

In the court of Hon'ble Judicial Magistrate, Sendamangalam

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

Judicial Magistrate, Sendamangalam,

26th day of May, 2026

(2057th Thiruvalluvar year, Sri Parapava year, Vaikasi, 12th day)

Calander Case No. 185/2025

(CNR.No. TNNM-14-000525-2025)

State of Tamilnadu

Represented by

Sub Inspector of Police,

Erumapatti Police Station

-

Complainant

(In Crime No. 40 /2025)

Vs

Manjula

-

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. N o	Summary	Details			
		Name of the accused	Date of remand	Date of release	
1.	Period of remand	Manjula	-	Accused was	

				released on station bail on 15.03.2025	
2.	Date of filing of the final report in the court	17.07.2025			
3.	Date of committal of the case to the court of session	Not applicable			
4.	Date of questioning of the accused under section 240 of Cr.P.C	05.11.2025			
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	Chithra	18.11.2025	18.11.2025
		PW2	Vairan	18.11.2025	18.11.2025
		PW3	Chinnusamy	18.11.2025	18.11.2025
		PW4	Dharmalingam	18.11.2025	18.11.2025
		PW5	Aravindh	29.01.2026	29.01.2026
		PW6	Manikandan	29.01.2026	29.01.2026
		PW7	Sivasubramani	05.02.2026	05.02.2026

		PW8	Dr. Kumaravel	19.02.2026	19.02.2026
		PW9	Sivaprakasam	05.05.2026	05.05.2026
		PW10	Subramaniam	12.05.2026	12.05.2026
7.	Date of examination of the accused under section 313 of the code	25.5.2026			
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 185 /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, 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 on 13.03.2025 at about 15.30 Hrs, at First Ambetkar Street, Erumapatti, when the defacto complainant Chithra was collecting

water from the Panchayat pipe, the accused Manjula, having a prior enmity with the defacto complainant, uttered filthy language at the defacto complainant as "ஏண்டி தேவிடியா கண்டாரஓழி உனக்கு என்னடி இங்க ரைட்ஸ் இருக்கு தண்ணீர் பிடிப்பதற்கு" and assaulted the defacto complainant with plastic water pot and kicked her and assaulted the defacto complainant with stone and caused simple injury and criminally intimidated by stating that she will do away the defacto complainant on one day or another. On the complaint statement of defacto complainant, First Information Report was registered under section 296(b), 115(2), 118(1) and 351(3) of BNS, in Erumapatti Police Station Crime No.40/2025. On completion of investigation the Sub Inspector of Police, Erumapatti Police Station filed final report against the accused under section 296(b), 115(2), 118(1) and 351(3) of BNS 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, this court took the case for cognizance under C.C. No. 185 /2025 and ordered the 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 the free of cost.

3. Upon consideration, since this court was of the opinion that there was ground for presuming that the accused person has committed the offences, the charges were framed in writing against the accused for the offences u/s 296(b), 115(2), 118(1) and 351(3) of BNS. It was read over and explained to the accused, to which accused pleaded not guilty and claimed himself to be tried. Since the accused 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.8 are 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 was examined as PW1. PW1 Chithra identified the accused and deposed that panchayath pipe line is laid down in her street and there has been a land dispute between her and the accused and on 13.03.2025, afternoon at 03.30PM, the she went to fetch water in the panchayath pipe and accused was there and when the defacto complainant was fetching water, the accused closed the water tape stating that the defacto complainant shall not collect water and when the defacto complainant questioned the accused and the accused said to the defacto complainant “you shall not collect water” and hit the defacto complainant on her head with plastic water pot and punched her head with stone and thereby defacto complainant sustained blood injury and the defacto complainant immediately informed to Vairan about the incident and he took her to hospital and complainant police came there and obtained complaint statement. Through PW1, the complaint statement was marked as Ex.P.1.

5.2. The PW2-Vairan, who was a hearsay witness, identified the accused and deposed that there has been a land dispute between him and the accused and on 13.03.2025 afternoon at 03.30PM, when the PW2 was at market, the witness Dharmalingam called him and informed him that the accused caused a problem with his wife PW1 Chithra stating that Chithra shall not fetch water from the panchayath pipe and assaulted Chithra with stone and when the PW2 came to his

house, he found that the PW1 had sustained blood injury in her head and thereby he took the PW1 to hospital.

