

BEFORE THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, DINDIGUL.

Present: Thiru.V.PADMANABHAN, M.A.M.L.D.H.

PRINCIPAL DISTRICT AND SESSIONS JUDGE, DINDIGUL.

Tuesday the 4th day of August, 2026.

SESSIONS CASE No.114/2025

(CNR No.TNDG010016682025)

(Committed to the Court of Sessions, Dindigul by the Judicial Magistrate No.III, Dindigul by its Order in PRC No.10/2019 dated; 18.10.2024.)

Complainant	The Inspector of Police, Dindigul Town South Police Station.
Name and address of the accused	1.Thangamani (Died)- Charge abated. 2. Noursath @ Ananth (24/19) Son of Jesuraj, Bharathipuram, Dindigul.
Charges framed against the 2 nd accused	U/s 294(b) and 506(ii) of Indian Penal Code and Sec.3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992.
Plea of the accused	Not guilty.
Finding of the Court	Accused found not guilty.
Sentence or Order	In the result, the prosecution has not proved the guilt against the 2 nd accused under section 294(b) and 506(ii) of Indian Penal Code and Sec.3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 beyond all reasonable doubts and hence he found not guilty of the same. Case against A1 was abated on 02.03.2019, as he died during pendency of PRC No.10 of 2019 on the file of Judicial Magistrate Court No.III, Dindigul. The 2 nd accused is acquitted of the Charge under section 235(1) of Cr.P.C. In view of this Judgment, bail bonds of A2 if any shall stand cancelled, after the appeal time is over.
	The properties remanded in R.P.R.No.15 of 2026 namely M.O.1- Broken glass pieces and

	M.O.2 – Knife are ordered to be destroyed after the lapse of appeal time.
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Details of Case Summary:-

Sl.No.	Particulars.
1.	Name of the Police Station and the crime number of the offence Dindigul Town South Police Station, Crime Number 31 of 2014
2.	Name of the accused A.1- Thangamani (Died) A.2- Noursath @ Ananth.
3.	Father/Husband's Name of the 2 nd accused Jesuraj.
4.	Occupation of the 2 nd accused. Coolie.
5.	Residence of the 2 nd accused Bharathipuram, Dindigul.
6.	Age of the 2 nd accused 24/19
7.	Date of occurrence 26.01.2014
8.	Date of Complaint 27.01.2014
9.	The Period of remand of the 2 nd accused <u>Remand</u> - <u>Released on bail</u> 16.04.2025 16.04.2025 (AB)
10.	The date of committal of the case 18.10.2024
11.	The date of Questioning of the 2 nd accused U/s 228 of Cr.P.C. 05.01.2026
12.	Date of examination of the accused U/s 313(i)(b) of Cr.P.C. 01.08.2026
13.	Commencement of Trial. 20.07.2026
14.	Close of Trial. 21.07.2026
15.	Defence witness closed on 01.08.2026
16.	Sentence or order 01.08.2026
17.	Criminal Miscellaneous petitions filed by the accused except routine petitions like petitions U/s 317 of Cr.P.C. Nil.
18.	Details of abscondence of an accused and his appearance/ production, as the case may be; and Nil.
19.	Grant of Stay by Superior Courts and the results thereof. Nil.

Date of examination in-chief and cross-examination of a witness:

Sl.No.	Name of the witnesses	Date of Chief examination of witness	Date of Cross examination of witness
1.	Thiru.Azhagarsamy.	20.07.2026	20.07.2026
2.	Thiru.Ahamedpukari.	20.07.2026	20.07.2026
3.	Thiru.Arunpandian.	20.07.2026	20.07.2026
4.	Thiru.Seenivasan.	20.07.2026	20.07.2026
5.	Thiru.Ilango.	20.07.2026	20.07.2026
6.	Thiru.Pandi.	20.07.2026	20.07.2026
7.	Thiru.Britto.	21.07.2026	21.07.2026
8.	Thiru.Pandiarajan, Sub Inspector of Police.	21.07.2026	21.07.2026

