

In the court of Hon'ble Judicial Magistrate, Sendamangalam

Presence: S. RAJA KUMARAN B.E., LL.B.,

Judicial Magistrate, Sendamangalam,

4th day of June, 2026

(2057th Thiruvalluvar year, Sri Parapava year, Vaikaasi 21st day)

Calander Case No. 35/2025

(CNR.No. TNNM-14-000172-2025)

State of Tamilnadu

Represented by

Sub Inspector of Police,

Erumapatti Police Station

-

Complainant

(In Crime No. 158 /2021)

Vs

1.Anandan (A1), S/o. Raja,

4/163, Alanganatham Post,

Sendamangalam (Tk), Namakkal Dt.

2. Malarkodi (A2), W/o. Chandran,

4/163, Alanganatham Post,

Sendamangalam (Tk), Namakkal Dt.

3. Chandra (A3), S/o. Ramasamy,

4/163, Alanganatham Post,

Sendamangalam (Tk), Namakkal Dt. -

Accused

Case summary

**(As per the Order of High Court of Madras in R.O.C No. 814/ 2020/RG/F1.
Dated 0f 07.04.2021)**

S. No	Summary	Details			
		Name of the accused	Date of remand	Date of release	
1.	Period of remand	Anandhan	-	Anticipatory bail on 24.03.2021	
		Malarkodi	-	Anticipatory bail on 24.03.2021	
		Chandran	-	Anticipatory bail on 24.03.2021	
2.	Date of filing of the final report in the court	19.03.2025			
3.	Date of committal of the case to the court of session	Not applicable			
4.	Date of questioning of the accused under section 263 of BNSS	24.06.2025			
5.	Filing of all				

	miscellaneous petitions and their results	-			
6.	Date of examination in chief and cross examination of witness	Prosecution witnesses	Name of the Witnesses	Examination in chief	Cross examination
		PW1	Poongodi	05.08.2025	05.08.2025
		PW2	Vichithra	12.08.2025	12.08.2025
		PW3	Ramasamy	21.08.2025	21.08.2025
		PW4	Muthammal	21.08.2025	21.08.2025
		PW5	Rajendran	02.09.2025	02.09.2025
		PW6	Ramarasu	23.10.2025	23.10.2025
		PW7	Dr. Saravanan	03.03.2026	03.03.2026
		PW8	Karunanithi	15.04.2026	15.04.2026
		PW9	Sekar	17.04.2026	17.04.2026
		PW10	Periyasamy	22.05.2026	22.05.2026
7.	Date of examination of the accused under section 351(1)(b) of BNSS	29.05.2026			
8.	Details of abscondence of an accused and his appearance/ production	Not applicable			
9.	Grant of stay by superior courts and their results	Not applicable			

When this case under C.C No 35 /2025 came before me for final hearing, after having tried by this court, Assistant Public Prosecutor appearing for State, Advocate Mr. A. Akilan, appearing for the accused A1 to A3, on hearing both side arguments, perusing the evidence and documents and court records of both sides, this court delivers the following

JUDGEMENT

The prosecution case is that the defacto complainant's daughter witness-2 Vichithra and accused A1 Anandhan got married and due to frequent quarrels between the Vichithra and accused A1 Anandhan, a divorce case is pending in the family court and at this juncture, on 10.02.2021 morning at 08.15 AM, when the defacto complainant Poongodi and witness Vichithra were going near seenagottai Paathai, Ramar thottam, accused A3 Raja @ Chandran uttered filthy language at the defacto complainant as "ஏண்டி தேவடியா உன் மகளை கூட்டிகிட்டு கோர்ட்டுக்கா போற" and in the course of same transaction, accused A1 Anandhan assaulted the defacto complainant Poongodi on the head with his hand and pushed her down, when the defacto complainant fell down, accused A2 Malarkodi punched the defacto complainant on the back with her hand and accused A3 Rajan @ Chandran assaulted the defacto complainant Poongodi on both her legs with spade and caused simple hurt to the defacto complainant and A3 Rajan @ Chandran, having shown the Spade, criminally intimidated the defacto complainant by stating as "இன்னைக்கு நீ தப்பித்துக்கொண்டாய் என்னைக்கு இருந்தாலும் உன்னை கொல்லாமல் விடமாட்டேன்". On the complaint statement of defacto complainant, First Information Report was registered in Erumapatti Police Station Cr.No. 158/2021 u/s 294(b), 323, 324, 506(ii) IPC. On completion of investigation,

the Sub Inspector of Police, Erumapatti Police Station filed final report against the accused A1 for the offences u/s 323 IPC and against the accused A2 for the offences u/s 323 IPC and against the accused A3 for the offences u/s 294(b), 324 and 506(ii) IPC before this court.