5.3. The PW3- Chinnusamy, who was an eye witness, identified the accused and deposed that on 13.03.2025, afternoon at 03.30PM, when PW3 was coming back from work, he saw that the accused was causing problem with the PW1 Chithra stating that the PW1 shall not fetch water from the Panchayat pipe and when PW1 Chithra stated that she will fetch water in the Panchayat pipe, accused assaulted the PW1 on her head with plastic water pot and Chithra fell down and Chithra sustained blood injury in her head and witness Dharmalingam informed to the husband of Chithra and thereafter PW3 went to his home.

5.4. The PW4- Dharmalingam, who was an eye witness, identified the accused and deposed that 13.03.2025, afternoon at 03.30PM, when he went to fetch water in the panchayath pipe which is laid down in the street in which the accused house is situated, he saw that the accused and PW1 Chithra were fighting by holding others hair stating something and the bystanders separated them.

5.5. The PW5- Aravindh, who is an observation deposed that about one year ago, when he was at the Mariyamman temple in Erumapatti, morning at about 10.30AM, Police came to the scene of occurrence and prepared observation mahazar and rough sketch and PW5 signed in the observation mahazar. Through PW3, the observation mahazar was marked as Ex.P.2.

5.6. The PW6- Manikandan, who is an observation deposed that about one year ago, when he was at the Mariyamman temple in Erumapatti, morning at about 10.30AM, Police came to the scene of occurrence and prepared observation

mahazar and rough sketch and PW5 signed in the observation mahazar. The PW6, identified his signature in the Ex.P.2-Observation Mahazar.

5.7. The PW7- Sivasubramani, who is an eye witness, identified the accused and deposed that last year, third month at Thursday, evening at 03.30PM, when he was at Vinayakar temple, a problem arose between the accused and PW1 Chithra as to fetching water in the newly laid panchayath pipe and the accused assaulted the Chithra with stone and caused injury and immediately, he informed about the incident to the Chithra's husband.

5.8. The PW8- Dr. Kumaravel, who treated the defacto complainant, deposed that he is working at the Emergency unit in the Namakkal Government Medical College and Hospital and on 13.03.2025, night at 07.40PM, when he was working at Intensive Care Unit, the defacto complainant Chithra was brought by her husband Vairam for treatment and on enquiry, the defacto complainant told him that on the same day at 03.30PM, one known person assaulted her with stone. PW8 also deposed that he admitted the defacto complainant as inpatient and diagnosed him and found that the defacto complainant was suffering Contusion admeasuring 2*1 cms at her left forehead and contusion around the right eye. Through PW8, the assault intimation, accident register and wound certificate were marked as Ex.P.3, Ex.P.4 and Ex.P.5 respectively.

5.5. PW9- Sivaprakasam, who was the investigation officer of this case deposed that on 15.03.2025, morning at 09.30AM, he was in charge of the Erumapatti Police Station, he received an assault intimation from Namakkal Government Medical College and Hospital and thereby proceeded to the hospital and recorded the complaint statement from the defacto complainant Chithra and

registered a First Information Report in Cr. No. 40/2025 u/s 296(b), 115(2), 118(1) and 351(3) of BNS and took the case for investigation and on 15.03.2025 at 10.30 Hrs, PW9 proceeded to the scene of occurrence and prepared observation mahazar and rough sketch in the presence of witnesses Aravindh and Manikandan and thereafter PW9 enquired witnesses Chithra, Vairan, Sivasubramani, Chinnasamy, Dharmalingam, Aravindh and Manikandan and recorded their statements and on the same day, afternoon at 13.00PM, the PW9 arrested the accused who was standing before the Maariyamman temple in Ambetkar Nagar, Erumapatti and released her on station bail and placed the case records before the Sub Inspector of Police for further Investigation. Through PW9, the complaint statement, FIR and rough sketch were marked as Ex.P.6, Ex.P.7 and Ex.P.8 respectively.

5.10. The PW10- Subramanian, who was an investigation officer, deposed that he took the case for the further investigation and on 30.03.2025, PW10 inquired doctor who treated the defacto complainant Chithra and recorded his statement and obtained wound certificate and finally PW10 filed the final report before this Court against the accused persons for offences u/s 296(b), 115(2), 118(1) and 351(3) of BNS.

