



**IN THE COURT OF DISTRICT AND SESSIONS JUDGE,
MAYILADUTHURAI.**

PRESENT: Dr. L.S. SATHIYAMURTHY, M.A., M.L., Ph.D.,
(JO CODE TN 01523)

District and Sessions Judge Mayiladuthurai
State of Tamilnadu

Thursday, the 12th day of March 2026
CNR.No. TNMY-0100-1049-2021

Session Case No. 38/2009

(Committed by the Judicial Magistrate, Sirkali in PRC No. 32/2008)

Name of the Complainant	State - Inspector of Police, Poombuhar P.S (Cr.No. 123/2007)
Name of the accused	A1. Agoram, aged 57/2026, S/o. Kaliyamoorthy A2. Somasundaram, (charges abated against him on 18.03.2023, since he is dead) S/o. Sivalingam A3. Ramesh, aged 53/2026 S/o. Venkatesan A4. Kathiravan, aged 43/2026 S/o. Govindasamy A5. Senthil, aged 49/2026 S/o. Govindan A6. Veeramani (charge sheet against him not survive, as he died prior to framing of charges) S/o. Panneerselvam
Charges	A1- U/s. 147, 341, 323, 332 of IPC A2 to A5 - U/s. 147, 341, 332 of IPC and 3(1) of TNPPDL Act
Plea of the accused	Not guilty

Finding of the Court	<p>In the result, A1 found not guilty for the offences U/s. 147, 341, 323, 332 of IPC and A3 to A5 found not guilty for the offences U/s. 147, 341, 332 of IPC and 3(1) of TNPPDL Act. Therefore, the accused persons (A1, A3 to A5) are acquitted from the above said charges U/s. 235(1) of Cr.P.C.</p> <p>The bail bond executed by them if any, stands cancelled.</p> <p>The charge sheet filed against A6 does not survive as he is not alive. The charges against A2 are ordered to be abated, sine he is dead.</p> <p>There is no case property in this case.</p>
----------------------	--

Session Case No. 38/2009

State - Inspector of Police,
Poombuhar P.S
(Cr.No. 123/2007)

... Complainant.

Vs.

A1. Agoram, aged 57/2026,
S/o. Kaliyamoorthy

A2. Somasundaram, (**charges abated against him on 18.03.2023, since he is dead**)

S/o. Sivalingam

A3. Ramesh, aged 53/2026

S/o. Venkatesan

A4. Kathiravan, aged 43/2026

S/o. Govindasamy

A5. Senthil, aged 49/2026

S/o. Govindan

A6. Veeramani (**charge sheet against him not survive, as he died prior to framing of charges**)

S/o. Panneerselvam

... Accused

This case came up for final hearing on 04.03.02026 in the presence of Thiru. R. Seyon Public Prosecutor for the District on behalf of State and Thiru. R. Suresh, defence counsel for the accused persons and upon hearing both sides arguments, perusing the case records, evidence, documents and the case having stood over for consideration till this date, this Court delivered the following,

JUDGMENT

This is a 16 years old criminal case pending on the file of this court. This case was registered on 10.06.2007 for about 19 years ago on the file of the Poombuhar P.S against six accused persons. During the pendency of this court one Somasundaram (A2) and Veeramani (A6) died. Therefore, charges are abated against both A2 and A6 and separate orders are passed, when the trial was in progress.

THE CASE OF THE PROSECUTION IS AS FOLLOWS:

2. The surviving accused persons A1. Agoram, A3. Ramesh, A4. Kathiravan, A5. Senthil, belongs to a political party. On 10.06.2007 at about 7.30 AM one Rajaraman, driver of the State Owned Passenger Bus took a trip from Mayiladuthurai to Poombuhar and on its way near about Kidarankondan Main Road when the bus was moving towards east at 8.15 AM there was a pitfall on the left side of the road, so the driver lightly came to the right side of the road.

3. While so, the accused persons came on the chasing the bus and came on the opposite direction and obstructed the road way. Immediately, the said Rajaraman stopped the bus in a stationary condition. The accused persons got down from the TATA SUMO car and started abusing the driver and conductor of the bus in a filthy language. They also assaulted them and a part of the bus got damaged by the accused persons.

