



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

Present : Tmt. R. Sathia Thara., M.A., M.L.,

District and Sessions Judge, Mayiladuthurai

State of Tamil Nadu

Wednesday, the 19th day of August 2026

2057 Thiruvalluvar Aandu Parapava Varudam on 02nd day of Aavani Thingal

Sessions Case No. 88 of 2025

CNR.No.TNMY-0100-0234-2022

(Committed by the Judicial Magistrate No. 1, Mayiladuthurai in PRC No. 17/2025)

Complainant	:	State represented by the Inspector of Police, Mayiladuthurai P.S. Cr.No. 198/2025.
Accused Person	:	Johnpeter @ Raja, age 23/2025, S/o. Kuppusamy, Kalaighar Colony, Mayiladuthurai.
Offences	:	Under sections 296(b), 351(3) BNS r/w 25(1-A) Arms Act.
Charges framed against the accused person	:	That on 17.03.2025 at 9.00 AM the accused Raja @ John peter holding knife in his hand nearby new bus stand, Mayiladuthurai uttered obscene words and threatened the public was charge sheeted under sections 296(b) of BNS and 25(1- A) of Arms Act.
Plea of the accused person	:	Not guilty
Finding of the Judge	:	Not guilty

Order of Sentence or Judgment	:	In the result, the accused person is found not guilty of the offence under Sections 296(b) of BNS and 25(1-A) of Arms Act and the accused is acquitted under Section 258(1) of BNSS. The bail bond is ordered to be cancelled after the lapse of appeal period. <u>Property Order:</u> The property remanded in CP No. 19/2026 PM.O. 1. Knife length about 32 cm - 1 is ordered to be destroyed after the lapse of appeal period or if appeal pending after disposal of appeal.
Prosecution conducted by	:	Thiru. S. Velayutham Public Prosecutor.
Pleader of the accused person	:	Thiru. M. Thirumalsundaram Defense counsel for the accused person.

Details of Case summary : -

1.	Name of the Police Station and the Crime number of the offence	:	Mayiladuthurai Police Station, Cr.No. 198/2025
2.	Name of the accused person	:	Johnpeter @ Raja
3.	Father's name of the accused person	:	Kuppusamy
4.	Occupation of the accused person	:	----
5.	Residence of the accused person	:	Kalaighar Colony, Mayiladuthurai.
6.	Age of the accused person	:	23/2025

7.	Date of occurrence	:	17.03.2025
8.	Date of complaint	:	17.03.2025
9.	The period of remand of the accused person	:	17.03.2025
10.	The date of committal of the case	:	Nil
11.	The date of questioning of the accused person under section 228 Cr.P.C	:	04.02.2026
12.	The date of questioning of the accused person under section 351 (b) (1) BNSS.	:	30.07.2026
13.	Commencement of trial	:	18.02.2026
14.	Close of trial	:	24.07.2026
15.	Date of sentence or order	:	19.08.2026

Date of examination in chief and cross examination of witnesses :-

	Name of the witnesses	Date of chief examination	Date of cross examination
PW1	Thiru. Aravindhan	17.07.2026	17.07.2026
PW2	Thiru. Sathishkumar	17.07.2026	17.07.2026
PW3	Thiru. Rajesh	17.07.2026	17.07.2026
PW4	Ms. Priyanka	24.07.2026	24.07.2026

This case is coming on 10.08.2026 for final hearing before me in the presence of Thiru. S. Velayutham, the learned Public Prosecutor for the State and of Thiru. M. Thirumalsundaram, the learned defence counsel for the accused person and on

hearing both side and after perusing the evidence and documents on both side and having stood over for consideration, this Court delivered the following:-

JUDGMENT

That on 17.03.2025 at 9.00 AM the accused Raja @ John peter holding knife in his hand nearby new bus stand, Mayiladuthurai uttered obscene words and threatened the public was charge sheeted under sections 296(b) of BNS and 25(1-A) of Arms Act.

