



IN THE COURT OF THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE No 1
KODAIKANAL

**Present :Thiru. R.Arun Pandian, B.A., B.L.,(Hons), M.L.,
District Munsif Cum Judicial Magistrate No1 Kodaikanal.
Monday the 31st day of August 2026**

CC.No. 71/2008

(CNR.No.TNDG110000232008)

State Rep by Inspector of Police,

Thandikudi PS,

Crime No. 115/2007

.... Complainant

/ Vs /

1. Panthalarajan Age 23 of 2007

S/o. Mayan @ Mayan Perumal,

2. Thamaraikannan Age 25 of 2007

S/o. Rathinam,

3. Ezhilkannan Age 29 of 2007

S/o. Sivaraj,

4. Senthilkumar Age 35 of 2007

S/o. Shivaraj,

5. Samayal Paramasivam Age 45 of 2007

S/o. Ramasamy,

6. Selvan Age 24 of 2007

S/o. Govindhan @ Govindhasami,

.... Accused

1.	Serial Number	C.C.No.71 of 2008
2.	Name of the police station and the crime number of the offence.	Thandikudi P.S., Cr. No. 115 of 2007

Description of the Accused		
3.	Name.	1.Panthalarajan Age 23 of 2007 S/o. Mayan @ Mayan Perumal, 8 th Ward, Oothu Raod, Aladipatti, Pannaikadu, Kodaikanal. 2.Thamaraikannan Age 25 of 2007 S/o. Rathinam, Pannaikadu, Kodaikanal.. 3.Ezhilkannan Age 29 of 2007 S/o. Sivaraj, Oothu Raod, Pannaikadu, Kodaikanal.. 4.Senthilkumar Age 35 of 2007 S/o. Shivaraj, Oothu Raod, Pannaikadu, Kodaikanal.. 5.Samayal Paramasivam Age 45 of 2007 S/o. Ramasamy, Oothu Raod, Pannaikadu, Kodaikanal.. 6.Selvan Age 24 of 2007 S/o. Govindhan @ Govindhasami, Upulankadu, Pannaikadu,Kodaikanal.
4.	Father's Name.	
5.	Age.	
6.	Residence.	

7.	Occupation.	A1 to A6 - Labourer
Date of		
8.	Occurrence.	02.07.2007
9.	Complaint.	10.08.2007
10.	Apprehension.	A2 – A3 -13.09.2007
11.	Release on bail.	1. A2 -A3 – 20.09.2007 2. A1, A4, A5, A6 got anticipatory bail as per order of the Hon’ble Madurai Bench of Madras High Court in CrI.OP. (MD).No.9797 of 2007 dated 17.09.2007
12.	Commitment.	-
13.	Commencement of trial.	22.08.2016
14.	Closure of trial.	24.08.2026
15.	Sentence or order.	Acquitted.
16.	Service of copy of judgment or finding on accused.	-NA-
17.	Explanation for delay.	-
Case Summary		
18.	Period of remand.	A2 -A3 – 13.09.2007 to 20.09.2007
19.	Date of filing of charge sheet.	05.08.2008

20.	Date of Questioning under Section 240 Cr.P.C	24.08.2026		
21.	Miscellaneous Petition and their results :	-Nil-		
22.	Date of examination in chief and cross.	PW's	Chief	Cross
		PW 1	27.09.2016	27.09.2016, 20.07.2026
		PW 2	04.10.2016	04.10.2016, 20.07.2026
		PW 3	04.10.2016	04.10.2016, 10.08.2026
		PW 4	04.10.2016	04.10.2016, 20.07.2026
		PW 5	20.07.2026	20.07.2026
		PW 6	27.07.2026	27.07.2026
		PW 7	27.07.2026	20.07.2026
23.	Date of examination of the accused under section 313 Cr.P.C	24.08.2026		
24.	Details of the abscondance of the accused and his appearance/ production.	-Nil-		
25.	Grant of Stay by superior court and the result thereof.	-Nil-		

This case is taken on file as CC.No.71/2008 and the state being represented by Assistant Public Prosecutor- Grade I and Mr.S.Murali, counsel for Accused and after

perusing the documents filed, evidence adduced and upon hearing submission of both sides, this court passes the following.