This Sessions case coming today for final hearing before me, in the presence of Thiru.T.Sivachandran, learned Public Prosecutor for State and of Thiru.A.James Ilango Advocate for the accused and upon hearing the arguments on both sides and upon perusing the material records and finally, having stood over for consideration till this day, this Court pronounced the following:-

JUDGMENT

1. The Inspector of Police, Dindigul Town South Police Station has filed the final report against the accused as follows:-

On 26.01.2014 at around 20.30 hours at KSOP petrol bunk situated at Annamalayar school road, both the accused uttered obscene words towards the defacto complainant and the 1st accused attacked him with knife on his right hip and caused simple injury and both the accused smashed the glass items found in the office of petrol bunk with knife and sickle and threatened the witnesses namely Ahamed Pukari, Britto, Arunpandian and Ranjithkumar with dire consequences. Thus, A1 appears to have committed the offence punishable U/s 294(b), 324 and 506(ii) of Indian Penal Code and Sec.3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 and

A2 appears to have committed the offence punishable U/s 294(b), 506(ii) of Indian Penal Code and Sec.3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act.

2. The case was taken on file as PRC No.10 of 2019. On careful consideration of the records, the learned Judicial Magistrate No.III, Dindigul has found that the offence U/s 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 is exclusively triable by the Sessions Court. The learned Judicial Magistrate No.III, Dindigul after furnishing the copies of the documents and materials to the accused has committed the case to this court for disposing the same in accordance with law. During pendency of PRC No.10 of 2019, A1 died and Charge against A1 was abated.

3. On appearance of the accused and on hearing the learned Public Prosecutor appearing for the prosecution and the learned counsel appearing for the accused and upon considering the materials and documents 2nd accused was charged under section 294(b) and 506(ii) of Indian Penal Code and Sec.3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992. When the ingredients of the charges were read over in Tamil and questioned, the same was denied by him and he pleaded not guilty and claimed to be tried.

4. In order to prove it's case, the prosecution has examined P.W.1 to P.W.8 and marked exhibits Ex.P1 to Ex.P13 and M.O.1 to M.O.2.

5. **The brief fact of prosecution case as spoken by the witnesses is as follows:**

(1) During trial P.W.1 to P.W.3, PW5 to PW7 have not supported the prosecution and treated as hostile witnesses.

(2) P.W.4 Thiru.Seenivasan, worked in the petrol bunk at the time of incident admitted his signatures found in Observation Mahazar Ex.P.2 and Seizure Mahazar Ex.P.3.

(3) P.W.8 Thiru.Pandiarajan is working as Sub-Inspector of Police in Vilampatti police station. On 27.01.2014 while he was serving as Special Sub Inspector of Police in Dindigul Town South police station, on receipt of intimation from Government Hospital, Dindigul, he went to the said hospital and received a complaint from PW1 and returned to police station and registered a

case in Cr.No.31/2014 U/s 294(b), 324 and 506(ii) of Indian Penal Code read with U/s 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992. The complaint and the F.I.R. are Ex.P.1 and Ex.P.8 respectively. He sent the complaint to the Judicial Magistrate Court No.III, Dindigul and copies of the same to concerned higher officials.

(4) The then Inspector of Police, Dindigul Town South P.S. namely Thiru.Kannan took up this case for investigation. He went to the spot where he prepared observation mahazar Ex.P.2 and rough sketch Ex.P.9 in the presence of PW4 and one Ranjithkumar and he recovered broken glass pieces in the presence of same witnesses under Athatchi Ex.P.3. Broken glass pieces are MO1. He examined witnesses and recorded their statements. On 28.01.2014 at about 16.00 hours at Anguvilas bus stop, he arrested A1 and recorded confession statement from him in the presence of PW5 and PW6 and based upon the said confession statement, he recovered MO2 knife under seizure mahazar. The admissible portion of confession statement of A1 is Ex.P.10. Seizure mahazar is Ex.P.11. Then, he sent the accused and the case property to the Court for judicial custody. A2 released on anticipatory bail. Thereafter, he examined Dr.Tr.Thangaraj who gave treatment to the PW1 and received Ex.P.12 extract of accident register. He also obtained Damage valuation certificate Ex.P.13. At the end, he completed investigation and laid final report against the accused on 20.02.2014. P.W.8 served along with the investigation officer during investigation and he very well knows his signatures.

