

IN THE COURT OF JUDICIAL MAGISTRATE, PALACODE.

PRESENT : Tr.G.AJAY VIKRESH KUMAR,B.B.A.,LLB (Hons)

Judicial Magistrate, Palacode

Saturday, the 06th day of June 2026

CC No.12/2024

CNR No.TNDP05000120-2024

State represented by

Inspector of Police,

Marandahalli P.S.

Cr.No.28/2016

... Complainant

/Vs/

Mani (Age 33/2016)

S/o Dhandavan,

Periyathoppu,

Seeriyampatty Post,

Palacode Taluk.

... Accused

This case was taken on file on 22.01.2024 and came for final hearing before me on 02.06.2026 in the presence of Learned Assistant Public Prosecutor Grade-I for the Prosecution and Thiru.M.S.Vijayakumar,B.Com.,B.L., and Thiru.M.Ranjithkumar,M.B.A.,B.L., and Thiru.R.S.Rajkumar,M.A.,LLB., Advocates for the accused and upon hearing both side arguments and perusing all the connected materials, having stood over till this day for consideration, this court delivers the following:

	S.No of the case	C.C No.12/2024		
a.	The Date of commission of the offence	20.01.2016		
b.	Date of filing of FIR	20.01.2016		
c.	Details on date of arrest of Accused and date of bail	Arrest of Accused	Accused were released on Bail	
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d.	The date of filing of the final report in the Court	22.01.2024		
e.	The date of questioning of the accused U/s 251 of Cr.P.C.	14.08.2025		
f.	Filing of all miscellaneous petitions and their results including the results on challenge before Superior Courts; except routine petitions like petitions under section 317 of the Code.	NIL		
g.	Date of examination in - chief and cross examination of a witness.	Prosecution side witnesses	Chief examination	Cross examination
		PW1	14.05.2026	14.05.2026
		PW2	14.05.2026	14.05.2026
		PW3	22.05.2026	22.05.2026
h.	Date of examination in - chief and cross examination of a	Nil		

	witness.		
i.	Date of examination of the accused and Under Section 313 of the Code.	02.06.2026	
j.	Details of abscondence of an accused and his appearance / production, as the case may be;	Date of issue of warrant	Date of withdrawal of warrant
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k.	Date adjourned for judgment of the case	02.06.2026	
l.	The Date of the Order	06.06.2026	

JUDGMENT

1) The Sub Inspector of Police, Marandahalli Police Station has laid his Final Report stating that on 16.01.2026 at 10.30 hours, within the jurisdiction of Marandahalli Police Station due to the previous enmity regarding financial transaction. Accused verbally abused the defacto complainant with filthy language as “தேவிடியா, கண்டார ஒழி பையா” thereby Accused has committed an offence punishable of section 294(b) of Indian Penal Code. In the course of same transaction Accused bit the defacto complainant’s ear and caused simple injury, thereby A1 has committed an offence punishable U/s.324 of Indian Penal Code. In the course of same transaction Accused assaulted the defacto complainant left hip with leg and assaulted at his right shoulder with his hand and caused simple injury, thereby A1 has committed an offence punishable U/s.323 of Indian Penal Code. In the course of same transaction Accused threatened the defacto complainant as “உன்னை கொல்லாமல் விடமாட்டேன்,” thereby A1 has committed an offence punishable u/s 506(ii) of Indian Penal Code.

2) On taking cognizance of the case, summons were sent to Accused and on appearance of Accused before this court copies U/s. 207 of Cr.P.C were furnished to them free of cost, as there was prima facie case made out against the accused, the accused was questioned as to the offence, he pleaded not guilty and claimed to be tried. Hence charges were framed against Accused 294(b), 323, 324, 506(2) of IPC., and the above charges were explained to them and they denied the said charges and claimed to be tried and their opinions were considered and summons were issued to prosecution witnesses.

3) The case of the prosecution in brief:

i) The case of the prosecution is that 16.01.2026 at 10.30 hours, within the jurisdiction of Marandahalli Police Station due to the previous enmity regarding financial transaction. Accused verbally abused the defacto complainant with filthy language as “தேவிடியா, கண்டார ஒழி பையா” thereby Accused has committed an offence punishable of section 294(b) of Indian Penal Code. In the course of same transaction Accused bit the defacto complainant’s ear and caused simple injury, thereby A1 has committed an offence punishable U/s.324 of Indian Penal Code. In the course of same transaction Accused assaulted the defacto complainant left hip with leg and assaulted at his right shoulder with his hand and caused simple injury, thereby A1 has committed an offence punishable U/s.323 of Indian Penal Code. In the course of same transaction Accused threatened the defacto complainant as “உன்னை கொல்லாமல் விடமாட்டேன்,” thereby A1 has committed an offence punishable u/s 506(ii) of Indian Penal Code

ii) On the side of the prosecution, 3 witnesses were examined as PW1 to PW3 and Exhibits P1 to P7 were marked. LW3 to LW9 dispensed by the prosecution. After Examination of the prosecution side witnesses, the accused were questioned U/s.313(1)(b) of Cr.P.C. as to the incriminating substances in the prosecution side

evidence and he denied it as false evidence and also represented that they do not have evidence on their side and therefore defence side witness was closed.

