

IN THE COURT OF THE JUDICIAL MAGISTRATE, KOMARAPALAYAM

**Present : Tmt.A.K.Padmapriya, B.Sc, M.L.,
Judicial Magistrate,
Komarapalayam.**

Tuesday, the 26th day of May – 2026

CC.No.112/2025

CNR No : TNNM16-000382-2025

The Sub Inspector of police,
Pallipalayam police station,
Cr.No.62/2025

... Complainant

//vs//

Bagathsingh @ Pambu (30)
S/o.Gopal,
Nagaraj Tharipattarai line,
Kotakadu,
Agraharam,
Marapalayam,
Namakkal.

Now At

D.No.4/26 KP Nagar Main Road,
Thiruvalluvar Salai,
Ramapuram,
Thiruvallur.

.... Accused

This case was taken on file on 25.04.2025 and came for final hearing before me on 19.05.2026 in the presence of **Tmt. A.Udayabanu, Assistant Public Prosecutor**, the learned counsel for the complainant and **Thiru.U.Elango**, the learned counsel for the accused and upon hearing both side arguments and on perusing the entire records and having stood over for consideration of the said case till date, this court doth the following

JUDGMENT

1. The Sub Inspector of police of Pallipalayam police station had filed this final report stating that on 02.03.2025 at 09.00 hours., while the defacto complainant Vadivel was standing infront of Rahmath Backery near Avathipalayam bus stop within the jurisdiction of Pallipalayam police station, the accused who had came there had threatened him to take amount from his pocket with intention of extorting amount from the defacto complainant and when the defacto complainant had stated that he do not have amount and shouted, the accused had shown the knife to him and intimidated to put him to death and thereby, the accused had committed offence punishable under section 308(4), 351(3) of BNS.

2. This court on perusal of the material records had on satisfaction had taken cognizance of the offence under U/s.308(4), 351(3) of BNS. Upon appearance of the accused, copies of documents relied on the side of the prosecution was furnished to him under section 230 of BNSS. On perusal of the materials placed by the prosecution, this Court felt that the materials placed by the prosecution were sufficient and adequate to presume prima facie case has been made out against the accused and the substance of accusation was explained to the accused in tamil. The accused had denied the same as false case and pleaded not guilty and claimed to be tried. Thereupon, the case was adjourned for examination of the prosecution witnesses.

3. In order to prove the guilt of the accused, the prosecution had examined two witnesses as PW1 to PW2 and marked documents as EX.P.1 to EX.P.7. The Material object was marked as M.O.1.

4. The case of the prosecution as deposed by the prosecution witness is as follows:

4.1. The defacto complainant Vadivel was examined as PW1. PW1 had deposed as that he is residing at Pallipalayam and working working at Samayasangili TASMACH

Shop. While PW1 had went to police station for his personal work, the police had obtained signature in unfilled paper. PW1 had admitted the signature in the complaint and had denied the contents in the complaint. PW1 was declared to be hostile by the prosecution.

4.2. According to the case of the prosecution, on 02.03.2025 at 09.00 hours., while PW1 Vadivel was standing infront of Rahmath Backery near Avathipalayam bus stop within the jurisdiction of Pallipalayam police station, the accused who had came there had threatened him to take amount from his pocket with intention of extorting amount from PW1 and when PW1 had stated that he do not have amount and shouted, the accused had shown the knife to him and intimidated to put him to death. PW1 had then lodged **EX.P.1 Complaint** before Selvam, Special Sub Inspector of Police on 02.03.2025 at 10.00.a.m. Selvam, Special Sub Inspector of Police had received the complaint and had registered **EX.P.3 FIR** in Crime No.62/2025 u/s 308(4), 351(3) of BNS and sent the FIR to the Court of Judicial Magistrate, Komarapalayam and placed the case file before PW2 Malarvizhi, Sub Inspector of Police for investigation. PW2 took up the case for investigation and went to the scene of occurrence on 02.03.2025 at 11.15.a.m., and inspected the scene of occurrence and prepared **EX.P.4 Observation mahazar** and **EX.P.5 Rough sketch** in the presence of witnesses Krishnan and Logarajan. PW2 had seized M.O.1 Knife on preparation of **EX.P.6 Seizure Mahazar** in the presence of witnesses Krishnan and Logarajan. PW2 had examined and recorded the statement of PW1 and witnesses Kumar, Silambarasan, Krishnan, Logarajan. Accused was not arrested as he had obtained anticipatory bail. PW2 had then produced the property seized to the court on preparation of **EX.P.7 Form-91**. On completion of the investigation, PW2 had laid down final report against the accused u/s 308(4), 351(3) of BNS on 18.03.2025.

