

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 Monday, the 15th day of June 2026.

Calendar Case (C.C.) No.16 of 2026

In

Crime No. 69/2024

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

CNR No. TNDP040032042025

<i>Statement as per Rule 106 of the Criminal Rules of Practice, 2019</i>		
1.	Serial Number	Calendar Case (C.C.) No. 16 of 2026
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. 69 of 2024 Complainant
3.	Name of the Accused	1.AMBIKA (F/31 Years) S/O. SELVAM 2. SELVAM (M/32 Years) S/O. THADAPPAN BOTH ACCUSED RESIDENCE AT KARIYANUR VILL, GETTUPATTY PO, NALLAMPALLI TK, DHARMAPURI DT. Occupation: -- Accused
4.	Fathers Name	
5.	Occupation	
6.	Residence	
7.	Age	
8.	Date of occurrence	07.03.2024 at about 22:00 hours
9.	Date of Chargesheet and Date on which chargesheet was filed into Court	Date of Chargesheet : 25.04.2024 Date of Filing Chargesheet: 07.01.2026

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10.	Date of Apprehension	--
11.	Date of Release on bail	A1 & A2 – 25.03.2024
12.	Date of Commitment	--
13.	Date of Commencement of Trial (The date of furnishing of documents u/s. 207 Cr.P.C)	19.05.2026
14.	Charges framed against the accused and their plea	On 19.05.2026 the charges were framed against the accused A1 for the offences u/s. 324, A2 for the offences u/s. 323, 324, 506(2) 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	22.05.2026
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. 323, 324, 506(2) 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.Sridharan, Advocate

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)

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.Sridharan**, Advocate, the learned counsel for the Accused. Having heard both sides, perused records and having stood over it for consideration, this Court on **15.06.2026 (Monday)** delivers the following.

JUDGEMENT

I. CASE OF THE PROSECUTION

1. The prosecution case is that on 07.03.2024 at about 10.00 p.m., PW-1 Pullaiyagounder was proceeding along the mud road situated behind the house of A2 Selvam at Kariyanur Village within the limits of Thoppur Police Station. At that time, owing to previous enmity arising out of a land dispute, A1 Ambika threw chilli powder into the eyes of PW-1. Thereafter, A2 Selvam assaulted PW-1 with a wooden stick on his head and right elbow, causing simple injuries, and also kicked him on his chest. It is further alleged that A2 criminally intimidated PW-1 by threatening to kill him while brandishing the wooden stick. Hence, A1 is alleged to have committed an offence punishable under Section 324 IPC, and A2 is alleged to have committed offences punishable under Sections 323, 324 and 506(ii) 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 for the offence U/s. 324, A2 for the offences u/s. 323, 506(2) 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 5. 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 is the Eye Witnesses, P.W.3 and P.W.4 are the Observation Mahazar witnesses. P.W.5 is the Investigation Officer. PW1 to PW4 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 A1 and A2 has committed the offences u/ss. 323 and 324, 506(2) 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 the evidence before this Court, he has not supported the prosecution case. He has stated that he 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 he admitted her signature in the complaint (Ex.P1), he 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 him. Therefore, PW-2 has also turned hostile.

11. Prosecution further examined PW3 who deposed that that the first 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

12. Prosecution further examined PW4 who deposed that that the second signature in the observation mahazar belongs to her. She further deposed that she signed the documents as requested by the police. she stated that she does not know what was written in the papers at the time she signed them. She further stated that the police did not enquire with him in connection with this matter. Her signatures alone marked as Exb.P3

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.

(a) Whether the prosecution has proved beyond all reasonable doubts that the accused A1 and A2 has committed the offences u/ss. 323 and 324, 506(2) of the Indian Penal Code, 1860.

14. In the present case, PW-1, the injured witness and defacto complainant, has not supported the prosecution case and has categorically stated that the dispute between him and the accused has been amicably settled. He denied the occurrence as alleged by the prosecution and disowned the contents of the complaint. PW-2, who was cited as an occurrence witness, has also not supported the prosecution case and professed ignorance about the alleged incident. Likewise, PW-3 and PW-4, the mahazar witnesses, have not supported the prosecution version and have merely admitted their signatures in the documents, stating that they signed them at the request of the police without knowing their contents. Thus, all the material witnesses examined by the prosecution, including the injured witness, occurrence witness and mahazar witnesses, have turned hostile and have failed to support the prosecution case. The only witness supporting the prosecution is the Investigating Officer, whose evidence is formal in nature and relates only to the registration and investigation of the case. In the absence of any substantive evidence from the material witnesses connecting the accused with the alleged offences, the testimony of the Investigating Officer alone is insufficient to establish the guilt of the accused. Therefore, this Court finds that the prosecution has failed to prove the charges against the accused beyond reasonable doubt, and the accused are entitled to the benefit of doubt.

15. 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.

VIII. FINDING:

16. 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:

17. 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.

18. Hence, the accused persons A1 and A2 are FOUND NOT GUILTY and ACQUITTED (U/s.248(1) Crpc) of the offences punishable u/s. 323, 324, 506(2) of the Indian Penal Code, 1860.

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

19. No Case Property.

Typed by me in my laptop, corrected and pronounced by me in the open court on this Monday, the 15th 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	Pullaiyagounder S/o. Kaliyappan	Complainant	19.05.2026	P1
2)	PW2	Devaraj S/o. Mani	Eye Witness	19.05.2026	-
3)	PW3	Muniraj S/o.Mani	Observation Mahazar	19.05.2026	P2
4)	PW4	Selvi W/o. Kumar	Observation Mahazar	19.05.2026	P3
5)	PW5	Ramakrishnan, SSI	Investigating Officer	22.05.2026	P4 - P9

APPENDIX B:

<u>S.No.</u>	<u>Exhibit</u>	<u>Date of Document</u>	<u>Description of the document</u>
1)	Ex.P1	19.05.2026	Complaint signature only
2)	Ex.P2	19.05.2026	First signature in Observation Mahazar
3)	Ex.P3	19.05.2026	Second signature in

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			Observation Mahazar
4)	Ex.P4	18.05.2026	Complainat Statement
5)	Ex.P5	18.05.2026	First Information Report
6)	Ex.P6	18.05.2026	Rough Sketch
7)	Ex.P7	18.05.2026	Observation mahazer
8)	Ex.P8	18.05.2026	Pullaiyagounder Wound Certificate
9)	Ex.P9	18.05.2026	CSR No.180/2024

MATERIAL OBJECTS

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