Police report submitted under Section 173(2)(1) Cr.P.C:

2) On completion of the investigation, the police report under Section 173(2)(1) Cr.P.C was filed in the Judicial Magistrate No.1, Mayiladuthurai as against the accused person under sections 296(b) BNS r/w 25(1-A) Arms Act.

Cognizance taken under Section 190 (1) (b) Cr.P.C:

3) On careful perusal of entire police report and connected records filed by the Mayiladuthurai police station before the learned Judicial Magistrate No.1, Mayiladuthurai and this case was taken on the file of the District Munsif cum Judicial Magistrate, Tharangambadi in PRC No. 17/2025.

Furnishing of copies under Section 207 Cr.P.C:

4) On appearance of the accused person, the copies of documents relied on the side of the prosecution were furnished to him under Section 207 of Cr.P.C.1973 on free of cost.

Committal under Section 209 Cr.P.C

5) Thereafter, the learned Judicial Magistrate No.1, Mayiladuthurai found that the offences punishable under sections 296(b) BNS r/w 25(1-A) Arms Act as against the accused person is exclusively triable by court of Sessions and then the same was committed under Section 209 Cr.P.C., for trial in accordance with law before this Court and the same was taken on file in SC No. 88/2025.

Framing of charges under Section 228 Cr.P.C.

6) Subsequently after appearance of the accused person and on hearing prosecution and defence as prima facie case is made out as against the accused person, this court framed charges under sections 296(b), 351(3) BNS r/w 25(1A) of Arms Act against accused person were also read over and explained to the accused person and questioned about the charges framed against him. He denied the same as false charges. Hence, the trial had commenced to prove the prosecution case.

Witnesses and Exhibits:

7) PW1 Thiru. Aravindan and PW2 – Thiru. Vimal are observation mahazar witnesses PW3 Thiru Rajesh is the confession and seizure mahazar witness and PW4 Selvi. Priyanka is the Inspector of Police who investigated the case.

Brief of the evidence of the prosecution witnesses is as follows :-

8) PW1 Thiru. Aravindan is the observation mahazar witness residing in Manambandal village deposed as do not know the accused person and one year back while he was in bus stand, Mayiladuthurai to have a cup of coffee, at the request of police he signed and he denied his signature in the paper shown to him and police not enquired him and he turned hostile.

9) PW2 Thiru. Sathishkumar is the confession and seizure mahazar witness is Grade – I Police deposed that on 17.03.2025 at 9.00 AM he went along with Sub-Inspector Priyanka and Grade I Police 290 on patrol duty near New Bus Stand, Mayiladuthurai, the accused holding knife in his hand uttered obscene words towards shopkeepers and public and scolded them. SI madam informed him not to quarrel in public place. The accused repeatedly threatened in the same way. So, SI madam called him and Rajesh to bring that person to station and so they took him to the station and accused Raja @ John peter voluntarily gave confession statement to the SI madam in their presence and it was typed by SI madam in which he and Rajesh signed and they seized knife from him in the Bus Stand and produced in station and Ex.A1 is the seizure mahazar and he identified the knife PMO.1 and he assisted in

registering case against the accused in Cr. No. 198/2025, under sections 296(b) of BNS r/w 25(1-A) of Arms Act and Sub-Inspector enquired him.

10) PW3 Thiru. Rajesh is the confession and seizure mahazar witness also reiterated the evidence of PW2 Sathishkumar.

11) PW4 Selvi. Priyanka, Sub – Inspector also reiterated the evidence of PW2 Sathishkumar and through whom Ex.P2 admitted portion of confession statement of accused was marked and deposed that on 17.03.2025 at 10.15 AM in the presence of witnesses she seized 32 CM length knife with wooden iron cutting part about 20 CM and brass mount about 4 CM and iron handle about 8 cm and prepared Ex.P3 Form – 91 and registered Ex.P4 FIR in Cr. No. 198/2025, under sections 296(b) of BNS r/w 25(1-A) of Arms Act and at 12.00 pm in the presence of witnesses Aravindan and Vimal prepared Ex.P5 observation mahazar and Ex.P6 rough sketch and accused was subjected to judicial custody with form and filed final report on 22.03.2025 against the accused person under sections 296(b) of BNS r/w 25(1-A) of Arms Act.