iii) It was argued on the side of the Prosecution that on 16.01.2026 at 10.30 hours, within the jurisdiction of Marandahalli Police Station due to the previous enmity regarding financial transaction. Accused verbally abused the defacto complainant with filthy language as “தேவிடியா, கண்டார ஒழி பையா” thereby Accused has committed an offence punishable of section 294(b) of Indian Penal Code. In the course of same transaction Accused bit the defacto complainant’s ear and caused simple injury, thereby A1 has committed an offence punishable U/s.324 of Indian Penal Code. In the course of same transaction Accused assaulted the defacto complainant left hip with leg and assaulted at his right shoulder with his hand and caused simple injury, thereby A1 has committed an offence punishable U/s.323 of Indian Penal Code. In the course of same transaction Accused threatened the defacto complainant as “உன்னை கொல்லாமல் விடமாட்டேன்,” thereby A1 has committed an offence punishable u/s 506(ii) of Indian Penal Code Hence the final report filed against the Accused U/s. 294(b), 323, 324, 506(2) of IPC the prosecution has proved its case with proper oral and documentary evidence and the accused are liable to be convicted.

iv) The learned counsel for the accused argued that the defacto complainant was examined as PW1 and he turned hostile to the prosecution and PW2 is also turned hostile and the prosecution has also failed to prove its case and therefore sought to acquit the accused from the above case.

Both sides heard. Records perused.

4) The point for consideration is that “*Whether the prosecution has proved the case as against the accused beyond reasonable doubt?*”

i) On considering whether the accused have committed the above mentioned offences and whether the prosecution has proved the case or not, it is important to lay emphasis on the prosecution side evidence.

ii) The PW1, who is the defacto complainant in the above case and also one of the affected person/injured has turned hostile to the prosecution and PW2 who is also Eye witness has also turned hostile.

iii) PW3.Tr.Prabakaran, Sub-Inspector of Police who is the current investigation officer in this case has stated in his evidence that "மாண்டஅள்ளி காவல்நிலையத்தில் காவல் உதவி ஆய்வாளராக பணி செய்து வருகிறேன். இந்த வழக்கில் ஆவணங்களின் அடிப்படையில் நான் சாட்சியம் அளிக்கிறேன். வழக்கு புலன்விசாரணை அலுவலர் உதவி ஆய்வாளர் காந்திமதி அவர்களின் கையெழுத்து ஆவணங்களின் அடிப்படையில் எனக்கு தெரியும். கடந்த 18.01.2016 அன்று தர்மபுரி அரசு மருத்துவமனையில் இருந்து கிடைக்கப்பெற்ற தகவலின் பேரில் சிறப்பு உதவி ஆய்வாளர் சரவணன் என்பவர் மருத்துவமனைக்கு சென்று அங்கு உள்நோயாளியாக சிகிச்சையில் இருந்த முனியப்பன் த/பெ. தாண்டவம் என்பவரை விசாரித்து வாக்குமூலம் பெற்று நிலையம் திரும்பி நிலைய மனு ரசீது எண்.21/2016 வழங்கி கோப்பினை உதவி ஆய்வாளர் திருமதி. காந்திமதி அவர்களின் பார்வைக்கு வைத்துள்ளார். அவர் வழக்கினை முதல் கட்ட புலன்விசாரணை மேற்கொண்டு குற்ற முகாந்திரம் இருப்பதை அறிந்து 20.01.2016 அன்று நிலைய குற்ற எண்.28/2016 இதச பிரிவுகள் 294(b), 323, 325, 506(ii)-வின் கீழ் முதல் தகவல் அறிக்கை பதிவு செய்துள்ளார். புகார் வாக்குமூலம் மற்றும் முதல் தகவல் அறிக்கை ஆகியவை முறையே அ.சா.ஆ.2 மற்றும் அ.சா.ஆ3-ஆக குறியீடு செய்யப்படுகிறது. பின்னர் அன்றைய தினமே வழக்கினை புலன்விசாரணைக்கு எடுத்துக்கொண்டு