6. After the prosecution side evidence was closed, on questioning the accused person about the incriminating circumstances in the prosecution evidences under section 313(1)(b) of Cr.P.C, the accused persons denied the same as false. When he was asked whether she has any evidence on her side, she stated that she does not have any evidence on her side in her support. 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.P8 were 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 giving the benefit of doubts, the accused may be acquitted.

10. Determination

10.1. In this instant case firstly the accused 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.

10.3. when it comes to the first ingredient i.e, usage of filthy language, on the perusal of deposition of PW1, it is found that she has not stated anything about the filthy language used by the accused person. Though the defacto complainant in

her complaint mentioned that accused uttered filthy language at her, it is not supported by the PW1 Chithra.

10.4. This court also finds that other eye witnesses PW3, PW4, PW5 and PW7 have also not deposed anything about the usage of filthy language by the accused. Since, the defacto complainant and eye witnesses PW3, PW4, PW5 and PW7 have not deposed about the filthy language used by the accused, this court concludes that the first ingredient of usage of filthy language is not proved by the prosecution side.

10.5. When it comes to the second ingredient i.e, the act of accused should have caused annoyance, it is pertinent to note that the very first and important ingredient of usage filthy language itself is not proved. Since the usage of filthy language is not proved, there is no point in discussing about the annoyance which may be caused by the filthy language.

10.6. 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 and important ingredient of usage filthy language itself is not proved. Since the usage of filthy language is 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.

10.7. In this instant case, secondly the accused is charged with the offence u/s 115(2) of BNS i.e, accused assaulted the defacto complainant with plastic water pot and kicked her. The PW1 in her complaint statement stated that accused assaulted the defacto complainant with plastic water pot and kicked her. In addition, PW1 in her evidence, supported her complaint version and deposed that

the accused assaulted the defacto complainant in her head with plastic water pot. The relevant portion of deposition of PW1 is extracted as follow

"அதற்கு ஆஜர் எதிரி நீர் தண்ணீர் பிடிக்ககூடாது என்று கூறி குடத்தால் என் தலையில் இடித்தார்"

10.8. 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....."

10.9. Since there is a previous enmity between the parties as admitted by the defacto complainant herself, the prosecution side evidence must be analyzed carefully. In that course, it is expedient to go through the testimonies of the other eye witnesses and medical witness.

10.10. In this instant case, the PW3, being an eye witness, deposed that accused assaulted the defacto complainant on her head with plastic water pot. The relevant portion of PW3 are extracted as follow

"அ .சா.1 சித்ரா பஞ்சாயத்து பைப்பில் நான் தண்ணீர் பிடிப்பேன் என்று கூறியதற்கு ஆஜர் எதிரி குடத்தால் சித்ராவின் தலையில் அடித்தார். சித்ரா கீழே விழுந்துவிட்டார்."

10.11. PW7, another eye witness stated that both the defacto complainant and accused fought with each other with plastic water pot. Though testimony of PW7 is not completely supporting prosecution version, it establishes the presence

of the accused at the scene of occurrence and the fight between the accused and defacto complainant.

10.12. In addition, PW8-Dr. Kumaravel, who treated the defacto complainant deposed that PW1 sustained Contusion admeasuring 2*1 cms at her left forehead and contusion around the right eye. The above contusion injuries support the version of PW1 that accused assaulted her with plastic water pot.

10.13. The defence side argued that the PW1 has deposed scene of occurrence different from the one mentioned in the observation mahazar and rough sketch. On the perusal of Ex.P.8 rough sketch, this court finds that scene of occurrence is mentioned at a panchayath pipe situated in a four roads junction and the panchayath pipe is exactly located in front of one Kalaiselvan's house. The PW1, in her evidence, stated that the Panchayath pipe is situated in front of panchayath land located in front of the land belonging to her and her husband. The Ex.P.8 also demonstrates that the said panchayath pipe is situated on the northern side of the PW1 land and house, which is also front side to the PW1's house. Hence, the argument advanced by the defence counsel that the PW1 has changed the scene of occurrence can not be accepted.

10.14. Since the defacto complainant and other witnesses have deposed cogently as to assault by the accused with plastic water pot and the injuries of the defacto complainant is proved, this court concludes that the charge u/s 115(2) of BNS is proved against the accused beyond all the reasonable doubts.

10.15. In this case, thirdly, the accused is charged with the offence u/s 118(1) of BNS. The PW1, in her complaint stated that the accused assaulted her with stone on her left head and supported her version in during her evidence.

