



IN THE COURT OF THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE No.I
KODAIKANAL

Present :Thiru. R.Arun Pandian, B.A., B.L.,(Hons), M.L.,
District Munsif Cum Judicial Magistrate No1,
Kodaikanal.

Tuesday the 26th day of May 2026

CC 60/2022

(CNR.No.TNDG110003992022)

State Rep by Sub Inspector of Police,
Thandikudi PS,
Crime No. 28/2018

...Complainant

/ Vs /

1. Vanaraj Age 33 of 2026
S/o. Kulanthaivel,
2. Sathishkumar Age 30 of 2026
S/o. Kulanthaivel,
3. Kulanthaivel Age 58 of 2026
S/o. Kanniyappan,
4. Mutharasan @ Mutharasu Age 35 of 2026
S/o. Pitchaimuthu,

....Accused

1.	Serial Number	C.C.No. 60 of 2022
2.	Name of the police station and the crime number of the offence.	Thandikudi P.s., Cr. No. 28 of 2018

Description of the Accused		
3.	Name.	A1. Vanaraj Age 33 of 2026 S/o. Kulanthaivel, Alagammal Kovil Street, Kasdhuribaipuram, Pannaikadu.
4.	Father's Name.	
5.	Age.	
6.	Residence.	A2. Sathishkumar Age 30 of 2026 S/o. Kulanthaivel, Alagammal Kovil Street, Kasdhuribaipuram, Pannaikadu. A3. Kulanthaivel (Aged 58 of 2026) S/o. Kanniyappan, Alagammal Kovil Street, Kasdhuribaipuram, Pannaikadu. A4. Mutharasan @ Mutharasu Age 35 of 2026 S/o. Pitchaimuthu, Alagammal Kovil Street, Kasdhuribaipuram, Pannaikadu
7.	Occupation.	A1 – A4 - Labourer
Date of		
8.	Occurrence.	30.03.2018
9.	Complaint.	01.04.2018
10.	Apprehension.	-

11.	Release on bail.	A1 to A4 got anticipatory bail as per order of the Hon’ble Madurai Bench of Madras High court in CRL OP (MD) No. 6450 of 2018 and CRL OP (MD) NO.5291 of 2018		
12.	Commitment.	-		
13.	Commencement of trial.	19.01.2026		
14.	Closure of trial.	26.05.2026		
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.	--		
19.	Date of filing of charge sheet.	13.07.2022		
20.	Date of Questioning under Section 240 Cr.p.c	23.03.2026		
21.	Miscellaneous Petition and their results :	-Nil-		
22.	Date of examination in chief and cross.	PW's	Chief	Cross
		PW 1	22.05.2026	22.05.2026
		PW 2	25.05.2026	25.05.2026
23.	Date of examination of the accused under section 313 Cr.P.C	26.05.2026		
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-
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This case is taken on file as CC.No.60/2024 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

The sub inspector of police, Thandikudi Police Station had laid a final report against the accused A1 Vanaraj, A2 Sathishkumar, A3 Kulanthaivel and A4 Mutharasan @ Mutharasu on the receipt of complaint from Karutharaja S/o Ayyasamy. The prosecution case in brief is that, the de facto complainant is a resident of Indra Colony comprised in the Pannaikadu village. On 30.03.20018 at 10.30 PM while the de facto complainant Karutharaja was proceeding to his house in Kasdhuribaipuram, the accused persons namely Vanaraj, Sathishkumar, Kulanthaivel and Mutharasan, due to previous enmity, alleged to have waylaid the de facto complainant Karutharaja. The said incident accounted to have culminated, wherein the accused A1 to A4 alleged to have called Karutharaja in obscene words, used criminal force and manhandled him. Following which the accused A1 Vanaraj utilizing a beer bottle, struck the de facto complainant on his head. When de facto complainant's wife Suganya came to the aid of de facto complainant, the accused placed to have left the scene of occurrence. Being aggrieved the de facto Complainant Karutharaja lodged complaint with the Thandikudi PS specifying the imputation that the accused Vanaraj, Sathishkumar, Kulanthaivel and Mutharasan has committed an offence U/s 294(b), 323, 324 IPC. Whereas based on the investigation carried out, and the nature of injury sustained, final report was filed against accused A1 to A4 imputing offence U/s 326,294(b) and 323 IPC.

