

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

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

CALENDAR CASE No. 33/2018

CNR.No.TNMD18000531-2018

(Crime. No. 275/2017, Valandur P.S)

Dated this the 17th day of April' 2026

This case was taken on file by this court on 02/05/2018 and it is coming up for final hearing on 07/04/2026 before me in the presence of Assistant Public Prosecutor Grade-II for complainant and Mr.T.Sureshkumar, 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 Valandur P.S.
Represented by	Asst. Public Prosecutor Grade II
Accused	1.Selvam, aged 42/2017 S/o. Pattan, Kuravakudi, Usilampatti taluk, Madurai district. 2. Sivamani, aged 23/2017 S/o.Selvam Kuravakudi, Usilampatti taluk, Madurai district. 3. Sivaranjan, aged 21/2017 S/o Selvam Kuravakudi, Usilampatti taluk, Madurai district.

	4. Dhanalakshmi, aged 38/2017 W/o Selvam Kuravakudi, Usilampatti taluk, Madurai district.
Represented by	Advocate and Mr.T.Sureshkumar,

Date of offence	31.10.2017															
Date of F. I. R	31.10.2017															
Date of Arrest	Anticipatory bail on 06.11.2017															
Date of Release	Anticipatory bail on 06.11.2017															
Period Remand of the Accused	Anticipatory bail on 06.11.2017															
Committal	--															
Date of Charge Sheet	08/12/2017															
Date of Framing of Charges	05/07/2018															
Date of commencement of evidence	13/08/2024															
Date of close of trial	02/04/2026															
Date on which Judgment is reserved	07/04/2026															
Miscellaneous Petition and their results	Nil															
Date of Examination in Chief and Cross	<table border="1"> <thead> <tr> <th>Chief</th> <th>Date</th> <th>Cross Date</th> </tr> </thead> <tbody> <tr> <td>PW1</td> <td>- 13.08.2024</td> <td>13.08.2024</td> </tr> <tr> <td>PW2</td> <td>- 13.08.2024</td> <td>13.08.2024</td> </tr> <tr> <td>PW3</td> <td>- 13.08.2024</td> <td>13.08.2024</td> </tr> <tr> <td>PW4</td> <td>- 22.01.2026</td> <td>22.01.2026</td> </tr> </tbody> </table>	Chief	Date	Cross Date	PW1	- 13.08.2024	13.08.2024	PW2	- 13.08.2024	13.08.2024	PW3	- 13.08.2024	13.08.2024	PW4	- 22.01.2026	22.01.2026
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PW1	- 13.08.2024	13.08.2024														
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PW4	- 22.01.2026	22.01.2026														

	PW5 - 22.01.2026 22.01.2026 PW6 - 12.03.2026 12.03.2026 PW7 - 12.03.2026 12.03.2026 PW8 - 24.03.2026 24.03.2026
Date of Examination accused under section 313 Cr.P.C.	02/04/2026
Details of abscondence of accused and his appearance production	--
Grant of stay by Superior Court and the results thereof	--
Date of Judgment	17/04/2026
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 detention undergo ne during Trial for purpose of section 428 Cr. P. C
1 2 3 4	Selvam, Sivamani, Sivaranjan Dhanalakshmi	Anticipat ory bail on 06.11.17	Anticipator y bail on 06.11.17	294(b), 324, 506(2)	Acquitte d	---	—

1. Nature of Prosecution Case:-

This is a case U/s 294(b), 324, 506(ii) 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 there was many cases pending between the LW1 and the accused sides. Being so, On 31/10/17, at about 06:15 AM, within the limits of Valandur P.S, when the LW2 was cleaning the sewage water path in front of his house, the accused A1 to A3 abused the LW1 and LW2 in filthy language and the accused A1 attacked the LW2 with stick at the right leg, and the accused A2 attacked the LW2 with stick at the left leg , and the accused A3 attacked the LW2 with stick at the left hand and fore head, and the accused A4 attacked the LW3 with stick at the right hand and caused simple injuries and all the accused gave life threatening to them and thereby the accused A1 to A3 committed an offence U/s. 294(b), 324, 506(ii) of IPC and the accused A4 committed an offence U/s. 324 and 506(ii) 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 294(b), 324, 506(ii) of IPC . 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 U/s. 294(b), 324, 506(ii) 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.8** and marked **Exp-P1 to Exp-P7** on their side. The prosecution has dispensed with the examination of LW3 (Bed ridden), LW7 (Died), LW8 (Died) in this case.

