

IN THE COURT OF THE IV ADDITIONAL DISTRICT JUDGE,
MADURAI

Present: Thiru.M.Udhayavelavan, B.L.,
IV Additional District Judge, Madurai.

Wednesday, the 10th day of June 2026

SESSIONS CASE No.335 of 2005

CNR.No. TNMD01-007529-2019

- Name of the complainant : State of Tamil Nadu,
The Inspector of Police,
Annanagar Police Station,
Cr.No.796/2001
- Name of the accused : 1. Maran, 36/2005
S/o Sivanandi
Melponnagaram Main Road,
Madurai.
2. Selvam **(Died)**
S/o Munusuthevar,
36/5 Ahimsapuram,
Sellur, Madurai.
3. Nehru **(Split up as SC No.540/23)**
S/o Govindarajan,
Sonaiyar Kovil Street,
Narimedu, Madurai.
4. Burma Kannan **(Died)**
S/o Valavanthan,
Alwarpuram,
Madurai.
5. Pitchai **(Split up as SC No.577/23)**
S/o Selvam,
Keelaveli Veethi,
Nelpettai, Madurai.
6. Ganesan 37/05
S/o Sundararajan,
Tamilnadu Housing Board Colony,
Melvasal, Madurai.
7. Gopalakrishnan 46/05
S/o Pandian,
Pandurengan Compound,
Alwarpuram, Madurai.

(As Non-Bailable Warrants (NBWs) remain pending against accused Nos. 3 Nehru and 5 Pitchai, the case against Accused No. 3, Nehru, was split up and numbered as S.C. No. 540 of 2023, while the case against Accused No. 5 Pitchai was split up and numbered as S.C. No. 577 of 2023, from the main Sessions Case No. 335 of 2005. The 2nd accused Selvam and 4th accused Burma Kannan were reported as dead and charge against the above said accused was abated)

Charge Framed against the accused

- Charge No.1 U/s 147 of IPC : On 30.06.2001 at about 14.15 hours, the accused 1,6, 7 along with accused 2 to 5 have been brought to District Court Complex, Madurai, concerned in a case registered on the file of Thideernagar Police Station in Cr.No.816/2001 U/s 143, 341, 188 of IPC and 7(1) of CLA Act, for the purpose of remand, they have formed an unlawful assembly to riot and thereby the accused 1,6 and 7 have committed the offence punishable U/s 147 of IPC.
- Charge No.2 U/s 3(1) of TNPPDL Act : In continuation of forming of an unlawful assembly, on the same day, place, time the accused 1,6 and 7 along with the accused 2 to 5 with an intention to cause damage to the public property,

damaged the Notice board, window glasses of the court halls situated near the main entrance of District Court complex, namely, P.C.R. Court, MCOP Court, Judicial Magistrate No.5 Court and Judicial Magistrate Court No.6 Court and caused damage to the tune of Rs.730/- and thereby the accused 1,6 and 7 have committed the offence punishable U/s 3(1) of TNPPDL Act.

Charge No.3 U/s 353 of IPC :

In continuation of the above occurrence, to enforce the common object, at the same place, time the accused 1,6 and 7 joining hands with accused 2 to 5 have restrained Thiru. Vanamamalai, Inspector of Police, Anna Nagar Police Station from preventing unlawful assembly, causing damage to the public property and used force and thereby the accused 1,6 and 7 have committed the offence punishable U/s 353 of IPC .

Charge No.4 U/s 332 r/w 149 of:
IPC

In the course of same transaction, on the same day, same place and same time the accused 1,6 and 7 joining with accused 2 to 5 have formed unlawful assembly and when the defacto complainant has tried to prevent them in executing their common object, the 4th accused Bharma

Kannan has caused simply injury on the right ear of the defacto complainant by throwing a stone on him and thereby the accused 1,6 and 7 have committed the offence punishable U/s 332 r/w 149 of IPC

Plea of the accused

Charge No.1 U/s 147 of IPC : Plead ed not guilty
 Charge No.2 U/s 3(1) of TNPPDL Act : Plead ed not guilty
 Charge No.3 U/s 353 of IPC : Plead ed not guilty
 Charge No.4 U/s 332 r/w 149 of IPC : Plead ed not guilty

Finding of the court

Charge No.1 U/s 147 of IPC : Accused 1,6 and 7 are found guilty
 Charge No.2 U/s 3(1) of TNPPDL Act : Accused 1,6 and 7 are found guilty
 Charge No.3 U/s 353 of IPC : Accused 1,6 and 7 are found guilty
 Charge No.4 U/s 332 r/w 149 of IPC : Accused 1,6 and 7 are found guilty