JUDGMENT

This case is charge sheeted by the Inspector of Police of Thandikudi PS, against the Accused A1 Pandhalarajan, A2 Thamaraikannan, A3 Ezhilkannan, A4 Senthilkumar, A5 Samayal Paramasivam and A6 Selvan in the Crime No. 115 of 2007, alleging the commission of offence Under Section 147, 148, 452, 354, 427, 506(2) and 380 of Indian Penal Code.

2. The prosecution case in brief as follows:

The de facto complainant, Amutha, wife of Arivalagan, is a resident of Alladipatti Village, Pannaikadu. She occupies a portion of the building known as "S.K.S.P. Building". The ground floor of the said building is occupied by a TASMACHOP shop. It is the case of the de facto complainant that the accused A1 to A6, after consuming alcohol, frequently picked up quarrels with her and her husband, Arivalagan. It is further alleged that, on one such occasion, Arivalagan warned the accused that, if they again indulged in any such brawl with him, he would lodge a complaint with the police. According to the de facto complainant, aggrieved by the said warning, on 02.07.2007 at about 1.30 p.m., while her husband was not at home and in the presence of her sister Rani and her husband Nagarajan, the accused A1 to A6, armed with wooden clubs and an iron rod, came to her house. It is alleged that they called out to her husband in obscene language and thereafter barged into the house. It is further alleged that the accused used criminal force against the de facto complainant by pulling her saree and pushing her to the ground. They are also alleged to have damaged the cooking utensils, television and wooden furniture in the house. The value of the property allegedly damaged was stated to be approximately Rs.6,000/-. The de facto complainant further alleged that the accused took away a sum of Rs.8,500/- kept inside the bureau. When the said acts were questioned by Nagarajan, the accused A1 to A6 allegedly manhandled him and assaulted him with

the iron rod and wooden clubs, directed at his groin region. Thereafter, the accused allegedly left the scene of occurrence. It is further alleged that, while leaving, they threatened and intimidated the de facto complainant with a view to compelling her to leave the town.

3. The aggrieved de facto complainant Amutha PW2 lodged complaint to the police and the Complaint is marked as Ex P1. Based on the complaint preferred Police personnel LW11 Poun, then Sub Inspector of Thandikudi PS registered the FIR Ex P2. Therein, then Inspector Ramanathan LW12 proceeded with the investigation and prepared the observation Mahazar Ex P3 and Rough Sketch Ex P4, witnessed by PW5 Sivasamy and PW6 Ganesan. Inspector Ramanathan further proceeded with the investigation, concluding the investigation placed his final report to that aspect as specified above. The prosecution list of witnesses namely Nagarajan, Ganesan, Murugan and Poun were reported deceased behest the prosecution.

4. On charge sheet being file, the case was taken of file against the accused A1 Pandhalarajan, A2 Thamaraikannan, A3 Ezhilkannan, A4 Senthilkumar, A5 Samayal Paramasivam, A6 Selvan and summons were issued. On appearance of the accused, copies were furnished under section 207 Cr.P.C. The particulars of the offence of which they being accused of were put to them, on prima facie case existed, this court framed charge against the accused A1 U/s 294(b), 148, 452, 324, 354 and 506(2) IPC; A2 U/s 294(b), 148, 452, 323 and 506(2) IPC; A3 U/s 294(b), 148, 452, 427 and 506(2) IPC; A4 U/s 294(b), 148, 452, 427 and 506(2) IPC; A5 U/s 294(b), 148, 452, 427 and 506(2) IPC ; A6 U/s 294(b), 148, 452, 324, 427, 380 and 506(2) IPC asked whether they plead guilty or has any defence to make. The accused denied the charges and claimed to be tried. Hence this court proceed with prosecution side evidence.

5. The evidence on the side of prosecution consists of testimonies of PW1 to PW7 and Exhibits P1 to P4 were marked. After closure of prosecution side evidence, this court questioned the accused A1 to A6 U/s 313 of the criminal procedure code regarding incriminating material available against them in the prosecution evidence.

The accused A1 to A6 denied the complicity of the offence. The defence side did not examine any witness nor did they mark any document. Heard both sides.

(LW9 Sivasamy was examined as PW5, inadvertently LW8 Ganesan was also assigned as PW5. The said sequential error was subsequently noticed and rectified herein noted.)