2. On the perusal of final report and all the other documents, since there was a prima facie case made out against accused A1 to A3, this court took the case for cognizance under C.C. No. 35/2025 and ordered to issue of summons to the accused persons. On the appearance of the accused, the copies under section 230 of BNSS were furnished to accused at free of cost.

3. Upon consideration, since this court was of the opinion that there was ground for presuming that the accused persons have committed the offences, the charges were framed in writing against the accused A1 and A2 for the offences under section 323 IPC and against accused A3 for the offences under sections 294(b), 324, 506(ii) IPC. It was read over and explained to the accused A1 to A3, and for which accused A1 to A3 pleaded not guilty and claimed themselves to be tried. Since the accused A1 to A3 claimed to be tried, the prosecution witnesses were called.

4. On the side of prosecution, the witnesses PW1 to PW10 were examined and exhibits Ex.P.1 to Ex.P.9 and P.M.O.1 was marked. No defence side witness was examined and no exhibits on the side of accused were marked.

5. The prosecution version unfolded from the evidence is as follow

5.1. In this instant case the defacto complainant Poongodi was examined as PW1 and the defaccto complainant deposed that defacto complainant's daughter

Vichithra was married to the 1st accused about 2 years ago and due to problems between Vichithra and accused A1 Anandhan, the defacto complainant's daughter returned to her house and the 1st accused had filed a divorce case and on 10.02.2021, when the defacto complainant was going in cycle, from the land situated at Bodinaikkanpatti to her house, through the pathway leading to the accused persons' land, to take her daughter to court, the accused persons were picking flowers and as they saw the defacto complainant, they questioned her that why the defacto complainant is going to court and asked her not to go to court and thereby they will get a judgement in their favour, so that they can do remarriage to their son and uttered filthy language at the defacto complainant as "தேவடியா நாதேரி கண்டாரஓலி" and the A1 Anand assaulted the defacto complainant on her back with his hand and caused injury and A2 Malarkodi held the defacto complainant by her hair and pushed her down and all the three accused started to assault the defacto complainant and A3 assaulted the defacto complainant on her right leg with spade and the three accused also threatened the defacto complainant, by saying that "என்னைக்கிருந்தாலும் உன்னை கொல்லாமல் விடமாட்டோம்" and thereafter, the accused persons left the place and the defacto complainant went to Namakkal Government Hospital along with his daughter Vichithra. The PW1 identified her signature in the complaint statement and through PW1, the complaint statement was marked as Ex.P.1. and the spade was marked as P.M.O.1.

5.2. The-PW2 Vichithra, who is the eye witness, identified the accused persons and deposed that the A1 had filed a divorce case against her and hearing for the same was posted on 10.12.2021 and the PW2 was at her grandmother's house and the PW2 mother Poongodi was in the land and PW1 contacted the PW2 over the phone and informed her that PW1 was coming from the garden to pick her

up and both of them would go to court together and morning at around 08.30 AM, when the complainant was at her grandmother's house, her grandmother Mukkayei came there and informed her that the accused persons were assaulting PW1 Poongodi and PW2 immediately rushed there and found her mother was fallen on ground and A1 showed the handle of spade and threatened the PW1 stating that he will do away the defacto complainant and thereafter accused persons left the place and on questioning PW1, PW1 stated that three accused persons had asked her not to go to court, and that if she does not go, the A1 can obtain divorce and remarry and they had assaulted her with hands and with a spade and PW1 had sustained injuries on her head, back and knee and PW2 took PW1 to Namakkal Government Hospital for treatment and PW1 took treatment as inpatient for five days.

5.3. The PW3-Ramasamy identified the accused persons and deposed that he knew the accused persons and the accused were his relatives and PW3 added that he did not know anything about the case and that the police had enquired him.

