



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.

Thursday the 21st day of May 2026

CC 06/2024

(CNR.No.TNDG11-000595-2024)

State Rep by Sub Inspector of Police,

Thandikudi PS,

Crime No. 50/2023

...Complainant

/ Vs /

1. Chandramanikandan Age 41 of 2026

S/o. Subban,

2. Soniya Age 32 of 2026

W/o. Chandramanikandan,

3. Subban Age 73 of 2026

S/o. Vellaian,

...Accused

1.	Serial Number	C.C.No. 6 of 2024
2.	Name of the police station and the crime number of the offence.	Thandikudi P.s, Cr. No. 50 of 2023
Description of the Accused		
3.	Name.	A1. Chandramanikandan Age 41 of 2026 S/o. Subban, 4/170, J P Nagar, Poolathur, Kodaikanal
4.	Age.	
5.	Father's Name.	

6.	Residence	A2. Soniya Age 32 of 2026 W/o. Chandramanikandan, 4/170, J P Nagar, Poolathur, Kodaikanal. A3. Subban Age 73 of 2026 S/o. Vellaiyan, 4/170, J P Nagar, Poolathur, Kodaikanal.
7.	Occupation.	A1 , A3 – Labourer A2 – House wife
Date of		
8.	Occurrence.	31.03.2023
9.	Complaint.	02.04.2023
10.	Apprehension.	-
11.	Release on bail.	A1 – A3 got anticipatory bail as per order of the Hon’ble Madurai Bench of Madras High Court in Crl. MP(MD).No. 9036 of 2023
12.	Commitment.	-
13.	Commencement of trial.	08.04.2024
14.	Closure of trial.	21.05.2026
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.	02.03.2024		
20.	Date of Questioning under Section 240 Cr.P.C	09.05.2024		
21.	Miscellaneous Petition and their results :	-Nil-		
22.	Date of examination in chief and cross.	PW's	Chief	Cross
		PW 1	19.05.2026	19.05.2026
		PW 2	19.05.2026	19.05.2026
		PW 3	20.05.2026	20.05.2026
23.	Date of examination of the accused under section 313 Cr.p.c	21.05.2026		
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-		

This case is taken on file as CC.No.06/2024 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 .

JUDGEMENT

The sub inspector of police, Thandikudi Police Station had laid a final report against the accused Chandramanikandan, Soniya and Subban on the receipt of complaint from Suriya S/o Kamatchi. The prosecution case in brief is that, the de facto complainant is a resident of J P Nagar comprised in the Poolathur village. On 31.03.2023 at 18.00 Hrs while the de facto complainant Suriya was passing through the passage lane in front of the Chandramanikandan house, Suriya accounted to have questioned Chandramanikandan regard the parking of four wheeler in the

passage lane. The said incident accounted to have culminated, wherein the accused Chandramanikandan who came there alleged to have called Suriya in obscene words. Following which the accused Chandramanikandan armed with a stone struck the de facto complainant on his left eye region. Further the accused Soniya and Subban alleged to have joined along with Chandramanikandan, and accounted to have used criminal force against Suriya. When de facto complainant's father Kamatchi came to the aid of de facto complainant, the accused placed to have left the scene of occurrence. Being aggrieved the de facto Complainant Suriya lodged complaint with the Thandikudi PS specifying the imputation that the accused Chandramanikandan , Soniya and Subban has committed an offence U/s 294(b), 323, 324 IPC and final report to that effect was placed by the Sub inspector of Police, Thandikudi PS.

2. On consideration the police report cognizance was taken U/s 294(b), 323, 324, 506(2) IPC against the accused A1 Chandramanikandan , A2 Soniya and A3 Subban. The accused Chandramanikandan , Soniya and Subban while so were enlarged on bail.