6. The point for consideration in this case is

- a) Whether the accused A1 to A6 uttered obscene words in public place to annoyance of other?
- b) Whether the accused A1 to A6 formed an unlawful assembly, in pursuance of common object?
- c) Whether the accused A1 to A6 committed house trespass after making preparation for hurt?
- d) Whether the accused A1 used criminal force against Amutha with intent to outrage her modesty?
- e) Whether the accused A6 committed lurking house breaking so as to commit the offence of theft?
- f) Whether the accused A1 and A6 caused Hurt as specified in sec 324 IPC, and whether it was caused voluntarily?
- g) Whether the accused A2 caused Hurt as specified in sec 323 IPC, and whether it was caused voluntarily?
- h) Whether the accused A3, to A6 with intent caused destruction and wrongful loss to property value Rs .50 or upwards?
- i) Whether the accused A1 to A6 threatened with injury to person of Amutha, and whether it did so cause alarm to her?

7. Point (a) to (i): as the matters to be discussed are associated, this court finds it just and proper considers the points together. The prosecution version began with the testimony of PW1 Rani, who is the sister of the de facto complainant Amutha. The account of PW1 resonates that the alleged incident as to manhandling and use of criminal force by the accused, transpired at 06.30AM. Whereas the prosecution case imputes the time of alleged occurrence at 01.30 PM. The version of PW1 blatant placed that the accused armed with broken glass bottles and iron rod after assaulting the Amutha, entered the house of Amutha and committed theft of Rs

8000/- and left the house and while leaving the accused accounted to have used criminal force against the husband of PW1 namely Nagarajan. The version of PW1 taken in its entirety amounts a bare assertion, bereft of supporting evidence. A person claiming to be the sister of the injured and projecting herself as an eyewitness to the occurrence, particularly with regard to the alleged use of criminal force by the accused, would be expected to place before the Court the surrounding circumstances which constituted the genesis and the immediate backdrop of the occurrence. However, the evidence of the witness is confined to a mere assertion that the accused assaulted the injured, without any supporting narration as to the circumstances preceding or accompanying the alleged assault, which could lend assurance to the prosecution theory. In the absence of such foundational circumstances, the bare assertion of assault assumes diminished evidentiary value. Further, the failure of the prosecution to place any plausible motive or reason for the alleged occurrence constitutes an additional circumstance which casts a cloud of doubt over the prosecution case. The witness claims to have witnessed the occurrence at about 06.30 a.m., whereas the prosecution case places the time of occurrence at 01.30 p.m. The discrepancy in the timing of the occurrence is not a mere trivial variation, but constitutes a material contradiction going to the very root of the prosecution case. In such circumstances, the testimony of PW1, being inconsistent with the prosecution version as to the time of occurrence, does not inspire confidence and renders the reliability of PW1 doubtful.

8. Proceeding to the account of PW2 Amutha who is the de facto complainant, in chief examination placed a parallel version as set out in the complaint. The defence, in the course of cross-examination, sought to establish that there was prior animosity between the husband of the de facto complainant and the relatives of the accused, particularly one Manikandan. It was suggested to PW2 that Manikandan had committed suicide allegedly on account of the threat extended by her husband and that, with a view to warding off the possibility of adverse criminal proceedings arising therefrom, the de facto complainant had instituted the present complaint. Though

PW2 specifically denied the said suggestion, she subsequently admitted in her cross-examination that a person named Manikandan had died and further stated that, at the time of Manikandan's death, her husband was not in the town. The said subsequent admission assumes significance, as it lends a factual foundation to the defence version which was earlier sought to be denied in toto by PW1. The principal accusation levelled by the de facto complainant PW2, is that the accused committed theft of Rs.8,500/- from her house. However, when the quantum of the alleged stolen amount was specifically put to her in cross-examination, PW2 stated that the accused had stolen about Rs.80,000/- to Rs.1,00,000/-. This is not a mere discrepancy in an incidental detail, but a material contradiction concerning the very subject matter and quantum of the alleged theft. Such a material variance in the testimony of witness, behest whom the criminal law was set in motion, cannot be brushed aside as inconsequential, particularly when the Court is called upon to determine the guilt or otherwise of the accused and thereby affect their life and liberty. PW2 in cross affirmed that there existed stained relation between the complainants family and the accused. It is laid by the Honble apex court in *Dharam Sing Vs State of Punjab* that where previous enmity of the accused with the complainant established, evidence of the witness requires careful scrutiny. The witness PW1 holding an inimical disposition towards the accused as revealed from de facto complainant's PW1 version, requires corroboration by an independent witness, as sole reliance cannot be placed on the account of PW1.

