

**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 26<sup>th</sup> day of May, 2026****Calendar Case (C.C.) No. 554 of 2025**

| <i>Statement as per Rule 106 of the Criminal Rules of Practice, 2019</i> |                                             |                                                                                                                                                                             |
|--------------------------------------------------------------------------|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.                                                                       | Case Number                                 | <b>Calendar Case (C.C.) No. 554 of 2025</b>                                                                                                                                 |
| 2.                                                                       | Name of the Police Station and Crime Number | State of Tamil Nadu Represented by its<br>Station House Officer,<br>Thirunavalur Police Station,<br>Ulundurpet.<br><b>(Crime No. 196 of 2023)</b><br><b>... Complainant</b> |
| 3.                                                                       | Name of the Accused                         | <b>A1. Nagappan @ Sivaperumal (52/26),<br/>S/o. Pavadai,<br/>Perumpattu,<br/>Ulundurpet.</b>                                                                                |
| 4.                                                                       | Father's name                               |                                                                                                                                                                             |
| 5.                                                                       | Occupation                                  |                                                                                                                                                                             |
| 6.                                                                       | Residence                                   |                                                                                                                                                                             |
| 7.                                                                       | Age                                         | <b>A2. Boomadevi (47/26),<br/>W/o. Nagappan @ Sivaperumal,<br/>Perumpattu,<br/>Ulundurpet. .... Accused</b>                                                                 |
| 8.                                                                       | Date of Occurrence                          | 17.04.2023                                                                                                                                                                  |



|     |                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                    |
|-----|-------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9.  | Date of Complaint                                                                         | 24.02.2023                                                                                                                                                                                                                                                                                                                                                                         |
| 10. | Date of Final Report &<br>Date of Filing of Final<br>Report                               | Date of Final Report: 13.07.2023<br>Date of Filing of Final Report: 17.06.2025                                                                                                                                                                                                                                                                                                     |
| 11. | Date of Commencement of<br>Trial (The date of furnishing<br>of documents u/s.207 Cr.P.C.) | 06.10.2025                                                                                                                                                                                                                                                                                                                                                                         |
| 12. | Charges framed read out and<br>explained to the accused<br>u/s.240(2) of the Code         | <p>The charges for offences U/s. 294(b), 323, 324, 354, 506(2) IPC was read out and explained to the accused persons per section 240(2) of the Code on 21.11.2025.</p> <p>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.</p> |
| 13. | Date of Commitment                                                                        | Not Applicable                                                                                                                                                                                                                                                                                                                                                                     |
| 14. | Closure of Trial                                                                          | 22.05.2026                                                                                                                                                                                                                                                                                                                                                                         |
| 15. | Sentence/Order                                                                            | <ul style="list-style-type: none"><li>• Accused A1 acquitted for offences U/s. 294(b), 323, 324, 354, 506(2) IPC,</li><li>• Accused A2 acquitted for offences U/s. 294(b), 323, 324, 506(2) IPC.</li></ul>                                                                                                                                                                         |



|     |                                    |                                                                                                                                                  |
|-----|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| 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               | Not applicable                                                                                                                                   |

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

|   |                                                               |                |            |            |
|---|---------------------------------------------------------------|----------------|------------|------------|
| 1 | Date of filing of final report                                | 17.06.2025     |            |            |
| 2 | Date of committal                                             | Not applicable |            |            |
| 3 | Date of examination-in-chief and cross-examination of witness | Witness        | Chief      | Cross      |
|   |                                                               | PW 1           | 26.11.2025 | 26.11.2025 |
|   |                                                               | PW 2           | 26.11.2025 | 26.11.2025 |
|   |                                                               | PW 3           | 26.11.2025 | 26.11.2025 |
|   |                                                               | PW 4           | 26.11.2025 | 26.11.2025 |
|   |                                                               | PW 5           | 23.03.2026 | 23.03.2026 |
|   |                                                               | PW 6           | 26.03.2026 | 26.03.2026 |
|   |                                                               | PW 7           | 13.05.2026 | 13.05.2026 |
| 4 | Date of examination of the accused u/s 313 of the code        | 15.05.2026     |            |            |
| 5 | Details of abscondence of an                                  | Not applicable |            |            |



|   |                                                           |                |
|---|-----------------------------------------------------------|----------------|
|   | accused and his appearance/production, as the case may be |                |
| 6 | 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. Vijaya. Parthiban. M.A.B.L.B.ed, 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 Thirunavalur Police against Accused A1 for offences punishable under Sections 294(b), 323, 324, 354, and 506(ii) of the Indian Penal Code (IPC), and against Accused A2 for offences punishable under Sections 294(b), 323, 324, and 506(ii) of the IPC.

