

IN THE COURT OF JUDICIAL MAGISTRATE, HARUR

Present: **Mr. DHINAKARAN.N**, Judicial Magistrate, Harur.

Wednesday, the 29th day of July, 2026

CALENDAR CASE No. 57/2026

State represented by

The Sub-Inspector of Police,

Harur Police Station,

Dharmapuri District.

(Crime No.90/2026)

... Complainant

//versus//

Thennarasu aged 19, S/o. Raja,

Residing at Anna Nagar (Nethaji Nagar),

Moppiripatti Post, Harur Taluk,

Dharmapuri District.

... Accused

This case came up on today 29.07.2026, for final hearing and upon hearing the the arguments of The learned Assistant Public Prosecutor Mr.M.Jagadeesan, BA.,BL(Hons).,LL.M., for the petitioners and learned advocate Tr.M.Ilango, B.A.,BL., for the Respondent and upon considering the records, which are stood over for the consideration till today, this Court delivers the following,

JUDGMENT

1. This is a criminal case instituted upon a police report submitted by the Sub-Inspector of Police, Harur Police Station, against the accused for offences punishable under Sections 304 and 305 of the Bharatiya Nyaya Sanhita, 2023.

Brief Narrative of the Prosecution Case

2. The gravamen of the prosecution case is that on the night of 17.02.2026 at about 11:00 PM, the victim, Smt. Kamala (PW5), aged about 80 years, was sleeping inside her house at Moppiripatti Village within the local limits of Harur Police Station. The accused committed house-trespass into her residence and forcibly took away her gold earrings weighing approximately 4 grams. On the morning of 18.02.2026 at about 06:00 AM, the *de facto* complainant, Soundararajan (PW1), grandson of PW5, noticed PW5 weeping. Upon inquiry, PW5 narrated the incident to PW1.
3. Thereupon, PW1 proceeded to Harur Police Station and lodged a written complaint (Ex. P1). The police registered an FIR, inspected the place of occurrence, prepared an Observation Mahazar (Ex. P2) in the presence of witness Murugan (PW2), arrested the accused near Kavan Hospital, and recorded his alleged confession statement in the presence of Janagan (PW3) and Prabakaran (PW4). After completing the investigation, the Investigating Officer submitted the final report against the accused before this Court.

Court Proceedings and Charges

4. Upon receipt of the final report, cognizance was taken by this Court. Copies of the police report and connected documents were furnished to the accused under Section 230 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Charges were framed against the accused for offences punishable under Section 305 BNS (Lurking house-trespass or house-break by night) and Section 304 BNS (Snatching / Theft in dwelling house). The charges were read over and explained to the accused in Tamil, to which he pleaded not guilty and claimed to be tried.
5. During the course of trial, the prosecution examined 6 witnesses (PW1 to PW6) and marked 4 exhibits (Ex. P1 to Ex. P7). No material objects were recovered or marked. Upon completion of prosecution evidence, the accused

was questioned under Section 351 BNSS regarding the incriminating circumstances appearing against him. The accused denied all evidence as false and pleaded innocence. No defence witnesses were examined, and no defence exhibits were marked.

Points for Determination

6. On perusal of the charge sheet, oral evidence, and documentary exhibits on record, the following points arise for determination in this case:
 - i. *Whether the prosecution has proved beyond all reasonable doubt that on 17.02.2026 at about 11:00 PM, the accused committed lurking house-trespass into the dwelling house of PW5 at Moppiripatti?*
 - ii. *Whether the prosecution has proved beyond all reasonable doubt that the accused dishonestly stole 4 grams of gold earrings belonging to PW5 from her possession?*
 - iii. *Whether the accused is guilty of the charges framed against him, or whether he is entitled to an acquittal?*

Discussion of Evidence and Findings

Point Nos. 1 and 2:

7. To establish the charges, the prosecution principally relies upon the testimony of the alleged eye-witness/victim Kamala (PW5), the *de facto* complainant Soundararajan (PW1), the Observation Mahazar witness Murugan (PW2), and the arrest and confession witnesses Janagan (PW3) and Prabakaran (PW4).
8. A careful, meticulous analysis of the oral testimonies and documentary evidence reveals grave contradictions, material discrepancies, and fundamental flaws that strike at the root of the prosecution case.

9. First, regarding the identity of the accused and the manner of occurrence, there is a stark and irreconcilable contradiction between the versions given by PW1 and PW5. In Ex. P1 complaint and during his chief-examination, PW1 deposed that his grandmother (PW5) told him that a boy who routinely comes to iron clothes at their shop snatched a small pouch ("surukku pai") from her at 11:00 PM on 17.02.2026, searched for money, and upon finding none, took away 4 grams of gold earrings. PW1 stated that PW5 described the offender as wearing a yellow t-shirt and blue checked lungi.
10. Conversely, when PW5 (the victim) took the witness stand, she narrated an entirely different story. PW5 deposed that while she was sleeping, the accused climbed onto her chest, covered her mouth, and forcibly removed her gold earrings from both ears. She further testified that she told her daughter and grandson that the offender wore a red t shirt and a checked lungi.
11. This variance between "snatching a pouch and taking earrings" (as per PW1/Ex. P1) and "climbing on the chest and forcibly unclipping earrings" (as per PW5) is not a minor omission, but a vital contradiction going to the core of the corpus delicti. Furthermore, PW5 unequivocally admitted in cross-examination that it was pitch dark at the time of the occurrence and that people could not see each other. She also admitted that she told the police during investigation that the accused covered her mouth and sat on her chest. If it was pitch dark, the ability of an 80-year-old victim to accurately identify the accused or notice the color of his attire becomes highly doubtful.
12. Second, the prosecution case suffers from severe delay and artificiality surrounding the lodging of the complaint and the arrest of the accused. PW1 claimed in chief-examination that he came to know of the incident at 06:00 AM on 18.02.2026 and lodged the complaint. During cross-examination, PW1 claimed he gave the complaint at 08:00 AM. However, when confronted

