

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 20th day of July 2026

CC 62/2025

(CNR.No.TNDG11-001735-2025)

State Rep by Sub Inspector of Police,
 Thandikudi PS,
 Crime No. 90/2025

...Complainant

/ Vs /

1. Arunkarthik
2. Kannikaparameswari
3. Senthilkuma
4. Kavitha @Alageswari

....Accused

1.	Serial Number	C.C.No. 62 of 2025
2.	Name of the police station and the crime number of the offence.	Thandikudi P.S., Cr. No. 90 of 2025
Description of the Accused		
3.	Name	1. Arunkarthik Age 27 of 2025 S/o. Senthilkumar, Oothu raod, Aladipatti, Pannaikadu. 2.Kannikaparameswari Age 24 of 2025 W/o. Hariharan, Oothu road, Aladipatti, Pannaikadu. 3.Senthilkumar Age 53 of 2025 S/o. Sivaraj , Oothuraod, Aladipatti, Pannaikadu.
4.	Age	
5.	Father's Name	
6.	Residence.	

		4.Kavitha @Alageswari Age 48 of 2025 W/o. Senthilkumar , Oothuraod, Aladipatti, Pannaikadu
7.	Occupation.	A1. Hotel Employee A2. House Wife A3 – A4. Labourer
Date of		
8.	Occurrence.	27.06.2025
9.	Complaint.	01.07.2025
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 CrI.O.P.(MD)No.12089/2025 dated 21.07.2025
12.	Commitment.	-
13.	Commencement of trial.	30.03.2026
14.	Closure of trial.	20.07.2026
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.	--
19.	Date of e-filing of charge sheet.	28.10.2025
20.	Date of Questioning under Section 263 BNSS	15.06.2026

21.	Miscellaneous Petition and their results :	-Nil-		
22.	Date of examination in chief and cross.	PW's	Chief	Cross
		PW 1	06.07.2026	06.07.2026
		PW 2	06.07.2026	06.07.2026
		PW 3	06.07.2026	06.07.2026
		PW 4	13.07.2026	13.07.2026
23.	Date of examination of the accused under section 351 BNSS	20.07.2026		
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.62/2025 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 Arunkarthik, A2 Kannika Parameswari, A3 Senthilkumar and A4 Kavitha @Alagesawri on the receipt of complaint from Hariharan S/o Ramamoorthy.

2. The prosecution case in brief is that:-

The de facto complainant Hariharan is the husband of the arrayed accused A2 Kannika Parameswari. It is the assertion of the de facto complainant that on 27.06.2025, due to family dispute accused A2 left her matrimonial home, and went to her parents house. Later on the same day at 10.30 PM, the accused A1 to A4 armed gather in front of the de facto complaints house. Wherein the accused A1 armed with an iron rod, and A2 with an wooden club, alleged to have struck de facto complainant Hariharan on his head. Further the accused A3 and A4 accompanied the other accused, and accounted to have used criminal force against Hariharan and his parents namely

Santhi and Ramamoorthy. Being aggrieved of the said criminal act, de facto Complainant Hariharan lodged complaint with the Thandikudi PS specifying the imputation that the accused A1 Arunkarthik, A2 Kannika Parameswari, A3 Senthilkumar and A4 Kavitha @Alagesawri has committed an offence U/s 296(b), 115(2), 118(1), 351(3) BNS. Whereas based on the investigation carried out, final report was filed against accused A1 to A4 imputing offence U/s 296(b), 115(2), 118(1), 351(3) BNS. On consideration the police report cognizance was taken U/s. 296(b), 115(2), 118(1), 351(3) BNS against the accused A1 Arunkarthik, A2 Kannika Parameswari, A3 Senthilkumar and A4 Kavitha @Alagesawri. 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 230 of the BNSS 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 296(b), 118(1), 351(3) BNS, A2 U/s 296(b), 118(1) BNS, A3 U/s 296(b), 115(2) 2 counts BNS, A4 U/s 296(b), 115(2) 2 counts BNS 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 to PW4 were examined and Ex P1 to P5 were marked, no material objects were marked on behalf of the prosecution. De facto complainant Hariharan, and the alleged injured witnesses Ramamoorthy and Santhi were examined as PW1 to PW3 respectively. The serving sub inspector of Thandikudi Police Station namely Rajendran was examined as PW4 behest the prosecution.

