



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.
Monday the 20th day of July 2026

CC.No. 18/2023

(CNR.No.TNDG11-000549-2023)

State Rep by Sub Inspector of Police,
 Thandikudi PS,
 Crime No. 177/2023

... Complainant

/ Vs /

Murugesan (Age 43 of 2026)
 S/o. Thangavel,

... Accused

1.	Serial Number	C.C.No. 18 of 2023
2.	Name of the police station and the crime number of the offence.	Thandikudi P.S., Cr. No. 177 of 2023
Description of the Accused		
3.	Name	Murugesan Age 40 of 2023 S/o. Thangavel, Vengadietram, Kuppammalpatti, Kodaikanal.
4.	Age	
5.	Father's Name	
6.	Residence.	
7.	Occupation.	Labourer
Date of		
8.	Occurrence.	18.11.2023
9.	Complaint.	21.11.2023
10.	Apprehension.	21.11.2023

11.	Release on bail.	08.12.2023		
12.	Commitment.	-		
13.	Commencement of trial.	26.03.2024		
14.	Closure of trial.	13.07.2026		
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.	18.11.2023 to 08.12.2023		
19.	Date of e-filing of charge sheet.	29.11.2023		
20.	Date of Questioning under Section 240 Cr.P.C	03.06.2024		
21.	Miscellaneous Petition and their results :	-Nil-		
22.	Date of examination in chief and cross.	PW's	Chief	Cross
		PW 1	25.03.2025	25.03.2025
		PW 2	25.03.2025	25.03.2025
		PW 3	25.03.2025	25.03.2025
		PW 4	16.02.2026	16.02.2026
		PW 5	16.02.2026	16.02.2026
		PW 6	22.05.2026	22.05.2026
		PW 7	15.06.2026	15.06.2026
23.	Date of examination of the accused under section 313 Cr.P.C	22.06.2026		

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.18/2023 and the state being represented by Assistant Public Prosecutor- Grade I and Mr.J.Clement Raja.,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 Sub Inspector of Police of Thandikudi PS, against the Accused Murugesan in the Crime No. 177 of 2023, alleging the commission of offence Under Section 294(b), 323, 506(2) of Indian Penal Code.

2. The prosecution case in brief as follows:

The de facto complainant Selvam is a resident of Kundrukaduvalivu of Kuppamalpatti village, comprised in Kodaikanal. De facto complainant ekes out his living by working as a coolie. On 18.11.2023 at 08.30 PM as he proceeded to Shivam general stores, located in Kuppamalpatti. Therein he found Murugesan entered into tussle with de facto complainant's son namely Arumugam. When Selvam enquired his son regarding the reason for tussle. Arumugam accounted to have informed his father Selvam that, Murugesan having borrowed Rs 1000/- from him and is refusing to repay it. Thus when Selvam requested Murugesan to repay it, the accused Murugesan alleged to have called the de facto complainant Selvam in obscene words and using criminal force alleged to have pushed de facto complainant to the ground. When Arumugam and other fellow bystanders came to the aid of de facto complainant Selvam, the accused Murugesan armed with knife placed to have departed the scene of occurrence threatening to do away with the life of Selvam. Hence the case was charge sheeted by the Thandikudi police for the above said offence against the accused Murugesan.

3. Being aggrieved by the affront of the accused, Selvam lodged complaint with the Thandikudi PS and the said complaint is marked as Ex P1, based on which FIR 177/2023 was registered by PW7 by then Sub Inspector Jeyabalan. The said FIR is marked as Ex P2. The Cr.No 177/2023 was proceeded with investigation by PW7 Sub Inspector Jeyabalan and prepared the

observation Mahazar Ex P3 and Rough Sketch Ex P4 witnessed by PW4 Nagan and PW5 Nagarajan. Therein PW7 concluded his investigation and placed final report imputing the accused Murugesan having contravened offence U/s 294(b), 323, 506(2) IPC. .

4. On charge sheet being file, the case was taken of file against the accused Murugesan 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 he being accused was put to him, since prima facie case existed, this court framed charge against the accused Murugesan U/s 294(b), 323, 506(ii) IPC and asked whether he plead guilty or has any defence to make. The accused Murugesan denied the charge 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 Murugesan U/s 313 of the criminal procedure code regarding incriminating material available against him in the prosecution evidence. The accused Murugesan denied the complicity of the offence. The defence side did not examine any witness nor did they mark any document. Heard both sides.

6. The point for consideration in this case is:-

- a) Whether the accused Murugesan caused Hurt as specified in sec 323 IPC, and whether it was caused voluntarily?
- b) Whether accused Murugesan uttered obscene words in public place in annoyance to others?
- c) Whether the accused Murugesan threatened with injury to person of Selvam, and whether it did so cause alarm to them?

