

**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.40/2018**

**CNR.No.TNMD18000574-2018**

**( Crime. No. 171/2017, Valandur P.S )**

Dated this the 17<sup>th</sup> day of April' 2026

This case was taken on file by this court on 13/06/2018 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	<b>1.Selvam, aged 42/2017</b> S/o. Pattan, Kuravakudi, Usilampatti taluk, Madurai district.
Represented by	Advocate and Mr.T.Sureshkumar,

Date of offence	06.08.2017
Date of F. I. R	06.08.2017
Date of Arrest	07.08.2017
Date of Release	09.08.2017

Period Remand of the Accused	07.08.2017 to 09.08.2017																					
Committal	--																					
Date of Charge Sheet	14/09/2017																					
Date of Framing of Charges	05/07/2018																					
Date of commencement of evidence	13/08/2024																					
Date of close of trial	17/03/2026																					
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> <tr> <td>PW5</td> <td>- 22.01.2026</td> <td>22.01.2026</td> </tr> <tr> <td>PW6</td> <td>- 12.03.2026</td> <td>12.03.2026</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	PW5	- 22.01.2026	22.01.2026	PW6	- 12.03.2026	12.03.2026
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PW6	- 12.03.2026	12.03.2026																				
Date of Examination accused under section 313 Cr.P.C.	17/03/2026																					
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	Offence s charged 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	<b>Selvam,</b>	07.08.1 7	09.08.17	294(b), 447, 323, 506(ii) IPC r/w 4 of TNPH W Act	Acquitte d	---	—

### **1. Nature of Prosecution Case:-**

This is a case U/s 294(b), 447, 323, 506(ii) IPC r/w 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 On 06/08/17 at about 08.30, within the limits of Valandur **P.S**, when the LW1 and LW2 are working at their farm land, the accused trespassed into their land and shouted in filthy language with having a Sickle at his hands. And the said accused kicked the LW1 to the ground and caused simple injuries at her hips and gave life threatening to her and thereby the accused committed an offence U/s. 294(b), 447, 323, 506(ii) IPC r/w Section 4 of TNPHW Act. 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), 447, 323, 506(ii) IPC r/w Section 4 of TNPHW Act. 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), 447, 323, 506(ii) IPC r/w Section 4 of TNPHW Act 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.6** and marked **Exp-P1 to Exp-P5** on their side. The prosecution has dispensed with the examination of LW4 in this case .

4. The **PW.1** namely Petchi alias Petchiammal is the defacto complainant in this case and she deposed that she was working in the farm land of one Nagarathnam and Indhrani. Five years ago, when she was working at the farm land, the accused and his men put up a thatched house at the said farmland. She informed the same to the said Nagarathnam and Indhrani. At that time, the accused Selvam and his son's attacked her. The accused Selvam threatened her by saying that he would give money to her, so that she should get away from the said farmland. The accused Selvam attacked her and her husband. She got injured and had a injection at the hospital. 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 Nallakannan who is the husband of PW1 and he had deposed that he and her wife PW1 was working in the farm land of one Nagarathnam and Indhrani. In the year 2017, when he was working at the farm land, the accused

has beaten him and his wife by stating that they should not work at the above said farmland. And the accused threatened to kill them , if they continue to work at the above said farmland. After sometime, he and his wife went to the hospital. Police examined him in this regard.

The PW2 was cross examined by the defence side.

6. The **PW3** is namely Ukkirapandi, who is the brother of PW1 and he has deposed that the PW1 and PW2 was working at the farmland of one Karuppaiah. The accused has beaten the PW1 and PW2 before the house of one Nallakannan. Police examined him in this regard.

The PW3 was declared hostile and cross examined by the prosecution side.

7. The **PW4** is namely Muthamilan, who is the observation Mahazar witness and he deposed that the first 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 PW4 in the observation Mahazar is marked as **Exp-P2**. 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 Jegan, 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. Police did not examined him in this regard.

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

9. The **PW6** is namely Veerapandi, who is the then Sub Inspector of police and investigation officer in this case and he deposed about the registration of F.I.R, investigation done and filing of the final report by him. And he deposed that he 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.P3**. The said observation Mahazar and Rough Sketch is marked as **Exp-P4 and Exp.P5**.

**Questioning under section 313 of Crpc.**

10. 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:**

11. The point for determination is Whether the prosecution has proved the guilt of the accused for the offence U/s. 294(b), 447, 323, 506(ii) IPC r/w Section 4 of TNPHW Act beyond reasonable doubt?

**Rebuttal by defence:**

12. 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.

13. As per the testimony of PW1, no offence under sections 294(b) , 506 (II) IPC is made out. There was many contradictions between the testimony of PW1 and PW2 with regard to the occurrence. The projected eye witness PW3 has turned hostile. The observation Mahazar witnesses PW4 and PW6 has turned hostile and so the place of occurrence is not proved by the prosecution.