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

The case of the prosecution stems from an underlying land boundary and cattle grazing dispute between adjacent landowners. On 17.04.2023 at around 04:00



PM, while the complainant PW1 (Virudhambal) was grazing her cattle near her agricultural field in Perumpattu village, A1 and A2 arrived at the spot.

It is alleged that A1 hurled obscene, gender-disparaging slurs at PW1, pulled her hair, and criminally attempted to assault her, thereby outraging her modesty. When PW1 attempted to flee, A1 allegedly chased her and struck her on her left leg and left shoulder with a hoe (மண்வெட்டி), and threatened to kill and bury her. A2 allegedly assisted by beating PW1 with a wooden log, causing her to faint. She was shifted to the Ulundurpet Government Hospital via a 108 Ambulance. Following a preliminary CSR inquiry, the FIR was registered on 24.04.2023, and the charge sheet was subsequently filed.

## **2. 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 06.10.2025. The substance of the accusation was read over and explained to the accused, who pleaded not guilty and claimed to be tried.

**PROSECUTION EVIDENCE:**

**3.** To prove its case, the prosecution examined **7 witnesses (PW1 to PW7)** and marked **Exhibits P1 to P6**.

- PW1 (Viruthammal): The Complainant.
- PW2 (Ezhumalai): Hearsay Witness
- PW3 (Ramar): Observation Mahazar Witness.
- PW4 (Marudhupandi): Observation Mahazar Witness (Turned Hostile).
- PW5 (Sadha Venkatesh): Expert Witness.
- PW6 (Ezhumalai S/o Periyasami): Eyewitness
- PW7 (Selvaraj) : Investigating Officer

**4.** Upon the conclusion of the prosecution's evidence, the accused were questioned under Section 313 Cr.P.C. on 15.05.2026 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 under Section 294(b) IPC?
- 2) Whether the prosecution has proved beyond reasonable doubt that the accused persons caused hurt and voluntarily caused hurt by dangerous weapons under Sections 323 and 324 IPC?
- 3) Whether Accused A1 used criminal force with intent to outrage the modesty of the complainant under Section 354 IPC?
- 4) Whether the accused persons extended criminal intimidation to cause death under Section 506(ii) IPC?
- 5) Whether the prosecution has proved the charges against the accused beyond all reasonable doubt?

## **7. Evaluation of Evidence & Materials:**

To establish the guilt of the accused, the prosecution examined **7 witnesses (PW1 to PW7)** and marked **Exhibits Ex. P-1 to Ex. P-6**.

**I. Foundation of Long-standing Enmity & Omission of Material Facts (PW1):**



The testimony of the injured complainant **PW1 (Virudhambal)** fails to inspire judicial confidence due to sharp structural shifts in her narrative. In her cross-examination, an underlying family feud was brought to light. The defense set up a clear case that the complainant's husband maintained an illicit relationship with A2, which formed the absolute pivot of animosity. To conceal this domestic embarrassment, PW1 colored the transaction as a generic ridge dispute.

Furthermore, while PW1 claimed she fainted and was rushed to the hospital in an emergency ambulance, she flatly contradicted her own narrative in cross-examination by asserting: "நான் புகார் கொடுத்துவிட்டு மருத்துவமனை சென்றனா அல்லது மருத்துவமனைக்கு சென்று சிகிச்சை பெற்ற பின்பு புகார் கொடுத்தேனா என்றால் புகார் கொடுத்துவிட்டு தான் மருத்துவமனை சென்றேன்." This fundamental chronological flip damages the baseline truth of the genesis of the complaint (Ex. P-1).

## **II. Irreconcilable Ocular and Anatomical Discrepancies (PW1, PW2, and PW6):**

The prosecution's case completely disintegrates when the deposition of the injured victim is compared with her supporting witnesses regarding the physical location of the injuries and the weapons used:





- **PW1 (Victim)** stated A1 struck her with a hoe on her left leg and left shoulder.
- **PW2 (Son)** testified under oath that when he inspected his mother, she had an injury on her right leg and a dark contusion over her hip.
- **PW6 (Independent Witness)** introduced a completely fresh narrative, swearing that A1 struck the victim with a stick on her thigh.

A court cannot overlook a situation where three main witnesses point to entirely different limbs of the human anatomy (Left Leg/Shoulder vs. Right Leg/Hip vs. Thigh) and shift the weapon from a heavy iron hoe to a stick for a single transaction.

