

IN THE COURT OF THE DISTRICT & SESSIONS JUDGE, KARUR
PRESENT:-THIRU.K.H. Elavazhagan, B.Sc., M.L.,
District & Sessions Judge.

Thursday, the 12th day of March, 2026

SESSIONS CASE No.67/2025
[CNR.NO.TNKR01-001951-2025]

(Vengamedu Police Station Crime No.401/2023)

(P.R.C. 14/2025 on the file of Judicial Magistrate No.I, Karur)

Name of the Complainant	State, Represented by the Sub Inspector of Police, Vengamedu P.S., Karur District.
Represented by	Thiru. N. Senthilkumar, Public Prosecutor.
Accused	1. Vignesh, age 20/2023, S/o. Murugan, No.12/11, Aathi Deravidar Street, Panchamadevi, Karur District. 2. Pradeep, age 20/2023, S/o. Murugan, No.12/97, Aathi Deravidar Street, Panchamadevi, Karur District.
Represented by	Thiru. M.Mohammed Ismayil, advocate for the 1 st accused and Thiru. N.Vinothkumar, advocate for the 2 nd accused.
Period of judicial custody already undergone by the accused, if any.	A1 - 31.10.2023 to 22.11.2023. A2 – 31.10.2023 to 07.11.2023
Charge-sheeted for the offences punishable under Sections	U/s.3 (1) of Prevention of Damage to Public Property Act, 1984.
Charges framed by the Court against the accused	Charges framed against the Accused No.1 and 2 : 1 st charge against the accused No.1 and 2 for the offence u/s. 3(1) of TN Public Property (Prevention of Damage and Loss) Act.
Plea of the accused while framing charges	Pleaded not guilty to the charges
Findings of the Court	In fine,

Result of the case and sentence awarded, if any	<p>(i) The accused No.1 and 2 are acquitted from the charge u/s 3 (1) of TN Public Property (Prevention of Damage and Loss) Act, 1992 as per U/s. 235(1) of CRPC.</p> <p>(ii) The bail bond executed by the accused No.1 and 2 shall stand cancelled.</p> <p>(iii) The properties MO.1 and MO.2 shall be destroyed after appeal period is over.</p>
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FORM B

Date of Offence	28.10.2023
Date of FIR	31.10.2023
Date of Charge Sheet	13.12.2023
Date of framing of Charges	11.08.2025
Date of Commencement of Evidence	07.03.2026
Date of the Judgment	12.03.2026
Date of the Sentencing Order, if any	12.03.2026

ACCUSED DETAILS

Rank of the Accused	A1 and A2
Name of the Accused	A1. - Vignesh A2. - Pradeep
Date of Arrest	A1 & A2 – 31.10.2023,
Date of Release on bail	A1 - 22.11.2023 A2 – 07.11.2023
Offence charged with	Charge against the accused U/s. 3(1) of TN Public Property (Prevention of Damage and Loss) Act, 1992.
Whether Acquitted or Convicted	Acquitted
Sentence imposed	In fine,

	<p>(i) The accused No.1 and 2 are acquitted from the charge u/s 3 (1) of TN Public Property (Prevention of Damage and Loss) Act, 1992 as per U/s. 235(1) of CRPC.</p> <p>(ii) The bail bond executed by the accused No.1 and 2 shall stand cancelled.</p> <p>(iii) The properties MO.1 and MO.2 shall be destroyed after appeal period is over.</p>
Period of Detention under gone during trial for purpose of Sec.428 of CRPC	<p>A1 - 31.10.2023 to 22.11.2023</p> <p>A2 – 31.10.2023 to 07.11.2023</p>

This Sessions Case coming on 10.03.2026 for final hearing before me in the presence of Thiru.N. Senthilkumar, Public Prosecutor for the State and of Thiru. M. Mohammed Ismayil, Advocate for the 1st accused and of Thiru. N.Vinothkumar, advocate for the 2nd accused and after hearing the arguments of both sides and upon perusing the relevant records and having stood over for consideration till this day, this court pronounced the following,