Sentence or order

i) The accused 1, 6 and 7 are convicted and sentenced to simple imprisonment for Two years and a fine of Rs.1,000/- each in default to undergo simple imprisonment for a period of six months for the offence U/s 147 of IPC.

ii) The accused 1, 6 and 7 are convicted and sentenced to simple

imprisonment for four years and a fine of Rs.2,000/- each in default to undergo simple imprisonment for a period of six months for the offence U/s 3(1) of TNPPDL Act.

iii) The accused 1, 6 and 7 are convicted and sentenced to simple imprisonment for Two years and a fine of Rs.1,000/- each in default to undergo simple imprisonment for a period of six months for the offence U/s 353 of IPC.

iv) The accused 1, 6 and 7 are convicted and sentenced to simple imprisonment for Three years and a fine of Rs.1,000/- each in default to undergo simple imprisonment for a period of sixmonths for the offence U/s 332 r/w 149 of IPC. (Total fine of Rs. 15,000/-).

v) The sentence of imprisonment shall run concurrently.

vi) The period of detention already undergone by 1st accused from 16.12.2019 to 20.12.2019 and 6th accused from 20.10.2005 to 31.10.2005 are ordered to be set off U/s 428 Cr. P.C. against their respective sentence of imprisonment.

vi) The order regarding the property, glass spills marked as M.O.1 will be passed separately on the conclusion of split-up cases in S.C.No.540/2023 and S.C. No. 577/2023.

This case was transferred from the I Additional Assistant Sessions Court, Madurai, and was received and taken on the file of this Court on 25.07.2019, in accordance with Proceedings No.7751 dated 22.07.2019 issued by the Principal District and Sessions Judge, Madurai and coming before this court for final hearing on 04.06.2026 in the presence of Thiru.J.Jawahar Learned Additional Public Prosecutor for the State and Thiru.Lingadurai and Thiru.Palani Packiam Learned counsel for 1st, 6th and 7th accused and upon hearing arguments of both side and perusing the materials available on record and having stood over till this date for consideration of this court, delivers the following:

JUDGMENT

1. Gist of the final report filed by the prosecution :-

The Inspector of Police, Annanagar Police Station has laid final report against the accused persons on the allegation that on 30.06.2001 at about 14.15 hours, all the accused persons concerned in Cr.No.816/2001 of Annanagar Police Station registered U/s 143, 341, 188 and 7(1) of CLA Act have been brought to District Court complex Madurai for remand purpose all the accused persons forming an unlawful assembly with a common object of causing damage to the public property, smashed the notice board and window glasses of PCR Court, MCOP Court, Judicial Magistrate No.5 Court situated near the

main entrance of District Court Complex and caused loss to the Government to the tune of Rs.730/- and in the course of the same, when the defacto complainant Thiru.Vanamamalai has tried to avert the incident, the 4th accused Burma Kannan thrown a stone on his right ear and caused simple injury and thereby the accused persons have committed the offence punishable U/s 3(1) of TNPPDL Act and 332 of IPC.

2. The Learned Judicial Magistrate No.VII, Madurai, having been satisfied with sufficient grounds to proceed with the case, has taken the case on file in PRC. No.48/2002 on 17.06.2002 and after furnishing copies of documents relied by the prosecution to the accused, committed the case under section 209 Cr.P.C to the Principal District and Sessions Court, Madurai.

3. The case has been taken on file by Principal District and Sessions Judge, Madurai in SC.No.335/2005 on 16.06.2005 and made over the same to I Additional Assistant Sessions Court, Madurai, and as per the proceedings of the Principal District and Sessions Judge, Madurai in D.No.7751 dated 22.07.2019 this case was transferred and received and taken on the file of this Court on 25.07.2019, for disposal. In the meantime 2nd accused Selvam and 4th accused Burma Kannan were reported as dead and the charges against the 2nd and 4th accused were abated. As Non-Bailable Warrants (NBWs) remain pending against accused Nos. 3 and 5, the case against Accused No. 3, Nehru, was split up and numbered as S.C. No. 540 of 2023, while the case against Accused No. 5 was split up and numbered as S.C. No. 577 of 2023, from the main Sessions Case No. 335 of 2005.

4. On appearance of accused 1, 6 and 7 before this court, after opening of prosecution has been done by Learned Additional Public Prosecutor, after

hearing both side and perusing the materials produced by prosecution, on finding prima facie case charges have been framed Under Sections 147 of IPC, 3(1) of TNPPDL Act, 353, and 332 r/w 149 of IPC against accused 1, 6 and 7 and when the same are read over and explained to the accused 1, 6 and 7, they have denied the same and claimed to have been tried.