2. On consideration the police report cognizance was taken U/s 294(b), 323, 326 IPC against the accused A1 Vanaraj, A2 Sathishkumar, A3 Kulanthaivel and A4 Mutharasan. The accused A1 to A4 while so were enlarged on bail.

3. The accused A1 to A4 were summoned, and on their appearance copies were furnished U/s 207 of the Criminal Procedure code and after giving sufficient time, the accused were questioned by putting the substance of accusation and the same was denied by the accused, since prima facie case existed as to commission of offence triable by this court, charges were framed against the accused A1 U/s 294(b), 326 IPC and A2 to A4 U/s 294(b), 323 IPC, which was read and explained to the accused, and was asked whether they plead guilty or has any defence to make. To which the accused A1 to A4 denied the charges and claimed to be tried. Hence this court proceeded with the examination of prosecution witnesses.

4. On behalf of the prosecution, witnesses PW1 and PW2 were examined and Ex P1 to P6 were marked, no material objects were marked on behalf of the prosecution.

5. The case of the prosecution as is deposed by the prosecution witnesses:-

PW1 Karutharaja in his deposition has categorically stated that, two years back while he was at his home, at around 07.00 Hrs, PW1 heard a commotion near his house and found certain persons indulging in a brawl. When he went near the place to ascertain the situation, he was attacked by an unknown person. As result he sustained injury on his head. PW1 further accounted that as he lost consciousness he was taken to Pannaikadu GH. PW1 testified that, thereafter police personnels obtained his signature on a blank sheet of paper. PW1 denied as to any other imputation as avowed by prosecution. The version of PW1 stood concealed of the prosecution imputation placed against accused Vanaraj, Sathishkumar, Kulanthaivel and Mutharasan namely utterance of obscene words, causing hurt and grievous hurt, thus PW1 turned and was treated as hostile witness by prosecution. The prosecution being permitted to raise leading questions went futile and failed to support the prosecution assertion. Further on behalf of the prosecution PW2 Selvam Sub Inspector of police was examined and deposed as to the account of PW1 Karutharaja lodged complaint Ex P1 to the Thandikudi PS consequence which was registered as Cr 28 of 2018 and the FIR so registered was marked as Ex P2. The observation Mahazar and Rough Sketch so prepared on progress of the investigation was marked as Ex P3 and P4 respectively. The wound certificate pertain Karutharaja was marked as Ex P5. The section alteration report was marked as Ex P6.

6. On completion of prosecution evidence, the incriminating materials available on record as deposed by the prosecution witnesses was put to the accused A1 to A4 and they denied the same as false evidence. No witnesses were examined nor marked by the accused/defence. The point which arises for consideration is i) whether the prosecution has proved the charges against the accused A to A4 beyond reasonable doubt? ii) If point No.i) is answered affirmative, what would be a sentence appropriate to be passed against the accused.

7. The Public prosecutor submitted that the complainant himself, being the key witnesses having disowned his statement and there being non-availability of other material witnesses, this court may take a possible view from the evidence available on record.

8. The counsel representing the accused/ defence submitted that having no substantial evidence against the accused, the prosecution has failed to establish any of the charges against the accused. Therefore the accused is entitled to be acquitted from all the charges.

9. Having considered the submission of both sides and having gone through the entire case records meticulously and having applied my conscious I answer the points. The complainant police laid the final report against the accused Vanaraj, Sathishkumar, Kulanthaivel and Mutharasan for various charges. To substantiate the charges the prosecution examined, in total 2 witnesses amongst whom PW1 the de facto complainant who having set the criminal law in motion disowned his prior statement reduced to writing statement i.e. the complaint. PW1 failed to substantiate the prosecution assertion. The account of PW1 stands nix as to the use of criminal force and causing grievous hurt by the accused as imputed by the prosecution, and the version of PW1 stands abstracted as to it. In the absence of the imputation as averred by the prosecution being proved in adherence to the burden of proof and facts being placed and proved, the court cannot arrive to culpability of the accused based on mere assumption. The testimony of PW2 Selvam merely shimmers the factum of registration of FIR and the steps in investigation process conducted, zilch was brought by the prosecution to point the involvement of accused Vanaraj, Sathishkumar, Kulanthaivel and Mutharasan in the crime alleged.