4. The **PW.1** namely Kavitha is the defacto complainant in this case and she deposed that in the year 2017 at about 06:00 AM, when she was near her house, one

Balu was cleaning the sewage water. When her husband PW2 asks about the same, all the three accused attacked her husband with stick and caused injuries at his right leg. The nearby persons rescued him. The three accused abused her in filthy language and pushed her down to the ground and beaten her. Her husband PW1 admitted in Usilampatti Government Hospital through ambulance. She gave complaint in this regard. The said complaint is marked as **Exp.P1**. The police did examined her.

The PW1 was cross examined by the defence side.

5. The **PW.2** is namely Ukkirapandi who is the husband of PW1 and projected injured witness and he has deposed that in the year 2017 at about 09:00 AM, the sewage water from his house got overflown to the streets. At that time, the accused Selvam came there and beaten him. The accused A2 Sivaranjan and A3 Sivamani attacked him with knife at his left hand. He became unconscious and he was admitted in Usilampatti Government Hospital for treatment through an ambulance. His wife PW1 gave complainant in this regard. Police examined him in this regard.

The PW2 was cross examined by the defence side.

6. The **PW3** is namely Nallakannan who is the projected eye witness in this case and he has deposed that in the year 2017, at about 06:00 AM, the sewage water near the house of PW1 got overflown to the streets. At that time, all the accused came there and attacked the PW2 and caused injuries. The PW2 became unconscious and he was taken to Hospital for treatment through an ambulance. Police examined him in this regard.

The PW3 was cross examined by the defense side. .

7. The **PW4** is namely Palpandi who is the projected eye witness in this case and he has deposed that he knows nothing about the occurrence and police did not examined him in this regard.

The PW4 was declared hostile and cross examined by the prosecution side.

8. The **PW5** is namely Karunthamalai who is the projected eye witness in this case and he has deposed that he knows nothing about the occurrence. Police did not examine him in this regard.

The PW5 was declared hostile and cross examined by the prosecution side .

9. The **PW6** is namely Jeyamani, who is the observation Mahazar witness and he deposed that the second signature in the observation Mahazar is that of him. And he adduced that he was not aware why he signed in the same as witness. The said signature of PW6 in the observation Mahazar is marked as **Exp-P2**.

The PW6 was declared hostile and Cross examined by the prosecution side.

10. The **PW7** is namely Dr.Chandran, who gave treatment to PW2 and LW3 Mookkammal and he has deposed about the treatment given by him to the PW2 and the LW3 and the issuance of wound certificate . Police examined him in this regard. The PW7 has adduced that on 31/10/2017 at about 12:10 PM, the PW2 came for treatment alleging that five known persons attacked him with iron rod, sickle and stones. On examining him, an abrasion measuring 5×4 cm at leg, contusion wound above the right leg, lacerated wound measuring 2×1 cm at lower leg , small cut injury at the middle of the right hand, inflammation at the left forehead was found. He was treated as inpatient and he issued wound certificate for the same as simple injuries. The said wound certificate is marked as **Exp-P3**.

11. The PW7 Doctor further adduced that on the same day, one Mookkayee alias Mookkaal came for treatment alleging that four known persons attacked her with stone, iron rod, Sickle and Soori . On examining her, an abrasion was found at the left index finger. She was treated as outpatient and he issued the wound certificate for the same as simple injuries. The said wound certificate is marked as **Exp.P4**.

The PW7 is cross examined by the defence side.

12. The **PW8** is namely Pothumani, who is the then Sub Inspector of police and Investigation Officer in this case and he has deposed about the registration of F.I.R, investigation done and filing of the final report by him. And he deposed that

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.P5**. The said observation Mahazar and Rough Sketch is marked as **Exp-P6 and Exp.P7**.