JUDGMENT

The Inspector of Police, Vengamedu Police Station has filed a final report alleging that on 28.10.2023 at about 17.35 hours, at the Indian Overseas Bank ATM situated at Panchamadevi, Karur District, the accused A1 Vignesh and A2 Pradeep have attempted to withdraw money from the ATM. As the cash was not dispensed by the machine, A1 Vignesh was angered and told to A2 Pradeep that there was no use of a machine which does not give money even to drink liquor. Thereafter, both of them went to the house of Vignesh, brought a wooden log, and returned to the ATM centre. Vignesh was instructed Pradeep to keep watch to see whether anyone was coming. Thereafter, Vignesh used the wooden log to strike and break the ATM display, causing damage to the public property to the extent of Rs.11,600/-. Hence, the

accused No.1 & 2 have committed offence under Section 3(1) of TN Public Property (Prevention of Damage and Loss) Act, 1992.

2. COGNIZANCE & COMMITTAL:

1. The learned Judicial Magistrate No.I, Karur took cognizance against the above said accused in P.R.C.No. 14/2025 and the copies were furnished to them u/s 207 Cr.P.C.

2. On receipt of the final report along with the relevant records produced by the prosecution, the Judicial Magistrate No.I, Karur has taken the case on file in P.R.C.No.14/2025 and posted the case for appearance of the accused No.1 and 2. The copies of records under Section 207 Cr.P.C. with free of cost. Since the offence U/s 3(1) TNPPDL Act 1992 is exclusively triable by the Sessions Judge, the case was committed to this court under section 209(a) Cr.PC and the accused No.1 and 2 were directed to appear before this Court for trial. On receipt of the records from the Judicial Magistrate No.I, Karur the case was taken on file by this court in Sessions case No.67/2025. After the appearance of the accused No.1 and 2 and on hearing both sides and after careful scrutiny of the documents, for trial and disposal and the following charge was framed.

3. The charge was read over and explained to the accused No.1 and 2. The Accused had denied the offence and pleaded not guilty to the charge framed against them.

3. OPENING OF PROSECUTION:

1. The prosecutor has opened the case of the prosecution as per Section 226 of Cr.P.C. Upon hearing the counsel and by perusing the case records, the prima facie case was made out and hence, the charges were framed.

4. CHARGES FRAMED AND COMMENCEMENT THE TRIAL:

1. Charge against the accused for the offence u/s. 3(1) of TN Public Property (Prevention of Damage and Loss) Act, 1992.

2. The charge was read over and explained to the accused No.1 and 2. The Accused No.1 and 2 have denied the offences and pleaded not guilty to the charges framed against them.

5. Gist of Charge is as follows:

1. On 28.10.2023 at about 17.35 hours, at the Indian Overseas Bank ATM situated at Panchamadevi, Karur, the accused No.1 and 2 namely Vignesh and Pradeep have attempted to withdraw money from the ATM. As the cash was not dispensed by the machine, Vignesh was angered and told to A2 Pradeep that there was no use of a machine which does not give money even to drink liquor. Thereafter, both of them went to the house of Vignesh, brought a wooden log, and returned to the ATM centre. Vignesh was instructed Pradeep to keep watch to see whether anyone was coming. Thereafter, Vignesh used the wooden log to strike and break the ATM display, causing damage to the public property to the extent of Rs.11,600/-. Hence, the accused No.1 & 2 have committed offence under Section 3(1) of TN Public Property (Prevention of Damage and Loss) Act, 1992.

6.COMMENCEMENT OF TRIAL:

In order to prove the case of Prosecution, P.W.1 to P.W.8 were examined. Ex.P1 to Ex.P19 were marked. M.O.1 and M.O.2 were also marked. On the side of the accused No.1 and 2 no one was examined and no documents were marked.

7. THE PROSECUTION CASE, AS UNFOLDED BY THE PROSECUTION WITNESSES AS FOLLOWS :-

1. The PW1 Chezhiyan has given the complaint exhibit P1, on the basis of complaint Thiru.Kannadasan, Sub-Inspector of Police, Vengamedu has registered the FIR exhibit P 4.

