

**In the Court of Judicial Magistrate No.II,
Usilampatty**

**Present: Thiru. G. Sathia Narayanan B.A.,B.L.
Judicial Magistrate No – II,
Usilampatty**

CC No.18/2019

CNR.No.TNMD18000198-2019

(Crime. No. 316/2018, Checkanurani P.S)

Dated this the 18th day of March 2026

This case was taken on file by this court on 25/02/2019 and it is coming up for final hearing on 17/03/2026 before me in the presence of Assistant Public Prosecutor Grade-II for complainant and Mr.A.Meenakshisundaram, Advocate for Accused and upon perusal of records and on hearing both the sides and having stood over till this day for consideration, this court delivered the following:-

JUDGMENT

Complainant	The Sub Inspector of Police Checkkanurani P.S.
Represented by	Asst. Public Prosecutor Grade II
Accused	1) Suresh, aged 42/2018 S/o. Natarajan, Poovarasampatty, Kinnimangalam post, Thirumangalam taluk, Madurai district. 2) Balamurugan, aged 34/2018 S/o Rajendran, Poovarasampatty, Kinnimangalam post, Thirumangalam taluk, Madurai district.

	3) Raja, aged 37/2018 S/o Santhanam Poovarasampatty, Kinnimangalam post, Thirumangalam taluk, Madurai district.
Represented by	Advocate Mr.A.Meenakshisundaram,

Date of offence	06/10/2018
Date of F. I. R	06/10/2018
Date of Arrest	A1, A3 on 06/10/2018 A2–Anticipatory bail on 11.10.2018
Date of Release	A1, A3- bail on 10/10/2018 A2–Anticipatory bail on 11.10.2018
Period Remand of the Accused	06/10/2018 to 10/10/2018
Committal	--
Date of Charge Sheet	12/10/2018
Date of Framing of Charges	12/12/2023
Date of commencement of evidence	10/03/2026
Date of close of trial	17/03/2026
Date on which Judgment is reserved	17/03/2026
Miscellaneous Petition and their results	Nil
Date of Examination in Chief and Cross	Chief Date Cross Date PW1 - 10.03.2026 10.03.2026 PW2 - 17.03.2026 17.03.2026

Date of Examination accused under section 313 Cr.P.C.	18/03/2026
Details of abscondence of accused and his appearance production	--
Grant of stay by Superior Court and the results thereof	--
Date of Judgment	18/03/2026
Date of sentence order if any	Nil

Ran k of Acc used	Name of Accused	Date of Arrest	Date of Release on bail	Offenc es charge d with	Whether acquitte d or convicte d	Sentenc e impose d	Period of detentio n undergo ne during Trial for purpose of section 428 Cr. P. C
	1) Suresh 2) Balamurugan 3) Raja	A1,A3- bail on 10/10/2018 A2- Anticipatory bail on 11.10.2018	A1, A3- bail on 10/10/2018 A2- Anticipatory bail on 11.10.2018	341, 323, 506(2) of IPC	Acquitted	---	—

1.Nature of Prosecution Case:-

This is a case U/s 341, 323, 506(2) of IPC. The brief case of the prosecution as set out in the final report U/s 173(2) Cr.PC is as follows: That On 06/10/2018 at about 14:00 within the limits of Checkkanurani P.S, when the defacto complainant was at

the auto stand near Checkanurani – Thirumangalam Road , there was an altercation between the LW1 and the accused A1, in which the accused A1 attacked the LW1 with wooden reaper at right shoulder and caused simple Injuries. When the LW1 tried to escape, the accused A2 and A3 restrained him and attacked him with hands and all the accused criminally intimidated him and thereby the accused A1 committed an offence U/s 323, 506(2) of IPC and the accused A2, A3 committed an offence U/s 341, 323, 506(2) of IPC. Hence, the accused is charged.

2. Plea of the Accused:-

On receipt of the final report, this court has taken cognizance of the offence U/s 323, 506(2) of IPC against A1 and U/s 341, 323, 506(2) of IPC against the Accused A2 and A3. Thereafter summon was issued to the accused. On appearance of the accused, copies of the final report, statements and documents were furnished to the accused. Thereafter charges framed for the Offences under sections 341, 323, 506(2) of IPC against all the accused and was read and explained to the accused. The accused pleaded not guilty and claims to be tried.

The Evidence

The Prosecution Version

3. The prosecution has examined **PW.1 to PW.2** and marked **Exp-P1 to Exp-P4** on their side. The prosecution has dispensed with the examination of LW2 to LW8 and examined additional witness as PW2.

4. The **PW.1** is namely Prabu, who is the defacto complainant in this case and he has deposed that he has entered into compromise with the Accused. He has given complaint against him with exaggerated facts. The said complaint is marked as **Exp.P1**. The police did examined him.

The PW1 was declared hostile and cross examined by the prosecution side.