4. Again on the same day while, the said Rajaraman returning from the Poombuhar to Mayiladuthurai at about 12.25 in the noon hours near Dharmapuram Main Road, the accused persons again assembled there with an intention to cause damage to the bus and started shouting that we will kill the driver and conductor. A1 Agoram shouted that I will show you who am I? and he pull down the driver Rajaraman and slapped on his cheek and gave blow on the chest. The other accused persons have damaged the right side mirror of the bus worth about Rs. 250/- . Therefore, the driver of the bus lodged complaint against the accused persons and the respondent police registered case against A1 U/s. 147, 341, 332 of IPC and against A2 to A6 U/s. 147, 341, 332 r/w 149 of IPC and Sec. 3(1) of TNPPDL Act.

5. On being satisfied with *prima facie* case made out against accused persons by taking cognizance of the offences, the learned Judicial Magistrate, Sirkali has assigned a PRC No.32/2008. After complying with Section 207 Cr.P.C furnished the copies of the final report to the accused persons.

6. As the case is exclusively triable by the Court of Session, committed it to the District Court, Nagapattinam. On receipt of records, this case was taken on file as S.C.No.38/2009 and made over to the Principal Assistant Session Judge, Mayiladuthurai for trial and disposal according to law and thereafter the case was withdrawn from Principal Assistant Session Judge, Mayiladuthurai as per the proceedings of District Court, Nagapattinam in A.No.101/2021 dated 16.08.2021 and made over to this court.

7. On appearance of the accused and on engaging a counsel of their choice, after hearing the learned public prosecutor and the learned counsel for the accused, charges are framed against the accused persons (A1 to A5) as follows:

A1- U/s. 147, 341, 323, 332 of IPC

A2 to A5 - U/s. 147, 341, 332 of IPC and 3(1) of TNPPDL Act

The contents of the charge were read over and explained to the accused, they denied the same and pleaded not guilty. So, they tried before this court as per the procedures contemplated in Chapter XVIII of Cr.P.C corresponding to Chapter XIX BNSS, 2023.

THE EVIDENCE ADDUCED BY THE PROSECUTION:

8. There are 8 witnesses examined and 6 exhibits marked on the side of the prosecution. The accused person has not produced any evidence.

9. The driver of the State owned transport bus examined as PW.1. He has stated that on 10.06.2007 when he was proceeded from Mayiladuthurai to Poombuhar trip at about 07.30 AM a TATA Sumo was following it. So, he thought that PW.1 had not paved a way. Therefore, someone scolded him so he gave report to the Poombuhar P.S

10. The conductor of the said State owned passenger bus examined as PW.2. In his evidence he has stated that there was a huge crowd of passengers in the bus and he was issuing tickets to them. So he has not aware of what happened in the bus or out side.

11. One Vijayabalan examined as PW.3 and Pandiyan examined as PW.4. Both of them have not spoken to anything about the occurrence. PW.4 also denied his signature in the observation mahazar.

12. The Doctor who gave treatment to PW.1 examined as PW.5 and the extract of Accident Register marked as Ex.P1. PW.6 has been examined as attestor of the observation mahazar. But he denied his signature.

13. The Inspector of Police, who was on duty in the Poombuhar P.S on 10.06.2007 examined as PW.7. She received the complaint Ex.P2 from PW.1 and registered the FIR Ex.P3.

14. PW.8 in this case is the investigating officer and his evidence was recorded through video conferencing mode. He took the case for investigation on 10.06.2007 and inspected the SoC at 9.30 PM. He prepared the observation mahazar Ex.P4 and rough sketch Ex.P5. After recording the statement of witnesses he obtained certificate Ex.P6 to ascertain the value of damaged parts in the bus. After completing investigation he has filed the final report against A1 U/s. 147, 341, 332 of IPC and against other accused persons U/s. 147, 341, 332 of IPC and Sec. 3(1) of TNPPDL Act.

15. After completion of examination of prosecution witnesses the incriminating circumstances arising out of the prosecution case have been put to the accused and examined U/s. 313 (1) (b) of Cr.P.C. for which the accused denied his complicity with the offences and stated that it is a false case.

