

**IN THE COURT OF DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
UTHIRAMERUR**

Present: **Ms.R.KRITYA, B.A,L.L.B.**,
District Munsif cum Judicial Magistrate, Uthiramerur

On this the 12th day of March 2026

C.C.No. 57 of 2025

in

Crime No. 116 of 2024

(On the file of Uthiramerur Police Station, Kancheepuram)

State represented by,
Sub-Inspector of police,
Uthiramerur Police Station.

... Complainant.

Vs

Sambath, Age 45 S/o. Siva Kozhundhu,
residing at Mettu Street,
Ayanavaram, Chennai.

... Accused.

Statement as per Rule 106 of the Criminal Rules of Practice, 2019

1.	The period of Remand of the Accused	26.02.2024 to 09.05.2024		
2.	The date of filing of Complaint/final report in the Court	Complaint - 20.02.2024 Final Report - 28.03.2025		
3.	Date of Committal of the case (Court of Session)	-NIL-		
4.	Date of Questioning the accused on the charges against him.	12.08.2025		
5.	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-		
6.	Date of examination in chief and cross examination of a witness	WITNESS	CHIEF	CROSS
		PW-1	13.02.2026	13.02.2026
		PW-2	13.02.2026	13.02.2026
		PW-3	02.03.2026	02.03.2026

7.	Date of examination of the accused under section 313 of the Code	02.03.2026
8.	Details of abscondence of an accused and his appearance/Productions as the case may be: and NBW Pending/recalled	-NIL-
9.	Grant of stay by superior Courts and the results thereof	-NIL-
10.	Details of victim compensation Ordered	-NIL-

This case came up for final disposal on 02.03.2026 before this court in the presence of Assistant Public Prosecutor Grade-I for complainant and Mr. M. Ramakrishnan Advocate for Accused and upon perusing available material records and hearing arguments on both sides, and having stood over till this day for consideration, this court delivered the following:

JUDGMENT

1. According to the Sub-Inspector of Police, Uthiramerur Police Station, who filed the final report, that on 19.02.2024, when the accused Sambath was called twice to the Informant's son Sureshkumar and asked where he was, he said he had gone to Maduranthakam to buy spare parts. Later that evening, when the accused called Sureshkumar again and asked, he said that he had stopped the auto on the Uthiramerur Endathur Road, driving an Ape auto with registration number TN21 BJ 9651, and accused and Sureshkumar went to the accused Saloon shop, then took the auto to Uthiramerur Wine Shop, bought liquor, and drank it. They arrived at accused shop around 8:30 PM that night by auto, played music, and the accused danced. At that time, when the accused spoke inappropriately about Sureshkumar's

wife, he developed enmity towards the accused and said, How dare he speak badly about his wife? He grabbed the accused and pushed him, causing him to fall on the mirror, which broke and got damaged inside the saloon shop. The accused picked up a piece of the broken glass and stabbed it into Sureshkumar's left side of the stomach, causing a grievous injury in the stomach and threatened him with dire consequences. Due to severe bleeding from the stomach injury, Sureshkumar took an auto and went to Uthiramerur Government Hospital. Thus, accused is liable to be punished under Section 294(b), 326, 506(ii) of Indian Penal Code.

2. On receipt of the final report along with the relevant records from the prosecution, this court has taken the case on file as C.C. No. 57 of 2025 under Sections 294(b), 326, 506(ii) IPC. The case was posted to 20-05-2025 for the appearance of the accused. Upon the appearance of the accused, on the day i.e 04-07-2025 free copies was served to him under Section 207 of Cr.P.C.
3. After giving sufficient opportunity to the accused and perusing the material records, and being satisfied that there is a prima facie case that the accused has committed an offence triable by this court, the charges were framed against the Accused for offences under Section 294(b), 326, 506(ii) of Indian Penal Code. These charges were read over and explained to him and the accused was questioned as respect to the charges so framed against him, he denied the same and claimed to be tried.
4. The prosecution, in proof of the above charges, examined PW-1 to PW-3 and marked Ex-P1 to Ex-P8.

The facts which are necessary for disposal, as per the prosecution, are briefly stated as follows:-

5. PW-1 Mother of PW-2. PW-2 and Accused are friend, accused was running Saloon shop at Uthiramerur. On 19.02.2024, when the accused was called twice to the PW-2 and asked where he was, he said he had gone to Maduranthakam to buy spare parts. Later that evening, when the accused called PW-2 again and asked, he said that he had stopped the auto on the Uthiramerur Endathur Road, driving an Ape auto with registration number TN21 BJ 9651, and accused and PW-2 went to accused Saloon shop, then took the auto to Uthiramerur Wine Shop, bought liquor, and drank it. They arrived at accused shop around 8:30 PM that night by auto, played music, and the accused danced. At that time, when the accused spoke inappropriately about PW-2's wife, he developed enmity towards the accused and said, How dare he speak badly about his wife? He grabbed the accused and pushed him, causing him to fall on the mirror, which broke and got damaged inside the saloon shop. The accused picked up a piece of the broken glass and stabbed it into PW-2's left side of the stomach, causing a grievous injury in the stomach and threatened him with dire consequences. PW-2 sustained injuries went to Chengalpattu government hospital and got treated and then PW-1 preferred complaint Ex-P2 before Sub Inspector Kothandaraman on 20.02.2024.
6. On receipt of Ex-P2 on 20.02.2024 at 07:30 hrs the Sub Inspector registered FIR Ex-P3 in Crime No. 116/2024 for offences under Section 294(b), 324, 307, 506(ii) IPC.