9. PW3 Arthi the daughter of the de facto complainant was put forth by the prosecution as eyewitness to the incident. PW3 delineated the prosecution version parallel to the account of PW2. The material omissions and want of knowledge elicited from PW3 in cross-examination strike at the very root of her testimony. PW3 been specifically confronted with questions concerning the recovery of material objects, the quantum of the alleged theft and the alleged acts of criminal intimidation, PW3 has consistently pleaded ignorance. When the witness is unable to speak to such material circumstances forming part of the prosecution narrative, her testimony

necessarily loses its evidentiary assurance. Thus, the evidence of PW3 fails to withstand the test of cross-examination and cannot, by itself form a basis for recording regard the culpability and guilt. PW4 Arivalagan advanced by the prosecution as witness to the incident accounted that, on 02.07.2007 during the absence of the PW4 in the home town, the arrayed accused persons accounted to have entered into a brawl with the wife of PW4 and Nagarajan, and further caused damage of the household articles. It is the consistent version of PW1 to PW3 that, PW4 Arivaklagan was not present in scene of occurrence. PW4 testified that he got receipt of the information as to alleged occurrence through phone. The said version of PW4 stands characterised as hearsay by the rule of evidence and is inadmissible evidence.

10. The witness PW6 Ganesan witness to the preparation of scene mahazar, failed to substantiate as to its preparation. PW5 Sivasami another witness to the preparation of scene Mahazar placed without any specification as to date, one day at around 09.30 AM - 10.00 AM, while he was proceeding to work along the Pannaikaddu Store Room, he happened to witness a group of people indulged in a brawl and he pacified the group. Whereas PW5 accounted that he is not aware as to the identity of the persons who were found therein. Even PW3 and PW5 accounts to the preparation of scene mahazar, the Scene of offence in panchnama is not substantive evidence and order taking panchnama as corroboration to oral testimony or to draw inference of imputed act of the accused is improper, the same does not substantiate the prosecution version nor discharges the burden of the prosecution.

11. The testimony of PW7 Pandiammal merely shimmers the factum of process of investigation carried in the case concerned. PW7 delineated as to registration of FIR and the steps in investigation process conducted, zilch was brought by the prosecution to point as to the involvement of A1 to A6 in the crime through any independent reliable witness. The Iron Rod, Wooden Club alleged to be used as weapon of crime by the accused A1 to A6 was not recovered to put forth case as alleged by the prosecution and it impedes to an extent. The prime aspect of the

prosecution case being the alleged damage to articles and theft of cash from the house of the complainant, no article allegedly subjected to such damage or theft has been seized, produced, or proved in evidence so as to establish the imputed act in accordance with the standard of proof required in a criminal prosecution. Though an allegation of assault by six male members armed with weapons has been put forth, no wound certificate, medico-legal record, or other medical document has been produced to corroborate the alleged assault or to establish that any corresponding injury was sustained during the relevant period of occurrence. Further, though the alleged date of occurrence is stated to be 02.07.2007, the First Information Report came to be registered only on 10.08.2007, after a delay of more than one month. The absence of corroborative material and the aforesaid discrepancies shroud the prosecution case with serious doubt. Further In relevant to offence as to 294(b) and 506(ii) IPC in the light of judgement in Sam Asir Ayyavoo and another Vs State 2020(1)L.W.(Crl.)108, obscene act or word must be done or uttered at or near any public place, which form the fundamental of this case was not set out by the prosecution. Likewise personal dispute between two parties and mere oral threat without anything more does not constitute criminal intimidation is squarely applicable to this case were the prosecution has failed to place the essential ingredient that an alarm was caused to the victims of the offence.

Thus on the stand point view of prudent man, from the above discussion, it has come out that the prosecution has not proved the guilt of the accused A1 to A6 beyond reasonable doubt. As such the offence allege against A1 U/s 294(b), 148, 452, 324, 354 and 506(2) IPC; A2 U/s 294(b), 148, 452, 323 and 506(2) IPC; A3 U/s 294(b), 148, 452, 427 and 506(2) IPC; A4 U/s 294(b), 148, 452, 427 and 506(2) IPC; A5 U/s U/s 294(b), 148, 452, 427 and 506(2) IPC ; A6 U/s 294(b), 148, 452, 324, 427, 380 and 506(2) IPC was not proved and found not guilty, the accused A1 to A6 are acquitted U/s 248(1) of Cr.P.C.

