

**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.100/2019

CNR.No.TNMD18000685-2019

(Crime. No. 513/2015, Checkanurani P.S)

Dated this the 06th day of July' 2026

This case was taken on file by this court on 04/07/2019 and it is coming up for final hearing on 02/07/2026 before me in the presence of Assistant Public Prosecutor Grade-II for complainant and Mr.K.Bose.,B.Com.,LLB., 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 Checkanurani P.S.
Represented by	Asst. Public Prosecutor Grade II
Accused	1) Muthaiah, aged 40/2015 S/o. Chinnan, West Colony, Kinnimangalam Madurai district.
Represented by	Advocate Mr.K.Bose.,B.Com.,LLB.,

Date of offence	26/12/2015
Date of F. I. R	27.12.2015
Date of Arrest	27.12.2015
Date of Release	07.01.2016
Period Remand of the Accused	27.12.2015 to 07.01.2016
Committal	--
Date of Charge Sheet	04.07.2019
Date of Framing of Charges	26/08/2019
Date of commencement of evidence	11.05.2016
Date of close of trial	02/07/2026
Date on which Judgment is reserved	02/07/2026
Miscellaneous Petition and their results	Nil
Date of Examination in Chief and Cross	Chief Date Cross Date PW1 - 11.05.2026 11.05.2026 PW2 - 02.07.2026 02.07.2026
Date of Examination accused under section 313 Cr.P.C.	06/07/2026
Details of abscondence of accused and his appearance production	--
Grant of stay by Superior Court and the results thereof	--
Date of Judgment	06/07/2026
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
	Muthaiah	Arrested on 27.12.2015	Released on 07.01.2016	294(b), 323, 506(i) IPC r/w 4 of TNPHW Act	Acquitted	---	—

1. Nature of Prosecution Case:-

This is a case U/s 294(b), 323, 506(i) 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 the accused is the husband of LW1 and the accused has not given any maintenance for the family for a period of six months and On 26/12/2015 at about 11.00 within the limits of Checkanurani P.S, When the defacto complainant questioned the same, the accused abused the LW1 in filthy language and attacked her with stick and criminally intimidated her and thereby the accused committed an offense U/s 294(b), 323, 506(i) IPC r/w 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), 323, 506(i) IPC r/w 4 of TNPHW Act against 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), 323, 506(i) IPC r/w 4 of TNPHW Act. The accused pleaded not guilty and claims to be tried.

The Evidence

The Prosecution Version

3. The prosecution has examined **PW1 and PW2** and marked **Exp-P1 to Exp-P5** on their side. The prosecution has dispensed with the examination of LW2 to LW7 and examined additional witness as PW2.

4. The **PW.1** is namely Eswari, who is the defacto complainant in this case and wife of the accused and she has deposed that she has entered into compromise with the Accused. She has given complaint against the Accused 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**. The said wound certificate is marked as **Exp.P5**.

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 the accused is the husband of LW1 and the accused has not given any maintenance for the family for a period of six months and On 26/12/2015 at about 11.00 within the limits of Checkanurani P.S, When the defacto complainant questioned the same, the accused abused the LW1 in filthy language and attacked her with stick and criminally intimidated her and thereby the accused committed an offense U/s 294(b), 323, 506(i) IPC r/w 4 of TNPHW Act.

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 defacto complainant PW1, the alleged victim who is the wife of the accused has deposed in his chief examination that she has entered into compromise with the accused and has given complaint against the accused with exaggerated facts. She 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 PW2 to convict the accused.

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

18. In the result **accused found not guilty for the offences U/s 294(b), 323, 506(i) IPC r/w 4 of TNPHW Act and Acquitted in exercising of powers under Section 248 (1) of the Cr.P.C** and the accused is 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 06th day of July' 2026 //

**Judicial Magistrate – II,
Usilampatti**

Appendix:-

Prosecution side witnesses:-

- 1) PW1 —Tmt.Eswari (Eye witness)
- 2) PW2 — Tr.Sivailangovan (Police witness)

Prosecution side

Exhibits:

- 1) Exp.P1 – Complaint marked through PW.1 on 11.05.2026
- 2) Exp.P2 —FIR marked through PW2 on 02.07.2026
- 3) Exp-P3 — Observation Mahazar marked through PW2
on 02.07.2026
- 4) Exp-P4 — Rough sketch marked through PW2 on 02.07.26
- 5) Exp-P5 — Wound certificate marked through PW2 on 02.07.26

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.