with the FIR record showing that the complaint was received only at 01:00 PM, PW1 admitted that the FIR record was correct. No explanation whatsoever was offered for this delay of 7 hours between 06:00 AM and 01:00 PM when the police station is situated nearby.

13. Third, regarding the arrest and alleged confession, the testimonies of PW3 (Janagan) and PW4 (Prabakaran) completely shatter the prosecution's narrative. Both PW3 and PW4 were cited as independent witnesses to the arrest and confession of the accused near Kavan Hospital around 03:30 PM to 04:30 PM on 18.02.2026. However, in cross-examination, PW1 admitted that he saw the accused already brought to and kept at the police station between 02:00 PM and 03:00 PM. If the accused was already in police custody at the station by 02:00 PM, his alleged arrest near Kavan Hospital at 04:00 PM in the presence of PW3 and PW4 is a fabricated formality. Furthermore, PW4 admitted in cross-examination that he did not know what was written in Ex. P4 and explicitly admitted the defence suggestion that PW1 brought both PW3 and PW4 to the police station and made them sign the documents. PW3 also admitted he did not read Ex. P3 confession statement.
14. Fourth, according to the alleged confession statement (Ex. P3/Ex. P4), the accused allegedly stated that while he was running away with the earrings, the property slipped out of his lungi and was lost. Most significantly, no stolen property / gold earring was ever recovered from the accused or at his instance. Neither was the alleged pouch ("surukku pai") produced or seized by the police. There is zero physical or material evidence linking the accused to any stolen property.
15. Finally, the Observation Mahazar witness PW2 (Murugan) admitted in cross-examination that he had no direct knowledge of the case, did not read Ex. P2

Observation Mahazar, and signed the document solely at the request of PW1, who happens to be his neighbor.

16. In a criminal trial, the burden lies heavily on the prosecution to prove every element of the charge beyond all reasonable doubt. The prosecution cannot rely on speculation or weak, contradictory oral testimonies. The grave contradictions regarding the manner of occurrence, the pitch-dark conditions precluding identification, the pre-dated detention of the accused at the police station prior to formal arrest, the admission of search/mahazar witnesses that they signed at the behest of PW1 without knowing the contents, and the complete absence of recovery of any stolen material object created overwhelming, reasonable doubt in the prosecution case.

17. Accordingly, this Court holds that the prosecution has miserably failed to prove Point Nos. 1 and 2 beyond reasonable doubt.

Hence Point No. 1 & 2 answered in negative.

Point No. 3:

18. In view of the detailed findings arrived at under Point Nos. 1 and 2, the prosecution has failed to establish the guilt of the accused for any of the charged offences beyond reasonable doubt. Standard legal principles mandate that when two views are possible, or when the prosecution evidence is riddled with material contradictions and procedural fabrications, the benefit of doubt must inevitably extend to the accused. Therefore, the accused is entitled to a full and honorable acquittal.

The accused is found not guilty and is entitled to acquittal.

Final Conclusion and Operative Order

19. In the result,

- i. The accused, Thennarasu, is hereby ACQUITTED of the charges under Section 305 BNS and Section 304 BNS pursuant to Section 271(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023.
- ii. The accused is in judicial custody. The Superintendent, Sub jail, Harur concerned, is directed to set the accused at liberty forthwith, if his detention is not required in connection with any other case/proceeding.
- iii. Since no material objects or stolen properties were seized or marked in this case, no order is passed regarding disposal of property under Section 497 BNSS.

Directly typed by me in my laptop, corrected, and pronounced by me in the open Court on this the 29th day of July, 2026.

**Judicial Magistrate,
Harur.**

APPENDIX

1. Witnesses Examined for Prosecution:

- PW1: Soundararajan (Defacto Complainant)
- PW2: Murugan (Observation Mahazar Witness)
- PW3: Janagan (Arrest and Confession Witness)
- PW4: Prabakaran (Arrest and Confession Witness)
- PW5: Kamala (Victim / Eyewitness)
- PW6: Sakthivel

2. Exhibits Marked for Prosecution:

- Ex. P1: Written Complaint dated 18.02.2026 given by PW1.
- Ex. P2: Observation Mahazar.
- Ex. P3: Signature of PW3 in the alleged Confession Statement.
- Ex. P4: Signature of PW4 in the alleged Confession Statement.
- Ex. P5: First Information Report
- Ex. P6: Rough Sketch
- Ex. P7: Admissible portion of the Confession Statement of Accused dated

3. Material Objects Marked for Prosecution:

- *Nil.*

4. Witnesses / Exhibits / Material Objects for Defence:

- *Nil.*

**Judicial Magistrate,
Harur.**

Notes:

The authorities shall be informed of the case outcome.

No witness was detained beyond three days.

Depositions were taken under the Oaths Act, 1969, and verified.