6. The incriminating evidence on record was put to the accused U/s 313(1)(b) of Cr.P.C to which the accused stated that a false case has been foisted against him. However, he has no defence evidence on his side.

9. **The point for determination is:**

Whether the prosecution has proved the guilt of the 2nd accused beyond reasonable doubt?

10. On the Point:

The Prosecution case is that On 26.01.2014 at about 20.30 hours at KSOP petrol bunk, both the accused uttered obscene words towards the defacto complainant; 1st accused attacked PW2 with knife and caused injury; both the accused smashed the glass items in the office and caused damage for Rs.6000/- and threatened PW2, PW3, PW7 with dire consequences. On the other hand, the 2nd accused denied the charges and faced trial.

11. The learned Public Prosecutor would submit that PW1 is the defacto complainant and remaining witnesses also spoken about the incident; P.W.8 also stated about the registration of F.I.R; investigation officer has done investigation properly; prosecution has proved the case beyond reasonable doubt and that the 2nd accused may be convicted.

12. On the other hand, the learned counsel appearing for the 2nd accused contended that PW1 and remaining material witnesses namely PW2, PW3 and PW7 did not give basic evidence as to the alleged incident; all the material witnesses not supported the prosecution case; investigation was not done properly and that benefit of doubt may be given to the accused.

13. The Investigation Officer cited totally 11 witnesses to prove the charges against the accused in the final report and among them, 8 witnesses were examined as Pw1 to Pw8. Admittedly, PW1 is the then cashier of the petrol bunk in which alleged occurrence was took place. PW2 is the owner of the said petrol bunk. PW3 and PW4 were worked in the petrol bunk at the time of alleged incident. PW1 , P.W2 and PW7 are cited as direct eye witnesses to the alleged incident of this case in the charge sheet filed by investigation officer.

14. According to the prosecution, Pw1 set the law in motion. He lodged complaint Ex.P1 as soon as the incident happened. In Ex.P1 complaint, he has narrated that on the day of incident, in the occurrence place, when he worked in KSOP petrol bunk, both the accused came there with knife and sickle, abused PW2 and A1 attacked him with knife caused injury. Thereafter, both the accused went to the manager's room and smashed the glasses with knife and sickle and threatened them with

dire consequences. Thus, PW1, PW2 and PW7 are the material witnesses to prove the charges against the 2nd accused. In their statements during investigation, they have stated about the involvement of the accused in the incident before the Investigation officer. Surprisingly, during trial, they did not support the prosecution version. The PW1 in his chief examination would testify that at the time of alleged incident, two persons came to the petrol bunk with knife, abused PW2 and attempted to attack him with knife; thereafter an unidentified person thrown a knife against him caused injury; he went to hospital for treatment; when he was under treatment in the hospital police official obtained Ex.P1 complaint from him and that PW7 also signed in the said complaint. But, PW1 in his evidence before the Court failed to identify the accused persons involved in the incident. In the same way, PW2 who is the owner of the said petrol bunk and PW3, PW7 also have stated that they did not know who attacked PW1 and damaged the glasses of petrol bunk. In fact, PW1, PW2, PW3 and PW7 would have given evidence that at the time of incident, both the accused involved in the incident, but their evidence is lacking in accused's complicity with the crime. In this way, a combined reading of said witnesses's testimony would go to show that the prosecution failed to bring the accused under the relevant charges. PW4 testified that he signed in the observation mahazar and seizure mahazar prepared by the investigation officer. His evidence is not sufficient to connect the accused with the charges levelled against him by prosecution. PW5 is cited as a witness to speak about the recording of confession statement of the accused and seizure mahazar by investigation officer. Unfortunately, he has not supported the prosecution version and he was treated as hostile to the State.

15. The prosecution relied upon an another one important circumstance to connect the accused with the crime is evidence of PW8. The PW8 is the then Sub-Inspector of Police who registered the FIR and also spoken about the investigation. He has spoken about receipt of complaint from the PW1 and registration of FIR. According to him, the then Inspector of Police visited the place of occurrence, prepared observation mahazar and rough sketch in the presence of witnesses and

recovered properties MO1 and MO2 from the scene of occurrence, arrested A1 and sent him for Judicial custody. But, the independent witnesses to the alleged confession statement and seizure mahazar not supported the said version. As already indicated, no any witnesses identified the accused and MO2 knife. All these aspects would raise reasonable doubt over recovery theory.