10. The point to be decide by this court is that, is it ritual to acquit the accused when the complainant and the victim turns hostile. It is settled proposition of law the hostility of a witness cannot demolish the prosecution case where it has already been built on some other

evidence and surrounding circumstance. Arriving to case for consideration PW1 turned hostile, whether the evidence of hostile witness to be totally discarded, the answered specified being no, this court proceeds with the view laid down in the case State Vs Harischandra Tukaran, wherein it being specified that when the testimony of such witness is acceptable to the extent to which it is corroborated by the evidence of reliable witnesses, but in this case there is not even a bit of scintillating factor is deposed against the accused A1 to A4. The presence of accused in scene of occurrence, stands neither placed nor proved. Absence of any weapon of article (beer bottle) recovery undermines the prosecution version. It is therefore, in view of the above discussion, I hold that the prosecution has failed to establish any charge against the accused.

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 beyond reasonable doubt. As such the offence alleged against the accused A1 U/s 294(b), 326 IPC and A2 to A4 U/s 294(b), 323 IPC, was not proved and found not guilty, the accused Vanaraj, Sathishkumar, Kulanthaivel and Mutharasan are acquitted U/s 248(1) of Cr.P.C.

No property adduced either behest the prosecution or defence hence no property order passed. The bond if any executed by the accused shall be cancelled after period specified for appeal.

Dictated to steno typist, typed by him directly on computer, verified by me to be correct and pronounced in open court on 26th day of May, 2026.

**District Munsif Cum Judicial Magistrate No 1,
Kodaikanal.**

Prosecution Side Witness

- PW 1 – Karutharaja
- PW 2 – Selvam, Sub – Inspector.

Exhibits of the Prosecution

- Ex. P1 – Complaint
- Ex. P2 – First Information Report

- Ex. P3 – Observation Mahazar
- Ex. P4 – Rough Sketch
- Ex. P5 – Wound Certificate
- Ex. P6 – Section Alteration Report

Defence Side Witness: NIL

Exhibits of the Defence: NIL

Material Objects for Prosecution : NIL

Material Objects for Defence : NIL

**District Munsif Cum Judicial Magistrate No 1,
Kodaikanal.**

Note:

- During the period of trial the accused were enlarged on bail.
- No witnesses were held more than three days without examination.
- Judgment Date : 26.05.2026.
- Copy to Hon'ble Chief Judicial Magistrate, Dindigul.

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.

Tuesday the 26th day of May 2026

Complainant	:	The Sub - Inspector of Police, Thandikudi
Accused	:	A1. Vanaraj Age 33 of 2026 S/o. Kulanthaivel, A2. Sathishkumar Age 30 of 2026 S/o. Kulanthaivel, A3. Kulanthaivel (Aged 58 of 2026) S/o. Kanniyappan, A4. Mutharasan @ Mutharasu Age 35 of 2026 S/o. Pitchaimuthu,
Offence	:	U/s 294(b), 323, 326 IPC
Finding	:	Found Not guilty
Sentence	:	Acquitted
1.	Serial Number.	CC.No.60/2022
Description of the Accused		
2.	Name	A1. Vanaraj Age 33 of 2026 S/o. Kulanthaivel, Alagammal Kovil Street, Kasdhuribaipuram, Pannaikadu. A2. Sathishkumar Age 30 of 2026 S/o. Kulanthaivel, Alagammal Kovil Street,
3.	Age	
4.	Father's Name	
5.	Residence.	

		Kasdhuribaipuram, Pannaikadu. A3. Kulanthaivel (Aged 58 of 2026) S/o. Kanniyappan, Alagammal Kovil Street, Kasdhuribaipuram, Pannaikadu. A4. Mutharasan @ Mutharasu Age 35 of 2026 S/o. Pitchaimuthu, Alagammal Kovil Street, Kasdhuribaipuram, Pannaikadu
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11.	Commitment	--
12.	Commencement of trial	19.01.2026
13.	Closure of trial	26.05.2026
14.	Sentence or order	26.05.2026

15.	Explanation for delay	-
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**District Munsif cum Judicial Magistrate No.I,
Kodaikanal.**