10.16. As already discussed, it is an admitted fact that there has been a prior enmity between the defacto complainant and accused. Hence, the defacto complainant's version shall be supported by other evidences.

10.17. The PW1's version is supported by the eye-witness PW7. However, the other eye witnesses PW3 and PW4 have not stated anything about the assault by the accused with stone.

10.18. In this instant case, PW8-Dr. Kumaravel, who treated the defacto complainant deposed that PW1 sustained Contusion admeasuring 2*1 cms at her left forehead and contusion around the right eye. If the accused person really assaulted the defaccto complainant with stone, at least there would have been an abrasion injury. But from PW8's testimony, it is apparent that the defacto complainant has sustained no abrasion.

10.19. In addition, the PW1 also deposed that upon the assault by the accused with stone, she sustained blood injury. However, no such injury is identified on PW1. Hence, it can be seen that the PW1 and PW7 is exaggerating the incident and deposed against the accused.

10.20. Moreover, this court finds that the weapon used for the assault is not seized by the investigation officer and no explanation is given regarding the non - seizure of the weapon. The non seizure of the dangerous weapon without the any explanation becomes fatal to the prosecution case.

10.21. Since the injuries are not found as deposed by the PW1 and dangerous weapon is not seized by the accused, this court concludes that the

prosecution side has failed to prove the charge u/s 118(1) BNS beyond all the reasonable doubts.

10.22. In this case on hand, fourthly accused is charged with the offence u/s 351(3) BNSS i.e, accused threatened the defacto complainant that she will do away the defacto complainant.

10.23. On the perusal of records, this court finds that defacto complainant in his complaint statement stated that accused threatened the defacto complainant by stating she will do away the defacto complainant on one day or another. However, in this instant case, the complaint statement is not substantiated by oral evidence of the defacto complainant. This court also finds that other eye witnesses PW3, PW4, PW5 and PW7 have also not deposed anything about criminal intimidation. Since, the defacto complainant and eye witnesses PW3, PW4, PW5 and PW7 have not deposed about the criminal intimidation by the accused, this court concludes that the prosecution has failed to prove the charge u/s 351(3) BNSS.

11. Finally,

Since the charge u/s 296(b), 118(1) and 351(3) of BNS against accused were not proved by the prosecution side beyond all the reasonable doubts, by giving the benefit of doubt to the accused, this court, u/s 271(1) of BNSS, finds the accused as not guilty for the offences u/s 296(b), 118(1) and 351(3) of BNS and acquits accused from the charges u/s 296(b), 118(1) and 351(3) of BNS

and

Since the charge u/s 115(2) against the accused was proved by the prosecution side beyond all the reasonable doubts, this court, u/s 271(2) of BNSS, finds the accused as guilty for the offence u/s 115(2) BNS and convicts him and imposes fine of Rs.10,000/- for the offence u/s 115(2) of BNS and in default of payment of fine, the accused shall undergo simple imprisonment for one week.

12. No case properties seized in this case. Hence, no order in that regard. The bonds executed by the accused shall stand cancelled after the expiry of the appeal period or appeal if any.

This judgment 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 26.05.2026.

**Judicial Magistrate,
Sendamangalam**

List of witness On prosecution side

S.No.	Prosecution witnesses	Name	Kind of witness
1	PW1	Chithra	Defacto complainant
2	PW2	Vairan	Hearsay Witness
3	PW3	Chinnusamy	Eye witness
4	PW4	Dharmalingam	Eye witness
5	PW5	Aravindh	Observation Mahazar witness
6	PW6	Manikandan	Observation Mahazar witness
7	PW7	Sivasubramani	Eye witness

8	PW8	Dr. Kumaravel	Doctor
9	PW9	Sivaprakasam	Investigation officer
10	PW10	Subramaniam	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	Assault intimation	P.W.8
4	Ex.P.4	Accident Register	P.W.8
5	Ex.P.5	Wound Certificate	P.W.8
6	Ex.P.6	Complaint statement	P.W.9
7	Ex.P.7	First Information Register	P.W.9
8	Ex.P.8	Rough Sketch	P.W.9

List of Material objects marked on the prosecution side: Nil

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 was in bail during the trial
3. No witness was called for evidence for more than three times

**Judicial Magistrate court,
Sendamangalam**