16. For the reasons set out herein above, this Court holds on the point that the prosecution has not proved the guilt against the 2nd accused beyond all reasonable doubt and he is entitled to get benefit of doubt.

17. In the result, the prosecution has not proved the guilt against the 2nd accused under section 294(b) and 506(ii) of Indian Penal Code and Sec.3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 beyond all reasonable doubts and hence he found not guilty of the same. Case against A1 was abated on 02.03.2019, as he died during pendency of PRC No.10 of 2019 on the file of Judicial Magistrate Court No.III, Dindigul. The 2nd accused is acquitted of the Charge under section 235(1) of Cr.P.C. In view of this Judgment, bail bonds of A2 if any shall stands cancelled, after the appeal time is over.

18. The properties remanded in R.P.R.No.15 of 2026 namely M.O.1- Broken glass pieces and M.O.2 – Knife are ordered to be destroyed after the lapse of appeal time.

Dictated by me to the Executive Assistant, transcribed and typed by him in computer, print out taken and corrected by me in the open Court on this, the 4th day of August, 2026.

Principal District and Sessions Judge,
Dindigul.

PROSECUTION SIDE WITNESSES:-

P.W.1	Thiru.Azhagarsamy.
P.W.2	Thiru.Ahamedpukari.
P.W.3	Thiru.Arunpandian.
P.W.4	Thiru.Seenivasan.
P.W.5	Thiru.Ilango.

P.W.6	Thiru.Pandi.
P.W.7	Thiru.Britto.
P.W.8	Thiru.Pandiarajan, Sub Inspector of Police.

PROSECUTION SIDE EXHIBITS:-

Ex.P.1	27.01.2014	Complaint.
Ex.P.2	27.01.2014	Observation Mahazar.
Ex.P.3	27.01.2014	Seizure Mahazar at 23.45 hours.
Ex.P.4	28.01.2014	Signature of PW5 found in Confession Statement of the accused.
Ex.P.5	28.01.2014	Signature of PW5 found in the Seizure Mahazar at 17.20 hours.
Ex.P.6	28.01.2014	Signature of PW6 found in Confession Statement of the accused.
Ex.P.7	28.01.2014	Signature of PW6 found in Seizure Mahazar at 17.20 hours.
Ex.P.8	27.01.2014	First Information Report.
Ex.P.9	27.01.2014	Rough sketch.
Ex.P.10	28.01.2014	Admissible portion of confession statement of accused.
Ex.P.11	28.01.2014	Seizure mahazar at 17.20 hours.
Ex.P.12	26.01.2014	Accident Register. (copy)
Ex.P.13	-----	Damage Valuation Certificate.

Material Objects:

M.O.1	Broken glass pieces.
M.O.2	Knife.

Principal District and Sessions Judge,
Dindigul.

Principal District and Sessions Court,
Dindigul.
S.C.No.114/2025.
Judgment.
Dt.04.08.2026.

	Principal District and Sessions Court, Dindigul.
	Sessions Case No.114/2025
	Dt.04.08.2026.
	Judgment pronounced in open Court. In the result, the prosecution has not proved the guilt against the 2nd accused under section 294(b) and 506(ii) of Indian Penal Code and Sec.3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 beyond all reasonable doubts and hence he found not guilty of the same. Case against A1 was abated on 02.03.2019, as he died during pendency of PRC No.10 of 2019 on the file of Judicial Magistrate Court No.III, Dindigul. The 2nd accused is acquitted of the Charge under section 235(1) of Cr.P.C. In view of this Judgment, bail bonds of A2 if any shall stands cancelled, after the appeal time is over. The properties remanded in R.P.R.No.15 of 2026 namely M.O.1- Broken glass pieces and M.O.2 – Knife are ordered to be destroyed after the lapse of appeal time. Principal District and Sessions Judge, Dindigul.

