

IN THE COURT OF JUDICIAL MAGISTRATE COURT NO.II COURT,

Present :Tmt.R.SUSHMITHA,B.A.,L.L.B.,(Hons.,)

The Judicial Magistrate Court No.II, Dharmapuri.

On the Wednesday, the 10th day of June 2026.

Calendar Case (C.C.) No.221 of 2019

In

Crime No. 278/2015

(On the file of *Thoppur Police Station, Dharmapuri*)

CNR No. TNDP040016622019

<i>Statement as per Rule 106 of the Criminal Rules of Practice, 2019</i>		
1.	Serial Number	Calendar Case (C.C.) No. 221 of 2019
2.	Name of the Police Station and Crime No.	State of TamilNadu represented by its Sub Inspector of Police, <i>Thoppur Police Station, Dharmapuri</i> Crime No. 278of 2015 Complainant
3.	Name of the Accused	1.MUNUSAMY (M/41 Years) S/O. CHINNAMUNIYAN THATHANKOTTAI VILL, SAMICHETTIPATTY, DHARMAPURI DT 2.KRISHNAN (M/35 Years) S/O. GOVINDHAN PANGUNATHAM, DHARMAPURI DT Occupation: -- Accused
4.	Fathers Name	
5.	Occupation	
6.	Residence	
7.	Age	
8.	Date of occurrence	13.09.2015 at about 20:00 hours
9.	Date of Chargesheet and Date on which chargesheet was filed into Court	Date of Chargesheet : 14.04.2016 Date of Filing Chargesheet: 19.07.2019

Calendar Case No.221 of 2019
Crime No.278/2015, Thoppur Police Station, Dharmapuri

10.	Date of Apprehension	--
11.	Date of Release on bail	--
12.	Date of Commitment	--
13.	Date of Commencement of Trial (The date of furnishing of documents u/s. 207 Cr.P.C)	08.04.2026
14.	Charges framed against the accused and their plea	On 09.12.2025 the charges were framed against the accused A1 for the offences u/s. 294(b), 323, 324, offence U/s. 294(b), 324 against A2 of the Indian Penal Code, 1860. When the charge was read out and explained to the accused, they pleaded not guilty and claimed to be tried. Hence the case was posted for trial in accordance with section 242 (1) of the Code of Criminal Procedure, 1973.
15.	Closure of Trial	18.05.2026
16.	Sentence or Order	The Accused A1 & A2 are FOUND NOT GUILTY and ACQUITTED (U/s.248(1) Crpc) of the offences punishable u/s. 294(b), 323, 324 of the Indian Penal Code, 1860.
17.	Service of copy of the judgement or finding on the accused	Copy of the judgement was uploaded on CIS and made available for download on E-Courts Portal
18.	Explanation of delay	Not applicable
19.	Property Order u/s. 452 Code of Criminal	--

	Procedure, 1973	
20.	Counsel for the Complainant	Ms.Tamilselvi, Assistant Public Prosecutor – Grade – II
21.	Counsel for Accused A1 & A2	Mr.C.Perumal, Advocate
<i>Paragraphs in the judgement assigned continuous paragraph numbers in due obedience of the direction of the Hon'ble Supreme Court of India in BS Hari Commandant vs Union of India and others (2023 LiveLaw SC 303)</i>		

The case came up for final hearing before me today in the presence of **Ms.Tamilselvi**, the learned Assistant Public Prosecutor for the State and **Mr.C.Perumal**, Advocate, the learned counsel for the Accused. Having heard both sides, perused records and having stood over it for consideration, this Court on **10.06.2026 (Wednesday)** delivers the following.

JUDGEMENT

I. CASE OF THE PROSECUTION

1. The prosecution case, in brief, is that on 13.09.2015, at Dhasankottai Village within the limits of Thoppur Police Station, owing to previous enmity arising out of a property partition dispute, A1 Munusamy and A2 Krishnan abused Mathammal, who was standing in front of her house, by uttering filthy and obscene words. It is further alleged that during the occurrence, A1 Munusamy assaulted Kumar by slapping him on his right cheek and caused simple injuries, and also attacked Mathammal with a stone on her left thigh, thereby causing injuries. The prosecution further alleges that A2 Krishnan attacked Kumar with a stone and caused injuries on various parts of his body. On the basis of these allegations, A1 is charged with offences punishable under Sections 294(b), 323 and 324 IPC, while A2 is charged with offences punishable under Sections 294(b) and 324 IPC.

II. FURNISHING OF COPIES AND HEARING OF CHARGES:

2. Upon service of the summons u/s. 204 of the Code of Criminal Procedure, 1973 (hereinafter called as Code) and on the production of the Accused, copies of the final report and the documents were given to the Accused in compliance with section 207 of the Code.