5. As the accused 1, 6 and 7 have denied the charges leveled against them, evidence for prosecution is ordered and in order to prove the charges leveled against the accused 1, 6 and 7, the prosecution has examined PW1 to PW9 and produced Ex.P1 to Ex.P8 documents and M.O.1 is marked.

6.The case of the prosecution as culled out from the evidence of prosecution side witnesses in brief as follows:

i) The P.W.2 Thiru.Vanamamalai, then Inspector of Police, Annanagar Police Station has been stationed at District Court Complex, Madurai on 30.06.2001 at about 14.15 hours in connection with bandobust duty due to the arrest of former Chief Minister Thiru.Karunanithi. The Police Party lead by P.W.1 Thiru. Krishnan, then Inspector of Police consisting of P.W.3 Thiru.Nelson, then Sub Inspector of Police Thideernagar Police Station and other police personnel brought the accused 1 to 7 for remand, who have been arrested in a case registered in Cr.No.816/2001 of Thideernagar Police Station U/s 143, 341, 188 and 7(1) of CLA Act, at about 14.15 hours on 30.06.2001, to produce them before the learned Judicial Magistrate No.6 Madurai, in a while all the accused persons have started to pelt a stones and in the effect of the same the windows and notice board of the court building have been damaged and when P.W.2 has tried to restrain the accused persons from causing damage they have assaulted him and the stone thrown by the 4th accused Burma Kannan hit the P.W.2 Thiru.Vanamamalai, then Inspector of

Police, on his right ear and caused bleeding injury. Immediately P.W2 has lodged Ex.P1 complaint with P.W.8 Thiru.Palanichamy Sub Inspector of Police, Anna Nagar Police Station at about 15.30 hours and upon receiving the same he has registered Ex.P4 First Information Report U/s 147, 353, 332 and Section 3(1) of TNPPDL Act and forwarded the same to Judicial Magistrate No.VII, Madurai. P.W.2 has been admitted at A.R. Hospital Madurai for treatment and P.W.6 Dr.Srinivasan has treated the P.W.2 and by issuing Ex.P2 Wound Certificate, he has opined that the injury caused to P.W.2 is simple in nature.

ii) P.W.9 Thiru.Shunmuganathan, then Inspector of Police, K.Pudur Police Station, on the order of Assistant Commissioner, Thallakulam, on 30.06.2001 at about 15.45 hours, taken up the case for investigation, upon receiving the copy of FIR from P.W.8 and proceeded to the place of occurrence at about 16.30 hours and after inspecting the place of occurrence prepared Ex.P5 Observation Mahazar and Ex.P6 Rough Sketch in the presence of one Jayaraj and Murugan and also recovered M.O.1 broken glass pieces under preparation of Ex.P7 Seizure Mahazar in the presence of the same witnesses. Thereafter he has examined the witnesses and on examining P.W.6 obtained Ex.P2 Wound Certificate and by examining P.W.7 Thiru.Manickam, then Junior Engineer, Public Works Department, who has evaluated the value of damage caused to the court hall window glasses and obtained Ex.P3 Damage valuation Certificate. P.W.9 has also taken steps to produce all the accused persons before Judicial Magistrate No.7 for the purpose of their remand in the case, but they have been released on anticipatory bail, before he completes the process. Accordingly on

completion of investigation P.W.9 has laid a final report against the accused persons U/s 3(1) of TNPPDL Act and 332 of IPC.

(P.W.4, Thiru.Ravi Sankaranarayanan, then Office Assistant attached with Judicial Magistrate No.5 has deposed to the effect that on the date of occurrence he has seen some 4 or 5 persons breaking the window glasses of the court house, he did not know the identity of the miscreants and have not seen the accused herein. P.W.5 Thiru.Hariharan, then Office Assistant attached with Judicial Magistrate No.6 Madurai deposed to the effect that he has seen the commotion, but have not seen the accused there.)

7. On completion of evidence for prosecution, when the incriminating facts found in the same against accused persons has been explained and questioned, Under Section 313(1)(b) Cr.P.C with the accused 1,6 and 7, they have denied the same as false and preferred not to examine any witness on their side.

8. Points for consideration.

i) Whether the prosecution has proved the charges levelled against the Accused persons 1, 6 and 7 Under Sections 147 of IPC, 3(1) of TNPPDL Act, 353, and 332 r/w 149 of IPC beyond all reasonable doubts?

