

**IN THE COURT OF THE JUDICIAL MAGISTRATE No. II, ULUNDURPET****Present****Thiru. R.P. AJIETH SINGH RAAJA B.A.B.L. (Hons),****Judicial Magistrate No. II, Ulundurpet****On 26th day of May, 2026****Calendar Case (C.C.) No. 09 of 2013**

<i>Statement as per Rule 106 of the Criminal Rules of Practice, 2019</i>		
1.	Case Number	Calendar Case (C.C.) No. 09 of 2013
2.	Name of the Police Station and Crime Number	State of Tamil Nadu Represented by its Station House Officer, Thirunavalur Police Station, Ulundurpet. (Crime No. 593 of 2012) ... Complainant
3.	Name of the Accused	A1. Ravichandhiran (45/26), S/o. Rayar, Vandipalayam, Ulundurpet.
4.	Father's name	
5.	Occupation	
6.	Residence	
7.	Age	A2. Sakthivel (49/26), (Died and charge abated), S/o. Rayar, Vandipalayam, Ulundurpet.



		A3. Ezhumalai (55/26), S/o. Rayar, Vandipalayam, Ulundurpet. Accused
8.	Date of Occurrence	06.11.2012
9.	Date of Complaint	07.11.2012
10.	Date of Final Report & Date of Filing of Final Report	Date of Final Report: 09.11.2012 Date of Filing of Final Report: 28.01.2013
11.	Date of Commencement of Trial (The date of furnishing of documents u/s.207 Cr.P.C.)	05.11.2015
12.	Charges framed read out and explained to the accused u/s.240(2) of the Code	The charges for offences U/s. 294(b), 323, 324, 506(2) IPC was read out and explained to the accused persons per section 240(2) of the Code on 17.11.2015. When the accused persons questioned on the charges framed against them, they pleaded not guilty and claimed to be tried. The plea of the accused persons was recorded and case was posted for trial.
13.	Date of Commitment	Not Applicable



14.	Closure of Trial	19.05.2026
15.	Sentence/Order	• Accused A1 acquitted for offences U/s. 294(b), 323 IPC, • Accused A2 died and charge abated. • Accused A3 acquitted for offences U/s. 294(b), 324 IPC.
16.	Property Order u/s.452 of the Code	No property has been handed over to the custody of this Court in this case. Hence, the need to pass an order u/s.452 of the Code does not arise.
17.	Explanation of Delay	Prosecution delayed in producing witness for examination.

As per the ROC No. 48768-A/2017/F1 of High Court of Madras

1	Date of filing of final report	28.01.2013		
2	Date of committal	Not applicable		
3	Date of examination-in-chief and cross-examination of witness	Witness	Chief	Cross
		PW 1	19.01.2016	07.05.2026 (recall)
		PW 2	19.01.2016	07.05.2026 (recall)
		PW 3	19.01.2016	-
		PW 4	20.09.2018	-
		PW 5	13.05.2026	13.05.2026
4	Date of examination of the	19.05.2026		



	accused u/s 313 of the code			
5	Filing of miscellaneous petitions and their results. Except routine petitions like u/s 317 of the code	Petition	Result	Date
		U/S 311 Cr.P.C	Allowed	30.04.2026
6	Details of abscondence of an accused and his appearance/production, as the case may be	Not applicable		
7	Details of victim compensation ordered	Not applicable		

This case having come up for final hearing before me on **26.05.2026**, and upon hearing the arguments of the Learned Assistant Public Prosecutor for the State and the Learned Counsel for the Accused Mr. K. Ramachandhiran B.A.B.L., and upon perusing all the material records of the case, the Court pronounces the following:

JUDGMENT

The Final Report/Charge Sheet has been submitted by the Police against Accused No. 1 (A1) for offences punishable under Sections 294(b) and 323 of the Indian Penal Code (IPC), and against Accused No. 2 (A2) and Accused No. 3 (A3) for offences punishable under Sections 294(b) and 324 of the IPC.

