution has proved their case beyond a reasonable doubt?

**10. Discussion:**

The Learned Assistant Public Prosecutor argued that the accused A1 to A4 have committed an offence punishable U/s. 294(b), 323 of IPC and the prosecution proved the case beyond all reasonable doubt, hence accused A1 to A4 may be dealt with accordance with law.

11. Per contra, the accused counsel contended that the accused A1 to A4 have not committed any offence, the prosecution has not proved the case beyond all reasonable doubts, accused is innocent, hence, the accused A1 to A4 may be acquitted from this case.

12. Heard. Records perused. On perusal of records, it reveals that the fact of the prosecution case is that on 28.06.2023, at 21.30 hours, at Navithar Nagar, Vallam Village, when the defacto complainant was standing, the accused A1 to A4 uttered obscene words at public place to the annoyance of others and attacked the defacto complainant using hands. Hence, the accused A1 to A4 were questioned about the substance of accusation for an offence punishable u/s. 294(b), 323 of IPC.

13. On the prosecution side PW1, PW2 witnesses were examined through the evidence Ex.P1 to Ex.P5 were marked.

14. On going through the evidence of PW1 namely Robinson, who is defacto complainant and as well as the alleged victim in this case, it reveals that PW1 did not depose regarding the alleged date of the occurrence and about the alleged obscene words and the attack. Hence, on going through the evidence of PW1, it reveals that PW1 did not depose the case of Prosecution and therefore, the evidence of PW1 is not taken into consideration as against the accused. Ex.P.1 - Signature in the Complaint is also not taken into consideration as against the accused A1 to A4.

15. PW2 namely Thiru. Arul, Special Sub Inspector of Police deposed in his evidence that on 30.06.2023, at 15.00 hours, the defacto complainant lodged a complaint. F.I.R. was registered in Crime No. 369/2023 offences U/s. 294(b), 323 of IPC. The complaint is marked as Ex.P.2 and FIR was marked as Ex.P.3. Then, proceeded to the scene of occurrence and prepared observation mahazar and rough sketch in the presence of the witnesses Karthick and Pushparaj and recorded their statements. The Observation mahazar and Rough sketch is marked as Ex.P.4 and Ex.P.5 respectively. The witnesses No.1 to 3 were examined. The accused were arrested and released on station bail. After completion of the Investigation, the final report has been filed as against the accused A1 to A4. On going through the records, it reveals that since, the evidence of PW1, PW2 are not taken into consideration as against the accused A1 to A4, at this juncture, the evidence of PW2 – Thiru. Arul, Special Sub Inspector of Police, alone is not taken into consideration as against the

accused A1 to A4. Ex.P.2 to Ex.P5 are not taken into consideration as against the accused A1 to A4.

16. In the above-said circumstances, the prosecution witnesses have not clearly tendered the evidence in order to incriminate the accused A1 to A4 for the charges levelled against them. Thus, there is no evidence that the accused A1 to A4 has committed the alleged offence. Hence, the prosecution has not proved, that if the accused A1 to A4 have committed an offence punishable U/s. 294(b), 323 of IPC in this case, the prosecution has not proved the case beyond all the reasonable doubts against the accused A1 to A4 and the court is inclined to give the benefit of doubt to the accused A1 to A4 , hence the accused A1 to A4 are entitled to an acquittal from this case.

**17. In the result, the accused A1 to A4 are found not guilty for an offence punishable u/s. 294(b), 323 of IPC, since the prosecution has not proved the case as against the accused A1 to A4 . Hence this Court is inclined to give benefit of the doubt to the accused A1 to A4 and the accused A1 to A4 are hereby acquitted u/s. 248(1) Cr.P.C. of the above said charges with which they stands charged.**

18. The bail bond of the accused shall stand cancelled.

**Dictated to the Typist directly, typed by her, corrected and pronounced by me on this 30<sup>th</sup> day of March 2026.**

**Judicial Magistrate No.II,  
Chengalpattu.**

**I. List of Prosecution side witnesses:**

- 1. PW1: Robinson**
- 2. PW1: Arul**

**II. List of Documents on the side of Prosecution:**

- 1. Ex.P.1 : Signature in the complaint**
- 2. Ex.P.2 : First Information Report**
- 3. Ex.P.3 : Complaint**
- 4. Ex.P.4 : Observation mahazar**
- 5. Ex.P.5 : Rough sketch**

**III. List of Material Objects: Nil.**

**IV. Defence side witnesses and Defence side Exhibits: Nil.**

**Judicial Magistrate No.II,  
Chengalpattu.**