9. Point No.1

i) The case of the prosecution is that the accused 1 to 7 who have been brought to the premises of District Court complex for remand concerned in Cr.No.816/01 U/s 143, 341, 188 and 7(1) CLA Act of Thideernagar Police Station, by P.W.1 and P.W.3 to produce before the Judicial Magistrate No.6,

Madurai, on 30.06.2001 at about 14.15 hours, they have formed an unlawful assembly with common object of damaging the public property and in order to enforce their common object, they have broken the window glasses of Court houses of PCR Court, MCOP Court, Judicial Magistrate Court No.5, and Judicial Magistrate Court No.6 situated abutting the entrance of District Court complex and caused damage to the tune of Rs.730/- and in the course of the same, when P.W.2 has tried to intervene them from causing damage, the 4th accused namely Burma Kannan has pelted a stone and caused bleeding injury on the right ear of P.W.2 Thiru.Vanamamalai, Inspector of Police and restrained him from discharging his official duty by using the force and thereby they have committed the offence punishable u/s 147 of IPC, 3(1) of TNPPDL Act, 353, and 332 r/w 149 of IPC.

ii) As the charges u/s 147 and 149 of IPC is invoked against the accused 1, 6 and 7, sans the presence of accused 2 to 5, due to death and abscondance, the overt act against all the accused is required to be gone into, in this judgment to answer the charges levelled against the accused 1, 6 and 7 herein.

iii) The learned Additional Public Prosecutor appearing for the state would submit that the evidence of injured P.W.2, Thiru.Vanamamalai Inspector of Police and the occurrence witnesses P.W.1 Thiru.Krishnan, Inspector of Police and P.W.3 Thiru.Nelson, Sub Inspector of Police would clearly establish the damage caused to the court properties and injuries inflicted on P.W.2 by the accused persons. Their evidence are corroborated by the evidence of P.W.6 Dr.Srinivasan, who treated P.W.2. P.W.7 Thiru. Manickam, Junior Engineer, Public Works Department, who evaluated the damages and issued Ex.P3 Damage Valuation Certificate. Further the case of

the prosecution is fortified by P.W.8 Thiru.Palanichamy, S.I.of Police, who has registered the FIR and P.W.9 Thiru.Shunmuganathan, Inspector of Police who has conducted the investigation and laid the final report. Hence he submits that accused persons 1, 6 and 7 have to be dealt with according to law and appropriate punishment be imposed.

iv) On the other hand, refuting the submission of the learned Additional Public prosecutor, the learned counsels appearing for the accused 1, 6 and 7 would submit that the evidence of P.W.1 to P.W.3 are mutually contradictory one and their evidence itself belie the case of the prosecution. The alleged facts lack necessary ingredients to form the offence punishable u/s 147 and 353 of IPC, when the accused persons have already been under the custody of P.W.1 and his police party, there is no question of forming of unlawful assembly and commit the offence as alleged by the prosecution. The place of occurrence is not specifically stated and proved by the prosecution. The witnesses have failed to testify about the damage caused to the court properties, with specific name of the court. There is no chance to have a stone to pelt upon the court properties and P.W.2. The interested testimony of P.W.1 to P.W.3 have not been supported by P.W.4 and P.W.5, court staffs. There is a delay in lodging complaint and despatch of the same to the court and the same contemplates suppression of earlier complaint. The evidence of P.W.6 Dr.Srinivasan is not specific about the measurements of injury, alleged to have been sustained by P.W.2. Further the prosecution has not examined the doctors attached to the Government Hospital. Moreover the damage valuation certificate issued by P.W.7 could not be relied for any purpose. There is long delay in despatching the materials and statements of witnesses recorded during the investigation to the court and the same will affect the reliability of the oral evidence adduced by prosecution. Hence the accused 1,

6 and 7 have prayed for an order to acquit them from all the charges levelled against them.

v) Admittedly, in this case it is not in dispute that on the day of occurrence i.e 30.06.2001 at about 14.15 hours the accused persons have been brought to the District Court complex Madurai for their production before the Judicial Magistrate No.VI, Madurai concerned in Cr.No.816/2001 of Thideernagar Police Station. In this regard, though there is no records connected with Cr.No.816/2001 is produced, the oral evidence of P.W.1 to P.W.3 remains uncontroverted in this regard. Therefore, from the evidence of P.W.1 to P.W.3 and contemporaneous entries found in Ex.P1 complaint and Ex.P4 First Information Report this court is of the view that on the day of occurrence the accused persons are available at the District Court complex, the place of the occurrence.