5.4. The PW4- Muthammal identified the accused persons and stated that they are relatives and deposed that two years ago around 10.00 – 11.00 AM, PW4 was picking flowers with the accused and the PW1 Poongodi came in the path from the western side and Poongodi asked the accused Malarkodi to return her bond document and for which A2 replied that she would return the document if money is given back and for which Poongodi stated that she will get the bond in a better way and uttered filthy language and left the place.

5.5. The PW5-Rajendhiran, who is the observation and seizure mahazar witness, identified his signature in both observation mahazar and seizure mahazar.

However, PW5 supported the prosecution version only with respect to the Observation mahazar and stated that five years ago, PW1 informed him that accused persons assaulted her and the police came to the scene of occurrence and prepared observation mahazar in his presence. But the PW5 has stated that he is not able to recall the reason why he signed the seizure mahazar. Through PW5, the observation mahazar was marked as Ex.P.2 and the second signature in seizure mahazar was marked as Ex.P.3.

5.6. The PW6- Ramarasu, who is another observation and seizure mahazar witness, identified his signature in both observation mahazar and seizure mahazar. However, PW6 also supported the prosecution version only with respect to the Observation mahazar and stated on 13.02.2021 evening at 05.00PM, the police came to the scene of occurrence and prepared observation mahazar in his presence. But the PW6 has stated that he is not able to recall the reason why he signed the seizure mahazar. Through PW6, the first signature in seizure mahazar was marked as Ex.P.4.

5.7. The PW7- Dr. Saravanan, who treated the defacto complainant, deposed that on 10.02.2021 at 10.20 Hrs when he was working at Emergency Care Unit at Namakkal Government College and Hospital, one Vichithra brought the defacto complainant Poongodi for the treatment and on questioning, the defacto complainant told him that on the same day at 08.15Hrs in the afternoon, three known persons assaulted her. PW7 also deposed that he admitted the defacto complainant as inpatient and diagnosed her and found that the defacto complainant had sustained an abrasion injury in her left knee. PW7 also deposed that he furnished wound certificate by certifying that wounds sustained by the defacto

complainant are simple in nature and Through PW7 the accident register cum wound certificate was marked as Ex.P.5.

5.8. PW8- Karunanithi, who was the duty officer of Erumapatti Police Station, deposed that on 13.02.2021 when he was in charge of the Erumapatti Police Station, he went to Namakkal Government Hospital upon the assault intimation of defacto complainant Poongodi and recorded the complaint statement of Poongodi and came to the Police station and registered a First Information Report in Cr. No. 158/2021 u/s 294(b), 323, 324, and 506(ii)IPC and placed the case records before Sub Inspector of Police Mr. Sekar for investigation. Through PW8, the First Information Report was marked as Ex.P.6.

5.9. PW9- Sekar, who is an investigation officer, deposed that he took the case for investigation and on 13.02.2021 at 17.00Hrs, PW9 proceeded to the scene of occurrence and prepared observation mahazar and rough sketch in the presence of witnesses Rajendhiran and Ramarasu and on the same day PW9 seized the spade which was used by the accused persons by preparing seizure mahazar and forwarded the case property to the court with Form 91 and thereafter PW9 enquired witnesses Poongodi, Vichithra, Pachamuthu, Ramasamy, Muthammal, Rajendhiran and Ramarasu and recorded their statements and placed the case records before Sub Inspector Mr. Periyasamy for further investigation. Through PW9, the rough sketch was marked as Ex.P.7 and Form-91 was marked as Ex.P.8.

5.10. PW10, who was another investigation officer in this case, deposed that he took the case for investigation and on 16.07.2021, he inquired doctor who treated the defacto complainant Poongodi and recorded his statement and obtained wound certificate. Finally, PW10 filed the final report before this Court against the

accused persons for offences u/s 294(b), 323, 324 and 506(ii)IPC. Through PW10, seizure mahazar was marked as Ex.P.9.

6. After the prosecution side evidence was closed, on questioning the accused persons about the incriminating circumstances in the prosecution evidences under section 351(1)(b) of BNSS, the accused persons denied the same as false. When they were asked whether they have any evidence in their support, they stated that there is no witness on their side. Hence, the defence side evidence was closed. with that trial was concluded.