2. The PW1 Chezhiyan has stated that on 28.10.2023 he was working as the Assistant Manager at the Indian Overseas Bank, Panchamadevi. Since that day was a Saturday and the bank was closed, he was at his residence. At about 5.45 p.m. on 28.10.2023, one Prabhakaran, the jewellery appraiser working in

their bank, contacted him over the phone and informed him that someone had broken the panel of the ATM machine situated at the Indian Overseas Bank, Panchamadevi. Thereafter, he went to the said ATM centre and inspected the machine. On reaching there, he found that the panel of the ATM machine was broken and pieces of glass were scattered around the place as stated by the said Prabhakaran. Subsequently, he lodged a complaint before the Vengamedu Police Station. The complaint was marked as Ex.P1 and his signature in complaint was marked as Ex.P2. Based on his complaint, the police registered a FIR and provided him with a copy of the same. PW.1's signature in FIR was marked as Ex.P3 and FIR was marked as Ex.P4.

The police seized the broken parts of the ATM machine in his presence. The above said broken parts was marked as MO.1. Thereafter, the police asked him to provide the assessment of the damage caused to the ATM machine. Pursuant to the same, an engineer was sent from Erode and the damage was assessed. Thereafter, the damaged portion of the ATM machine was repaired and the repair expenses amounted to Rs.11,800/-. The invoice for the said repair was sent from the Regional Office of the Indian Overseas Bank to their branch. As the police required the invoice for the purpose of assessing the damage, he handed over the same to the police. The said invoice has been marked as Ex.P5.

2. PW.2 Prabakaran appraiser of the IOB Bank, Puliur Branch, Karur has deposed that, on 28.10.2023, at about 5.30 p.m., when he went to withdraw money from the ATM machine situated at Panchamadevi Indian Overseas Bank, he found that the display of the ATM machine was broken. Thereafter, he informed PW.1 Sezhian, the Assistant Manager of the bank, about the same through a phone call.

3. PW.3 Gunasekaran appraiser of the IOB Bank, Puliur Branch, Karur has deposed that, on 28.10.2023, at about 5.30 p.m., when PW.2 went to withdraw money from the ATM machine situated at Panchamadevi Indian Overseas Bank, PW.2 found that the display of the ATM machine was broken. Thereafter, PW.2 was informed to him through a phone call.

4. PW.4 Davamani and PW.5 Ganesan attestors of the observation mahazar and Seizure mahazar, they have stated that about three years ago, when they went to the Panchamadevi branch of Indian Overseas Bank, a group of people were present, but they did not know what exactly they were doing, and that the enquiry was being conducted in connection with the breaking of the ATM machine. At that time the police obtained their signature. The 1st and 2nd signature found in the observation mahazar were marked as Ex.A6 and A8. The 1st and 2nd signature found in the Seizure mahazar were marked as Ex.A7 and A9. No material objects were seized in their presence. They are treated as hostile witnesses.

5. PW.6 Kaathamuthu and PW.7 Saravanan are the attestors of Confession statement and Seizure mahazar, they have deposed that, they did not know the accused 1 and 2. While they were standing at the Government Colony bus stand, the police asked them to sign and they affixed their signature. The 1st and 2nd signature found in the confession statement were marked as Ex.A10 and A12. The 1st and 2nd signature found in the Seizure mahazar were marked as Ex.A11 and A13. The police did not conduct any enquiry with them. They are treated as hostile witnesses.