The PW8 was cross examined by the defence side.

Questioning under section 313 of Crpc.

13. 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:

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

Rebuttal by defence:

15. It is one of the defence of the accused that the said occurrence as stated by the prosecution has not occurred at all. 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.

16. As per the testimony of PW1, no offence under sections 294 (b) and 506 (II) IPC is made out. There was many contradictions between the testimony of PW1 and PW2 with regard to occurrence and injuries. The projected eye witness PW4 and PW5 has turned hostile. The observation Mahazar witnesses PW6 has turned hostile and so the place of occurrence is not proved by the prosecution.

17. The PW1 to PW3 are interested and relative witness and so their evidence is unreliable and untrustworthy.

18. The PW7 Doctor has categorically admitted in his cross examination that there was no injuries to PW2 at left hand and chin. This contradiction has clearly established that the prosecution case is nothing but a foisted case against the accused.

19. The PW8 is the police witness and so his testimony is untrustworthy and cannot be relied upon .

Analysis of evidence

20. The prosecution has examined PW.1 to PW.8 and marked Exp-P1 to Exp-P7 is marked on their side.

21. The charge against the Accused is That there was many cases pending between the LW1 and the accused sides. Being so, On 31/10/17, at about 06:15 AM, within the limits of Valandur P.S, when the LW2 was cleaning the sewage water path in front of his house, the accused A1 to A3 abused the LW1 and LW2 in filthy language and the accused A1 attacked the LW2 with stick at the right leg, and the accused A2 attacked the LW2 with stick at the left leg , and the accused A3 attacked the LW2 with stick at the left hand and fore head, and the accused A4 attacked the LW3 with stick at the right hand and caused simple injuries and all the accused gave life threatening to them.

22. The learned counsel for the accused during arguments submitted that the PW1 is the wife of PW2 and they are related and Interested witness. And so PW1 and PW2 have a motive to falsely implicate the accused.

23. The plea of “interested witness” and “related witness” has been succinctly explained by the **Hon’ble Supreme Court in State of Rajasthan vs. Smt. Kalki & Anr. Reported in (1981) 2 SCC 752** wherein it has held: “Related” is not equivalent to “interested”. A witness may be called “interested” only when he or she derives some benefit from the result of a litigation; in the decree in a civil case, or in seeing an accused person punished.

24. It is an uncontested fact that the testimony of an interested witness lacks reliability and mandates corroboration for its acceptance. Furthermore, it Is well settled that interested witness desires conviction of the accused , therefore, due caution in judicial approach is a must while taking such testimony into consideration.

Here, the acceptance of evidence is dependent upon two factors viz., first, scrutiny by the court and, second, caution while considering such evidences .

25. The PW1, who is the defacto complainant and wife of PW2, has deposed that on the date of occurrence, when sewage water was being cleared, the accused attacked her husband with sticks and caused injuries. She has further stated that she was also abused and assaulted. However, on a careful scrutiny of her evidence, it is seen that her version does not inspire confidence as there are material discrepancies with regard to the manner of occurrence, nature of weapons used and the specific overt acts attributed to each accused.

26. The PW2, the injured witness, has given a version which is materially inconsistent with that of PW1. While PW1 has stated that the accused attacked with sticks, PW2 has deposed that the accused attacked him with a knife on his left hand. Further, PW2 has stated that the occurrence took place at about 09:00 AM, whereas the prosecution case is that it occurred at 06:15 AM. Such contradictions are not minor in nature, but go to the root of the prosecution case, creating serious doubt about the truthfulness of the occurrence itself.

27. The medical evidence adduced through PW7 Doctor further weakens the prosecution case. The Doctor has categorically stated that the injuries found on PW2 were simple in nature. More importantly, the Doctor has not noted any injury on the left hand as alleged by PW2. The wound certificate (Ex.P3) shows only simple injuries such as abrasions, contusions and a small laceration. Further, the history given before the Doctor is that five known persons attacked PW2 with iron rod, sickle and stones, which is wholly inconsistent with the prosecution version of attack with sticks. This contradiction between ocular evidence and medical evidence creates a serious dent in the prosecution case and renders the testimony of PW2 unreliable.