3. The accused A1 to A3 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), 324 IPC and A2, A3 U/s 323 IPC, which was read and explained to the accused, and was asked whether they pleads guilty or has any defence to make. To which the accused A1 to A3 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 to PW3 were examined and Ex P1 to P5 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 Suriya in his deposition has categorically stated that, two years back while he was at his home, at around 19.00 Hrs, he got fainted and lost consciousness. As result he fell upon the ground and sustained injury on region near the left eye. PW1 further accounted that as he lost consciousness he was taken to Dindigul GH. PW1 testified that the complaint presented by the prosecution was authored on suspicion against the accused. PW1 denied as to any other imputation as avowed by prosecution. The version of PW1 stood concealed of the prosecution imputation placed against accused Chandramanikandan , Soniya and Subban namely utterance of obscene words, causing 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. PW2 Kamatchi advanced by the prosecution as eye witness to the incident testified that he is oblivious of the prosecution imputation and failed to bear out the prosecution theory, witness PW2 denied having witnessed the incident. Further on behalf of the prosecution PW3 Selvam Sub Inspector of police was examined and deposed as to the account of PW1 Suriya lodged complaint Ex P1 to the Thandikudi PS consequence which was registered as Cr 50 of 2023 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 Suriya was marked as Ex P5.

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 A3 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 A3 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 and the key witnesses having disowned their 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 Chandramanikandan , Soniya and Subban for various charges. To substantiate the charges the prosecution examined, in total 3 witnesses amongst who 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. PW2 failed to substantiate the prosecution assertion. The account of PW1 to PW2 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 PW3 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 Chandramanikandan , Soniya and Subban 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 and PW2 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 A3. The presence of accused in scene of occurrence, stands neither placed nor proved. Absence of any weapon (stone) 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 allege against the accused A1 U/s 294(b), 324 IPC and A2, A3 U/s 323 IPC was not proved and found not guilty, the accused Chandramanikandan , Soniya and Subban are acquitted U/s 248(1) of Cr.P.C.

No property adduced either behest the prosecution or defence hence no property order passed. Bond if any executed by accused shall be canceled after the 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 21st day of May, 2026.

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

● **Prosecution Side Witness**

- PW 1 – Suriya
- PW 2 – Kamatchi
- PW 3 – Selvam, Sub inspector of Police.

Exhibits of the Prosecution

- Ex. P1 – Complaint
- Ex. P2 – First Information Report
- Ex. P3 – Observation Mahazar
- Ex. P4 – Rough Sketch
- Ex. P5 – Wound Certificate

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 : 21.05.2026.
- Copy to Hon'ble Chief Judicial Magistrate, Dindigul.

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.

Thursday the 21st day of May 2026

Complainant	:	The Sub - Inspector of Police, Thandikudi PS,
Accused	:	1.Chandramanikandan 2. Soniya 3. Subban
Offence	:	U/s. 294(b), 323 and 324 IPC
Finding	:	Found Not guilty
Sentence	:	Acquitted
1.	Serial Number.	CC.No.6/2024
Description of the Accused		
2.	Name	A1. Chandramanikandan Age 41 of 2026 S/o. Subban, 4/170, J P Nagar, Poolathur, Kodaikanal A2. Soniya Age 32 of 2026 W/o. Chandramanikandan, 4/170, J P Nagar, Poolathur, Kodaikanal. A3. Subban Age 73 of 2026 S/o. Vellaiyan, 4/170, J P Nagar, Poolathur, Kodaikanal.
3.	Husband's Name	
4.	Age	
5.	Residence	
6.	Occupation	A1 , A3 – Labourer

		A2 – House wife
Date of		
7.	Occurrence	31.03.2023
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9.	Apprehension	-
10.	Release on bail	A1 – A3 got anticipatory bail as per order of the Hon'ble Madurai Bench of Madras High Court in CrI. MP(MD).No. 9036 of 2023 dated 27.06.2023
11.	Commitment	--
12.	Commencement of trial	08.04.2024
13.	Closure of trial	21.05.2026
14.	Sentence or order	21.05.2026
15.	Explanation for delay	-

(S/d.R.Arun Pandian)
**District Munsif Cum Judicial Magistrate No 1,
Kodaikanal.**

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