6. PW 8 S.Bharathi, Sub-Inspector of Police, Vengamedu, he has stated that on 30.10.2023 Thiru.Kannadasan was working as Sub-Inspector of Police in Vengamedu Police Station, Karur, on 31.10.2023 at about 9.00 a.m., the complainant Sezhiyan appeared before the Vengamedu Police Station and gave a written complaint. Thereafter, on the same day at about 10.45 a.m., Sub-Inspector Kannadasan registered a case in Crime No.401/2023 U/s 3(1) of the Tamil Nadu Property (Prevention of Damage and Loss) Act based on the complaint. On the same day the Sub-Inspector proceeded to the place of occurrence and, in the presence of witnesses Thavamani and Ganesan, went to the scene and prepared an Observation Mahazar and a Rough Sketch, which were marked as Ex.A14 and Ex.A15 and he seized the broken display panel parts of the ATM machine found at the scene under a Seizure Mahazar, which was marked as Ex.A16. The Sub-Inspector examined the occurrence witnesses, namely Prabhakaran, Gunasekaran, Gokulakrishnan and Palani, separately

and recorded their statements. Thereafter, the accused 1 and 2 were arrested on 31.10.2023 at about 1.45 p.m. near the Government Colony bus stop in the presence of witnesses Kathamuthu and Saravanan. In the presence of the said witnesses, the 1st accused Vignesh voluntarily gave a confession statement, which was recorded. Based on the said statement, 1st accused produced the wooden log and the same was seized under a Seizure Mahazar marked as Ex.A17 and the wooden log produced by the 1st accused was marked as M.O.2. The admissible portion of the confession statement of the 1st accused Vignesh was marked as Ex.A18. Both the accused were remanded to judicial custody. The case properties were sent to the Court through Form-91, which was marked as Ex.A19. Thereafter, the complainant Sezhiyan was re-examined and a further statement was recorded. Finally, after completing the investigation, the Sub-Inspector of Police Thiru.Kannadasan has filed the final report against the accused 1 and 2 on 13.12.2023 under Section 3(1) of the TNPPDL Act.

7. PW 4 to 7 are treated as hostile witnesses.

8. After completing prosecution evidence incriminating evidence against the accused No.1 and 2 were post to them u/s.313(1)(b) of Cr.P.C.,

On closing the prosecution side evidence on 09.03.2026 under section 313(2)(b) CrPC question was posed to the accused No.1 and 2, they have answered the same and stated they have no defense witnesses to examine on their side.

9.The Points for consideration in this case are as follows:-

1) Whether the prosecution has proved the offences u/s. 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 leveled against the Accused No.1 and 2 beyond reasonable doubt ?

2) If case is proved beyond all reasonable doubt, quantum of punishment ?

3) Whether the victim's bank is entitled for compensation u/s section 357 (a) of Cr.P.C?

4) Whether the accused No.1 and 2 are entitled for compensation u/s section 358 of Cr.P.C?

5) Whether the properties to be returned, confiscated or destroyed?

10. The prosecutor has orally argued and filed written arguments in line with the prosecution case.

Arguments of Public Prosecutor in brief :

The arguments of the Public Prosecutor is that even though the PW 4 to PW.7 turned hostile, on considering the evidence of PW 1 and PW.2 alone the charges are proved. Further IO has properly investigated and filed a final report in this case. And prayed that the accused No.1 and 2 should be punished of their crimes.

Arguments of Defence Counsel in brief :

The defense counsel argued that the seizure mahazar and confession statement witnesses are turned as hostile. Hence, the property was not recovered from the scene of occurrence. Further, there is no eye witnesses in this case. At the time of occurrence, CCTV were installed and their footage recorded in those camera was not produced before the Court. Further there is no corroborative evidence available and the recovery witness PW 4 to PW 7 have totally not supported the case of prosecution. Hence prayed for acquittal.

11. Answering to the Point No.1 and 2:

1. On 31.10.2023 Thiru. Kannadasan, Sub-inspector of Police at Vengamedu, Karur. While he was in duty the PW 1 Cheziyan appeared before him and given written complaint, On receipt of the complaint he has registered a FIR Vengamedu Police Station Crime No 401 of 2023 exhibit P 4 and case registered under sections 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992.

2. The PW1 Chezhiyan the Assistant Manager of Indian Overseas Bank, Panchamadevi, stated that on 28.10.2023, though the bank was closed, he was informed by PW.2 Prabhakaran that the ATM machine panel had been broken.

He went to the ATM centre, confirmed the damage, and lodged a complaint at Vengamedu Police Station. Based on his complaint, the police registered an FIR. The police seized the broken ATM parts, and the damage was later assessed by an engineer. The repair cost amounted to Rs.11,800/-, and the invoice was handed over to the police.