There being no property adduced either by the prosecution or defence is herein noted. Hence no property order passed. The bond executed by the accused shall be cancelled after the lapse of period specified for appeal.

Dictated to the steno typist, typed by him directly on the computer, verified by me to be correct and pronounced in open court on Monday the 31st day of August 2026.

**District Munsif Cum Judicial Magistrate No1,
Kodaikanal**

Prosecution Side Witness:-

1. PW 1 – Tmt.Rani
2. PW 2 – Tmt.Amutha
3. PW 3 – Selvi.Arthi
4. PW 4 – Thiru.Arivalagan
5. PW 5 – Thiru.Sivasamy
6. PW 6 – Thiru.Ganesan,
7. PW 7 – Tmt.Pandiammal, Inspector of Police.

Exhibits of the Prosecution:-

1. Ex. P1 – Complaint
2. Ex. P2 – First Information Report
3. Ex. P3 – Observation Mahazar
4. Ex. P4 – Rough Sketch

Defence Side Witness NIL

Exhibits of the Defence NIL

Material Objects for Both Prosecution and Defence NIL

**District Munsif Cum Judicial Magistrate No1,
Kodaikanal**

Note:

1. During the period of trial the accused were enlarged on bail.
2. No witnesses were held more than three days without examination.
3. Decision of court intimated to the complainant police.
4. The copy of this order is directed to be sent to the Honble Chief Judicial Magistrate.
5. Judgment Date : 31.08.2026

IN THE COURT OF DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE NO1
KODAIKANAL

Present : Thiru. R.Arun Pandian, B.A., B.L.,(Hons), M.L.,

District Munsif cum Judicial Magistrate No1,

Kodaikanal.

Monday the 31st day of August 2026

Complainant	:	The Inspector of Police, Thandikudi
Accused	:	1. Panthalarajan Age 23 of 2007 S/o. Mayan @ Mayan Perumal, 2. Tamaraikannan Age 25 of 2007 S/o. Rathinam, 3.Ezhilkannan Age 29 of 2007 S/o. Sivaraj, 4.Senthilkumar Age 35 of 2007 S/o. Shivaraj, 5.Samayal Paramasivam Age 45 of 2007 S/o. Ramasamy, 6.Selvan Age 24 of 2007 S/o. Govindhan @ Govindhasami,
Offence	:	U/s 147, 148, 452, 354, 427, 506(2) and 380 of Indian Penal Code.
Finding	:	Found Not guilty
Sentence	:	Acquitted
1.	Serial Number.	CC.No.71/2008
Description of the Accused		
2.	Name	1.Panthalarajan Age 23 of 2007 S/o. Mayan @ Mayan Perumal,
3.	Age	8 th Ward, Oothu Raod,
4.	Father's Name	Aladipatti, Pannaikadu,
5.	Residence.	Kodaikanal. 2.Tamaraikannan Age 25 of 2007 S/o. Rathinam,

		Pannaikadu, Kodaikanal.. 3.Ezhilkannan Age 29 of 2007 S/o. Sivaraj, Oothu Raod, Pannaikadu, Kodaikanal.. 4.Senthilkumar Age 35 of 2007 S/o. Shivaraj, Oothu Raod, Pannaikadu, Kodaikanal.. 5.Samayal Paramasivam Age 45 of 2007 S/o. Ramasamy, Oothu Raod, Pannaikadu, Kodaikanal.. 6.Selvan Age 24 of 2007 S/o. Govindhan @ Govindhasami, Upulankadu, Pannaikadu,
6.	Occupation.	Labourer
Date of		
7.	Occurrence	02.07.2007
8.	Complaint	10.08.2007
9.	Apprehension	A2 – A3 -13.09.2007

10.	Release on bail	1. A2 -A3 – 20.09.2007 2. A1, A4, A5, A6 got anticipatory bail as per order of the Hon'ble Madurai Bench of Madras High Court in Crl.OP. (MD).No.9797 of 2007 dated 17.09.2007
11.	Commitment	--
12.	Commencement of trial	22.08.2016
13.	Closure of trial	24.08.2026
14.	Sentence or order	31.08.2026
15.	Explanation for delay	-

**District Munsif cum Judicial Magistrate No.I,
Kodaikanal.**