

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

Present:- Tmt. S. Sahaana, M.A., M.L., MA.,

Judicial Magistrate No.II, Chengalpattu

Thursday, the 13th day of August 2026

CNR No.TNCG06-002343-2025

STC.No. 469 of 2025

State Represented by
Sub Inspector of Police,
Chengalpattu Taluk Police Station.
(Cr. No. 316/2024)

.... Complainant

-VS-

Jayaraj, aged about 48 years,
S/o. Munusamy

.... Accused

This case came up for final hearing on 13.08.2026, in the presence of Learned Assistant Public Prosecutor Grade II for Complainant and M/s. M. Dinesh, Learned Counsel for the accused. 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 Sub Inspector of Police, Chengalpattu Taluk Police Station. (Cr. No. 316/2024)
Accused	Jayaraj, aged about 48 years, S/o. Munusamy
The period of remand of the accused	Arrested on 08.08.2024 and released on station bail on 08.08.2024
The date of filing of the complaint/final report in the Court	04.06.2025
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.	06.06.2025
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 – 20.07.2026 PW. 2 – 03.08.2026 PW. 3 – 03.08.2026 PW. 4 – 11.08.2026
Date of Examination of the accused under section 351(1)(b) of the BNSS	12.08.2026
Date of absconding of an accused and appearance/production, as the case may be;	NIL
Offence	Section 294(b), 323 of IPC
Substance of Accusation	Section 294(b), 323 of IPC
Plea of the Accused	Not guilty
Finding	Accused is found not guilty for an offence punishable under Section 294(b), 323 of IPC
Sentence	Accused is acquitted under Section 278(1) BNSS

JUDGMENT

1. The accused stands charged in Crime No. 316/2024 for having committed offences punishable u/s. 294(b), 323 of IPC.

2. Brief averment of the Police report:

On 15.05.2024, at 1.00 PM, at Om sakthi koil street, Periyamelaiyur village, the defacto complainant has loaned an amount of Rs. 14,00,000/- to the accused and when the defacto complainant asked to return the amount, the accused uttered obscene words at public place to the annoyance of others and attacked using hands.

Subsequently, a complaint was lodged in Maraimalai Nagar Police Station and a FIR was registered in Cr. No. 316/2024 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. 469 of 2024, 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 was questioned for substance of accusation for offence punishable u/s. 294(b), 323 of IPC. However, the accused has pleaded innocence and claimed to be tried by this Court as it is a false case foisted against him.

5. On commencement of trial, the prosecution had examined PW.1 to PW.4. Exhibits P.1 to P.6 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. Suresh deposed in his evidence that two years ago, when he was working as regional collection manager, the appeared accused obtained a loan of RS. 14,00,000/-. He went to inform the accused that action will be taken under Safarsi Act for the remaining loan amount of Rs. 7,00,000/-. There was a quarrel and he called 100 and informed the Police. He lodged complaint. The signature in the complaint is his and the complaint is marked as Ex.P.1. The Police enquired him.

PW. 2 - Thiru. Paulraj deposed in his evidence that he does not know about the case. The Police asked for signature and he signed. The 1st signature in the Observation mahazar is his and it is marked as Ex.P.2. The appeared accused is his brother. The Police did not enquire him.

PW. 3 - Thiru. Ramachandran deposed in his evidence that he does not know about the case. He does not know to read and write and he puts fingerprint. The 2nd signature in the observation mahazar is not his. The Police did not enquire him and he does not know the appeared accused.

PW. 4 - Thiru. Sadhasivam, Sub Inspector of Police deposed in his evidence that on 15.05.2024, at 17.00 hours, the defacto complainant appeared and lodged a complaint. F.I.R. was registered in Crime No. 316/2024 offences U/s. 294(b), 323 of IPC. FIR were 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 Pavunraj and Ramachandran and recorded their statements. The Observation mahazar and Rough sketch are marked as Ex.P.4 and Ex.P.5 respectively. Then, he enquired Witnesses No.1 to 4 and recorded their statements. Dr. Anbukumar, who gave treatment to the injured was examined. The accident register was marked as Ex.P.6. The accused was arrested and released on station bail. After completion of the Investigation, the final report has been filed as against the accused.

7. When the accused was questioned on 12.08.2026 U/s. 351 (1)(b) of BNSS 2023 about the incriminating circumstances available against him, he denied the same to be false. Further, mentioned that no evidence on his 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 was 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 has committed an offence punishable U/s. 294(b), 323 of IPC and the prosecution proved the case beyond all reasonable doubt, hence accused may be dealt with accordance with law.