3. PW 2 Prabhakaran appraiser of the IOB Bank, Puliur Branck, Karur has deposed that, on 28.10.2023, at about 5.30 p.m., when he went to withdraw money from the ATM machine situated at Panchamadevi Indian Overseas Bank, he found that the display of the ATM machine was broken. Thereafter, he informed PW.1 Sezhiyan, the Assistant Manager of the bank, about the same through a phone call. PW.3 also deposed in a manner similar to PW.2, but he deposed that PW.2 was informed to him about the incident through phone call.

4. From the evidence of PW.1 to PW.3, it is seen that they are only hearsay witnesses. In the present case, there are no direct eye-witnesses to the occurrence. PW.2, who was present at the scene of occurrence, has stated that on 28.10.2023 at about 5.30 p.m., when he went to withdraw money from the ATM situated at Panchamadevi branch of Indian Overseas Bank, he found that the display of the ATM machine was broken. Thereafter, he informed PW.1 about the same over the phone.

5. Ex.P1 complaint shows that after receiving the said information from PW.2, PW.1 immediately went to the ATM centre and found that the display of the ATM machine was broken. However, the written complaint (Ex.P1) was given only on 29.10.2023 at about 9.00 a.m. before Vengamedu Police Station. Thus, there is a delay of about 15 hours in lodging the complaint. The said delay has not been explained in the complaint. Therefore, the unexplained delay creates a doubt regarding the origin of the complaint and shakes the foundation of the prosecution case.

6. Further, PW.2 has stated that he informed PW.1 about the incident over the phone, but he did not witness the persons who broke the ATM display. As there are no eye-witnesses to the occurrence, this circumstance also creates a doubt

regarding the involvement of Accused Nos.1 and 2 in the commission of the offence.

7. Furthermore, PW.4 and PW.5 are stated that, no material objects were seized in their presence and also they did not know anything about this case. Likewise, PW.6 Kaathamuthu and PW.7 Saravanan are stated that, they did not know the accused 1 and 2. While they were standing at the Government Colony bus stand, the police asked them to sign and they affixed their signature. The 1st and 2nd signature found in the Seizure mahazar were marked as Ex.A7 and A9. The 1st and 2nd signature found in the confession statement were marked as Ex.A10 and A12. The 1st and 2nd signature found in the Seizure mahazar were marked as Ex.A11 and A13. Therefore, PW. 4 to PW.7 were treated as hostile witnesses. From the evidence of PW.5 and PW.6 were turned as hostile with respect to the complaint given by the PW.1. It is also creates doubt of the prosecution case.

8. Moreover, the PW.4 to PW.7 seizure and confession witnesses have not supported the case of the prosecution. They have stated that no material objects were seized in their presence and that the police only obtained their signatures. Therefore, they were treated as hostile witnesses. In the absence of reliable independent witnesses to prove the seizure and confession, the prosecution case becomes further weakened.

9. The case in hand, there is no eye-witness to the occurrence, no direct evidence connecting the accused with the offence, and the seizure witnesses have turned hostile. Hence, the prosecution has failed to establish beyond reasonable doubt that the accused No.1 and 2 committed the offence punishable under Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 and hence the accused No.1 and 2 are acquitted from the charge. Accordingly points No 1 & 2 are answered.

12. Answering to the Point No.3:

Case on hand the prosecution has incurred Rs.11,600/- loss and has not

proved the charges beyond all reasonable doubts and the question of the victim's bank does not arise u/s 357(a) of Cr.P.C. Accordingly point No 3 is answered.

13. Answering to the Point No.4:

The accused No.1 and 2 herein have not claimed any compensation, nor while cross examination of the Investigation officer, they have not also put any questions to this effect. Since, they have not claimed any compensation for their arrest and detention, I am not inclined to grant any compensation in this section 358 of Cr.P.C. Accordingly, the point No. 4 is answered.

