

**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.576/2022

CNR.No.TNMD18-001401-2022

(Crime. No. 119/2022, Vikkiramangalam P.S)

Dated this the 13th day of March 2026

This case was taken on file by this court on 14/12/2022 and it is coming up for final hearing on 12/03/2026 before me in the presence of Assistant Public Prosecutor Grade-II for complainant and Mr.A.Maheswawaran, 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 Vikkiramangalam P.S.
Represented by	Asst. Public Prosecutor Grade II
Accused	1) Soundrapandi, aged 24/2022 S/o. Andikalai, Panamoopanpatti, Eravarpatti post, Usilampatti taluk, Madurai district. 2) Andichamy, aged 23/2022 S/o Vellaichamy Panamoopanpatti, Eravarpatti post, Usilampatti taluk, Madurai district. 3) Peyandi, aged 26/2022

	S/o Parathesi Panamoopanpatti, Eravarpatti post, Usilampatti taluk, Madurai district. 4) Sadayandi, aged 20/2024 S/o Parathesi Panamoopanpatti, Eravarpatti post, Usilampatti taluk, Madurai district.
Represented by	Advocate Mr.M.Vigneshkumar

Date of offence	22/09/2022
Date of F. I. R	22/09/2022
Date of Arrest	A1 & A2 on 23.09.2022 A3 & A4 -Anticipatory bail on 30/09/2022
Date of Release	A1 & A2 released on 28.9.2022 A3 & A4 -Anticipatory bail on 30/09/2022
Period Remand of the Accused	A1 & A2 on 23.09.2022 & released on 28.9.2022
Committal	--
Date of Charge Sheet	21/11/2022
Date of Framing of Charges	04/06/2024
Date of commencement of evidence	04/06/2024
Date of close of trial	13/03/2026

Date on which Judgment is reserved	12/03/2026												
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>- 11.03.2026</td><td>11.03.2026</td></tr><tr><td>PW2</td><td>- 11.03.2026</td><td>11.03.2026</td></tr><tr><td>PW3</td><td>- 12.03.2026</td><td>12.03.2026</td></tr></table>	Chief	Date	Cross Date	PW1	- 11.03.2026	11.03.2026	PW2	- 11.03.2026	11.03.2026	PW3	- 12.03.2026	12.03.2026
Chief	Date	Cross Date											
PW1	- 11.03.2026	11.03.2026											
PW2	- 11.03.2026	11.03.2026											
PW3	- 12.03.2026	12.03.2026											
Date of Examination accused under section 313 Cr.P.C.	13/03/2026												
Details of abscondence of accused and his appearance production	--												
Grant of stay by Superior Court and the results thereof	--												
Date of Judgment	13/03/2026												
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) Soundrapa ndi, 2) Andichamy	A1 & A2 on 23.09.2022	A1 & A2 released on 28.9.2022 A3 & A4	294(b), 323, 324, 506(2) IPC	Acquitted	---	—

	3) Peyandi 4) Sadayandi	A3 & A4 -Anticipatory bail on 30/09/2022	-Anticipatory bail on 30/09/2022				
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1. Nature of Prosecution Case:-

This is a case 294(b), 323, 324, 506(2) all sections r/w 34 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 On 22/09/2022 at about 19:30 PM within the limits of Vikkiramangalam P.S, when the defacto complainant was standing near the bus stop at Paanamoopanpatti Village, the accused A1 to A4 under the influence of alcohol was shouting in filthy language . When the LW1 reprimanded them and asked all the accused to go to their home, all the accused abused the LW1 in filthy language and the accused A2 attacked the LW1 with sickle at his forehead and all the other accused attacked the LW1 with stick and criminally intimidated him and thereby the accused A1,A3, A4 committed an offence U/s. 294(b), 323, 506(2) IPC and A2 committed an offence U/s. 294(b), 324, 506(2) all sections r/w 34 of IPC. Hence, the accused is charged.

2. Plea of the Accused:-

On receipt of the final report, this court has taken cognizance of an offence under section 294(b), 323, 324, 506(2) all sections r/w 34 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 294(b) , 323 , 506(2) all sections r/w 34 of IPC against A1,A3,A4 and for the offences under sections 294(b), 324, 506(2) IPC all sections r/w 34 of IPC against the accused 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.3** and marked **Exp-P1 to Exp-P5** on their side. The prosecution has dispensed with the examination of LW1, LW4 to LW9 and examined additional witness as PW3. The LW1 defacto complainant has died pending trial.

4. The **PW.1** is namely Paulpandi, who is the projected eye witnesses in this case and he has deposed that he knows nothing about the case. The police did not examined him.

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

5. The **PW.2** is namely Pandi, who is the projected eye witness and he has deposed that he knows nothing about the case. The police did not examined him.

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

6. The **PW3** is namely Jeyaseelan, 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 Complaint is marked as **Exp.P1**. 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.

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 guilt of the accused for the offence under sections 294(b) , 323 , 506(2) (all sections) r/w 34 of IPC against A1,A3, A4 and under sections 294(b), 324, 506(2) IPC (all sections) r/w 34 of IPC against the accused A2 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 On 22/09/2022 at about 19:30 PM within the limits of Vikkiramangalam P.S, when the defacto complainant was standing near the bus stop at Paanamoopanpatti Village, the accused A1 to A4 under the influence of alcohol was shouting in filthy language . When the LW1 reprimanded them and asked all the accused to go to their home, all the accused abused the LW1 in filthy language and the accused A2 attacked the LW1 with sickle at his forehead and all the other accused attacked the LW1 with stick and criminally intimidated him and thereby the accused A1,A3, A4 committed an offence U/s. 294(b), 323, 506(2) IPC and A2 committed an offence U/s. 294(b), 324, 506(2) 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 PW1 who is the alleged projected eye witness has deposed that he knows nothing about the occurrence and turned hostile to the prosecution. The PW2 who is the alleged projected eye witness has deposed that he knows nothing about the occurrence and turned hostile to the prosecution.

13. 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, PW2 evidence supports the prosecution or connects the accused with the alleged crime. Though wound certificate (Ex.P5) is marked, the doctors have not been examined and, in the absence of reliable ocular evidence, the medical records alone cannot fasten criminal liability on the accused.

14. 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.

15. 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’.

16. 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.

17. 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.

18. In the above circumstances this court comes to conclusion that the accused **A1,A3, A4 found not guilty for the offense under sections 294(b) , 323 , 506(2) (all sections) r/w 34 of IPC and the accused A2 found not guilty for the offense under sections 294(b), 324, 506(2) r/w 34 IPC.**

19. In the result the accused **A1,A3, A4 found not guilty for the offense under sections 294(b) , 323 , 506(2) (all sections) r/w 34 of IPC and the accused A2 found not guilty for the offense under sections an offence 294(b), 324, 506(2) (all sections) r/w 34 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.

20. 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 13th day of March 2026 //

**Judicial Magistrate – II,
Usilampatti**

Appendix:-

Prosecution side witnesses:-

- 1) PW1 —Tr.Paulpandi (Eye witness)
- 2) PW2 — Tr.Pandi (Eye witness)
- 3) PW3 — Tr.Jeyaseelan (Police witness)

Prosecution side**Exhibits:**

- 1) Exp.P1 – Complaint marked through PW3 on 12/03/2026.
- 2) Exp.P2 —FIR marked through PW3 on 12/03/2026.
- 3) Exp-P3 — Observation Mahazar marked through PW3
on 12/03/2026.
- 4) Exp-P4 — Rough sketech marked through PW3 on 12/03/2026.
- 5) Exp-P5 — Wound certificate marked through PW3 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.