7. The point of determination is whether the prosecution has proved the charges against the accused persons beyond all the reasonable doubt.

8. The prosecution side argued that in order to prove the charges against the accused persons, PW1 to PW10 witnesses were examined and Ex.P1 to Ex.P 9 and P.M.O.1 was marked. The prosecution evidence is cogent, coherent and reliable in establishing the prosecution case and hence the prosecution has proved the case beyond all the reasonable doubt. The prosecution thereby prayed that the accused persons may be convicted.

9. On the other hand, the defence side argued that prosecution has miserably failed to prove the case beyond all the reasonable doubts. Therefore, it was prayed that by giving the benefit of doubts, the accused persons may be acquitted.

10. Determination

10.1. In this instant case, firstly the A3 is charged with the offence u/s 294(b) of IPC. The three main ingredients for the offence u/s 294(b) of IPC are as follow

a) The filthy language,

b) The act of accused should have caused annoyance,

c) The entire transaction should have taken place in or near public place.

10.2. when it comes to the first ingredient i.e, the filthy language, PW1 in his complaint statement stated that on 10.02.2021, morning at 08.15Hrs, the A3 uttered filthy as "ஏண்டி தேவடியா கோர்ட்டுக்கு போரா நீ உன் மகளை கூட்டிகிட்டு போகலைன்னா என் மகனுக்கு சாதகமாக இன்னேரம் கேஸ் முடிந்து போய் இருக்கும்". However, PW1, in her evidence supported her complaint, stated that the accused persons uttered filthy language at her as “தேவடியா நாதேரி கண்டாரூலி”.

10.3. In Aslam @ Imran Vs The state of Madhya Pradesh (2025 LiveLaw (SC) 365), the Hon’ble Supreme Court observed that

“22. It is a settled law that enmity is a double-edged weapon. On one hand, it provides motive, on the other hand it also does not rule out the possibility of false implication.....”

10.4. In this instant case, it is expedient to note that at the time of alleged occurrence, there was a divorce case pending between the daughter of defacto complainant and A1 Anandhan. In addition, the PW4, in her evidence, deposed that two years ago around 10.00 – 11.00 AM, PW4 was picking flowers with the accused and the PW1 Poongodi came in the path from the western side and Poongodi asked the accused Malarkodi to return her bond document and for which A3 stated that she would return the document if money is given back and for which Poongodi stated that she will get the bond in a better way and uttered filthy

language and left the place. The above divorce matter and document transaction between the accused persons and defacto complainant establish the prior enmity between the parties. Hence, this court appreciated the evidence by keeping the above observation made by the Hon'ble Supreme Court

10.5. Though, the PW1, in her complaint statement, specifically alleged that A3 uttered filthy language at her, she, in her evidence has not specifically pointed out the charge against A3. Instead, the PW1, in her evidence, has commonly stated that the accused persons uttered filthy language at her.

10.6. Apart from PW1, no other eye witness has deposed with regard to the alleged usage of filthy language by the accused persons. Hence, the sole exaggerated version of PW1 cannot be relied with.

10.7. When it comes to the second ingredient i.e, the act of accused should have caused annoyance, no witness including the defacto complainant has narrated about the annoyance. Hence, the prosecution has not established the second ingredient of annoyance caused by the alleged filthy language.

10.8. When it comes to the third ingredient i.e, the entire transaction should have taken place in or near public place, it is expedient to note that the very first two ingredients of usage filthy language and causing annoyance are not proved. Since the usage of filthy language and cause of annoyance are not proved, the place of occurrence does not come into play at all. From the above discussions, it is concluded that the prosecution has failed to prove the charge u/s 294(b) of IPC.

10.9. In this instant case, secondly the A1 and A2 are charged with the offence u/s 323 of IPC i.e, A1 assaulted the defacto complainant on her head and

A2 assaulted the defacto complainant on her back and thereby caused simple injury.

10.10. In this instant case, the PW1 in her complaint statement has categorically stated that accused A1 Anandhan assaulted her on her head and accused A2 Malarkodi assaulted her on her back. The relevant portion of the complaint statement is extracted as follow

"ஆனந்தன் ஓடி வந்து கையால் தலையில் அடித்தும் நான் கீழே விழுந்துவிட்டேன். உடனே அருகில் இருந்த மலர்க்கொடி கையில் ஓங்கி முதுகில் ஓங்கி ஓங்கி அடித்தார்."