3. Thereafter, charges were framed against the accused A1 and A2 U/s. 294(b), 324, U/s.323 against A1 of the Indian Penal Code, 1860. When the charges were read out and explained to the accused, they pleaded not guilty and claimed to be tried. Hence the case was posted to trial in accordance with section 242 (1) of the Code.

III. EVIDENCE ADDUCED BY THE PROSECUTION:

4. In order to prove the charges against the accused, the prosecution examined witnesses, P.W. 1 to P.W 6. Exhibits Ex.P1 to Ex.P 9 were marked on behalf of the prosecution. No Material object were exhibited.

5. P.W. 1 is the first informant / Complainant in the case, P.W. 2 to P.W.4 are the Eye Witnesses, P.W.5 is the Observation Mahazar witnesses. P.W.6 is the Investigation Officer. PW1 to PW5 are the hostile witnesses.

IV. QUESTIONING U/S. 313 (1)(b) OF Cr.P.C 1973

6. The circumstances appearing in the evidence of the witnesses against the Accused persons were put to him and their answer was elicited. The Accused persons replied that the case against him is false and the case was foisted against them.

V. ARGUMENTS

7. The learned Assistant Public Prosecutor on behalf of the State contended that the investigation started without any delay and the case could be decided on merits.

8. The defence counsel on the other hand has not examined any witness but advanced her arguments stating that the prosecution failed to prove beyond reasonable doubt that the accused has committed the offence. All the major witnesses turned hostile. Hence prayed for acquittal.

VI. POINT FOR DETERMINATION:

- (i) Whether the prosecution has proved beyond all reasonable doubts that the accused has committed the offences u/ss. 294(b), 323 and 324 of the Indian Penal Code, 1860.
- (ii) Acquittal or conviction, if any?

VII. REASONS FOR DETERMINATION:

APPRECIATION OF FACTS AND EVIDENCE

9. In the present case, the prosecution examined PW-1 to PW-5 in order to substantiate the charges framed against the accused under 294(b), 323, 324 and 506(2), 427 of IPC. PW-1 is the injured and the defacto complainant. In she evidence before this Court, he has not supported the prosecution case. He has stated that she and the accused have settled the matter amicably and are living peacefully. she has further stated that she does not know the contents of the complaint and that the police did not enquire him. Though she admitted her

signature in the complaint (Ex.P1), she has denied the occurrence as alleged by the prosecution. Hence, PW-1 has turned hostile.

10. PW-2, has also not supported the prosecution case. he has stated that the matter has been compromised and that he has no knowledge about the occurrence. he has also stated that the police did not enquire her. Therefore, PW-2 has also turned hostile.

11. prosecution further examined PW3 who, deposed that he knows the accused persons present before the Court. He deposed that he does not know anything about this case. He further stated that the police did not enquire with him in connection with this matter. Prosecution further examined PW4 who corroborated PW3.

12. Prosecution further examined PW5 who deposed that that the second signature observation mahazar belongs to him. He further deposed that he signed the documents as requested by the police. He stated that he does not know what was written in the papers at the time he signed them. He further stated that the police did not enquire with him in connection with this matter. His signatures alone marked as Exb.P2

13. The only remaining witness is PW-6, the Special Sub-Inspector of Police, who has deposed about the registration of the case, investigation, arrest of the accused, alteration of sections, and filing of the final report. His evidence is only formal in nature. It is well settled that the evidence of the Investigating Officer alone, without substantive evidence from occurrence witnesses, is not sufficient to prove the guilt of the accused.

14. In criminal cases, the prosecution must prove the guilt of the accused beyond reasonable doubt. In the present case, as all the material witnesses have turned

hostile and have not supported the prosecution version, this Court finds that the prosecution has failed to prove the charges under Sections 294(b), 323, 324 of IPC beyond reasonable doubt.

(a) Whether the prosecution has proved beyond all reasonable doubts that the accused has committed the offences u/ss. 294(b), 323 and 324 of the Indian Penal Code, 1860.