**1. Brief Case of the Prosecution:**

The case of the prosecution is that prior to the main incident, a pet dog belonging to the injured witnesses bit a goat belonging to the accused persons, which triggered an initial dispute. Following this, on 07.11.2012 between 05:00 PM and 07:00 PM, when the injured witnesses went to demand an explanation, a physical altercation ensued at Vandipalayam Periyakuppam.

It is alleged that the accused persons hurled obscene words at the complainants. Further, A3 (Ravichandran) slapped PW1 on the cheek, A2 (Sakthivel) assaulted PW1 on the back with a pipe, and A1 (Elumalai), along with other accused, stabbed PW2 (Krishnamoorthy) on the chest with an iron rod/crowbar, causing hurt with dangerous weapons. Based on the hospital intimation from Mundiampakkam Government Hospital, a statement was recorded, and the First Information Report was registered.

2. Abatement of Charges Against A2:

During the pendency of this trial, Accused No. 2, Sakthivel, passed away. Consequently, all charges against A2 stand abated. The trial proceeded against A1 and A3.



3. Procedural History

Copies of the case records were furnished to the accused under Section 207 of the Code of Criminal Procedure (Cr.P.C.) on 05.11.2015. The substance of the accusation was read over and explained to the accused, who pleaded not guilty and claimed to be tried.

4. Upon the conclusion of the prosecution's evidence, the accused were questioned under Section 313 Cr.P.C. on 19.05.2026 regarding the incriminating circumstances. Accused denied the allegations and suggested that false case been foisted against them. No defense witnesses were examined.

5. I have heard the arguments of the learned Assistant Public Prosecutor and the learned counsel for the accused and have carefully perused the oral and documentary evidence on record.

6. Points for Determination:

- 1) Whether the prosecution has proved beyond reasonable doubt that the accused persons uttered obscene slurs in a public place to the annoyance of others, punishable under Section 294(b) IPC?



- 2) Whether the prosecution has proved beyond reasonable doubt that Accused No. 1 caused simple hurt to the complainant, punishable under Section 323 IPC?
- 3) Whether the prosecution has proved beyond reasonable doubt that Accused No. 3 caused simple hurt by dangerous weapons/instruments, punishable under Section 324 IPC?
- 4) Whether the prosecution has proved the charges against the accused beyond all reasonable doubt?

7. Evaluation of Evidence & Materials:

To bring home the guilt of the accused, the prosecution examined 5 witnesses (PW1 to PW5) and marked Exhibits **Ex. P-1 to Ex. P-7**.

I. Complete Rescission of Evidence by the Injured Witnesses (PW1 & PW2):

In criminal trials involving body offences, the testimony of injured witnesses occupies a premium status of credibility. However, in the present case, both the injured brothers—PW1 (Jayachandran) and PW2 (Krishnamoorthy) underwent a total turnaround during their cross-examination conducted under Section 311 of the CrPC.



Both PW1 and PW2 categorically admitted before this Court:

- The alleged incident occurred 12 years ago in a pitch-dark area surrounded by a crowd of around 50 people.
- They explicitly stated, "I do not know for certain whether it was the accused persons who assaulted me during the incident."
- They admitted that due to historical prior enmity existing between their family and the accused, they lodged the complaint out of mere speculation (பூகத்தில்) and suspicion that the accused might have been the assailants.

When the star injured witnesses themselves state that their identification of the assailants was a product of imagination and suspicion rather than sight, the substratum of the prosecution's case is completely dismantled.

II. Invalidated Observation Mahazar (PW4 Hostile):

The prosecution sought to establish the scene of the crime through the independent Mahazar witness, PW4 (Subramani). However, PW4 turned completely hostile during the chief examination itself, boldly declaring that the signature shown to him in the Observation Mahazar was not his and that the police never examined him. The prosecution cross-examined PW4 but could not



extract any admission to validate the Observation Mahazar and Rough Sketch and (Ex. P-4 and Ex. P-5). Thus, the place of occurrence stands unverified by independent sources.