vi) Nextly, as to the damage caused to the window shields of the court building has contended by the defence, P.W.1 to P.W.3 have not testified about the court halls to which the damage is caused. But, in his evidence, P.W.4, Thiru.Ravi Sankaranarayanan, then Office Assistant of Judicial Magistrate Court No.5 Madurai, has clearly deposed about the damage caused to the window glasses in Court houses of Judicial Magistrate No.5 Court, Madurai. Therefore from the M.O.1 broken glass pieces and evidence of P.W.4 this court is on the view that sans the evidence of P.W.1 to P.W.3, the prosecution is able to prove the damage caused to the window glasses of court houses of Judicial Magistrate No.5, Madurai which is one among the courts in which damage is caused. Further, P.W.7 Thiru.Manickam, then Junior Engineer of Public Works Department, who has inspected the damage of court houses and assessed the damage in his Ex.P3 Damage Valuation Certificate, clearly

described the court halls, in which he has made inspection and observed the damages as follows:

"பார்வையில் கண்ட கடிதத்தின்படி நீதிமன்ற வளாகத்தில் சேதம் அடைந்த பகுதிகளை பார்வையிடப்பட்டது. அதன் சேத மதிப்பீட்டை கீழ்க்கண்டவாறு தெரிவித்துக் கொள்கிறேன்.

வ.எண்	இனம்	ரூ. பை
1	நீதிமன்ற மெயின் வாசல் அருகில்: பி.சி.ஆர். நீதிமன்ற நோட்டீஸ் போர்டு கண்ணாடியுடன்	400 00
2	வாகன விபத்து வழக்குகள் நிவாரண விசாரணை நீதிமன்றம் (5 ஜன்னல் கண்ணாடிகள்)	
3	நீதிமன்ற நடுவர் மன்றம் எண்.6 (4 ஜன்னல்கள் கண்ணாடிகள்)	
4	நீதிமன்ற நடுவர் மன்றம் எண்.5 (இரண்டு ஜன்னல்கள் கண்ணாடிகள்) சேதமடைந்த 11 கண்ணாடிகளின் மொத்த அளவு 1.5 ச.மீ	330 00
		730 00

மொத்த சேதமதிப்பீடு செய்கூலியுடன் ரூ.730/- (ரூபாய் எழுநூற்றி முப்பது மட்டும்) என்பதற்கு சான்று வழங்கப்படுகிறது. "

The details furnished in Ex.P3 Damage Valuation Certificate clearly establishes the fact that the window glasses and the notice board of PCR Court, MCOP Court, Judicial Magistrate Court No.6, and Judicial Magistrate Court No.5 situated near the entrance of District Court complex have been damaged. Hence from the evidence of P.W.1 to P.W.4 and P.W.7 and the documentary evidence in the form of Ex.P3 this Court comes to the

conclusion that the notice board glasses of PCR Court, five window glasses in the court house of MCOP Court, 4 window glasses in Judicial Magistrate No.6, Madurai and two window glasses in Judicial Magistrate No.5, Madurai Court have been broken and loss is inflicted to the tune of Rs.730/-.

vii) As the damage caused to the window glasses of four court halls have been proved this court has to consider the person, who has caused the damages. As per the contention of defence several persons in hundreds have been brought to the court houses on the day of occurrence as a preventive measure and from the evidence of P.W.1 to P.W.3 it could not be held that the accused persons have only caused the damage, more particularly in the absence of any independent witnesses. Admittedly as contended by the learned defence counsel P.W.4 and P.W5 Office Assistants attached with Judicial Magistrate No.5 and 6 respectively have not deposed anything about the miscreants, who have caused the damage to the window glasses of the court houses. But P.W.1 to P.W.3 have categorically deposed about the damage caused by the accused 1 to 7 herein. In spite of their cross examination no specific answer is elicited, so as to doubt their credibility. Though it is contended by the defence as there is no chance for having stone in the court premises to cause damage, when admittedly all the four court halls are situated in the ground floor of the court complex availability of stones could not be construed as an impossible one. Therefore, based on the contention of defence on the basis of availability of stones the evidence of P.W.1 to P.W.3 could not be discarded. Further, though, P.W.3 has deposed as the accused persons have damaged the doors and windows by their hand he has not deposed anything as stones are not available and used in the occurrence. Hence for his omission alone the evidence of P.W.1 could not be

doubted. Therefore from the evidence of P.W.1 to P.W.3 this court comes to the conclusion that the prosecution has clearly proved the charges that the accused 1, 6 and 7 along with other accused persons have caused damage to the glasses of notice board and windows of the court halls of PCR Court, MCOP Court, Judicial Magistrate Court No.6 and Judicial Magistrate Court No.5. As the evidence of P.W.1 to P.W.3 clearly shows that the accused have gone berserk in a spur of the moment specific overt act against each of the damaged glasses for each accused could not be expected. Hence from the evidence of P.W.1 to P.W.3 this court comes to the conclusion that the prosecution has clearly proved the charges levelled against the accused persons 1, 6 and 7 U/s 3(1) of TNPPDL Act.

