

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

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

STC No.783/2025

CNR.No.TNMD18-002735-2025

(Crime. No. 149/2025, Uthappanaickanur P.S)

Dated this the 12th day of March 2026

This case was taken on file by this court on 18/11/2025 and it is coming up for final hearing on 06/03/2026 before me in the presence of Assistant Public Prosecutor Grade-II for complainant and Mr.M.Deivendran, 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) Eswaran, aged 37/2025 S/o. Kayambu U.Vadipatti, Uthappanaickanur post, Usilampatti taluk, Madurai district. 2) Vigneshkumar, aged 27/2025 S/o Vanaraja U.Vadipatti, Uthappanaickanur post, Usilampatti taluk, Madurai district.
Represented by	Advocate Mr.M.Deivendran,

Date of offence	20/10/2025															
Date of F. I. R	22/10/2025															
Date of Arrest	02/11/2025															
Date of Release	02/11/2025															
Period Remand of the Accused	--															
Committal	--															
Date of Charge Sheet	03/11/2025															
Date of Framing of Charges	02/03/2026															
Date of commencement of evidence	05/03/2026															
Date of close of trial	06/03/2026															
Date on which Judgment is reserved	06/03/2026															
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>- 05.03.2026</td> <td>05.03.2026</td> </tr> <tr> <td>PW2</td> <td>- 05.03.2026</td> <td>05.03.2026</td> </tr> <tr> <td>PW3</td> <td>- 05.03.2026</td> <td>05.03.2026</td> </tr> <tr> <td>PW4</td> <td>- 05.03.2026</td> <td>05.03.2026</td> </tr> </tbody> </table>	Chief	Date	Cross Date	PW1	- 05.03.2026	05.03.2026	PW2	- 05.03.2026	05.03.2026	PW3	- 05.03.2026	05.03.2026	PW4	- 05.03.2026	05.03.2026
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PW1	- 05.03.2026	05.03.2026														
PW2	- 05.03.2026	05.03.2026														
PW3	- 05.03.2026	05.03.2026														
PW4	- 05.03.2026	05.03.2026														
Date of Examination accused under section 313 Cr.P.C.	06/03/2026															
Details of abscondence of accused and his appearance production	--															
Grant of stay by Superior Court and the results thereof	--															

Date of Judgment	12/03/2026
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
	1) Eswaran 2) Vignesh kumar	02/11/2025	02/11/2025	296(b), 115(2), 351(2) BNS	Acquitted	---	—

1. Nature of Prosecution Case:-

This is a case U/s 296(b), 115(2), 351(2) BNS. The brief case of the prosecution as set out in the final report U/s 173(2) Cr.PC is as follows: That On 20/10/2025, at about 16:30 within the limits of Uthappanaickanur P.S, when the defacto complainant was sitting near Periyamanthai at U.Vadipatti, the accused came there and abused the defacto complainant in filthy language and attacked him with hands and pushed him to the ground and caused simple injuries at neck and hands and criminally intimidated him and thereby the accused committed an offence U/s 296(b), 115(2), 351(2) BNS. 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 296(b), 115(2), 351(2) of BNS. 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 substance of accusation under sections U/s 296(b), 115(2), 351(2) of BNS was stated to 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.4** and marked **Exp-P1 to Exp-P6** on their side. The prosecution has dispensed with the examination of LW3, LW5 to LW9, and examined additional witness as PW4.

4. The **PW.1** is namely Ajay, who is the defacto complainant in this case and he has deposed that he has entered into compromise with all the Accused. He has given complaint against them 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 Anand, who is the projected eye witness and he has deposed that the PW1 has entered into compromise with all the Accused. The PW1 has given complaint against them with exaggerated facts and police did not examined him in this regard.

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

6. The **PW3** is namely Thothakalai, who is the projected eye witness and he has deposed that the PW1 has entered into compromise with all the Accused. The

PW1 has given complaint against them with exaggerated facts and police did not examined him in this regard.

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

7. The **PW4** 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 wound certificate is **Exp-P5**. The alteration report is marked as **Exp.P6**.

Questioning under section 313 of Crpc.

8. 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:

9. The point for determination is Whether the prosecution has proved the guilt of the accused for the offence U/s 296(b), 115(2), 351(2) of BNS 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 20/10/2025, at about 16:30 within the limits of Uthappanaickanur P.S, when the defacto complainant was sitting near Periyamanthai at U.Vadipatti, the accused came there and abused the defacto complainant in filthy language and attacked him with hands and pushed him

to the ground and caused simple injuries at neck and hands and criminally intimidated him and thereby the accused committed an offence U/s 296(b), 115(2), 351(2) BNS.

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 complaint PW.1 the alleged victim has deposed in his chief examination that he has entered into compromise with the accused and has given complaint against the accused with exaggerated facts. He has not whispered about anything in favour of the prosecution case. The PW2 who is the projected eye witness has deposed that the PW1 has given complaint against the accused with exaggerated facts and turned hostile to the prosecution.

14. The PW3 who is the projected eye witness has deposed that the PW1 has given complaint against the accused with exaggerated facts and turned hostile to the prosecution. 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.

15. 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.

16. 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’.

17. 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.

18. 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.

19. In the above circumstances this court comes to conclusion that the **accused found not guilty for the offense U/s 296(b), 115(2), 351(2) of BNS.**

20. In the result the accused **found not guilty for the offense U/s 296(b), 115(2), 351(2) of BNS and Acquitted in exercising of powers under Section 255 (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.

21. 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 12^h day of March 2026 //

**Judicial Magistrate – II,
Usilampatti**

Appendix:-

Prosecution side witnesses:-

- 1) PW1 — Tr.Ajay (Complainant, Eye witness)
- 2) PW2 — Tr.Anand (Eye witness)
- 3) PW3 — Tr.Thothakalai(Eye witness)
- 4) PW4 - Tr.Thirupathy (Police witness)

Prosecution side

Exhibits:

- 1) Exp.P1 – Complaint marked through PW.1 on 05/03/2026.
- 2) Exp.P2 —FIR marked through PW4 on 05/03/2026.
- 3) Exp-P3 — Observation Mahazar marked through PW5 on 05/03/2026.
- 4) Exp-P4 — Rough sketech marked through PW4 on 05/03/2026.
- 5) Exp. P5 — Wound certificate marked through PW4 on 05/03/2026.
- 6) Exp.P6 - Alteration report marked through PW4 on 05/03/2026.

Materials objects on the Prosecution Side and defense side:-

Nil

Defense side witnesses and exhibits:-

Exp.D1 – Compromise petition marked through PW1 during cross examination on 05/03/2026

**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.