

**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 27th day of May, 2026****Calendar Case (C.C.) No. 266 of 2024**

<i>Statement as per Rule 106 of the Criminal Rules of Practice, 2019</i>		
1.	Case Number	Calendar Case (C.C.) No. 266 of 2024
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. 308 of 2021) ... Complainant
3.	Name of the Accused	A1. Chakkarai (Died and charge abated), S/o. Adhikesavan, Arinatham, Ulundurpet. A2. Ananthan, S/o. Chakkarai, Arinatham, Ulundurpet.
4.	Father's name	
5.	Occupation	
6.	Residence	
7.	Age	



		A3. Ilaiyaperumal, S/o. Chakkarai, Arinatham, Ulundurpet. A4. Pramasivam, S/o. Govindhasami, Arinatham, Ulundurpet. A5. Sankar, S/o. Sakkarai, Arinatham,, Ulundurpet. A6. Selvam, S/o. Chakkarai, Arinatham, Ulundurpet. A7. Sagunthala, W/o. Chakkarai, Arinatham, Ulundurpet.
--	--	--



		A8. Poopathi, W/o. Chakkarai, Arinatham, Ulundurpet. A9. Reena, W/o. Ananthan, Arinatham, Ulundurpet. Accused
8.	Date of Occurrence	26.04.2021
9.	Date of Complaint	28.04.2021
10.	Date of Final Report & Date of Filing of Final Report	Date of Final Report: 30.06.2021 Date of Filing of Final Report: 07.12.2024
11.	Date of Commencement of Trial (The date of furnishing of documents u/s.207 Cr.P.C.)	02.01.2025
12.	Date of Commitment	Not Applicable
13.	Charges framed read out and explained to the accused u/s.240(2) of the Code	The charges for offences U/s. 147, 148, 294(b), 323, 324, 506(2), 352 IPC, 4 of TNP Act was read out and explained to the accused personas per section 240(2) of the Code on 06.01.2025. When the accused person questioned on the



		charges framed against him, he pleaded not guilty and claimed to be tried. The plea of the accused person was recorded and case was posted for trial.
14.	Closure of Trial	22.05.2026
15.	Sentence/Order	• Accused A1 died and charge abated. • Accused A2, A3, A4, A5, A6 acquitted for offences U/s. 147, 148, 294(b), 323, 324, 506(2) IPC, 4 of TNWHA Act. • Accused A7, A8, A9 acquitted for offences U/s. 147, 148, 294(b), 352, 506(2) 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	07.12.2024
2	Date of committal	Not applicable
3	Date of questioning u/s 228,240, 246 and 251 of the code	06.01.2025



4	Date of examination-in-chief and cross-examination of witness	Witness	Chief	Cross
		PW 1	19.11.2025	19.11.2025
		PW 2	25.02.2026	25.02.2026
		PW 3	25.02.2026	25.02.2026
		PW 4	23.03.2026	23.03.2026
		PW 5	23.03.2026	23.03.2026
		PW 6	08.04.2026	08.04.2026
		PW 7	06.05.2026	06.05.2026
		PW 8	06.05.2026	06.05.2026
		PW 9	06.05.2026	06.05.2026
		PW 10	08.05.2026	08.05.2026
5	Date of examination of the accused u/s 313 of the code	15.05.2026		
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 **27.05.2026**, 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

1. The Case of the Prosecution

The case of the prosecution is that a civil land dispute existed between the family of the de facto complainant (PW-1) and the 1st accused. On 26.04.2021, when PW-1 and her father-in-law, Mani (PW-9), went to the Village Administrative Office (VAO) to inquire about a Chitta name transfer, an altercation ensued. The accused (A1 to A9) unlawfully assembled, verbally abused PW-1 and her family using obscene language, and physically assaulted PW-9, Suresh (PW-8), PW-1, and Anitha (PW-3) using iron rods, bricks, stones, and wooden logs. The accused also allegedly issued criminal intimidation. Based on the complaint, an FIR was registered, and a final report was filed.

2. Abatement of Charges Against A1

During the pendency of the trial, Accused A1, Chakkarai, passed away. Consequently, all charges against A1 stand **abated**. The trial proceeded against A2 to A9.

3. Procedural History: The Final Report was taken on file, and copies were furnished to the accused under Section 207 Cr.P.C on **02.01.2025**. The charges



were framed, read over, and explained to the accused on **06.01.2025**, who pleaded not guilty and claimed to be tried.

4. Evidence on Record

To substantiate the charges, the prosecution examined **10 witnesses (PW-1 to PW-10)** and marked Exhibits P-1 to P-8.

- **PW-1, PW-2, PW-3, PW-6, PW-8, and PW-9:** Injured/Interested witnesses (all belonging to the same family faction).
- **PW-5 and PW-7:** Mahazar witnesses (Relatives/Hostile).
- **PW-4:** Medical Officer.
- **PW-10:** Investigating Officer (IO) / Sub-Inspector.

5. 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.

6. 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.

**POINTS FOR DETERMINATION**

- 1) Whether the accused formed an unlawful assembly armed with deadly weapons and committed rioting?
- 2) Whether the accused voluntarily caused hurt (with and without dangerous weapons) to PW-1, PW-3, PW-8, and PW-9?
- 3) Whether the accused uttered obscene words causing annoyance to others in a public place and committed criminal intimidation?
- 4) Whether the prosecution has proved its case beyond all reasonable doubt, particularly in light of an admitted counter-case and civil dispute?

APPRECIATION OF EVIDENCE AND REASONING

The Court must evaluate the evidence with heightened scrutiny because it is admitted by all material witnesses that there is a deep-seated civil property dispute between the two factions (biological brothers) and that a counter-case (C.C. No. 186/2024) is pending wherein the present witnesses are the accused for allegedly attacking the present accused in the exact same incident.