16. No defence witness examined.

17. Now the point arises for determination is:

Whether the prosecution has proved the charges framed against A1- U/s. 147, 341, 323, 332 of IPC and against A2 to A5 - U/s. 147, 341, 332 of IPC and 3(1) of TNPPDL Act are proved beyond all reasonable doubt or not?

18. Heard, the learned Public Prosecutor and the learned counsel for the accused persons.

19. It was on 10.06.2007 for about 19 years ago, there was an occurrence of assault of the bus driver and also damage caused to the State owned Public Transport Bus. The defacto complainant is the driver of the bus. The ocular witness is none else than the conductor of the bus. Both of them have not stated anything about this occurrence, after they retired from the service.

20. In this case of assault and damage to the Public Transport Bus, the prosecution has examined as many as 8 witnesses and marked 6 documents. Among them the defacto complainant is the driver of the bus. He has not stated anything about to the injuries caused to him and in his evidence absolutely there is no materials to connect the accused persons with the crime. The complaint itself not marked through him.

21. Another important witness to this occurrence is the conductor of the bus, who has deposed that at the time of the occurrence there was a huge crowd of passengers in the bus and he was issuing tickets to them. So he does not know what happened in the bus and who damaged the bus. There are other witnesses examined as attessor to the observation mahazar and rough sketch and an independent eye witness are also stated that they are not seen the accused persons and not witnessed the alleged occurrence. Therefore, the key witness such as the defacto complainant and injured person, the conductor and the independent witnesses have not spoken to the alleged occurrence.

22. PW.6 has spoken to the injuries sustained to PW.1 and PW.7 deposed about the complaint received from PW.2 and registration of the case. PW.8 has explained as how he conducted the investigation. However, the oral evidence of PW.6, PW.7 and PW.8 are not corroborated by the defacto complainant and other witnesses. The uncorroborated evidence of the Investigating Officer is not a safe piece of evidence to rely upon.

23. For the above said reasons, this court is of the view, that the prosecution has not proved the charges against the accused persons beyond all reasonable doubts. The accused persons (A1, A3 to A5) are entitled to the benefits of doubts.

24. As stated above, the case was registered against six accused persons. Even before the framing of charges A6 died. Therefore, the charge sheet filed against A6 does not survive as he is not alive. After framing of charges A2 died on 18.03.2023. The charges against A2 are ordered to be abated. Only A1, A3 to A5 are facing the trial.

In the result, A1 found not guilty for the offences U/s. 147, 341, 323, 332 of IPC and A3 to A5 found not guilty for the offences U/s. 147, 341, 332 of IPC and 3(1) of TNPPDL Act. Therefore, the accused persons (A1, A3 to A5) are acquitted from the above said charges U/s. 235(1) of Cr.P.C.

The bail bond executed by them if any, stands cancelled.

The charge sheet filed against A6 does not survive as he is not alive. The charges against A2 are ordered to be abated, sine he is dead.

There is no case property in this case.

Dictated to the steno-typist, taken by her in short hand, transcribed by her in the computer, corrected and pronounced by me in the open court this 12th day of March 2026.

District and Sessions Judge,
Mayiladuthurai.

Prosecution side witnesses:

P.W.1 Mr. Rajarajan

P.W.2 Mr. Sasikumar

P.W.3 Mr. Vijayabalan

P.W.4 Mr. Pandiyan
P.W.5 Dr. Sampathkumar
P.W.6 Mr. Senthilkumar
P.W.7 Mrs. Kamatchi
P.W.8 Mr. Subramaniyan

Prosecution side documents:

Ex.P1 10.06.2007 Accident Register of Rajarajan
Ex.P2 10.06.2007 Complaint
Ex.P3 10.06.2007 First Information Report
Ex.P4 10.06.2007 Observation Mahazar
Ex.P5 10.06.2007 Rough Sketch
Ex.P6 20.11.2007 Damage Value receipt

Prosecution side material objects: Nil

Defence side witnesses and exhibits: Nil.

Defence side material objects: Nil.

District and Sessions Judge,
Mayiladuthurai.

Judgment: (Fair & Draft)
S.C.No.38/2009
12.03.2026