5. On completion of prosecution evidence, the incriminating materials available on records, as deposed by the prosecution witnesses, have been explained and

questioned the accused u/s 351(1)(b) of BNSS for his answers. The accused denied his complicity of incriminating circumstances appeared against him and he has stated that it is false case foisted against him. The accused stated that he has no defence witness and after recording the same, this court heard both sides. The evidence of witnesses and material records have been perused.

6. THE POINT FOR CONSIDERATION:

Whether the prosecution had proved the charges under section 308(4), 351(3) of BNS as against the accused with relevant evidence and documents beyond all the reasonable doubt ?

7. ANSWER TO THE POINT:

7.1. The charge against the accused is that on 02.03.2025 at 09.00 hours., while the defacto complainant Vadivel was standing in front of Rahmath Backery near Avathipalayam bus stop within the jurisdiction of Pallipalayam police station, the accused who had came there had threatened him to take amount from his pocket with intention of extorting amount from the defacto complainant and when the defacto complainant had stated that he do not have amount and shouted, the accused had shown the knife to him and intimidated to put him to death and thereby, the accused had committed offence punishable under section 308(4), 351(3) of BNS.

7.2. To prove the accusation against the accused, the prosecution had relied upon the oral evidence of PW1 to PW2 and EX.P.1 to EX.P.7. The learned counsel for the prosecution had contended that the prosecution had proved its case beyond reasonable doubt through the oral and documentary evidence. The learned counsel for the accused contended that the said case is falsely lodged against the accused for statistical purpose and no occurrence had taken place as stated by the prosecution and prayed for acquittal of the accused.

7.3. The defacto complainant Vadivel was examined as PW1. PW1 had deposed as that The defacto complainant Vadivel was examined as PW1. PW1 had deposed as that he is residing at Pallipalayam and working working at Samayasangili TASMACH Shop. While PW1 had went to police station for his personal work, the police had obtained signature in unfilled paper. PW1 had admitted the signature in the complaint and had denied the contents in the complaint. PW1 was declared to be hostile by the prosecution. PW1 was cross examination of prosecution and nothing elicited infavour of the prosecution on cross examine PW1. Though PW2 had deposed about the fact of investigation, the same cannot be taken up into consideration for the reason that PW1 who is the victim himself had not stated about the occurrence. Considering the foregoing discussion made, this court concludes that the prosecution failed to prove the charges under section 308(4), 351(3) of BNS against the accused beyond reasonable doubt.

8. Finally, in view of the above discussion made, this Court holds that the prosecution had not proved the charge u/s 308(4), 351(3) of BNS as against the accused beyond reasonable doubt and the accused is acquitted u/s 271(1) of BNSS. The property M.O.1-Knife seized in C.P.No.57/2025 to be destroyed after the lapse of appeal time.

Directly typed by me in the Computer and corrected by me and the Judgment pronounced in the open court on the 26th day of May 2026.

