

IN THE COURT OF THE JUDICIAL MAGISTRATE, OMALUR, SALEM

Present: S. SHARMILA B.A.B.L.(Hons.) L.L.M.
Judicial Magistrate, Omalur.

Tuesday, the 21st day of April, 2026

SUMMARY TRIAL CASE NO: 2739/2025

in

CNR NO: TNSA100053792025

STATEMENT AS PER RULE 106 OF CRIMINAL RULES OF PRACTICE, 2019

1.	Serial Number	Summary Trial Case No:2739/2025
2.	Name of the Police Station and the Crime Number of the offence	State of Tamil Nadu represented by, Sub - Inspector of police, Omalur Police Station in Crime No.374/2025 u/s.294(b), 117(2), 351(2) of Bharatiya Nyaya Sanhita, 2023
3.	Name, and Father's name of the accused	A1.Mr.Sathiyamoorthy (33/26) , (Labourer), S/o.Pachiyappan, Boominaickenpatty Colony, Pagalpatty Village, Omalur Tk, Salem Dt.
4.	Occupation	
5.	Residence	
6.	Age	A2.Mr.Sathiyakumar (36/26) , (Labourer), S/o.Pachiyappan, Boominaickenpatty Colony, Pagalpatty Village, Omalur Tk, Salem Dt. A3.Mr.Sabinkumar (33/26) , (Labourer), S/o.Devan, Boominaickenpatty Colony, Pagalpatty Village, Omalur Tk, Salem Dt. A4.Mr.Ragupathi (32/26) , (Labourer), S/o.Kathirvel, Boominaickenpatty Colony, Pagalpatty Village, Omalur Tk, Salem Dt.
7.	Date of Occurrence	08.07.2025

8.	Date of Complaint (Date of final report)	23.08.2025
9.	Date of filing final report	04.09.2025
10.	Date of Apprehension	A1, A2 , A3, A4 - Accused were arrested 16.07.2025
11.	Date of Release on bail	A1, A2, A3, A4 - Accused were released on Police Station bail on 16.07.2025
12.	Commitment	Not applicable
13.	Commencement of Trial	18.11.2025
14.	Charges framed against accused	A1 - u/s.296(b), 351(2), 117(2) of Bharatiya Nyaya Sanhita, 2023. A2 - u/s.351(2), 117(2) of Bharatiya Nyaya Sanhita, 2023. A3, A4 - u/s.117(2) of Bharatiya Nyaya Sanhita, 2023.
15.	Closure of Trial	17.04.2026
16.	Sentence or Order	<p>In the result, the accused A1 (Sathiyamoorthy) is FOUND NOT GUILTY of the offence under section 296(b), 351(2), 117(2) of Bharatiya Nyaya Sanhita, 2023 and accused A2 (Sathiyakumar) is FOUND NOT GUILTY of the offence under section 351(2), 117(2) of Bharatiya Nyaya Sanhita, 2023 and accused A3(Sabinkumar), A4(Ragupathi) are FOUND NOT GUILTY of the offence under section 117(2) of Bharatiya Nyaya Sanhita, 2023 Hence both accused are ACQUITTED of the charges framed against them under section 271(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023.</p> <p>Earlier bond executed by the accused shall stand cancelled. The accused shall execute a fresh bond under section 481 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for their appearance before the appellate Court and the bond shall be in force for a period of 6 months.</p> <p>No property was produced on both sides. Hence no order relating to property is made under section 498 of Bharatiya Nagarik Suraksha Sanhita, 2023.</p>

17.	Service of copy of judgment or finding on accused	No. Judgment is forthwith uploaded in e-courts portal.
18.	Explanation of delay	No delay.

In this case cognizance was taken on 04.09.2025 and came up for final hearing on 17.04.2026 before this court, in the presence of Mr.M.Suresh Assistant Public Prosecutor, for State and Advocate Mr.C.Logesh Prabhu, M/S.No. 7835/2023 Counsel for the accused, having stood over for consideration till this day, upon perusing the records and hearing both side argument, this Court doth delivers the following:

JUDGMENT

1. This case was instituted on the police report under section 193(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 for offence under section 294(b), 117(2), 351(2) of Bharatiya Nyaya Sanhita, 2023 against the accused.