III. Secondary Status of Record Witness (PW5):

The prosecution examined a Head Constable (PW5) on behalf of the original Investigating Officer (SI Gnanasekaran), who was unavailable to depose. While PW5 spoke to the steps taken based on the station records, he admitted that he was not the Investigating Officer. Consequently, the defense was deprived of an opportunity to confront the original investigator regarding systemic omissions, contradictions, and the failure to verify the identities of the actual offenders on the night of the incident.

IV. Effect of the Un-cross-examined Witness (PW3):

The record indicates that the defense failed to cross-examine PW3 (Sankar, the Tank Operator), who supported the prosecution's chief narrative. In ordinary circumstances, an un-cross-examined testimony amounts to an admission of facts. However, in the matrix of the current case, PW3's narrative cannot form the sole basis of a conviction due to the following structural weaknesses:



PW3 stated that A1 stabbed the victim with an "iron rod," whereas the injured witnesses originally claimed it was a "crowbar."

More importantly, when the core victims and injured persons (PW1 & PW2) have judicially admitted that the identity of the attackers was unknown to them due to darkness, a third-party bystander's ocular claim cannot override the victims' own admission of non-identification. It is unsafe to convict based on a solitary bystander's statement when the victims themselves state they cannot name their attackers.

8. Conclusion & Findings:

- **Under Section 294(b) IPC:** There is no reliable evidence to show that the accused persons uttered abusive slurs in a public space to cause public annoyance, as the identities of the participants are completely obscured by darkness and doubt.
- **Under Sections 323 and 324 IPC:** To sustain a conviction for causing hurt, the identity of the specific tortfeasor must be established with absolute certainty. Since the injured brothers have clearly admitted that they named the accused on the basis of a guess (பூகத்தில்) due to underlying prior enmity, the connection between the injuries (Ex. P-6 & P-7) and the accused persons stands completely broken.



It is a well-settled principle of criminal jurisprudence that suspicion, however strong, can never take the place of legal proof. The prosecution has failed to cross the threshold of proving the guilt of the accused beyond a reasonable doubt.

9. Final Order:

In the result, this Court finds that the Prosecution has completely failed to prove the charges against the Accused beyond all reasonable doubt.

Accordingly, under Section 248(1) of the Code of Criminal Procedure:

- (i) Accused No. 1 (Ravichandran), and Accused No. 3 (Elumalai) are found **NOT GUILTY** and are hereby **ACQUITTED** of all charges leveled against them, including Sections 294(b), 323, and 324 of the IPC.
- (ii) The bail bonds executed by the accused and their sureties shall stand cancelled after appeal period lapses.

Directly typed and pronounced by me in open court this the ***26th day of May, 2026.***

**JUDICIAL MAGISTRATE II
ULUNDURPET.**



LIST OF EVIDENCE

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

FOR PROSECUTION

Prosecution Witnesses

PW1 – Jeyachandhiran (Complainant)

PW2 – Krishnamoorthy

PW3 – Sankar

PW4 – Subramani

PW5 – Mujeeb-ur-rahman (Head constable)

Prosecution Exhibits

Ex.P1 – Signature of PW1 in Complaint

Ex.P2 - Complaint

Ex.P3 – First information report

Ex.P4 – Observation mahazar

Ex.P5 – Rough sketch

Ex.P6 – Wound Certificate of PW1

Ex.P7 – Wound Certificate of PW2

Material Objects :Nil



FOR DEFENCE

Witnesses : Nil

Exhibits : Nil

Material Objects : Nil

**JUDICIAL MAGISTRATE II,
ULUNDURPET.**



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**JUDICIAL MAGISTRATE COURT II,
ULUNDURPET**

PRESENT

**R.P. AJIETH SINGH RAAJA
B.A.B.L.,(Hons),**

CALENDER CASE NO. 09/2013

**Judgment
(Pronounced on 26.05.2026)**