

**IN THE COURT OF THE JUDICIAL MAGISTRATE NO.II,
MAYILADUTHURAI.**

**PRESENT: THIRU. M. RAJESHKANNA, M.A., LL.M.,
JUDICIAL MAGISTRATE NO.II,
MAYILADUTHURAI.**

2056 திருவள்ளூர்வராண்டு விசுவாவசு வருடம் மாசி திங்கள் 26 ஆம் நாள்

Dated this Tuesday the 10th day of March 2026.

STC No.772/2024

CNR. No. TNMY02-005877-2024

1. Name of the Complainant	:	State of Tamil Nadu through the Sub-Inspector of Police, Pagasalai Police Station. (Crime No.24/2024)	
2. Name of the Accused	:	1.	Balakumaran, Age 21/2024, S/o. Chitrarasan, No.126, Devar Street, Sempathaniruppu, Sirkali Taluk.
3. Date of arrest and bail of Accused		<u>Arrest / Surrendered date</u>	<u>Released on bail Date</u>
		23.05.2024	Station Bail 23.05.2024
4. Date of First Information Report	:	23.05.2024	
5. Date of Final Report	:	25.10.2024	

6. Date of framing of Charges	:	10.02.2026	
7. Substance of accusation against the Accused	:	Accused for the offense under section 294(b), 427, 506 (1) IPC.	
8. Plea of the Accused	:	Not guilty.	
9. Examination of Witnesses		<u>Date of Chief examination</u>	<u>Date of Cross examination</u>
PW1	:	16.02.2026	16.02.2026
PW2	:	16.02.2026	16.02.2026
PW3	:	16.02.2026	16.02.2026
10. Applications filed	:	1. Petition filed u/s 359 of BNSS dismissed on 16.02.2026 2. Petition filed u/s 348 of BNSS Allowed on 16.02.2026	
11. Questioning u/s 351 BNSS.	:	24.02.2026	
12. Accused absconding Details	:		
13. Stay Order Details	:		
14. Finding of the Judge	:	The Accused found not guilty	
15. Sentence or order	:	In the result, this court holds that the prosecution has miserably failed to establish the guilty of Accused. Accused found not guilty. Hence the accused is acquitted U/s. 278 (1) of BNSS from the charges against the accused U/s. 294(b), 427, 506(1) IPC.	
16. Advocate for the Prosecution	:	Tmt. G. Sivacuami	
17. Advocate for the Accused	:	Thiru. N. Brabhu	

This case having stood over for consideration before me, and coming on for final hearing in the presence of Tmt. G. Sivacuami, learned Assistant Public Prosecutor Grade - II for the state and Thiru. N. Brabhu, Advocate for the Accused, and after having considering the materials available on record, and after hearing both sides, this court delivers the following:

JUDGMENT

1. The Sub-Inspector of Police, Pagasalai Police Station has filed charge sheet stating that on 21.05.2024 at about 9.00 P.M., the accused gave him Rs.60/- after buying goods from defacto complainant Natarajan's Maligai store. There was ink on a 20 rupee note. Defecto complainant asked the accused for other money. He also asked him to give him the old balance of Rs.230. Accused abused defacto complainant in filthy language and accused damaged a Flour Packets and 90 eggs in Natarajan's shop by throwing them down and breaking them and accused threatened the defacto complainant to kill him and hence Sub-inspector of Police charged against accused u/s 294 (b), 427, 506 (i) IPC.

2. The Accused appeared on summons and prepared copies of documents and furnished the copies to the Accused. On appearance, copies furnished to Accused at free of cost u/s 230 of BNSS. When Accused was questioned about the offence alleged to has been committed by him, he denied his involvement in the commission of said offence. On hearing both side and based on the materials available on record, substance of accusation u/s 294(b), 427, 506(i) IPC as against the accused was read over, explained and when questioned, accused denied the same as false case.

3. From the side of the prosecution, totally 7 witnesses were cited and PW1 to PW3 were examined and Ex.P.1 to Ex.P.5 were marked to establish the case of the prosecution. LW2, LW4 to LW7 were dispensed by the prosecution.

4. The case observed from the evidence of Prosecution side witnesses is summarized in short of follows :-

PW1 defacto complainant Natarajan, PW2 Eye witness Rajkiran turned hostile and cross examined by the prosecution.