Statement of accused person under Section 351 of BNSS:

12) Concluding prosecution evidence, the accused person was questioned under section 351(b)(i) of BNSS on the basis of the incriminating materials made available against him. He denied each and every circumstance put up against him as false and prosecution witnesses are false. Neither any oral evidence nor any documentary evidence was produced on his behalf.

Gist of arguments submitted on the side of prosecution:

13) The learned Public Prosecutor would submit that through examination of PW2 to PW4, the official witnesses the prosecution established that on 17.03.2025 at 9.00 AM the accused Raja @ John peter holding knife in his hand nearby new bus stand, Mayiladuthurai uttered obscene words and threatened the public and there by beyond reasonable doubt the prosecution proved the case against the accused person and therefore he is liable to be convicted.

Gist of argument on the side of the learned defence:

14) Per contra, the learned counsel for the accused would submit that independent witness PW1 Aravindhan who is observation mahazar witness turned hostile and did not support to the prosecution case and investigation in the occurrence place and the evidence of official witnesses PW2 to PW4 was not corroborated by any other independent witnesses. More over PMO.1 knife is available in the market and CCTV footage was not recovered by PW4 and PMO1 is utilized for agricultural purpose and it is not prohibited weapon and accused was arrested near Tasmac New Bus Stand was admitted by PW4 and since complainant and investigation carried by PW4 alone against the standing order, the prosecution failed to establish the case beyond reasonable doubt and therefore the accused person is entitled to benefit of doubt and acquittal.

15) Points for determination is :

1) Whether the prosecution has proved beyond reasonable doubt that the accused person was guilty and liable for the offence under section 296(b) BNS? If so, what would be the sentence?

2) Whether the prosecution has proved beyond reasonable doubt that the accused person was guilty and liable for the offence under section 351(3)? If so, what would be the sentence?

3) Whether the prosecution has proved beyond reasonable doubt that the accused person was guilty and liable for the offence under section 25(1A) Arms Act? If so, what would be the sentence?

Points for Consideration:

16) This court has given its anxious consideration to the said contentions raised by the learned counsel for both parties and carefully perused the materials available on record. Now the main issue which this court has to decide is whether the accused had holding knife in his hand, uttered obscene words and threatened the public.

17) In the light of the above submissions, now it has to be analyzed whether the prosecution has proved the guilt on the accused person particularly the charge on the accused person under section 296(b) BNS. In order to constitute an offence under section 296(b) BNS, the following ingredients must exist.

(a) the accused did any obscene act in any public place or

(b) sang, recited or uttered any obscene songs, ballads, or words in or near any public place and

(c) that the aforesaid act or acts caused annoyance of others.

32) Next charge is that the accused has been charged with the offence under Section 351(3) BNS.

A reading of the definition of “ Criminal Intimidation” would indicate that there must be an act of threatening to another person, of causing an injury to the person, or property of the person threatened, or to the person in whom the threatening person is interested and the threat must be with intent to cause alarm to the person threatened or it must be to do any act which he is not legally bound to do or omit to do any act which he is legally entitled to do.

18) In order to constitute an offence under Section 351(3) BNS, the following ingredients are essentials:-

i) the accused threatened someone with injury to his person, reputation or property or to the person, reputation or property of another in whom the former is interested;

ii) the accused did so with intent to cause alarm to the victim of offence,

iii) the accused did so to cause the victim to perform any act which he was not legally bound to do

and the punishment prescribed with imprisonment of either description for a term which may extend to 2 years, or with fine, or with both. Further ingredients are:

1. Threatening a person with injury to his person with intent to cause alarm to that person.

2. Such threat was

- (i) to cause death or
- (ii) to cause grievous hurt, or
- (iii) to cause the destruction of any property
- (iv) to cause an offence punishable with death or imprisonment of life or
- (v) with imprisonment may extend to seven years or
- (vi) to impute unchastity to a woman.”

