

**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.152/2025

CNR.No.TNMD18000362-2023

(Crime. No. 278/2016, Elumalai P.S)

Dated this the 24rd day of April' 2026

This case was taken on file by this court on 21/03/2025 and it is coming up for final hearing on 18/04/2026 before me in the presence of Assistant Public Prosecutor Grade-II for complainant and Mr.K.Arulananth, 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 Elumalai P.S.
Represented by	Asst. Public Prosecutor Grade II
Accused	1) Karuppaiah, aged 41/2023 S/o. Subbaiah T.Pallapatti, Peraiyur taluk, Madurai district. 2) Amsukodi, W/o Karuppaiah. T.Pallapatti, Peraiyur taluk, Madurai district. 3) Gowsalya, S/o Karuppaiah. T.Pallapatti,

	Peraiyur taluk, Madurai district.
Represented by	Advocate Mr.K.Arulananth,

Date of offence	12/11/2016
Date of F. I. R	13/11/2016
Date of Arrest	A1- Arrested on 13.11.2016 A2-Anticipatory bail on 17.11.2016 A3- Absconded
Date of Release	A1- Arrested on 13.11.2016 and released on 17.11.2016 A2-Anticipatory bail on 17.11.2016 A3- Absconded
Period Remand of the Accused	A1- Arrested on 13.11.2016 and released on 17.11.2016 A2-Anticipatory bail on 17.11.2016 A3- Absconded.
Committal	--
Date of Charge Sheet	14/03/2023
Date of Framing of Charges	28/11/2025
Date of commencement of evidence	16/04/2026
Date of close of trial	24/04/2026
Date on which Judgment is reserved	18/04/2026
Miscellaneous Petition and their results	Nil
Date of Examination in Chief and Cross	Chief Date Cross Date PW1 - 16.04.2026 16.04.2026

	PW2 - 16.04.2026 16.04.2026 PW3 - 18.04.2026 18.04.2026
Date of Examination accused under section 313 Cr.P.C.	24/04/2026
Details of abscondence of accused and his appearance production	--
Grant of stay by Superior Court and the results thereof	--
Date of Judgment	24/04/2026
Date of sentence order if any	Nil

Rank of Accused	Name of Accused	Date of Arrest	Date of Release on bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during Trial for purpose of section 428 Cr. P. C
1)	Karuppaiah	A1- Arrested on 13.11.16 and released on 17.11.16	A1- Arrested on 13.11.16 and released on 17.11.16	294(b), 324,323, 506(i) IPC r/w 4 of TNPHW Act	Acquitted	---	---
2)	Amsukodi	A2- Anticipatory bail on 17.11.2016	A2- Anticipatory bail on 17.11.2016				
3)	Gowsalya	A3- Absconded	A3- Absconded				

1. Nature of Prosecution Case:-

This is a case U/s 294(b), 324,323, 506(i) IPC r/w Section 4 of TNPHW Act. The brief case of the prosecution as set out in the final report U/s 173(2) Cr.PC is as follows: That there was some previous enmity between the LW1 and the accused regarding the passage of sewage water . And On 12/11/2016 at about 15:30 within the limits of Elumalai P.S, all the three accused came there and abused the LW1 in filthy language and the accused A1 attacked the LW1 by pulling her saree and pushed her down and the accused A2 attacked the LW1 by pulling her hairs and beaten her with hands and the accused A3 attacked the LW1 by biting her hands and caused simple Injuries and all the accused criminally intimated her and thereby the accused A1 committed an offense U/s. 294(b), 506(i) IPC r/w Section 4 of TNPHW Act and A2 committed an offense U/s. 294(b) 323 and 506(i) IPC and A3 committed an offense U/s 294(b), 324, 506(i) 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 294(b), 324,323, 506(i) IPC r/w 4 of TNPHW Act against all the accused. 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 U/s 294(b), 506(i) IPC r/w Section 4 of TNPHW Act against A1 and U/s 294(b) , 323, 506(i) IPC against A2 and U/s 294(b), 324, 506(i) IPC against A3 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.3** and marked **Exp-P1 to Exp-P6** on their side. The prosecution has dispensed with the examination of LW3 to LW9 and examined additional witness as PW3.