I. BRIEF OF PROSECUTION CASE

2. The case of the prosecution, in brief, is that the de-facto complainant and the accused persons are residents of Boominayakenpatty. On 08.07.2025 at about 05.00 p.m., when the de-facto complainant and his friend Prabhakaran were conversing near the Kalaiyamman Temple at Boominayakenpatty, the accused Sathyamoorthy came there and abused the de-facto complainant in filthy language. Then all accused persons assaulted the de-facto complainant with hands causing grievous injury. The accused persons Sathyamoorthy and Sathyakumar criminally intimidated them with dire consequences.
3. Thereafter the de-facto complainant was admitted in Omalur Government Hospital where his statement was recorded and First Information Report was registered in crime number 374/2025. On completion of investigation, final report was filed against the accused for offence under section 296(b), 351(2), 117(2) of Bharatiya Nyaya Sanhita, 2023.

II. COGNIZANCE AND CHARGES

4. Upon scrutiny, this Court took cognizance of the offence under section 210(1)(b) of the Bharatiya Nagarik Suraksha Sanhita, 2023. On appearance of the accused, copies were furnished to them free of cost under section 230 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Upon hearing both sides, charges were framed against the accused under the following heads:

Ranking of accused	Charges framed
A1 – Sathyamoorthy	u/s.296(b), 351(2), 117(2) of Bharatiya Nyaya Sanhita, 2023
A2 - Sathyakumar	u/s.351(2), 117(2) of Bharatiya Nyaya Sanhita, 2023
A3 – Sabinkumar A4 – Ragupathy	u/s.117(2) of Bharatiya Nyaya Sanhita, 2023

5. The above charges were read and explained to the accused and they were questioned under section 263(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 as to whether they plead guilty of the offence or not. The accused denied the charges and claimed to be tried.

III. EVIDENCE OF THE PROSECUTION

6. On the side of the prosecution, out of 10 witnesses mentioned in the list of witness 6 were examined. P.W.1 is the injured witness. P.W.2 and P.W.3 is the eye witness in this case. P.W.4 and P.W.5 are the witnesses to observation mahazar. P.W.6 is the Investigating Officer. Ex.P:1 to Ex.P:9 were marked. L.W.6 and L.W.7 were dispensed at request of the learned Assistant Public Prosecutor. No property was produced on either side.

IV. EXAMINATION UNDER SECTION 351 (1) (b) OF THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023

7. After the prosecution evidence, the accused were questioned as to incriminating

materials appearing against them in terms of section 351(1) (b) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and they denied the same as false. However, they did not adduce any evidence on their side.

V. POINTS FOR DETERMINATION

I. Whether the prosecution has proved beyond reasonable doubt that the accused have committed the offences charged against them?

II. If proved what shall be the sentence?

VI. APPRECIATION OF EVIDENCE

8. As per the prosecution case the accused abused the de-facto complainant, attacked him with hands and criminally intimidated him. Hence charges were framed against the accused under 296(b), 351(2), 117(2) of Bharatiya Nyaya Sanhita, 2023.
9. P.W.1 (Manikandan) is the de-facto complainant and the victim in this case. He deposed that the accused persons are his acquaintance. He stated that, about one year prior to his examination, there was a commotion near the temple in their village and the place was crowded. He further deposed that the accused were also present among the crowd. P.W.1 stated that when he went near the gathering, he fell down in the congestion and sustained injuries. He deposed that he was thereafter admitted to the Salem Government Hospital for treatment.
10. P.W.1 further deposed that while he was undergoing treatment in the hospital, the police enquired him and that he informed them that he suspected the accused. He stated that the police obtained his signature after enquiry, but he was not aware of the contents of the document signed by him. His signature in the complaint was marked as Ex.P.1. He further deposed that the matter was subsequently settled amicably between himself and the accused. During cross-examination, he admitted that he had lodged the complaint only on suspicion. Significantly, P.W.1 has not attributed the injury sustained by him to any specific overt act on the part of the accused.