For securing conviction under Section 351(3) BNS, the above said essential ingredients are required to be proved beyond reasonable doubt. It is needless to say that Section 351(3) BNS provides punishment or criminal intimidation shall be imprisonment for a term which may extend to 7 years or with fine or with both.

19) Next it is to be seen whether the accused person is liable to be punished under Section 25(1A) Arms Act. In order to constitute an offence under Section 25(1A) Arms Act, the following ingredients must exist.

a) The item involved must strictly fall under the definition of "prohibited arms" or "prohibited ammunition"

b) The accused must actively acquire, have in physical or constructive possession, or carry the prohibited weapon.

c) The possession or acquisition must occur without legal authorization or in direct contravention of Section 7 restrictions.

d) The prosecution must prove that the accused had actual knowledge, consciousness, or intention regarding the possession of the prohibited weapon.

20) It is the case of the prosecution that on 17.03.2025 at 9.00 AM the accused Raja @ John peter holding knife in his hand nearby new bus stand, Mayiladuthurai uttered obscene words and threatened the public was charge sheeted under sections 296(b) of BNS and 25(1-A) of Arms Act.

21) To substantiate its case, the prosecution examined PW1 Thiru. Aravindan and PW2 – Thiru. Vimal as observation mahazar witnesses. PW1 turned hostile and

did not support the investigation of PW4 in the occurrence place and he turned hostile. PW3 Thiru Rajesh is the confession and seizure mahazar witness and PW4 Selvi. Priyanka is the Inspector of Police who investigated the case. PW2 to PW4 are Police officials and the occurrence is alleged to have taken place near New Bus Stand, Mayiladuthurai. It is alleged that accused holding knife uttered obscene words and threatened public.

22) In Ex.P3 observation mahazar it is noted that near occurrence place there is Aavin booth and on the south side of the occurrence place there is passengers bus shelter building and south of it, on the east west part there is Pattamangala street road and to that north east there is entrance of bus and to that east there is library and to that south there is two wheeler parking area and to that east there is entrance for exit of buses and to that north east there is Government building and to that north there is Municipality Rest Room and to that west there is Passengers shelter and to the west there is EB post. If at all, the occurrence is alleged to have taken place in public New Bus Stand complaint would have been lodged by any public or public would have been cited as witnesses. But PW4 Sub-Inspector is the complainant and Investigation Officer. She failed to examine any public independent witnesses to prove the offenses alleged against the accused persons. So, the evidence of PW2 to PW4 cast doubt on prosecution case. It is the bounden duty of the prosecution to prove the case beyond reasonable doubt.

In the result, the accused person is found not guilty of the offence under Sections 296(b) of BNS and 25(1-A) of Arms Act and the accused is acquitted under Section 258(1) of BNSS. The bail bond is ordered to be cancelled after the lapse of appeal period.

Property Order:

The property remanded in CP No. 19/2026 PM.O. 1. Knife length about 32 cm - 1 is ordered to be destroyed after the lapse of appeal period or if appeal pending after disposal of appeal.

Dictated to the steno-typist, directly typed by her in computer, corrected and pronounced by me in the open court this 19th day of August 2026.

District and Sessions Judge,
Mayiladuthurai.

List of witnesses examined on the side of the prosecution : -

PW1	Thiru. Aravindhan
PW2	Thiru. Sathishkumar
PW3	Thiru. Rajesh
PW4	Ms. Priyanka

List of exhibits marked on the side of the Prosecution:

ExP1	Seizure Mahazar
ExP2	Confession Statement
ExP3	Form - 95
ExP4	First Information Report
ExP5	Observation Mahazar
ExP6	Rough Sketch

List of Material Objects on the side of the prosecution:

PMO1	Knife length about 32 cm - 1
------	------------------------------

**List of Witnesses, documents and Material objects
marked on the side of the defence** : Nil

District and Sessions Judge,
Mayiladuthurai.

Judgment:

SC. No. 88 of 2025

Dated: 19.08.2026