14. Answering Point No. 5:

The MO1 broken display panel of ATM Machine and MO 2 wooden log, which do not have any value and hence these material objects may be destroyed after appeal period is over. Accordingly, the point No. 5 is answered.

In fine,

(i) The accused No.1 and 2 are acquitted from the charge u/s 3 (1) of TN Public Property (Prevention of Damage and Loss) Act, 1992 as per U/s. 235(1) of CRPC.

(ii) The bail bond executed by the accused No.1 and 2 shall stand cancelled.

(iii) The properties MO.1 and MO.2 shall be destroyed after appeal period is over.

Dictated to the Steno-typist, he typed directly on the computer, corrected and pronounced by me in open Court on this the 12th day of March, 2026.

**DISTRICT AND SESSIONS JUDGE,
KARUR.**

LIST OF WITNESSES AND EXHIBITS

Witnesses on behalf of Prosecution:-

PW1	Chezhiyan
PW2	Prabakaran
PW3	Gunasekaran
PW4	Thavamani

PW5	Ganesan
PW6	Kaathamuthu
PW7	Saravanan
PW8	Thiru.Bharathi

Exhibits on behalf of Prosecution:-

Ex.P1	29.10.2023	Complaint
Ex.P2	29.10.2023	Complainant's signature in the complaint
Ex.P3	31.10.2023	Complainant's signature in FIR
Ex.P4	31.10.2023	First Information Report
Ex.P5	22.11.2023	Tax Invoice for the ATM Machine damages
Ex.P6	31.10.2023	1 st witness signature in Observation Mahazar
Ex.P7	31.10.2023	1 st witness signature in Seizer Mahazar
Ex.P8	31.10.2023	2 nd witness signature in Observation Mahazar
Ex.P9	31.10.2023	2 nd witness signature in Seizer Mahazar
Ex.P10	31.10.2023	1 st witness signature in Confession statement of A1.
Ex.P11	31.10.2023	1 st witness signature in Seizer Mahazar
Ex.P12	31.10.2023	2 nd witness signature in Confession statement of A1.
Ex.P13	31.10.2023	2 nd witness signature in Seizer Mahazar
Ex.P14	31.10.2023	Observation Mahazar
Ex.P15	31.10.2023	Rough Sketch
Ex.P16	31.10.2023	Seizer Mahazar
Ex.P17	31.10.2023	Seizer Mahazar
Ex.P18	31.10.2023	Admitted portion of the Confession statement of A1.
Ex.P19	31.10.2023	Form 91

Material Objects on behalf of Prosecution:-

M.O.1	Broken display panel pieces of ATM Machine
M.O.2	A wooden log measuring 86 c.m.

List of Witnesses, exhibits on behalf of Defence:- NIL

List of Documents marked through Court:- NIL

**DISTRICT AND SESSIONS JUDGE,
KARUR.**

ANNEXURE-II
CASE SUMMARY

(in S.C.No.67/2025)

i	The period of remand of the accused ;	A1 - 31.10.2023 to 22.11.2023. A2 – 31.10.2023 to 07.11.2023		
ii	The date of filing of the final report in the case ;	13.12.2023		
iii	The date of committal of the case to the Court of Sessions;	05.06.2025		
iv	The date of questioning of the accused u/s 228 of the Cr.P.C. as the case may be ;	05.06.2025		
v	Filing of all miscellaneous petitions and their results including the results on challenge before superior Courts;except routine petitions like petitions u/s 317 of the Code;	Crl. M.P.No.	Result	Result in Superior Courts
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vi	Date of examination in chief and cross examination of a witness;	P.Ws. No.	Date of Chief examination	Date of Cross examination
		1	07.03.2026	07.03.2026
		2	07.03.2026	--
		3	07.03.2026	--
		4	07.03.2026	--
		5	07.03.2026	--
		6	07.03.2026	--
		7	07.03.2026	--
		8	09.03.2026	09.03.2026
vii	Date of examination of the accused u/s 313 of the Code;	09.03.2026		
viii	Details of abscondence of an accused and his appearance/ production, as the case may be; and	---		

ix	Grant of stay by superior Courts and the results thereof	---
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