- 11.P.W.2 (Parthiban) and P.W.3 (Karuppu Chetty), are examined as an eye-witness and they deposed that they had only hearsay knowledge regarding the alleged occurrence and claimed that they had no direct knowledge of the incident. They categorically stated that they do not know the aggressor and the victim in the incident. They also affirmed that they had stated the same during the course of police investigation.
- 12.P.W.4 (Perumal) and P.W.5 (Alamelu), who were cited as witnesses to the Observation Mahazar, deposed that, about two years prior, the police had obtained their signatures on certain documents when they were near the Kalaiyamman Temple. However, they categorically stated that they were unaware of the contents of the documents and had no knowledge regarding the purpose for which their signatures were obtained. They failed to depose about the preparation of the Observation Mahazar and Rough Sketch in their presence.
- 13.Therefore, independent witness turned hostile to the prosecution and cross examination of the witness by calling party was permitted as per section 157 of Bharatiya Sakshya Adhiniyam, 2023. However, no evidence was extracted in favour of prosecution case, during cross examination of P.W.1 to P.W.5. Further no other independent witnesses mentioned in the list of witnesses were examined by the prosecution.
- 14.In the absence of any allegation of assault or corroborative evidence connecting the injury to any overt act of the accused, the testimony of P.W.1 does not establish the essential ingredients of the offences alleged. Her evidence, taken as a whole, does not inspire confidence and is insufficient to fasten criminal liability on the accused.
- 15.Failure on the part of prosecution to examine any other witness, who was present at the scene of crime is a vital flaw. When the de-facto complainant turned hostile to the prosecution case, the other witnesses mentioned in the list of witnesses were not examined, the guilt of the accused stands not proved. Failure of the prosecution to

produce the best evidence when available is fatal to the case and gives rise to adverse presumption under Illustration (g) of section 119 of Bharatiya Sakshya Adhiniyam, 2023.

16. The Sub Inspector of police, Omalur Police Station Mr. Mariyappan, was examined as P.W.6. He deposed about recording of complaint, registration of First Information Report, preparation of observation mahazar and rough sketch. Complaint was marked as Ex.P.4, First Information Report was marked as Ex.P.5, observation mahazar was marked as Ex.P.6, rough sketch was marked as Ex.P.7 through P.W.6.

17. The accident register along with wound certificate of P.W.1 was marked as Ex.P.8. He further deposed that on receipt of the wound certificate disclosing grievous injury the offence was altered to one under section 117(2) from 115(2) of BNS. the alteration report was marked as Ex.P.9. On perusal of the medical records, it appears that P.W.1 sustained grievous injury. Though it appears that P.W.1 sustained injury, the testimony of prosecution witnesses does not attribute those injuries to the overt act of the accused persons. Therefore, it was argued that P.W.1 sustained injury by accidental fall in congestion. In fact, the same was admitted by P.W.1 in his evidence before this Court.

18. In such circumstances, when the victim has turned hostile to the prosecution case, in the absence of an independent witness it is unjust to convict the accused on the sole basis of the evidence of P.W.6. Above all, it is the settled law that presumption of innocence is a fundamental right forming part of fair trial guaranteed under Article 21 of the Constitution of India.

19. In **Ashish Batham v. State of M.P.** [2002 (7) SCC 317], the Hon'ble Supreme Court of India, while discussing on the presumption of innocence observed the following:

“Mere suspicion, however strong or probable it may be, is no effective substitute for the legal proof required to substantiate the charge of commission

of a crime and graver the charge is, greater should be the standard of proof required. Courts dealing with Criminal cases at least should constantly remember that there is a long mental distance between ‘may be true’ and ‘must be true’ and this basic and golden rule only helps to maintain the vital distinction between ‘conjectures’ and ‘sure conclusions’ to be arrived at on the touchstone of a dispassionate judicial scrutiny based upon a complete and comprehensive appreciation of all features of the case as well as quality and credibility of the evidence brought on record.”

20. In the light of the above judgment, on careful examination of the material evidence produce by the prosecution, there is no probability leading to the guilt of the accused. The prosecution should prove the guilt of accused beyond reasonable doubts and there should be no other hypothesis inconsistent with the guilt of the accused. Here, the case is based on the evidence of P.W.6 alone, who is an official witness giving evidence based on records prepared by the investigating officer.

21. It is a settled principle of criminal jurisprudence that the burden of proof lie on the prosecution and it has to prove a charge beyond reasonable doubt. The presumption of innocence and the right to fair trial are twin safeguards available to the accused under our criminal justice system. Therefore, on considering the evidence of material witness, exhibits, this Court is of the view that there is no proof attributing to the guilt of the accused. Therefore, the accused is entitled to benefit of doubt.