### **III. Complete Absence of Medical Corroboration (PW5 - Doctor):**

The ultimate blow to the ocular narrative is delivered by the expert medical evidence. Dr. Satha Venkatesan (PW5) and the official Wound Certificate (Ex. P-3) explicitly noted: "... அவரை பரிசோதித்தபோது அவருக்கு வெளிகாயங்கள் ஏதும் இல்லை."

The Doctor admitted in cross-examination that a heavy blow from an iron hoe or spade would inevitably leave lacerations, contusions, or abrasions. He



confirmed that the patient presented zero objective external marks, and her complaints of hip pain were entirely subjective and highly compatible with an ordinary accidental fall on rough terrain. The medical evidence completely falsifies the story of a brutal, multi-weapon weaponised mob assault.

#### **IV. Fabricated Site Documentation and Hostile Mahazar Witnesses (PW3 & PW4):**

The integrity of the local investigation is entirely compromised by the admissions of the local independent mahazar witnesses:

- **PW3 (Ramar)** admitted in cross-examination that the police never took him to the field to prepare the Rough sketch. He explicitly stated: "நான் பார்வை மகசரில் உள்ள கையொப்பத்தை காவல் நிலையத்தில் வைத்து செய்தேன் என்று சொன்னால் சரிதான்."
- **PW4 (Panchayat Board President)** went a step further, completely denying his signature on the main Observation Mahazar (Ex. P-5) and revealing that the police came to his office and casually took his signatures on loose sheets.

When the Observation Mahazar and Rough Sketch (Ex. P-5 & Ex. P-6) are proven to be station-made, imaginary fabrications, the scene of the crime remains unverified.



## **V. Fatal Deficiencies and Admissions by the Investigating Officer (PW7):**

The cross-examination of the Investigating Officer (PW7) seals the case for the defense. The IO admitted:

- i. **Unexplained Delay:** There is an uncorroborated 7-day delay between the date of the occurrence (17.04.2023) and the registration of the FIR (24.04.2023), allowing ample window for creative engineering.
- ii. **Non-Seizure of Material Objects:** Although the entire case revolves around a violent physical assault using a heavy iron hoe (மண்வெட்டி), the IO admitted: "...நான் தாக்கியதாக கூறப்படும் மண்வெட்டியை கைபற்றினேனா என்றால் இல்லை."
- iii. **Bogus Spot Witnesses:** The IO admitted that while PW1 explicitly confessed in court that no one else was present at the lonely field during the attack, the police files artificially imported PW2 and PW6 as eye-witnesses to dress up the charge sheet.

## **8. Conclusion & Findings:**

- **Under Section 294(b), 354, and 506(ii) IPC:** There is absolute absence of reliable, independent proof to show that slurs were hurled, modesty



was outraged, or death threats were made. The independent public witnesses are either hostile or non-existent, and the victim's claim is stained by deep family animosity.

- **Under Sections 323 and 324 IPC:** To sustain a conviction for causing hurt by dangerous weapons, the prosecution must produce the weapon and offer medical corroboration of corresponding injuries. Here, the weapon was never seized, and the medical officer verified zero external injuries.

It is a well-settled canon of criminal jurisprudence that the prosecution must travel the entire distance from 'may be true' to 'must be true'. In this case, the investigation is sloppy, the ocular evidence is contradictory across all witnesses, and the medical evidence directly falsifies the assault. The accused are entitled to the benefit of 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 (Nagappan @ Shivaperumal) and Accused No. 2 (Bhoomadevi) are found **NOT GUILTY** and are hereby **ACQUITTED**



of all charges leveled against them, including Sections 294(b), 323, 324, 354, and 506(ii) of the IPC.

(ii) The bail bonds executed by the accused and their sureties shall stand cancelled after appeal period lapses.

Pronounced by me in open Court, this the *26<sup>th</sup> 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 – Viruthammal (Complainant)

PW2 – Ezhumalai

PW3 – Ramar

PW4 – Marudhupandi

PW5 – Sadha Venkatesh

PW6 – Ezhumalai S/o Periyasami

PW7 – Selvaraj (Sub Inspector of Police)



**Prosecution Exhibits**

Ex.P1 – Complaint

Ex.P2 - Signature of PW1 in Observation mahazar

Ex.P3 – Wound Certificate of PW1

Ex.P4 – First information report

Ex.P5 – Observation mahazar

Ex.P6 – Rough sketch

**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. 554/2025**

**Judgment  
(Pronounced on 26.05.2026)**