

**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 26th day of March 2026

C.C.No. 147 of 2025

in

Crime No. 155 of 2024

(On the file of Salavakkam Police Station, Kancheepuram)

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

... Complainant.

Vs

1. Diwaakar Age 26, S/o. Harikrishnan,
2. Ajith, Age 26, S/o. Hari
3. Venkatesan, Age 54, S/o. Subramani.

... Accused.

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

1.	The period of Remand of the Accused	A1 to A3 – Remanded on 14.07.2024 and released on 25.07.2024.		
2.	The date of filing of Complaint/final report in the Court	Complaint - 13.07.2024 Final Report - 19.06.2025		
3.	Date of Committal of the case (Court of Session)	-NIL-		
4.	Date of Questioning the accused on the charges against him.	08.01.2026		
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	27.01.2026	27.01.2026
		PW-2	24.02.2026	24.02.2026
		PW-3	24.02.2026	24.02.2026

		PW-4	03.03.2026	03.03.2026
7.	Date of examination of the accused under section 313 of the Code	12.03.2026		
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 12.03.2026 before this court in the presence of Assistant Public Prosecutor Grade-I for complainant and Mr. P. Adikesavan, 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, Salavakkam Police Station, who filed the final report, that on 13.07.2024 at 6.30 PM Informant Thirumurugan looked at the A-1 Thivagar S/o Harikrishnan, A-2 Ajith S/o Hari, and A-3 Venkatesan S/o Subramani who were sitting and smoking opposite the Informant's shop where he buys old iron items, in an empty plot, all the accused gathered together and abused in filthy language, and threatening him to Give money for their expenses, or they will beat him with rod and they snatched ₹1000/- that Informant's in his pocket. Thus, A-1 to A-3 are liable to be punished under Section 296(b), 308(4), 351(3) of BNS.

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. 147 of 2025 under Sections 296(b), 308(4), 351(3) of BNS. The case was posted to 04-08-2025 for the appearance of the accused. Upon the appearance of the accused, on the that day i.e 10.11.2025 free copies was served to them 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 all accused for offences under Section 296(b), 308(4), 351(3) of BNS. These charges were read over and explained to them and the accused were questioned as respect to the charges so framed against them, they denied the same and claimed to be tried.
4. The prosecution, in proof of the above charges, examined PW-1 to PW-4 and marked Ex-P1 to Ex-P13 and M.O.1 to M.O.3 marked.

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

5. PW-1 running old Iron items shop. On 13.07.2024 at 6.30 PM PW-1 looked at the accused who were sitting and smoking opposite his shop, all the accused gathered together and abused in filthy language, and threatening with dire consequences and they snatched the ₹1000/- that PW-1's pocket. PW-1 preferred complaint Ex-P2 before Sub Inspector Senthilkumar on the same day.

6. On receipt of Ex-P2 on 13.07.2024 at 19:00 hrs the Sub Inspector registered FIR Ex-P9 in Crime No. 155/2024 for offences under Section 296(b), 308(4), 351(3) BNS. On the same day, he went to the place of occurrence, prepared the observation mahazar Ex-P10, and the rough sketch Ex-P11 in the presence of witnesses Rajendiran and Sanjeevi. Afterwards, he examined the witnesses and recorded statements from LW-1 to LW-6. All Accused arrested on 14.07.2024, at the time A-1 and A-2 voluntarily stated confession statement and accused identified the case property and seized the properties from the accused through Ex-P12, property sent to the court through Form 91 Ex-P13 and accused subjected to judicial custody. Upon completion of the investigation and being satisfied that the accused had committed the offence, Senthilkumar, Sub Inspector of Police filed the final report against all the accused for offences under Section 296(b), 308(4), 351(3) of BNS.
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 them. They stated that the evidence of the prosecution witnesses is false. They 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 are guilty of the offence under Section 296(b), 308(4), 351(3) of BNS.

ARGUMENTS ADVANCED :

9. Arguments on the side of prosecution that the all accused verbally abused PW-1 using filthy language, criminally intimidated him, snatched the cash Rs.1,000/- to PW-1. Further, the evidence of PW-1 to PW-4 and Ex-P1 to Ex-P13 establishes that the offence against accused for under Sec. 296(b), 308(4), 351(3) of BNS.
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-4 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. Confession statement and Seizure Mahazar witnesses examined PW-2 and PW-3 they admitted his signature in the Confession statement and Seizure Mahazar and the same has been marked as Ex-P2 to Ex-P7. Since the complainant and Seizure mahazar witnesses 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. Citibabu as PW-4 and marked Ex-P8 to Ex-P13 through him. In the evidence PW-4 he has stated that how investigating officer has conducted the investigation. PW-4 was chief examined on the side of prosecution, But PW-4 deposed only upon the document which did not lend any strength to prosecution case. PW-1 to PW-3 already turned hostile to the prosecution

case. The accused entered into a compromise with PW-1. The evidence of PW-4 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. 296(b), 308(4), 351(3) of BNS.

DECISION:

13. In the result the A-1 Diwakar S/o. Harikrishnan, A-2 Ajith S/o. Hari, A-3 Venkatesan S/o. Subramani are found not guilty for the offence under Sec. 296(b), 308(4), 351(3) of BNS. Hence the accused is acquitted under Sec.248(1) BNSS.
14. Bond if any executed by the accused shall stands cancelled.
15. Case Property Item No.2 KTM Two wheeler bearing Reg No. TN02 BX 6834 (PI No. 87/2024) handed over to interim custody to the petitioner. Item No.1 Cash Rs.1,000 handed over to interim custody to the petitioner. The Case property Item No.1 and 2 be kept in the permanent custody of the petitioners. Item No. 3 Iron rod destroyed after appeal time is over.

Typed by me on my official laptop, corrected and pronounced by me in the Open Court on this the 26th 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.
- iv.

List of Prosecution witnesses:

P.W.1	..	Thirumurugan
P.W.2	..	Yuvaraj
P.W.3	..	Biyaas
P.W.4	..	Citibabn (Sub Inspector – Addl)

List of Prosecution side exhibits:-

Ex.P1	..	Signature of PW-1 in Ex.P2
Ex.P2	..	Signature of PW-2 in Confession Statement of A-1
Ex.P3	..	Signature of PW-2 in Confession Statement of A-3
Ex.P4	..	Signature of PW-2 in Ex.P12
Ex.P5	..	Signature of PW-3 in Confession Statement of A-1
Ex.P6	..	Signature of PW-3 in Confession Statement of A-3
Ex.P7	..	Signature of PW-3 in Ex.P12
Ex.P8	..	Complaint
Ex.P9	..	FIR
Ex.P10	..	Observation Mahazar
Ex.P11	..	Rough Sketch
Ex.P12	..	Seizure Mahazar
Ex.P13	..	Form 91

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