PW3 Sub-Inspector of police Akoram examined as additional witness. In his evidence he deposed that he personally knows the signature of Sub-Inspector of Police Murugavel and deposed on the bases of documents as additional witness. On 22.05.2024, when Sub-Inspector of police Murugavel was in duty at Pagasalai Police Station, Witness Nadarajan gave a Complaint and Sub-Inspector Murugavel registered a FIR in Cr. No.24/2024, u/s 294(b), 427, 506 (1) IPC and he inspected the occurrence place in the presence of witnesses Arumugam, Balasubramanian and prepared an Observation Mahazar and Rough Sketch and examined list of witnesses and recorded their statement. Based on the information, accused were present before Pagasalai Police Station on 23.05.2024 at about 13.00 hrs. and arrested accused and released on station bail. After completing his investigation, Sub-Inspector Murugavel filed the charge sheet against the Accused u/s 294(b), 427, 506(1) IPC.

5. After examination of 3 witnesses, Prosecution side evidence was closed. Accused was questioned U/s 351(1)(b) of BNSS about the incriminating evidence against him and Accused denied the evidence given by the prosecution witness as

false and when Accused was questioned about their side examination and he stated that he had no witness for examination on the defense side, hence defence side evidence closed.

6. Now the question for determination is that whether the prosecution successful in establishing the guilt of accused beyond all reasonable doubts ?

Point :-

7. The case of the prosecution is that on 21.05.2024 at about 9.00 P.M., the accused gave him Rs.60/- after buying goods from defacto complainant Natarajan's Maligai store. There was ink on a 20 rupee note. Defacto Complainant asked the accused for other money. Also he asked him to give him the old balance of Rs.230. Accused abused defacto complainant in filthy language and accused damaged a Flour Packets and 90 eggs in Natarajan shop by throwing them down and breaking them and accused threatened the defacto complainant to kill him and hence Sub-inspector of Police charged against accused u/s 294 (b), 427, 506 (i) IPC.

8. On the side of the prosecution PW1 defacto complainant Natarajan, PW2 Eye witness Rajkiran, PW3 Sub-inspector of Police Akoram (Additional Witness) examined and Ex.P.1 to Ex.P.5 were marked. PW1 defacto complainant Natarajan in his evidence dated 16.02.2026 deposed that “ the date and month are not remembered. On a certain day, while he was present at his shop, a few individuals damaged the goods in the shop by vandalizing the premises. Since it was night time, their identities could not be ascertained. Due to a prior disagreement with the accused, there is a suspicion that the accused might have committed the act. Based on this suspicion, the complainant has lodged a police

report against the accused. Also he deposed that he did not see the accused in the place of occurrence and the testimony provided by the witness is contradictory to the case of the prosecution, and further stated that police not enquired him and hence prosecution treated the defacto complainant as hostile and cross-examined him.

9. Further the Eye witness PW2 Rajkiran also deposed that he was not known about the occurrence and also about the case and treated as hostile by the prosecution.

10. Hence the defacto complainant and the Eye witnesses examined by the prosecution not supported the case of the prosecution. The prosecution examined PW3 Akoram (Additional witness) Investigating Officer and he deposed about the registration of the FIR based on the complaint given by PW1 Natarajan. This court felt when PW1 Natarajan not stated about the allegation mentioned in the complaint and he did not see the accused at the time of occurrence in the occurrence place, it is not safe to conclude that accused committed an offence alleged by the prosecution based on the evidence of police official alone.

11. In the result, this court holds that the prosecution has miserably failed to establish the guilty of Accused. Accused found not guilty. Hence the accused is acquitted U/s. 278 (1) of BNSS from the charges against the accused U/s. 294(b), 427, 506(1) IPC.

Dictated by me to Steno-Typist, transcribed by her, corrected and pronounced by me in open court, this the 10th day of March 2026.

Judicial Magistrate No.II,
Mayiladuthurai.

PROSECUTION SIDE WITNESSES :

PW1 - Natarajan (defacto - complainant).

PW2 - Rajkiran (Eye Witness).

PW3 - Akoram (Additional witness).

(Sub-Inspector of Police).

PROSECUTION SIDE DOCUMENTS :

Ex.P.1	23.05.2024	Signature of PW1 in the Complaint.
Ex.P.2	23.05.2024	Complaint.
Ex.P.3	23.05.2024	First Information Report.
Ex.P.4	23.05.2024	Observation Mahazar.
Ex.P.5	23.05.2024	Rough Sketch.

PROSECUTION SIDE MATERIAL OBJECTS : NIL.

ACCUSED SIDE WITNESSES, DOCUMENTS AND MATERIAL OBJECTS : NIL.

Judicial Magistrate No.II,
Mayiladuthurai.