viii) As the prosecution is held as proved the charges of damaging the window glasses of the court houses against the accused persons, this court has to consider the charges levelled U/s 147 of IPC against the accused persons. As per the contention of defence referring section 141 and 146 of IPC that when they have already been under the custody of P.W.1, question of forming an unlawful assembly does not arise. But the above said proved facts clearly shows that after the accused have been brought to the court complex along with other accused persons they have acted in an unruly manner and in a spur of moment caused damage to the window glasses of the four court halls. Hence it could not be accepted that there is no chance for forming an unlawful assembly. As per explanation to section 141 of IPC, an assembly which is not unlawful when it assembled, may subsequently become an unlawful assembly. In this case also though the accused persons have been brought to the court complex by the police personnel after their arrival at the court houses they went berserk and caused damage to the public properties.

Therefore this court is of the view that the act of the accused persons in a concerted manner in damaging the public properties clearly shows their common object of causing damage to the properties and thereby they are liable to be held guilty of the offence punishable U/s 147 of IPC. In this regard the Hon'ble Supreme Court of India in a case between Sanjeev Kumar Gupta ..vs.. State of UP (now State of Uttarakhand) 2015(11) SCC Page 69 held as follows:

“As far as the argument regarding the absence of a common intention to kill the deceased or the prior concert is concerned, we are of the view that it can arise at the spur of the moment. This Court in the case of Ramachandran and Ors. Vs. State of Kerala, (2011) 9 SCC 257, has observed:

“17. Section 149 IPC has essentially two ingredients viz. (i) offence committed by any member of an unlawful assembly consisting of five or more members, and (ii) such offence must be committed in prosecution of the common object under Section 141 IPC) of the assembly or members of that assembly knew to be likely to be committed in prosecution of the common object.

18. For ‘common object’, it is not necessary that there should be prior concert in the sense of a meeting of the members of the unlawful assembly, the common object may form on the spur of the moment; it is enough if it is adopted by all the members and is shared by all of them.” (Emphasis supplied)

31. We are of the view that in the present case, even if it is assumed that there was no common object of killing, but only of stopping the deceased and others from contesting the elections, it cannot be ruled out that the common intention to kill might have arisen on the spur of the moment. The actions of the appellants and the injuries inflicted on the body of the deceased also go to substantiate the same.”

Hence as per the above judgment of the Hon'ble Supreme Court of India, common object can be formed in a spur of the moment and lawful assembly became an unlawful assembly. Hence from the evidence of P.W.1 to P.W.3 this court comes to the conclusion that the prosecution has clearly proved the charges levelled against the accused persons 1, 6 and 7 U/s 147 of IPC.

ix) As the accused persons 1, 6 and 7 have been concluded as members of an unlawful assembly this court has to consider the charges levelled against the accused persons U/s 332 r/w 149 of IPC. As per the case of the prosecution, one Burma Kannan, 4th accused, since deceased has thrown a stone on the right ear of P.W.2 Thiru.Vanamamalai, then Inspector of Police and caused bleeding injuries to him. P.W.2 has clearly deposed about the stone thrown by the deceased 4th accused and bleeding injuries sustained by him. P.W.6 Dr.Srinivasan who treated P.W.2 has clearly deposed that he has seen P.W.2 with bleeding injuries and he has given treatment to him and issued Ex.P2 Wound Certificate. It is true that P.W.2 has admitted, as stated before doctors as said to have been assaulted by a mob, in this case as per case of prosecution there are 7 persons involved in the offence of rioting. Hence one stated to the doctor, as he has been attacked by a mob could not be considered as a fatal one to the case of the prosecution. Further the evidence of P.W.2 about the injuries sustained by him has been corroborated by the evidence of P.W.1 and P.W.3, occurrence witnesses. Therefore from the evidence of P.W.1 to P.W.3, with the medical evidence of P.W.6, this court comes to the conclusion that the 4th accused has caused bleeding injuries on the right ear of P.W.2 by throwing a stone and being the member of unlawful assembly the accused 1, 6 and 7 herein are liable to be held guilty of the

offence U/s 332 r/w 149 of IPC, as the injury has been inflicted in the course of causing damage to the public property, when P.W.2 has tried to intervene them. As discussed above when P.W.2 has been inflicted with injuries in his struggle to prevent the accused persons from causing damage to the public properties, it must be concluded that the accused persons have used force to restrain the public servant from discharging his lawful duty and thereby this court comes to the conclusion the charges levelled U/s 353 of IPC against the accused persons 1,6 and 7 is also clearly proved by the prosecution.