7. Point (a) (b) and (c):- as the matters to be discussed are associated, this court finds it just and proper considers the points together. It is the reliability and trustworthiness of persecution witness which a criminal court mien into. The charge alleged, and the case of the prosecution is that on 18.11.2023 at 08.30 PM the accused Murugesan used criminal force against Selavam. The said Selvam as advanced behest the prosecution, was examined as PW1. In examination in chief PW1 accounted that, though he was not aware of the exact date, in the year 2023 at 08.00AM he went to Sivan store, wherein he happened to witness accused alleged to have assaulted his son Arumugam. The said incident was pacified by PW1 and other bystanders namely Senthil, Madasami and Manikanadan. Subsequently PW1 lodged complaint with the police. The version of PW1 in his previous statement in writing i.e. Ex P1 delineates the injured victim as himself, whereas PW1 in

chief placed a contrary version and depicted the injured person as his son Arumugam. Thus the material contradiction as to the account of PW1 and Ex P1, further the total inconsistency between the prosecution version and the testimony of PW1 with respect to the time of occurrence goes to the root of the matter, thereby rendering the evidence of PW1 devoid of reliability and unworthy of credence.

8. Proceeding to the testimony of PW2, Arumugam, who was examined by the prosecution as an eyewitness to the occurrence, he deposed that about one and a half years prior, at around 8.30(failed to specify either A.M or P.M), while the accused was standing near a general shop known as Shivan Stores, PW2 questioned the accused regarding his alleged illicit relationship with PW2's wife. Enraged by the same, the accused allegedly hacked PW2 on the head with an aruval. According to PW2, his father, PW1, thereafter lodged a complaint with the police. This version is wholly irreconcilable with the prosecution case. The prosecution has projected PW1 as the injured witness, and the motive attributed to the accused is the dispute relating to the repayment of money allegedly borrowed by him. It is neither the prosecution case that PW2 sustained any injury nor has any medical record been produced to establish that PW2 suffered injuries in the alleged occurrence. The testimony of PW2 introduces an altogether different occurrence, involving a different victim, a different motive, and a different genesis of the incident. Such evidence is in complete contradiction to the prosecution case and cannot, by any stretch of imagination, be treated as corroborative of the prosecution version.

9. Arriving the account of PW3 Senthilkumar advanced by the prosecution as eyewitness to the incident testified that he didn't witnessed the alleged occurrence, rather he heard from other that scuffle occurred between PW1Selvam and accused Murugesan. The account of PW3 stands characterised as hearsay by the rule of evidence. No reliance can be placed on the version of PW3. Likewise PW6 Madasamy forwarded as eyewitness to the incident testified that they he is unmindful and ignorant about the prosecution assertion. Similarly, PW4 Nagan witness to the scene mahazar, refuted the aspect of him being any witness to the process of investigation carried by the police. Prosecution sought the witness PW3, PW4 and PW6 be treated as hostile witnesses and leading questions was permitted with. Hence this court proceeded with the view laid down in State Vs Harischandra Tukaran, wherein it is placed that the testimony of hostile witness is acceptable to the extent to which it is corroborated by the evidence of a reliable witness, but in this case there is not even a bit of scintillating factor is deposed against the accused or brought out by the prosecution by advance of PW3, PW4 and PW6.

10. PW5 Nagarajan testified regard process of investigation case by the ploice in the scene of occurrence. The settled principle of law is that, preparation 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 burned of the prosecution.

11. The testimony of PW7 Jeyabalan merely shimmers the factum of receipt of complaint and further registration of FIR Ex P2 and the same being taken up for investigation and steps carried in investigation process as to preparation of Observation mahazar Ex P3 and Rough Sketch ExP4, but inquorate was brought by the prosecution to point as to the accused involvement in the crime, by not placing an individual trustworthy and reliable witness. The factors like Knife alleged to be wielded by the accused was not recovered to put forth case as alleged by the prosecution and it impedes to an extent and overwhelms the prosecution version. 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 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 beyond reasonable doubt. As such the offence allege against U/s 294(b), 323, 506(ii) IPC was not proved and found not guilty, the accused Murugesan is 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 Steno Typist, Typed by him on computer, verified by me to be correct and pronounced in open court on Monday the 20th day of July 2026.

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

1. Prosecution Side Witness

1. PW 1 – Thiru.Selvam,
2. PW 2 – Thiru.Arumugam
3. PW 3 – Thiru.Senthilkumar
4. PW 4 – Thiru.Nagan
5. PW 5 – Thiru.Nagarajan
6. PW 6 – Thiru.Madasamy
7. PW 7 – Thiru.Jayabalan, Sub-Inspector.

2. 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 No 1,
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. Dindigul

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KODAIKANAL

Present : Thiru. R.Arun Pandian, B.A., B.L.,(Hons), M.L.,
District Munsif cum Judicial Magistrate No1,
Kodaikanal.
Monday the 20th day of July 2026

Complainant	:	The Sub - Inspector of Police, Thandikudi
Accused	:	Murugesan
Offence	:	U/s 294(b), 323, 506(2) of Indian Penal Code
Finding	:	Found Not guilty
Sentence	:	Acquitted
1.	Serial Number.	CC.No.18/2023
Description of the Accused		
2.	Name	Murugesan Age 40 of 2023
3.	Age	S/o. Thangavel,
4.	Father's Name	Vengadietram,
5.	Residence.	Kuppammalpatti,
6.	Occupation.	Kodaikanal.
6.	Occupation.	Labourer
Date of		
7.	Occurrence	18.11.2023
8.	Complaint	21.11.2023
9.	Apprehension	21.11.2023
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11.	Commitment	--
12.	Commencement of trial	26.03.2024

13.	Closure of trial	13.07.2026
14.	Sentence or order	20.07.2026
15.	Explanation for delay	-

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