10.11. However, PW1, in her evidence deposed that A1 assaulted her on her back and A2 assaulted her on her head by holding her hair and rotating her and make her to fall down. The relevant portion of the deposition of PW1 is as follow

"ஆஜர் எதிரி ஆனந்த் கையால் எனது முதுகில் அடித்து காயத்தை ஏற்படுத்தினார். ஆஜர் எதிரி மலர்க்கொடி எனது தலைமுடியை பிடித்து சுத்தி கீழே தள்ளினார்."

10.12. On the perusal of the above versions of PW1, this court finds that PW1, has deposed the assaults of the A1 and A2 by completely reversing her previous complaint version.

10.13. Apart from PW1, no other eye witness has deposed with regard to the assault by A1 and A2. At this juncture, since the PW1 has not been consistent with her narration and no other eye witness has not supported the prosecution version in this regard, it cannot be concluded that the prosecution has proved the charge u/s 323 of IPC.

10.14. In this instant case, thirdly the A3 is charged with the offence u/s 324 of IPC i.e, A3 assaulted the defacto complainant on her legs with spade and caused simple injury.

10.15. The PW1, in her evidence, has deposed that the A3 assaulted her on her right leg with spade and caused injury. The relevant portion of deposition of PW1 are as follow

"ஆஜர் எதிரி ராஜா என்னிடம் காண்பிக்கப்படும் மம்பட்டி புடியால் எனது வலதுகாலில் அடித்து காயத்தை ஏற்படுத்தினார்."

10.16. The PW1 also identified the spade with which, A3 allegedly assaulted the defacto complainant. The same was marked as P.M.O.1. Though, the PW1, in her complaint statement stated that the A3 assaulted her both legs, PW1, in her evidence, stated that A3 assaulted only on her right leg. However, apart from PW1, no other eye witnesses supported her version.

10.17. At this juncture, it is pertinent to peruse the medical evidence. The PW7- Dr. Saravanan, in his evidence, deposed that the PW1 sustained abrasion injury in her left knee and the same was certified as simple injury. The relevant portion of deposition of PW7 is extracted here as follow,

"அவரை பரிசோதனை செய்த போது அவருக்கு இடது கால் முட்டியில் சிராய்ப்பு காயம் இருந்தது. அவரை உள்நோயாளியாக சிகிச்சையில் அனுமதித்தேன். அவருக்கு ஏற்பட்ட காயம் சாதாரண காயம் என சான்று வழங்கினேன்."

10.18. The accident register cum wound certificate was marked as Ex.P.5. On the perusal of deposition of PW7 and Ex.P.5, it is evident that the PW1 has

sustained abrasion injury on her left knee. Since PW7 has deposed that PW1 sustained abrasion injury on her left knee, the version of PW1 that the A3 assaulted her on her right leg is not cogent and coherent. Hence it is concluded that PW1's version is not supported by the medical evidence.

10.19. Since the version of PW1 is not supported by medical evidence and no other eye witnesses deposed as to the assault by A3, this court concludes that the prosecution has failed to prove the charge u/s 324 of IPC beyond all the reasonable doubts.

10.20. In this instant case, fourthly, A3 is charged with the offence u/s 506(ii) of IPC i.e, A3 criminally intimidated the defacto complainant. On the perusal of records, this court finds that PW1 in her complaint statement stated that A3 showed the spade and threatened her stating that he will do way her. However, PW1, in her evidence, has stated that all the three accused criminally intimidated her. On the perusal of records, this court finds that the PW1, has exaggerated her version from her complaint statement.

10.21. Apart from PW1, the PW2 Vichithra, who is the daughter of PW1 Poongodi, deposed that when she went to the scene of occurrence, the A1, by showing the spade, criminally intimidated the defacto complainant. Apart from PW1 and PW2, no other witness has deposed as to the criminal intimidation.

10.22. From the exaggerated version of PW1 and inconsistent narration of PW2, this court finds that the prosecution has failed to prove the charge u/s 506(ii) of IPC beyond all the reasonable doubts.