7. The Suppressed Genesis of the Incident:

The prosecution's narrative is that the accused were the sole aggressors who unprovokedly attacked the complainant's family. However, the evidence reveals a mutual combat scenario heavily influenced by civil animosity.

- The incident occurred at the VAO office. However, PW-10 (Investigating Officer) explicitly admitted during cross-examination: " நான் வழக்கு சம்பந்தமாக VAOவை எதுவும் விசாரணை செய்தேனா என்றால் இல்லை."
- The VAO, who was the only independent government official present at the genesis of the dispute and allegedly summoned the accused, was neither examined during the investigation nor cited as a witness. The failure to examine the only independent official who could clarify who the actual aggressors were creates a fatal gap in the prosecution's story and suggests suppression of the true facts.

8. Delay in FIR Registration:

The alleged incident occurred on 26.04.2021 at 01:30 PM. According to the CSR, the complaint was received at 16:45 hours the same day. However, PW-10 admitted that he registered the FIR (Ex. P-6) only on 28.04.2021 at 14:00 hours a delay of two days. In cases involving factional fights and cross-complaints, an unexplained delay of 48 hours in registering the FIR provides ample



opportunity for deliberation and the concoction of an exaggerated narrative to counter the opposite party's complaint.

9. Medical Evidence Contradicting the Oral Testimony:

The oral testimonies of the interested witnesses (PW-1, PW-2, PW-3, PW-6, PW-8, PW-9) paint a gruesome picture of a mob attacking them with iron rods, heavy bricks, stones, and wooden logs on vital parts of the body (head, chest, back).

- However, the medical evidence provided by PW-4 (Dr. Suresh) completely contradicts this exaggerated narrative. PW-4 found only a minor laceration on PW-9's head and mere "abrasions (scratches)" and "swelling" on PW-8's chest, jaw, back, and thigh.
- Crucially, PW-4 admitted during cross-examination: "சுரேஷ்க்கு வெளிப்புற இரத்த காயங்கள் ஏதும் இல்லை என்று சொன்னால் சரிதான்" He further admitted that the scratches and swelling could easily occur from a fall or colliding with objects during a scuffle.
- Furthermore, despite PW-1, PW-2, and PW-3 claiming they were brutally beaten on their thighs and backs with iron rods and kicked, no wound certificates were produced or marked for them.



- PW-4 also confirmed that PW-8 and PW-9 were treated only as outpatients, directly contradicting the oral claims of PW-1 and PW-8 that they were inpatients for a week or several days. The medical evidence simply does not align with the severe weapons (iron rods/bricks) allegedly used, indicating gross exaggeration by the witnesses.

10. Total Lack of Independent Corroboration:

- The incident took place in front of a public VAO office on a busy road (Ulundurpet–Sendanadu Road). PW-1, PW-2, and PW-6 admitted the presence of the public and nearby houses. Yet, PW-10 (IO) admitted: "நான் வழக்கில் சாட்சியாக சேர்த்துள்ள நபர்கள் அனைவரும் புகார்தாரர் தனலட்சுமியின் உறவினர் என்று சொன்னால் அது சரிதான்."
- The Mahazar witness, PW-7 (Mani), turned hostile, stating the police obtained his signature on a blank paper at a tea stall, casting serious doubt on the integrity of the scene observation process (Ex. P-7).
- In a case with a known counter-complaint, the total absence of independent public witnesses, coupled with the exclusive reliance on highly interested partisan witnesses, makes it extremely unsafe to record a conviction.



11. Conclusion:

The prosecution's case is marred by fatal infirmities: the existence of a counter-case arising from a bitter civil dispute, an unexplained two-day delay in registering the FIR, the deliberate non-examination of the only independent official (the VAO) present at the genesis of the clash, total reliance on partisan family members while ignoring available independent public witnesses, and medical evidence that completely contradicts the exaggerated claims of an attack with deadly weapons. Under these circumstances, the prosecution has failed to establish the charges beyond a reasonable doubt.

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) The charges against Accused A1 (Chakkarai) stand ABATED due to his demise.
- (ii) **Accused A2 to A6** are found **NOT GUILTY** and are hereby **ACQUITTED** of the offences under Sections 147, 148, 294(b), 323, 324, and 506(ii) of the IPC r/w Section 4 of the TNWHA Act.



(iii) **Accused A7 to A9** are found **NOT GUILTY** and are hereby **ACQUITTED** of the offences under Sections 147, 148, 294(b), 352, and 506(ii) of the IPC.

(iv) 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 *27th 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 – Dhanalakshmi (Complainant)

PW2 – Arumugam

PW3 – Anitha

PW4 – Dr. Suresh

PW5 – Kuppusamy

PW6 – Ramya



PW7 – Mani S/o Paramasivam

PW8 – Suresh

PW9 – Mani S/o Adhikesavan

PW10 – Balamurali (Inspector of Police)

Prosecution Exhibits

Ex.P1 – Complaint

Ex.P2 - Wound certificate of PW 9

Ex.P3 – Wound certificate of PW 8

Ex.P4 – Nil (Skipped due to a typographical oversight while marking documents)

Ex.P5 – Observation mahazar

Ex.P6 – First information report

Ex.P7 – Rough Sketch

Ex.P8 – Alteration report

Material Objects : Nil

FOR DEFENCE

Witnesses : Nil

Exhibits : Nil

Material Objects : Nil

**JUDICIAL MAGISTRATE II,
ULUNDURPET.**



15

**JUDICIAL MAGISTRATE COURT II,
ULUNDURPET**

PRESENT

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

CALENDAR CASE NO. 266/2024

**Judgment
(Pronounced on 27.05.2026)**