28. The PW3, who is projected as an eye witness, has given only a general and omnibus statement that the accused attacked PW2. His evidence does not contain

specific details regarding overt acts or the role played by each accused. Therefore, his testimony does not lend sufficient corroboration to the version of PW1 and PW2.

29. The PW4 and PW5, who are cited as eye witnesses, have turned hostile and have not supported the prosecution case in any manner. Their evidence does not advance the case of the prosecution and, in fact, weakens it due to lack of independent corroboration.

30. The PW6, the observation mahazar witness, has also turned hostile and has not supported the preparation of the observation mahazar. He has even stated that he was not aware of the contents of the document he signed. In such circumstances, the prosecution has failed to prove the observation mahazar and consequently the place of occurrence itself becomes doubtful.

31. It is true that the evidence of related witnesses cannot be discarded solely on the ground of relationship. However, in the present case, the evidence of PW1 and PW2, who are closely related, is not only interested but also suffers from material contradictions and is not corroborated by independent witnesses or reliable medical evidence. Hence, their testimony cannot be safely relied upon to base a conviction.

32. With regard to the offence under Section 294(b) IPC, the prosecution has not elicited any specific obscene words allegedly used by the accused. In the absence of clear and specific evidence regarding the actual words used, the said charge cannot be sustained.

33. Similarly, in respect of the offence under Section 506(ii) IPC, there is no convincing evidence to show that the accused extended any real and imminent threat which caused alarm to the witnesses. Mere vague allegations of threat are not sufficient to attract the ingredients of criminal intimidation.

34. The evidence of PW8, the Investigating Officer, is only formal in nature. Though he has spoken about the registration of FIR and conduct of investigation, his

evidence cannot cure the inherent contradictions and deficiencies in the prosecution case.

35. Thus, on an overall appreciation of the evidence available on record, this Court finds that there are material contradictions between the testimonies of PW1 and PW2, inconsistency between ocular and medical evidence, lack of independent corroboration due to hostile witnesses, and failure to prove the place of occurrence. These circumstances create a reasonable doubt in the prosecution case.

36. 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’.

37. 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.

38. 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 Investigation officer to convict the accused.

39. In the above circumstances this court comes to conclusion that the **accused A1 to A4 found not guilty for the offence U/s. 294(b), 324, 506(ii) of IPC.**

40. In the result **accused A1 to A4 found not guilty for the offence U/s. 294(b), 324, 506 (ii) 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

41. 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 17th day of April' 2026 //

**Judicial Magistrate – II,
Usilampatti**

Appendix:-

Prosecution side witnesses:-

- 1) PW.1 —Tmt.Kavitha (Complainant, Eye witness)
- 2) PW2 — Tr.Ukkirapandi (Eye witness)
- 3) PW3 — Tr.Nallakannan(Eye witness)
- 4) PW4 — Tr.Palpandi (Eye witness)
- 5) PW5— Tr. Karunthamalai (Eye witness)
- 6) PW6 — Tr.Jeyamani (Observation Mahazar witness)
- 7) PW 7 — Dr.Chandran (Medical Expert witness)
- 8) PW8 — Tr.Pothumani (Investigation officer)

Prosecution side Exhibits:

- 1) Exp.P1 – Complaint marked through PW. 1 on 13/08/2024
- 2) Exp.P2 — Signature of PW6 in the Observation Mahazar marked through PW6 on 12/03/26
- 3) Exp-P3 — Wound certificate of PW2 marked through PW7 on 12/03/2026.
- 4) Exp-P4 — Wound certificate of LW3 Mookkammal marked through PW7 on 12/03/2026.
- 5) Exp. P5 — FIR marked through PW8 on 24/03/2026.
- 6) Exp.P6— Observation mahazar marked through PW8 on 24/03/2026.
- 7) Exp.P7 — Rough sketch marked through PW8 on 24/03/2026.

Materials objects on the Prosecution Side and defense side:-

Nil

Defense side witnesses and exhibits:-

NIL

**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.