On the same day, he went to the place of occurrence, prepared the observation mahazar Ex-P4, and the rough sketch Ex-P5 in the presence of witnesses Karuna and Arumugam. Afterwards, he examined the witnesses and recorded statements from LW-1 to LW-11. Accused voluntarily confesses and the same was recorded confession statement and subjected to judicial custody on 25.02.2024. Sub Inspector Mr. Kothandaraman examined the doctors and obtained the Accident Register Ex.P6 and wound Certificate Ex-P7 of PW-2. Upon Ex-P7 the section were altered through alteration report Ex-P8. Hence he filed the Alteration Report Ex-P8. Upon completion of the investigation and being satisfied that the accused had committed the offence, Kothandaraman, Sub Inspector of Police filed the final report against the accused for offences under Section 294(b), 326, 506(ii) of Indian Penal Code.

7. After the examination of the prosecution witnesses, the accused were questioned under Section 313(1) of the Cr.P.C. with regard to the incriminating evidence appearing against him. He stated that the evidence of the prosecution witnesses is false. He had nothing more to say and did not choose to examine any defence witnesses.
8. After hearing the prosecution's case, the point that arises for determination is whether the prosecution has proved its case beyond all reasonable doubt and whether the accused is guilty of the offence under Section 294, 326, 506(ii) of Indian Penal Code.

ARGUMENTS ADVANCED :

9. Arguments on the side of prosecution that the all accused verbally abused PW-2 using filthy language, criminally intimidated him, caused grievous hurt to PW-2. Further, the evidence of PW-1 to PW-3 and Ex-P1 to Ex-P8 establishes that the offence against accused for under Sec. 294(b), 326, 506(ii) of IPC.
10. The case of the defence is that the place of occurrence is not proved; that only interested witnesses were examined; and that there are contradictions in the evidence of PW-1 to PW-3 and hence, the charge against the accused has not been proved.

APPRECIATION OF EVIDENCE AND REASONING:

11. On perusal of evidence it is seen that PW-1, turned hostile to the prosecution case but PW-1 admitted his signature in the complaint and the same has been marked as Ex-P1. The Victim PW-2 also turned hostile to the case of prosecution. Since the complainant and Victim turned hostile, other witness dispensed with Prosecution side. There is no evidence to prove the incident and the place of occurrence. The learned APP examined the present officer Mr. Kothandaraman as PW-3 and marked Ex-P2 to Ex-P8 through him. In the evidence PW-3 he has stated that how he has conducted the investigation. PW-3 was chief examined on the side of prosecution, But PW-3 deposed only upon the document which did not lend any strength to prosecution case. PW-1 and PW-2 already turned hostile to the prosecution case. The accused entered into a compromise with PW-1 and PW-2. The evidence of PW-3 is not sufficient to come to the conclusion that the accused has committed the offences.

12. There is no iota of evidence to link the accused with the case. The evidence on the side of the prosecution is inconsistent and not cogent and it is quite unsafe to convict and sentence the accused based on such inconsistent and uncorroborated evidence. The prosecution has failed to prove its case beyond all reasonable doubt. Thus, this court holds that the both accused found not guilty under Sec. 294(b), 326, 506(ii) of Indian Penal Code.

DECISION:

13. In the result the accused Sampath S/o. Sivakozhundhu is found not guilty for the offence under Sec. 294(b), 326, 506(ii) of Indian Penal Code. Hence the accused is acquitted under Sec.248(1) CrPC.
14. Bond if any executed by the accused shall stands cancelled.
15. No case property was seized and deposited to this Court in this case; hence, the need for this Court to pass property order as per section 452 of the Code of Criminal Procedure, 1973 does not arise.

Typed by me on my official laptop, corrected and pronounced by me in the Open Court on this the 12th day of March 2026.

District Munsif Cum Judicial Magistrate,
Uthiramerur.

Note:

- i. The accused were on bail throughout the trial.
- ii. No witness was retained more than three times.
- iii. The outcome of the case shall be forthwith communicated to the complainant and the learned APP of this Court vide email.

List of Prosecution witnesses:

P.W.1	..	Malliga
P.W.2	..	Suresh
P.W.3	..	Shanmugam (Sub Inspector – Addl)

List of Prosecution side exhibits:-

Ex.P1	..	Signature of PW-1 in Ex.P2
Ex.P2	..	Complaint
Ex.P3	..	FIR
Ex.P4	..	Observation Mahazar
Ex.P5	..	Rough Sketch
Ex.P6	..	Accident Register
Ex.P7	..	Wound Certificate
Ex.P8	..	Alteration Report

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