14. The PW1 to PW3 are interested and relative witness and so their evidence is unreliable and untrustworthy. The PW6 Investigation officer has categorically admitted in his Cross examination that, the allegations that sons of the Accused has took part in the said occurrence was not disclosed in the police complaint Exp-P1 and in the Investigation. The PW6 Investigation officer further admitted that , the allegations that the he accused Selvam threatened the PW1 by saying that he would give money to her, so that she should get away from the said farmland was not disclosed in the investigation.

15. The PW1 has deposed that the accused and her sons attacked her. The PW2 has not whispered about the involvement of the sons of the accused. The PW3 has stated a different place of occurrence, namely , in front of the house of one Nallakannan. And there is many material contradiction in testimony of PW1 to PW3 and not corroborated and so their testimony is unreliable and untrustworthy. This contradiction has clearly established that the prosecution case is nothing but a foisted case against the accused.

16. The PW6 is the police evidence and so his testimony is untrustworthy and cannot be relied upon .

### Analysis of evidence

17. The prosecution has examined PW.1 to PW.6 and marked Exp-P1 to Exp-P5 is marked on their side.

18. The charge against the Accused is that On 06/08/17 at about 08.30, within the limits of Valandur P.S, when the LW1 and LW2 are working at their farm land, the tresspassed into their land and shouted in filthy language with having a Sickle at his hands. And the said accused kicked the LW1 to the ground and caused simple injuries at her hips and gave life threatening to her and thereby the accused committed an offence U/s. 294(b), 447, 323, 506(ii) IPC r/w Section 4 of TNPHW Act.

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

20. 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.

**21.** 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.

**22.** The prosecution mainly relies upon the evidence of PW1 and PW2, who are the defacto complainant and her husband respectively. Though they have spoken about the alleged occurrence, their testimonies suffer from material contradictions and inconsistencies.

**23.** As per PW1, the accused along with his sons attacked her and threatened her. However, PW2 has not stated anything regarding the presence or involvement of the sons of the accused. Further, PW3, who is projected as an eye witness, has stated a different place of occurrence, namely, in front of the house of one Nallakannan, which is inconsistent with the prosecution case. Moreover, PW3 has turned hostile and has not supported the prosecution version. Likewise, PW4 and PW5, who are the observation mahazar witnesses, have also turned hostile and have not supported the prosecution case. Hence, the place of occurrence itself has not been proved by reliable evidence.

**24.** Further, the Investigation Officer (PW6), in his cross-examination, has admitted that:

- The allegation regarding the involvement of the sons of the accused was not stated in the complaint (Ex.P1) or during investigation.
- The alleged offer of money by the accused to PW1 to vacate the land was also not disclosed earlier.

- These omissions amount to material contradictions, which go to the root of the prosecution case.

**25.** With regard to **the offence under Section 294(b) IPC**, there is no specific evidence regarding the exact obscene words used by the accused. Hence, the said charge is not proved.

**26.** As far as **the offence under Section 506(ii) IPC** is concerned, there is no convincing and reliable evidence to establish that the accused had issued any real and imminent threat so as to cause alarm to the complainant.

**27.** Regarding **the offence under Section 323 IPC**, though PW1 has stated about injuries, no medical evidence has been produced to substantiate the same. This creates further doubt in the prosecution case.

**28.** **The offence under Section 447 IPC (criminal trespass)** also remains unproved, as the prosecution has failed to establish lawful possession of the complainant over the property and the exact place of occurrence.

**29.** The cumulative effect of the above discussion clearly shows that the prosecution case is riddled with contradictions, omissions, lack of corroboration, and hostile witnesses, thereby creating serious doubt about its genuineness.

**30.** 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’.

**31.** 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.

**32.** 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 PW.6 Investigation officer to convict the accused.

**33.** In the above circumstances this court comes to conclusion that the **accused found not guilty for the offence U/s. 294(b), 447, 323, 506(ii) IPC r/w Section 4 of TNPHW Act.**

**34.** In the result **accused found not guilty for the offence U/s. 294(b), 447, 323, 506(ii) IPC r/w Section 4 of TNPHW Act 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.

**35.** 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 17<sup>th</sup> day of April' 2026 //

**Judicial Magistrate – II,  
Usilampatti**

**Appendix:-**

**Prosecution side witnesses:-**

- 1) PW.1 —Tmt.Petchi alias Petchiammal ( Complainant, Eye witness)
- 2) PW2 — Tr.Nallakannan (Eye witness)
- 3) PW3 — Tr.Ukkirapandi( Eye witness)
- 4) PW4 — Tr.Muthamilan ( Observation Mahazar witness)
- 5) PW5— Tr.Jegan (Observation Mahazar witness)
- 6) PW6 — Tr.Veerapandi ( S.I. of Police , Investigation Officer )

**Prosecution side**

**Exhibits:**

- 1) Exp.P1 – Complaint marked through PW.1 on 13/08/2024
- 2) Exp.P2 — Signature of PW4 in the Observation Mahazar marked through PW4 on 22/01/26
- 3) Exp-P3 — FIR marked through PW6 on 12/03/2026.
- 4) Exp.P4 — Observation mahazar marked through PW6 on 12/03/2026.
- 5) Exp.P5 — Rough sketch marked through PW6 on 12/03/2026.

**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.