

**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.364/2022

CNR.No.TNMD18000785-2022

(Crime. No. 105/2016, Uthappanaickanur P.S)

Dated this the 24th day of June' 2026

This case was taken on file by this court on 06/08/2022 and it is coming up for final hearing on 23/06/2026 before me in the presence of Assistant Public Prosecutor Grade-II for complainant and Mr.S.Ganapathy, 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 Uthappanaickanur P.S.
Represented by	Asst. Public Prosecutor Grade II
Accused	1) Chinnamani, aged 55/2016 S/o. Kalyanithevar, A.Krishnapuram, Usilampatti taluk, Madurai district. 2) Mayakkal, aged 50/2016 W/o Chinnamani A.Krishnapuram, Usilampatti taluk, Madurai district.
Represented by	Advocate Mr.S.Ganapathy,

Date of offence	12/06/2016															
Date of F. I. R	12/06/2016															
Date of Arrest	A1 and A2 - Anticipatory bail on 23.06.2016															
Date of Release	A1 and A2 - Anticipatory bail on 23.06.2016															
Period Remand of the Accused	A1 and A2 - Anticipatory bail on 23.06.2016															
Committal	--															
Date of Charge Sheet	02/12/2017															
Date of Framing of Charges	04/07/2024															
Date of commencement of evidence	22/06/2026															
Date of close of trial	23/06/2026															
Date on which Judgment is reserved	23/06/2026															
Miscellaneous Petition and their results	Nil															
Date of Examination in Chief and Cross	<table><tr><td>Chief</td><td>Date</td><td>Cross Date</td></tr><tr><td>PW1 -</td><td>22.06.2026</td><td>22.06.2026</td></tr><tr><td>PW2 -</td><td>22.06.2026</td><td>22.06.2026</td></tr><tr><td>PW3 -</td><td>22.06.2026</td><td>22.06.2026</td></tr><tr><td>PW4 -</td><td>23.06.2026</td><td>23.06.2026</td></tr></table>	Chief	Date	Cross Date	PW1 -	22.06.2026	22.06.2026	PW2 -	22.06.2026	22.06.2026	PW3 -	22.06.2026	22.06.2026	PW4 -	23.06.2026	23.06.2026
Chief	Date	Cross Date														
PW1 -	22.06.2026	22.06.2026														
PW2 -	22.06.2026	22.06.2026														
PW3 -	22.06.2026	22.06.2026														
PW4 -	23.06.2026	23.06.2026														
Date of Examination accused under section 313 Cr.P.C.	--															
Details of abscondence of accused and his appearance production	--															
Grant of stay by Superior Court and the results thereof	--															
Date of Judgment	24/06/2026															
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) 2)	Chinnamani Mayakkal	A1 and A2 - Anticipator y bail on 23.06.2016	A1 and A2 - Anticipatory bail on 23.06.2016	447, 294(b), 323, 324, 506(ii) IPC	Acquitted	---	—

1.Nature of Prosecution Case:-

This is a case U/s 447, 294(b), 323, 324, 506(ii) 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 12/06/2016 at about 03.30 within the limits of Uthappanaickanur **P.S**, the accused A1 and A2 due to previous enmity regarding property dispute trespassed into the farm land of the LW1 and abused the LW1 and LW2 in filthy language and the accused A1 attacked the LW1 with iron rod at his head and the accused A2 attacked the LW2 with stick at his left wrist hands and caused simple Injuries and both the accused criminally intimidated them and thereby the accused A1 committed an offense U/s 447, 294(b), 323, 324, 506(ii) IPC and A2 committed an offense U/s 447, 294(b), 323 and 506 (ii) 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 447, 294(b), 323, 324, 506(ii) IPC against A1 and U/s 447, 294(b), 323

and 506(ii) IPC against A2. 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 447, 294(b), 323, 324, 506(ii) IPC against A1 and U/s 447, 294(b), 323 and 506(ii) IPC against A2 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.4** and marked **Exp-P1 to Exp-P5** on their side. The prosecution has dispensed with the examination of LW4 to LW10 and examined additional witness as PW4.

4. The **PW.1** is namely Ranisolai, 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 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 Sivan, who is the projected eye witness in this case and he has deposed that he has entered into compromise with the Accused. The PW1 has given complaint against the accused 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 Muthukamayee, who is the projected eye witness in this case and she has deposed that she has entered into compromise with the Accused and she has deposed that PW1 has given complaint against the accused with exaggerated facts. The police did examined her.

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

7. The **PW.4** is namely Thirupathy, 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.

8. Since there was no incriminating evidence adduced against the Accused, the questioning under section 313 of Cr.p.c was dispensed by this court.

The point for determination:

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

Analysis of evidence

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

11. The charge against the Accused is that On 12/06/2016 at about 03.30 within the limits of Uthappanaickanur P.S, the accused A1 and A2 due to previous enmity regarding property dispute trespassed into the farm land of the LW1 and abused the LW1 and LW2 in filthy language and the accused A1 attacked the LW1 with iron rod at his head and the accused A2 attacked the LW2 with stick at his left wrist hand and caused simple Injuries and both the accused criminally intimidated them

12. 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.

13. The complainant, the alleged victim PW1 has deposed in his chief examination that he has entered into compromise with the accused and he 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.

14. The PW2 who is the alleged victim and eye witness has deposed in his chief examination that he has entered into compromise with the accused and the PW1 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.

15. Likewise, the PW3 also have not whispered about anything in favour of the prosecution case and turned hostile to the prosecution.

16. 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 to PW3 evidence supports the prosecution or connects the accused with the alleged crime.

17. The PW4 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. PW4 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 PW4. 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.

18. 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’.

19. 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.

20. 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.

21. In the above circumstances this court comes to conclusion that the **accused A1 found not guilty for the offences U/s 447, 294(b), 323, 324, 506(ii) of IPC and A2 found not guilty for the offences U/s 447, 294(b), 323 and 506(ii) IPC.**

22. In the result **accused A1 found not guilty for the offences U/s 447, 294(b), 323, 324, 506(ii) of IPC and A2 found not guilty for the offences U/s 447, 294(b), 323 and 506(ii) 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.

23. 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 June’ 2026 //

**Judicial Magistrate – II,
Usilampatti**

Appendix:-

Prosecution side witnesses:-

- 1) PW1 — Tr.Ranisolai (Eye witness)
- 2) PW2 — Tr.Sivan (Eye witness)

- 3) PW3- Tmt.Muthukamayee(Eye witness)
- 4) PW4- Tr.Thiruppathy (Police witness)

Prosecution side

Exhibits:

- 1) Exp.P1 – Complaint marked through PW.4 on 22.06.2026
- 2) Exp.P2 —FIR marked through PW4 on 23.06.2026
- 3) Exp-P3 — Observation Mahazar marked through PW4
on 23.06.2026
- 4) Exp-P4 — Rough sketch marked through PW4 on 23.06.26
- 5) Exp-P5 — Wound certificate marked through PW4 on 23.06.26

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.