VII. DECISION

22. In the result, **the accused A1 (Sathiyamoorthy) is FOUND NOT GUILTY** of the offence under section 296(b), 351(2), 117(2) of Bharatiya Nyaya Sanhita, 2023 and accused **A2 (Sathiyakumar) is FOUND NOT GUILTY** of the offence under section 351(2), 117(2) of Bharatiya Nyaya Sanhita, 2023 and accused **A3(Sabinkumar), A4(Ragupathi) are FOUND NOT GUILTY** of the offence under section 117(2) of Bharatiya Nyaya Sanhita, 2023 Hence both accused are **ACQUITTED** of the charges

framed against them under section 271(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

23. Earlier bond executed by the accused shall stand cancelled. The accused shall execute a fresh bond under section 481 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for their appearance before the appellate Court and the bond shall be in force for a period of 6 months.

24. No property was produced on both sides. Hence no order relating to property is made under section 498 of Bharatiya Nagarik Suraksha Sanhita, 2023.

This judgment was directly typed by me in my official laptop and after correcting typographical errors, pronounced by me in the open Court on this, the 21st day of April, 2026.

Judicial Magistrate,
Omalur.

LIST OF PROSECUTION SIDE WITNESSES:

S.No	Witness	Name of Witness	Description	Date of Examination
1.	P.W.1	A.Manikandan	First Informant	10.04.2026
2.	P.W.2	A.Parthiban	Eye Witness	10.04.2026
3.	P.W.3	M.Karuppu Chetty	Eye Witness	17.04.2026
4.	P.W.4	R.Perumal	Observation Mahazar witness	17.04.2026
5.	P.W.5	P.Alamelu	Observation Mahazar witness	17.04.2026
6.	P.W.6	G.Mariyappan	Investigating Officer	17.04.2026

LIST OF PROSECUTION SIDE EXHIBITS:

S. No.	Exhibit	Date of exhibit	Description of Exhibit	Marked through
1.	Ex.P.1	09.07.2025	Signature of P.W.1 in Complaint Statement	P.W.1
2.	Ex.P.2	10.07.2025	Signature of P.W.4 in Observation Mahazar	P.W.4
3.	Ex.P.3	10.07.2025	Signature of P.W.5 in Observation Mahazar	P.W.5
4.	Ex.P.4	10.07.2025	Complaint Statement	P.W.6
5.	Ex.P.5	09.07.2025	First Information Report	P.W.6
6.	Ex.P.6		Observation Mahazar	P.W.6
7.	Ex.P.7	10.07.2025	Rough Sketch	P.W.6
8.	Ex.P.8	08.07.2025	Accident register along with wound certificate Manikandan in Government Hospital, Omalur	P.W.6
9.	Ex.P.9	23.08.2025	Alteration report	P.W.6

Defence side list of witness: Nil
Defence side list of exhibits: Nil
Material object: Nil

Anexure: Case Summary

Note: -

- 1.No witness has been retained for more than three times.
2. Accused remained on bail at the time of trial.
3. Result of this case is informed to the concerned police station.

Judicial Magistrate,
Omalur.

CASE SUMMARY

S.No.	Description	Remarks		
1.	Period of remand of the accused	Nil		
2.	The date of filing of the Complaint/final report in the Court	04.09.2025		
3.	The date of committal of the case to the court of Session	Not applicable		
4.	The date of questioning of the accused under section 263 of the Bharatiya Nagarik Suraksha Sanhita, 2023	07.01.2026		
5.	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	CMP No	Petition	Result
		1329/2026	Advance Hearing Petition	Allowed
6.	Date of examination in-chief and cross-examination of a witness	Witness	Chief	Cross
		P.W.1	10.04.2026	Hostile
		P.W.2	10.04.2026	Hostile
		P.W.3	17.04.2026	Hostile
		P.W.4	17.04.2026	Hostile
		P.W.5	17.04.2026	Hostile
		P.W.6	17.04.2026	17.04.2026
7.	Date of examination of the accused under section 351(1)(b) Bharatiya Nagarik Suraksha Sanhita, 2023	17.04.2026		
8.	Details of abscondence of an accused and his appearance/production, as the case may be	Nil		
9.	Grant of stay by superior Courts and the results thereof	Nil		

Judicial Magistrate,
Omalur.