**Judicial Magistrate,
Komarapalayam.**

Prosecution side witnesses:-

PW1	Thiru.Vadivel S/o.Kandasamy (The defacto complainant)
PW2	Tmt. Malavizhi (The Sub Inspector of Police, Investigating Officer)

Prosecution side Exhibits:- Judicial Form No.68

S.No of the exhibit	Description of the exhibit and its date	Date, When the exhibit was filed in the case	How marked	By Whom filed	Remarks
1.	Signature of the Complaint	14.05.2026	Exhibit P1	PW1	Original
2.	Complaint Statement	14.05.2026	Exhibit P2	PW2	Original
3.	FIR	14.05.2026	Exhibit P3	PW2	Original
4.	Observation Mahazer	14.05.2026	Exhibit P4	PW2	Original
5.	Rough Sketch	14.05.2026	Exhibit P5	PW2	Original
6.	Seizure Mahazer	14.05.2026	Exhibit P6	PW2	Original
7.	Form 91	14.05.2026	Exhibit P7	PW2	Original

Material Objects:-

1.	Knife	14.05.2026	M.O.1	PW2	Original
----	-------	------------	-------	-----	----------

Defence side Witness and Exhibits:- -Nil-

**Judicial Magistrate,
Komarapalayam.**

Note:

- 1) During the trial of the case, the accused was on bail and the bail bond executed by the accused shall stand cancelled.
- 2) No witnesses had been called for evidence more than three days.
- 3) Result of the judgment had been informed to the Prosecution/concerned police.

**Judicial Form No.61
(See Rule 106)**

**IN THE COURT OF THE JUDICIAL MAGISTRATE COURT,
KOMARAPALAYAM.**

JUDGMENT IN CC.No.112/2025

ON THE FILE OF THE JUDICIAL MAGISTRATE COURT, KOMARAPALAYAM.

Complainant :		The Sub Inspector of police, Pallipalayam police station, Cr.No.62/2025					
Accused :		Bagathsingh (30), S/o.Gopal					
Offence :		U/s 308(4), 351(3) BNS Act					
Finding :		The court finds the accused not guilty.					
Sentence/ order :		This Court holds that the prosecution had not proved the charge u/s 308(4), 351(3) of BNS as against the accused beyond reasonable doubt and the accused is acquitted u/s 271(1) of BNSS. The property M.O.1-Knife seized in C.P.No.57/2025 to be destroyed after the lapse of appeal time.					
Description of the Accused							
Sl. No	Name	Father's Name		Occupation	Residence Address		Age
(1)	(2)	(3)		(4)	(5)		(6)
1.	Bagathsingh	S/o.Gopal		Driver	D.No.4/26 KP Nagar Main Road, Thiruvalluvar Salai, Ramapuram, Thiruvallur		30/2025
DATE OF							EXPLANATION OF DELAY
Offence	Report of complaint	Apprehension of accused	Release on bail	Commencement of trial	Close of trial	Sentence or order	Date of FIR 02.03.2025 Charge Sheet : 18.03.2025 T.O.F. : 25.04.2025
(7)	(8)	(9)	(10)	(11)	(12)	(13)	
02.03.2025	02.03.2025	Anticipatory bail	-	14.05.2026	19.05.2026	26.05.2026	

**Judicial Magistrate,
Komarapalayam.**

CASE SUMMARY				
Sl. No.	Description	Remarks		
1.	Period of Remand of the Accused	-		
2.	The date of filing of the Complainant/final report of the Court	25.04.2025		
3.	The date of committal of the case to the court of Session	Nil		
4.	The date of questioning of the accused under Sections 228,240,246,251 of the Code of Criminal Procedure. 1973, as the case maybe	18.11.2025		
5.	Filing of miscellaneous petitions an their results inculding the results on challenge before superior Courts. Except routine petitions like petitions under Section 317 of the code	Nil		
6.	Date of examination in-chief and cross-examination of a witness	Witness	Chief	Cross
		PW1	14.05.26	14.05.26
		PW2	14.05.26	14.05.26
7.	Date of examination of the accused Under Section 313 of the code	19.05.2026		
8.	Details of abscondence of an accused and his appearance/production, as the case maybe	Nil		
9.	Grant of stay by Superior Courts and the results thereof	Nil		

**Judicial Magistrate,
Komarapalayam.**