11. Finally,

Since the charges of 323 IPC against A1 and A2 and 294(b), 324 and 506(ii) IPC against A3 are not proved by the prosecution side beyond all the reasonable doubts, by giving the benefit of doubt to the accused persons, this court hereby, under section 271(1) of BNSS, acquits the A1 and A2 from the charges under sections 323 IPC and A3 from the charges under sections 294(b), 324 and 506(ii) IPC.

12. There P.M.O.1 Spade shall be destroyed on the expiry of appeal period or appeal if any. The bonds executed by the accused shall stand cancelled on the expiry of the appeal period or appeal if any.

This judgement is directly typed by me in my laptop and aligned by the Steno-typist and corrected and pronounced by me in the open court on 04.06.2026.

**Judicial Magistrate,
Sendamangalam**

List of witness On prosecution side

S.N o.	Prosecution witnesses	Name	Kind of witness
1	PW1	Poongodi	Defacto complainant
2	PW2	Vichithra	Eye witness
3	PW3	Ramasamy	Eye witness
4	PW4	Muthammal	Eye witness
5	PW5	Rajendran	Observation Mahazar and Seizure

			Mahazar witness
6	PW6	Ramarasu	Observation Mahazar and Seizure Mahazar witness
7	PW7	Dr. Saravanan	Expert witness
8	PW8	Karunanithi	Duty Officer
9	PW9	Sekar	Investigation officer
10	PW10	Periyasamy	Investigation officer

List of Exhibits marked on the Prosecution side

S.No	Exhibits	Document	Witness by whom the document is marked
1	Ex.P.1	Complaint statement	P.W.1
2	Ex.P.2	Observation mahazar	P.W.5
3	Ex.P.3	The Second signature in Seizure Mahazar	P.W.5
4	Ex.P.4	The First signature in Seizure Mahazar	P.W.6
5	Ex.P.5	Wound Certificate cum Accident Register	P.W.7
6	Ex.P.6	First Information Register	P.W.8
7	Ex.P.7	Rough Sketch	P.W.9
8	Ex.P.8	Form 91	P.W.9
9	Ex.P.9	Sizure Mahazar	P.W.10

Material Objects on the Prosecution side :

P.M.O.1- Spade- PW1

List of witness On accused side: Nil

List of Exhibits marked on the accused side: Nil

Material objects marked on the accused side: Nil

Note:

1. Judgement was pronounced in the open court in the presence of both the parties
2. The accused persons were in bail during the trial
3. No witness was called for evidence for more than three times

**Judicial Magistrate,
Sendamangalam.**

CASE SUMMARY

CC-35/2025, Cr.No. 158/2021

(CNR.No. TNNM-14-000172-2025)

ERUMAPATTI POLICE STATION

S.No	Particulars	Purpose
i	The period of remand of the accused	-
ii	The date of filing of the Complainant/Final report in the Court	19.03.2025
iii	The date of Committal of the case to the Court of Session	NIL
iv	The date of questioning of the accused as the case may be	24.06.2025

v	Filing of all miscellaneous petitions and their results including the results on challenge before superior Courts: except routine petitions like petitions under Section 317 of the Code	Petitions	CrI.O.P.No	Result
		U/s.438 of Cr.P.C	380/2021	Allowed
vi	Date of Examination in-chief and cross-examination of a witness	Witness examined as	Date of Chief Examination	Date of Cross Examination
		PW1-Poongodi	05.08.2025	05.08.2025
		PW2-Vichithra	12.08.2025	12.08.2025
		PW3-Ramasamy	21.08.2025	21.08.2025
		PW4-Muthammal	21.08.2025	21.08.2025
		PW5-Rajendran	02.09.2025	02.09.2025
		PW6-Ramarasu	23.10.2025	23.10.2025
		PW7-Dr. Saravanan	03.03.2026	03.03.2026
		PW8-Karunanithi	15.04.2026	15.04.2026
		PW9-Sekar	17.04.2026	17.04.2026
		PW10-Periyasamy	22.05.2026	22.05.2026
vii	Date of examination of the accused under section 313(1)(b) of the Code	29.05.2026		
viii	Details of abscondence of an accused and his appearance/production, as the case may be;	NIL		
ix	Grant of stay by superior Courts and the results thereof	NIL		

Judicial Magistrate,
Sendamangalam.