சம்பவ இடம் சென்று சாட்சிகள் செந்தில்குமார் மற்றும் வையாபுரி ஆகியோர் முன்னிலையில் சம்பவ இடத்தை பார்வையிட்டு மாதிரிவரைபடம் வரைந்து பார்வை மகஜர் தயார் செய்துள்ளார். மாதிரிவரைபடம் மற்றும் பார்வைமகஜர் ஆகியவை முறையே அ.சா.ஆ.4 மற்றும் அ.சா.ஆ.5-ஆக குறியீடு செய்யப்படுகிறது. சாட்சிகள் முனியப்பன், ராஜம்மாள், சிதம்பரம், கன்னியப்பன், செந்தில்குமார் மற்றும் வையாபுரி ஆகியோரை தனித்தனியே விசாரித்து வாக்குமூலம் பதிவு செய்துள்ளார். வழக்கு சம்பவத்தில் காயம் அடைந்த முனியப்பன் என்பவருக்கு சிகிச்சை அளித்த மருத்துவர் மோகனமுரளி அவர்களை விசாரித்து வாக்குமூலம் பதிவு செய்து சிகிச்சை பெற்ற நபர் மருத்துவ அறிவுரையை பின்பற்றாமல் சென்றதாக குறிப்பிட்டு காயம் குறித்த கருத்துரை வழங்க இயலாது என தெரிவித்துள்ளார். விபத்து பதிவேடு அ.சா.ஆ.6-ஆக குறியீடு செய்யப்படுகிறது. புலன்விசாரணை அடிப்படையில் வழக்கின் சட்டப்பிரிவுகளை 294(b), 323, 325, 506(ii) இதசவிலிருந்து 294(b), 323, 324, 506(ii)-இதச வாக சட்டப்பிரிவு மாறுதல் செய்து அறிக்கை சமர்ப்பித்துள்ளார். சட்டப்பிரிவு மாறுதல் அறிக்கை அ.சா.ஆ.7-ஆக குறியீடு செய்யப்படுகிறது. எதிரி முன்பிணை பெற்றதால் கைது செய்யப்படவில்லை. இத்துடன் புலன்விசாரணை முடித்து எதிரி மீது இதச பிரிவுகள் 294(b), 323, 324, 506(ii)-ன் கீழ் குற்ற இறுதி அறிக்கை தாக்கல் செய்துள்ளார். ”

iv) The Ex.P6 shows the injury sustained by the victims but no proof produced by the prosecution as the injury was caused by the accused to the victim. As the PW1 itself adduced No evidence regarding as by whom the said injury was caused. Hence this court can't solely convicted the accused based on the wound certificate alone.

v) Though the police witness is also competent to testify, the evidence of PW3 alone cannot be taken into consideration as the other prosecution witness who are said to be the affected persons and deposed as PW1 and PW2 have not stated anything clearly about the occurrence or as against the accused. Therefore the evidence of PW3 alone cannot be relied upon in deciding this case.

vi) The court is of the opinion that PW1 and PW2 have not deposed anything supporting the prosecution case and none of them has stated that the accused involved in the above incident and they have turned hostile to the prosecution.

vii) The court is of the opinion that the defacto complainant/PW1 has not deposed anything supporting the prosecution case and he has also failed to state anything about the incident said to have taken place on the above mentioned date and time and also against the accused.

viii) The court is of the opinion that, though PW3 has deposed before this court regarding the above case, it cannot be construed and relied only on the evidence of PW3 that the accused have committed the above mentioned offences.

ix) The court is of the opinion that as in this case the matter has been amicably settled on the side of defacto complainant and the accused, Petition U/S.320 of Cr.P.C was filed but as the offences against the accused are not compoundable the said petition was dismissed by this court. On the basis of amicable settlement between both sides, the prosecution witness PW1 and PW2 did not state anything clearly about the incident and also as against the accused and therefore this court thinks that it is not necessary to proceed deep into the case further.

x) Therefore after analyzing the oral and documentary evidences produced by the prosecution and also on the basis of the submissions made, the incident is not proved by the prosecution beyond reasonable doubt.

xi) Thus in the light of the above discussions there is grave weakness in the case of the prosecution and the prosecution also failed to prove the case beyond reasonable doubt.

xii) Hence the court is of the view that the accused have not committed any offence as contended by the prosecution.

xiii) **Resultantly**, the Accused is acquitted from the charges U/s.294(b), 323, 324, 506(2) of IPC from this case as per sec 248(1) of Cr.P.C. No case property marked in this case. Bail bonds executed in favour of the accused shall be forfeited.

Directly typed by me in my laptop, corrected and pronounced by me, in open court this 06th day of June 2026.

Judicial Magistrate
Palacode

LIST OF PROSECUTION WITNESSES:

PW1 - Tr.Muniyappan.
PW2 - Tmt.Rajammal
PW 3 - Tr.Prabakaran, (SI of Police)

LIST OF PROSECUTION EXHIBITS :

Ex.P1 - Signature of the Complaint
Ex.P2 - Complaint Statement
Ex.P3 - First Information Report

Ex.P4 - Rough Sketch
Ex.P5 - Observation Mahazar
Ex.P6 - Accident Register
Ex.P7 - Alteration report

LIST OF DEFENCE WITNESSES – Nil

LIST OF DEFENCE EXHIBITS – Nil

LIST OF MATERIAL OBJECTS – Nil

Judicial Magistrate
Palacode

Note:

1. No witness was retained for more than three times.
2. Accused was in bail during the period of trial.
3. Result of the case intimated to the concerned police.