x) As the evidence of eye witnesses, P.W.1 to P.W.3 clinchingly proves the occurrence and no ill-motive is attributed against them for pinning the blame on accused herein, among hundreds of persons brought for remand to the court complex, non examination of independent witnesses, delay in despatching material records could not be construed as a fatal one to the case of prosecution. As the evidence of P.W.9 Investigating Officer and P.W.7 Evaluator is very clear about damage caused to the Court glasses, non examination of Mahazar witnesses is not a fatal one. Further, P.W.2 is the injured witness and P.W.1 is duty bound to take care of the accused, as he has only brought them for remand, lodging of complaint by P.W.2 is not an unnatural one.

In view of the above discussion this court comes to the conclusion that the charges levelled against the accused 1, 6 and 7 U/s 147 of IPC, 3(1) of TNPPDL Act, 353 and 332 r/w 149 of IPC are proved beyond all reasonable doubts by the prosecution and as a consequence of the same they are found guilty of all the charges levelled against them.

xi) As accused persons 1, 6 and 7 are found guilty of offences U/s 147 of IPC, 3(1) of TNPPDL Act, 353 and 332 r/w 149 of IPC they have been

convicted for the respective offences, and when they have been questioned U/s 235(2) of Cr.PC., about the sentence going to be imposed upon them, for the respective offences, they have answered as follows:

1st accused- நான் எதுவும் செய்யவில்லை.

6th accused- நான் எதுவும் செய்யவில்லை.

7th accused - நான் குற்றவாளி இல்லை.

On considering nature of the case, circumstances, under which accused persons have gone berserk and caused damage to the public properties, inside the court complex even during their police custody, this court is of the view that no leniency could be shown in favour of the accused persons on the question of punishment.

Accordingly, In result,

i) The accused 1, 6 and 7 are convicted and sentenced to simple imprisonment for Two years and a fine of Rs.1,000/- each in default to undergo simple imprisonment for a period of six months for the offence U/s 147 of IPC.

ii) The accused 1, 6 and 7 are convicted and sentenced to simple imprisonment for four years and a fine of Rs.2,000/- each in default to

undergo simple imprisonment for a period of six months for the offence U/s 3(1) of TNPPDL Act.

iii) The accused 1, 6 and 7 are convicted and sentenced to simple imprisonment for Two years and a fine of Rs.1,000/- each in default to undergo simple imprisonment for a period of six months for the offence U/s 353 of IPC.

iv) The accused 1, 6 and 7 are convicted and sentenced to simple imprisonment for three years and a fine of Rs.1,000/- each in default to undergo simple imprisonment for a period of six months for the offence U/s 332 r/w 149 of IPC. (Total fine of Rs.15,000/-).

v) The sentence of imprisonment shall run concurrently.

vi) The period of detention already undergone by 1st accused from 16.12.2019 to 20.12.2019 and 6th accused from 20.10.2005 to 31.10.2005 are ordered to be set off U/s 428 Cr. P.C. against their respective sentence of imprisonment.

vii) The order regarding the property glass spills marked as M.O.1 will be passed separately on the conclusion of split-up cases in S.C.No.540/2023 and S.C. No. 577/2023.

This judgment is dictated by me to stenographer, transcribed and typed by her in the computer corrected and pronounced by me in open court, on this the 10th day of June, 2026.

IV Additional District and
Sessions Judge,
Madurai.

Witnesses on the side of the prosecution :-

Prosecution witness No.	Name of witness	Description
PW1	Thiru.M.Krishnan, Inspector of Police	Eye witness
PW2	Thiru.M.Vanamamalai, Inspector of Police	Injured/ complainant
PW3	Thiru.Nelson, Sub Inspector of Police	Eye witness
PW4	Thiru.G.Ravi Sankaranarayanan, Office Assistant	Eye witness
PW5	Thiru.I.Hariharan, Office Assistant	Eye witness
PW6	Dr.M.Seenivasan	Medical witness
PW7	Thiru.S.Manickam, Junior Engineer, Public Works Department	Evaluator
PW8	Thiru.M.Palanichamy, Sub Inspector of Police	Registering FIR
PW9	Thiru.C.Shunmuganathan, Inspector of Police	Investigating Officer

List of documents on the side of the prosecution :

Exhibit No.	Description	Proved by/ attested by
Ex.P1	Complaint	P.W.2
Ex.P2	Wound Certificate	P.W.6
Ex.P3	Damage Valuation Certificate	P.W.7
Ex.P4	First Information Report	P.W.8
Ex.P5	Observation Mahazar (Place of occurrence)	P.W.9
Ex.P6	Rough Sketch	P.W.9
Ex.P7	Seizure Mahazar (Recovery of glass pieces)	P.W.9
Ex.P8	Form 91	P.W.9

Material Objects on the side of prosecution :

Material Object No.	Description of Exhibit	Proved by/ attested by
M.O.1	Window glass spills	P.W.9

List of witnesses and documents on the side of the defense : NIL

IV Additional District and
Sessions Judge,
Madurai.