5. The **PW.2** is namely Sivailangovan, who is the Additional witness examined by the prosecution and he has deposed by perusing the records about the registration

of F.I.R, investigation done by the then investigation officer and filing of the final report by him. And he deposed that the then investigation officer after examining the witness, recorded their statements and after the completion of the investigation, filed the final report. The said F.I.R is marked as **Exp.P2**. The said observation Mahazar and Rough Sketch is marked as **Exp-P3 and Exp.P4**.

Questioning under section 313 of Crpc.

6. When the accused was questioned U/s.313 Cr. P. C pertaining to the incriminating evidence adduced against him, the accused denied the same as false. On the side of accused, no oral or documentary evidence was adduced.

The point for determination:

7. The point for determination is Whether the prosecution has proved the charges against the accused beyond reasonable doubt?

Analysis of evidence

8. Though the prosecution in its list of witnesses has projected many witnesses on their side but have examined only two witnesses.

9. The charge against the Accused is that That On 06/10/2018 at about 14:00 within the limits of Checkkanurani P.S, when the defacto complainant was at the auto stand near Checkkanurani – Thirumangalam Road , there was an altercation between the LW1 and the accused A1, in which the accused A1 attacked the LW1 with wooden reaper at right shoulder and caused simple Injuries. When the LW1 tried to escape, the accused A2 and A3 restrained him and attacked him with hands and all the accused criminally intimated him .

10. It is one of the defence of the accused that the accused were not the person, who involved in the said occurrence and that the prosecution has not proved the same. The defence has denied all the allegations levelled against the accused. While the defence has not adduced any evidence in this regard, it has relied on the cross-examination of the prosecution witnesses to demolish their credibility.

11. The complaint PW.1 the alleged victim has deposed in his chief examination that he has entered into compromise with the accused and has given complaint against the accused with exaggerated facts. He has not whispered about anything in favour of the prosecution case and turned hostile to the prosecution.

12. It is a settled principle that the testimony of a hostile witness need not be rejected entirely; however, only the reliable portion corroborated by other evidence may be accepted. In the present case, no part of PW1 evidence supports the prosecution or connects the accused with the alleged crime.

13. The PW2 is the Additional witness in this case and he has deposed only by perusing the records about the registration of FIR, the investigation process and the filing of the final report. PW2 admittedly has no personal knowledge about the occurrence. His testimony is formal and limited to procedural aspects. Law is well settled that evidence relating merely to investigation cannot substitute substantive evidence proving commission of offence. And there is no corroboration to the testimony of PW2. No other witness was examined by the prosecution to prove the guilt of the accused. A conviction cannot be founded solely upon such formal testimony when material witnesses do not support the case. In these circumstances it can be safely concluded that the prosecution had failed to prove the case against the accused beyond reasonable doubt.

14. The basic foundation of criminal law/ responsibility is that ‘a person accused of an offence is presumed to be innocent till the guilt alleged as against him is proved beyond all reasonable doubts’.

15. As a necessary corollary, suspicion, however, strong or probable, may not take the place of legal proof and when graver the charge, greater should be the standard of proof. The distance between ‘may be true’ and ‘must be true’ is too long.

16. For the reasons afore recorded, this Court comes to the conclusion that the prosecution has failed to adduce clear, cogent and sufficient evidence to prove the guilt of the accused in this case, beyond all reasonable doubts. And in the absence of

thereof, the Court cannot resort to conjectures, assumptions and probabilities to convict the accused and it also renders it unsafe to rely solely on the testimony of PW4 to convict the accused.

17. In the above circumstances this court comes to conclusion that the accused A1 to A3 found not guilty for the offense U/s 323, 341, 506(2) of IPC.

18. In the result the accused accused A1 to A3 found not guilty for the offense U/s 323, 341, 506(2) of IPC and Acquitted in exercising of powers under Section 248 (1) of the Cr.P.C and the accused are set at Liberty. The bail bond executed by the accused shall remain in force for the period of six months from today under section 437- A Cr. P. C.

19. There are no properties in this case for orders.

//Dictated to Steno-typist and typed by him in computer and corrected by me and pronounced in open Court on this the 18th day of March 2026 //

**Judicial Magistrate – II,
Usilampatti**

Appendix:-

Prosecution side witnesses:-

- 1) PW1 —Tr.Prabu (Complainant, Eye witness)
- 2) PW2 — Tr.Sivailangovan (Police witness)

Prosecution side

Exhibits:

- 1) Exp.P1 – Complaint marked through PW.1 on 10.3.2026
- 2) Exp.P2 —FIR marked through PW2 on 17.3.2026
- 3) Exp-P3 — Observation Mahazar marked through PW2
on 17.3.2026
- 4) Exp-P4 — Rough sketech marked through PW2 on 17.3.26

Materials objects on the Prosecution Side and defense side:-

Nil

Defense side witnesses and exhibits:-

Exp.D1 – Compromise petition marked through PW1 during cross examination on 03/03/2026

**Judicial Magistrate - II,
Usilampatti**

Note :-

1. All the accused were in bail during trail.
2. No witness was held for more than 3 days for examination.
3. The Judgment of the case has been informed to the police.