11. Per contra, the accused counsel contended that the accused has not committed any offence, the prosecution has not proved the case beyond all reasonable doubts, accused is innocent, hence, the accused 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 15.05.2024, at 1.00 PM, at Om sakthi koil street, Periyamelaiyur village, the defacto complainant has loaned an amount of Rs. 14,00,000/- to the accused and when the defacto complainant asked to return the amount, the accused uttered obscene words at public place to the annoyance of others and attacked using hands.. Hence, the accused was questioned for substance of accusation for offence punishable u/s. 294(b), 323 of IPC.

13. On the prosecution side PW1 to PW4 witnesses were examined through the evidence Ex.P1 to Ex.P6 were marked.

14. PW1 namely Suresh, who is the defacto complainant and as well as the victim in this case, it reveals that PW1 did not depose regarding the alleged date of occurrence and PW1 did not depose regarding the alleged obscene words and the alleged attack. Further, it reveals that PW1 did not depose the case of Prosecution. Therefore, the evidence of PW1 is weak in evidence. Hence, the evidence of PW1 is not taken into consideration as against the accused. Ex.P.1 -Complaint is also not taken into consideration as against the accused.

15. On going through the evidence of PW2 – Pavunraj and PW3 - Ramachandran, who are the observation mahazar witnesses, it reveals that PW2, PW3 also did not depose regarding the alleged place of occurrence and the preparation of the observation mahazar. Therefore, the evidence of PW2, PW3 are weak in evidence. Hence, the evidence of PW2, PW3 are also not taken into consideration as against the accused. Ex.P.2 - 1st signature in the observation mahazar is also not taken into consideration as against the accused.

16. PW4 namely Thiru. Sadhasivam, Sub Inspector of Police deposed in his evidence that on 15.05.2024, at 17.00 hours, the defacto complainant appeared and

lodged a complaint. F.I.R. was registered in Crime No. 316/2024 offences U/s. 294(b), 323 of IPC. FIR were 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 Pavunraj and Ramachandran and recorded their statements. The Observation mahazar and Rough sketch are marked as Ex.P.4 and Ex.P.5 respectively. Then, he enquired Witnesses No.1 to 4 and recorded their statements. Dr. Anbukumar, who gave treatment to the injured was examined. The accident register was marked as Ex.P.6. The accused was arrested and released on station bail. After completion of the Investigation, the final report has been filed as against the accused. On going through the records, it reveals that since, the evidence of PW1 to PW3 are not taken into consideration as against the accused, at this juncture, the evidence of PW4 – Thiru. Sadhasivam, Sub Inspector of Police alone is not taken into consideration as against the accused. Ex.P.2 to Ex.P.6 are not taken into consideration as against the accused.

17. In the above-said circumstances, the prosecution witnesses have not clearly tendered the evidence in order to incriminate the accused for the charges levelled against them. Thus, there is no evidence that the accused has committed the alleged offence. Hence, the prosecution has not proved, that if the accused has 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 and the court is inclined to give the benefit of doubt to the accused, hence the accused is entitled to an acquittal from this case.

18. In the result, the accused is 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. Hence this Court is inclined to give benefit of the doubt to the accused and the accused is hereby acquitted u/s. 278(1) Cr.P.C. of the above said charges with which they stands charged.

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

Dictated to the Steno-typist directly, typed by her, corrected and pronounced by me on this 13th day of August 2026.

**Sd/-S. Sahaana,
Judicial Magistrate No.II,
Chengalpattu.**

I. List of Prosecution side witnesses:

Prosecution Witness No.	Name of Witness	Description
Pw1	Suresh	Complainant
Pw2	Paulraj	Observation mahazer witness
Pw3	Ramachandran	Observation mahazer witness
Pw4	Sadhasivam	Investigating Officer

II. List of Documents on the side of Prosecution:

Exhibit No.	Description of the Exhibit	Proved by/Attested by
Ex.P1	Complaint	Pw1
Ex.P2	1 st signature in the observation mahazer	Pw2
Ex.P3	First Information Report	Pw3
Ex.P4	Observation mahazar	Pw3
Ex.P5	Rough Sketch	Pw3
Ex.P6	Accident Register	Pw3

III. List of Material Objects: Nil.

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

**Sd/-S. Sahaana,
Judicial Magistrate No.II,
Chengalpattu.**