JUDGMENT ANNEXURE**SC.No. 335/2005**

S.No	PARTICULARS																						
1.	The Period of remand of the accused	<p>A1 Maran Date of surrender : 07.08.2003 Date of Bail (AB) : 07.08.2003 Date of remand (NBW) : 16.12.2019 Date of bail : 20.12.2019</p> <p>A6 Ganesan Date of surrender : 10.08.2001 Date of bail(AB) : 10.08.2001 Date of remand :20.10.2005 Date of bail :31.10.2005</p> <p>A7 Gopalakrishnan Date of surrender : 07.08.2003 Date of Bail (AB) : 07.08.2003</p>																					
2.	The date of filing of the complaint/final report in the court	Date of final report : 21.12.2001 Date of final report received :12.06.2002 Taken on file : 17.06.2002																					
3.	The date of committal of the case to the Court of Sessions	16.06.2005																					
4.	The date of questioning of the accused under Sections 228, of the Code of Criminal Procedure, 1973, as the case may be	22.10.2024																					
5.	Date of examination in chief and cross-examination of a witness	<table border="1"> <thead> <tr> <th>Witnesses</th> <th>Chief</th> <th>Cross</th> </tr> </thead> <tbody> <tr> <td>PW1</td> <td>10.12.2024</td> <td>10.12.2024</td> </tr> <tr> <td>PW2</td> <td>07.01.2025</td> <td>23.06.2025</td> </tr> <tr> <td>PW3</td> <td>12.08.2025</td> <td>12.08.2025</td> </tr> <tr> <td>PW4</td> <td>12.08.2025</td> <td>12.08.2025</td> </tr> <tr> <td>P.W.5</td> <td>12.08.2025</td> <td>12.08.2025</td> </tr> <tr> <td>P.W.6</td> <td>10.11.2025</td> <td>10.11.2025</td> </tr> </tbody> </table>	Witnesses	Chief	Cross	PW1	10.12.2024	10.12.2024	PW2	07.01.2025	23.06.2025	PW3	12.08.2025	12.08.2025	PW4	12.08.2025	12.08.2025	P.W.5	12.08.2025	12.08.2025	P.W.6	10.11.2025	10.11.2025
Witnesses	Chief	Cross																					
PW1	10.12.2024	10.12.2024																					
PW2	07.01.2025	23.06.2025																					
PW3	12.08.2025	12.08.2025																					
PW4	12.08.2025	12.08.2025																					
P.W.5	12.08.2025	12.08.2025																					
P.W.6	10.11.2025	10.11.2025																					

		P.W.7	02.02.2026	02.02.2026
		P.W.8	16.03.2026	16.03.2026
		P.W.9	16.03.2026	16.03.2026
		On 26.07.2007 A1 Maran surrendered before I Additional Asst. Sessions Court, Madurai and NBW is recalled on the same day, as per the order passed in Cr.M.P.576/2007.		
		Again on 30.04.2014 A1 Maran surrendered before I Additional Asst. Sessions Court, Madurai and NBW is recalled on the same day, as per the order passed in Cr.M.P.354/2014		
6.	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	On 30.04.2014 A6 Ganesan surrendered before I Additional Asst. Sessions Court, Madurai and NBW is recalled on the same day, as per the order passed in Cr.M.P.354/2014		
		On 29.08.2016 A6 Ganesan surrendered before I Additional Asst. Sessions Court, Madurai and NBW is recalled on the same day, as per the order passed in Cr.M.P.698/2016		
		On 30.04.2014 A7 Gopalakrishnan surrendered before I Additional Asst. Sessions Court, Madurai and NBW is recalled on the same day, as per the order passed in Cr.M.P.354/2014		
		On 25.02.2025 petition u/s 311 of Cr.P.C. filed by A1, A6 and A7 to recall P.W.2 Thiru.Vanamamalai, Inspector of Police for cross examination in Cr.M.P.302/25 and allowed on the same date.		
7.	Date of examination of the accused under section 313 of the code	02.06.2026		

8.	Details of abscondance of an accused and his appearance/production, as the case may be	...
9.	Grand of stay by superior Courts and the results thereof	----

IV Additional District &
Sessions Judge,
Madurai.