15. Upon a careful appreciation of the entire evidence on record, this Court finds that the prosecution has failed to prove the charges against the accused beyond reasonable doubt. PW-1, the injured witness and defacto complainant, has not supported the prosecution case and has categorically stated that the dispute has been amicably settled between the parties, that she does not know the contents of the complaint and that the police did not enquire her. Though she admitted her signature in Ex.P1, she denied the occurrence as alleged by the prosecution. PW-2 has also turned hostile and has stated that he has no knowledge about the occurrence. Likewise, PW-3 and PW-4 have not supported the prosecution case and have stated that they do not know anything about the alleged incident. PW-5, the mahazar witness, has merely admitted his signature in Ex.P2 and has stated that he signed the documents at the request of the police without knowing their contents. Thus, all the material witnesses have turned hostile and have failed to support the prosecution version. Nothing useful has been elicited from their evidence to connect the accused with the alleged offences. The only remaining evidence is that of PW-6, the Investigating Officer, whose testimony is confined to the registration of the case and the conduct of investigation. It is well settled that the evidence of the Investigating Officer, in the absence of substantive evidence from the occurrence witnesses, is insufficient to establish the guilt of the accused. Since the prosecution has not produced any reliable and cogent evidence to prove the alleged acts constituting the offences under Sections 294(b), 323, 324, 427 and

506(ii) IPC, and as all the material witnesses have failed to support the prosecution case, this Court holds that the prosecution has failed to establish the charges against the accused beyond reasonable doubt and the accused are therefore entitled to the benefit of doubt.

16. Thus, for the aforementioned reasons the offences u/ss. 294(b), 323, 324 of IPC were not proved against accused by their testimonies of witnesses. Therefore prosecution failed to prove the charges against the accused persons beyond reasonable doubts.

VIII. FINDING:

17. The complicity of the Accused persons in the crime was failed to be brought out by the determination of Points already. Therefore, upon consideration of the deposition of the witnesses and the exhibits filed by the prosecution, this Court holds that the prosecution has failed to discharged its burden to prove the case against the accused persons beyond any reasonable doubt which remained unrebutted by the defence.

IX. THE DECISION:

18. In light of the discussion and conclusions drawn under the previous heads this Court holds that the prosecution has FAILED TO PROVE the charges against the Accused persons beyond all reasonable doubts.

19. Hence, the accused persons A1 and A2 are FOUND NOT GUILTY and ACQUITTED (U/s.248(1) Crpc) of the offences punishable u/s. 294(b), 323, 324 of the Indian Penal Code, 1860.

X. PROPERTY ORDER U/S. 452 OF THE CODE:

20. No Case Property.

*Typed by me in my laptop, corrected and pronounced by me in the open court
on this Wednesday, the 10th day of June 2026.*

Judicial Magistrate No.II,
Dharmapuri.

Note:

- i. *No witness was retained more than three times*
- ii. *The outcome of the case shall be forthwith communicated to the complainant and the learned APP of this Court vide email.*

LIST OF EVIDENCE

(As per Rule 107(1) of the Criminal Rules of Practice, 2019)

PROSECUTION SIDE WITNESS:

S.No	Rank of the Witness	Name of the Witness	Remarks	Date of examination	Exhibits marked
1)	PW1	Madhammal W/o. Kumar	Complainant	08.04.2026	P1
2)	PW2	Kumar S/o. Chinnamuniyan	Eye Witness	08.04.2026	-

Calendar Case No.221 of 2019
Crime No.278/2015, Thoppur Police Station, Dharmapuri

3)	PW3	Vajjiram S/o.Perumal	Eye Witness	28.04.2026	-
4)	PW4	Jayaraman S/o. Perumal	Eye Witness	28.04.2026	
5)	PW5	Raji S/o. Thathagoundar		06.05.2026	P2
6)	PW6	Ramakrishnan, SSI	Investigating Officer	18.05.2026	P3 - P9

APPENDIX B:

<u>S.No.</u>	<u>Exhibit</u>	<u>Date of Document</u>	<u>Description of the document</u>
1)	Ex.P1	08.04.2026	Complaint signature only
2)	Ex.P2	06.05.2026	Second signature in Observation Mahazar
3)	Ex.P3	18.05.2026	Complaint Statement
4)	Ex.P4	18.05.2026	First Information Report
5)	Ex.P5	18.05.2026	Rough Sketch
6)	Ex.P6	18.05.2026	Observation mahazer
7)	Ex.P7	18.05.2026	Madhammal Wound Certificate
8)	Ex.P8	18.05.2026	Kumaran Wound Certificate
9)	Ex.P9	18.05.2026	Section Alteration Report with Accused Name removal Report

MATERIAL OBJECTS

<u>S.No.</u>	<u>Material</u>	<u>Date of</u>	<u>Description of the M.O</u>
	<u>Object</u>	<u>M.O</u>	
-	-	-	-

DEFENCE SIDE WITNESSES: NIL

APPENDIX – E: NIL

DEFENCE SIDE EXHIBITS:

<u>S.No.</u>	<u>Exhibit</u>	<u>Date of Document</u>	<u>Description of the document</u>
1.	--	--	--

Judicial Magistrate No.II,
Dharmapuri.