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

PW1 Hariharan in his deposition has categorically stated that, on 27.06.2025 PW1 and his wife accounted had an domestic squabble. Later on the said date when when he was moving as pedestrian, he got tripped and fell to the ground. As a result of his he sustained injury, and when he proceeded to Periyakulam Government Hospital, the police personnels who arrived there accounted to have obtained the signature of PW1 in a blank sheet. PW1 denied as to any other imputation as avowed by prosecution. The version of PW1 stood concealed of the prosecution imputation placed against accused Arunkarthik, Kannika Parameswari, Senthilkumar and Kavitha @Alagesawri namely wrongful restrain, utterance of obscene words, causing hurt by dangerous weapon or means and criminal intimidation, 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 Ramamoorthy and PW3 Santhi as advanced by the prosecution, denied the prosecution case in its entirety. The evidence of PW1 to PW3 does not support the prosecution case and fails to lend even minimal corroboration to prosecution version. Further on behalf of the prosecution PW4 Rajendran Sub Inspector of police was examined and deposed as to the account of PW1 Hariharan lodged complaint Ex P1 to the Thandikudi PS consequence which was registered as Cr No. 90 of 2025 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 Hariharan 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 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 A1 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 de facto complainant and the injured witnesses, being the key witnesses, they 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 A1 to A4. 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 Arunkarthik, Kannika Parameswari, Senthilkumar and Kavitha @Alagesawri for various charges. To substantiate the charges the prosecution examined, in total 4 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 to PW3 failed to substantiate the prosecution assertion. The account of PW1 to PW3 stands nix as to the use of criminal force and causing hurt by the accused as imputed by the prosecution, and the version of PW1 to PW3 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 PW4 Rajendran 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 Arunkarthik, Kannika Parameswari, Senthilkumar and Kavitha @ Alagesawri 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 to PW3 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 (iron rod, wooden club) 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 A1 to A4 beyond reasonable doubt. As such the offence allege against the accused A1 U/s 296(b), 118(1), 351(3) BNS, A2 U/s 296(b), 118(1) BNS, A3 U/s 296(b), 115(2) 2 counts BNS, A4 U/s 296(b), 115(2) 2 counts BNS was not proved and found not guilty, the accused Arunkarthik, Kannika Parameswari, Senthilkumar and Kavitha @ Alagesawri are acquitted U/s 271(1) of BNSS.

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 20th day of July, 2026.

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

Prosecution Side Witness

- PW 1 – Hariharan
- PW 2 – Ramamoorthy
- PW 3 – Santhi
- PW 4 – Rajendran, 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

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 : 20.07.2026.
- Copy to Hon'ble Chief Judicial Magistrate, Dindigul.

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District Munsif cum Judicial Magistrate No1,
Kodaikanal.
Monday the 20th day of July 2026

Complainant	:	The Sub - Inspector of Police, Thandikudi
Accused	:	1. Arunkarthik 2. Kannikaparameswari 3. Senthilkuma 4. Kavitha @Alageswari
Offence	:	U/s 296(b), 115(2), 118(1), 351(3) BNS
Finding	:	Found Not guilty
Sentence	:	Acquitted
1.	Serial Number.	CC.No.62/2025
Description of the Accused		
2.	Name	1. Arunkarthik Age 27 of 2025 S/o. Senthilkumar, Oothu raod, Aladipatti, Pannaikadu.
3.	Age	
4.	Father's Name	2.Kannikaparameswari Age 24 of 2025 W/o. Hariharan, Oothu road, Aladipatti, Pannaikadu.
5.	Residence.	3.Senthilkumar Age 53 of 2025 S/o. Sivaraj , Oothuraod, Aladipatti, Pannaikadu. 4.Kavitha @Alageswari Age 48 of 2025 W/o. Senthilkumar , Oothuraod, Aladipatti, Pannaikadu
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		A3 – A4. Labourer
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15.	Explanation for delay	-

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