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

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

5. The **PW.2** is namely Ramesh, who is the projected eye witness in this case and he has deposed that the PW1 has entered into compromise with the Accused and she has given complaint against him with exaggerated facts. The police did examined him.

The PW2 was declared hostile and cross examined by the prosecution side.

6. The **PW.3** is namely Muniyandi, 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**. The said wound certificate is marked as **Exp.P5**. The alteration report is marked as **Exp.P6**.

Questioning under section 313 of Crpc.

7. 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:

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

Analysis of evidence

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

10. The charge against the Accused is that That there was some previous enmity between the LW1 and the accused regarding the passage of sewage water . And On 12/11/2016 at about 15:30 within the limits of Elumalai P.S, all the three accused came there and abused the LW1 in filthy language and the accused A1 attacked the LW1 by pulling her saree and pushed her down and the accused A2 attacked the LW1 by pulling her hairs and beaten her with hands and the accused A3 attacked the LW1 by biting her hands and caused simple Injuries and all the accused criminally intimated her and thereby the accused A1 committed an offense U/s. 294(b), 506(i) IPC r/w Section 4 of TNPHW Act and A2 committed an offense U/s. 294(b) 323 and 506(i) IPC and A3 committed an offense U/s 294(b), 324, 506(i) IPC .

11. 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.

12. The complaint PW.1 the alleged victim has deposed in her chief examination that she has entered into compromise with the accused and has given complaint against the accused with exaggerated facts.

13. The PW2 projected eye witness also deposed that the PW1 has entered into compromise with the accused and has given complaint against the accused with exaggerated facts. Both the PW1 and PW2 has not whispered about anything in favour of the prosecution case and turned hostile to the prosecution.

14. 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 and PW2 evidence supports the prosecution or connects the accused with the alleged crime.

15. The PW3 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. PW3 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 PW3. 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.

16. 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'.

17. 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.

18. 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 PW3 to convict the accused.

19. In the above circumstances this court comes to conclusion that the **accused A1 found not guilty for the Offences U/s 294(b), 506(i) IPC r/w section 4 of TNPHW Act and the accused A2 found not guilty for the Offences U/s 294(b),**

323, 506(i) IPC and the accused A3 found not guilty for the offences U/s 294(b), 324, 506(i) IPC .

20. In the result the accused A1 found not guilty for the offences U/s 294(b), 506(i) IPC r/w section 4 of TNPHW Act and the accused A2 found not guilty for the offences U/s 294(b), 323, 506(i) IPC and the accused A3 found not guilty for the offences U/s 294(b), 324, 506(i) 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.

21. 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 24th day of April' 2026 //

**Judicial Magistrate – II,
Usilampatti**

Appendix:-

Prosecution side witnesses:-

- 1) PW1 —Tr.Eswari (Complainant, Eye witness)
- 2) PW2 — Tr.Ramesh(Eye witness)
- 3) PW3- Tr.Muniyandi (Police witness)

Prosecution side

Exhibits:

- 1) Exp.P1 – Complaint marked through PW.1 on 16.4.2026
- 2) Exp.P2 —FIR marked through PW3 on 18.4.2026
- 3) Exp-P3 — Observation Mahazar marked through PW3
on 18.4.2026
- 4) Exp-P4 — Rough sketch marked through PW3 on 18.4.26
- 5) Exp-P5 — Wound certificate marked through PW3 on 18.4.26

6) Exp-P6 — The alteration report marked through PW3 on 18.4.26

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 16/04/2026

**Judicial Magistrate - II,
Usilampatti**

Note :-

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