

In the Court of Judicial Magistrate No.III, Thoothukudi.

Present: Thiru. M. VIJAYRAJKUMAR, B.A., B.L., (Hons),
Judicial Magistrate No. III,
Thoothukudi

திருவள்ளூர் ஆண்டு 2057 தமிழ் ஸ்ரீ பரபவ ஆண்டு ஆனி மாதம் 24-ஆம் நாள் புதன்கிழமை

Wednesday, the 08th day of July 2026

CALENDAR CASE No.975/2023

(Cr. No.544/2022, North P. S.)

(CNR No:TNTT02-010593-2023)

State of Tamilnadu represented by

Sub-Inspector of police,

North P.S,

Thoothukudi

Crime No.544/2022

....Petitioner

//Vs//

Gladston, S/o. Kanthan

.... Accused

This case was taken on file by this Court on 23.05.2023 and it is coming up for final hearing on 08.07.2026 before me in the presence of Assistant Public Prosecutor Grade-II for complainant and accused appeared and Thiru. S. Raja B.Com., B.L., the learned counsel for the accused and upon perusal of records and on hearing both the sides and having stood over till this day for consideration, this Court delivered the following:

JUDGEMENT

S.No.	Statement of Particulars as per Criminal Rules of Practice,2019- Rule 106	
1.	Name of the Police Station and Crime Number of the offence	Sub-Inspector of police, North P.S, Thoothukudi Crime No.544/2022
2.	Description of the accused	Gladston, (Age 38/2022) S/o. Kanthan 233, North Raja Street, Thoothukudi
3.	Date of occurrence	13.12.2022
4.	Date of Complaint	19.12.2022
5.	Date of apprehension	19.12.2022
6.	Date of release on bail	20.12.2022
7.	Date of filling of final Report	30.03.2023
8.	Date of commencement of trial	15.04.2024
9.	Date of Framing of Charges	15.04.2024
10.	Date of Examination of witness	P.W1 to P.W3 – 22.06.2026 P.W4-29.06.2026
11.	Date of questioning the accused u/s.313(1)b)Cr.P.C	06.07.2026
12.	Date of closure of trial	06.07.2026
13.	Date of Sentence or order	08.07.2026
14.	Service of copy of judgement or finding on accused	Accused is acquitted from the offence u/s 294(b),323,324,506(ii) IPC and 4 of TNPHW Act, u/s 248(1) Cr.P.C
15.	Explanation of delay	-

The Brief of the case as per the final report:

1. The complaint in this case is that there will be a pathway problem often happening between them. On 13.12.2022 at about 07.00a.m., when the de facto complainant was cleaning the waste in the public way surrounding at Vadakkuraja Street, Thoothukudi, the accused came there with deadly weapon and uttered filthy languages against her and to this the accused assaulted on her left hand wrist by using

deadly iron weapon and pushed her and she fell down it and caused swelling injury on her. And to this the accused threatened her to death. Hence, this case is filed against him u/s 294(b),323,324,506(ii) IPC and 4 of TNPHW Act.

2. This case was taken on file by this court on 23.05.2023 as CC.No.975/2023 for offence under Sections 294(b),323,324,506(ii) IPC and 4 of TNPHW Act and the accused appeared and the accused person was furnished with copies of the case documents of free of cost as implicated under section 207 Cr.P.C.

3. On appearance of the accused before this Court and upon perusing the material records placed before this Court there was *prima facie* case made out against the accused to proceed further and accordingly charges were framed against the accused, under sections 294(b),323,324,506(ii) IPC and 4 of TNPHW Act and read over and explained to the accused person. He denied the charges and he pleaded not guilty and claimed to be tried. Hence, this Court has ordered prosecution to let in evidence.

4. On the side of prosecution to prove the guilt of the accused PW1 to PW4 were examined and Exhibit P1 to P7 were marked.

5. It is case of the prosecution that when LW.8 was serving as the SI of Police in North Police Station, on 19.12.2022 at about 09.00hrs., the de facto complainant appeared and lodged a complaint which is marked as Ex.P3 and FIR was filed based on the complaint and the intimation received from the hospital which is marked as Ex.P.4. Thereafter, IO took the case for investigation, he went to the place of occurrence on the same day at about 10.00hrs., and inspected the same in presence of L.W6 and L.W.7 and prepared observation Mahazar Ex.P5 and Rough sketch Ex.P6. He enquired the witnesses and recorded their statements in a separate manner. Thereafter, when he was searching the accused, on 19.12.2022 at about 13.00 hrs., the accused was arrested near to Mattakadai junction, Thoothukudi and was remanded to the judicial custody. And he also enquired the doctor who treated the injured person and obtained wound certificate which is marked Ex.P. 7. Thereafter, on 30.03.2023 charge sheet was laid

against the accused and it is submitted before this Court for offences under sections 294(b),323,324,506(ii) IPC and 4 of TNPHW Act.

6. The accused person was questioned under section 313(1)(b) Cr.P.C., about the incriminating evidence let in by prosecution, accused denied and he pleaded not guilty and also an endorsement was made to the effect that they had no evidence on defence side.

7. The learned Assistant Public Prosecutor appeared for the prosecution has argued that this case has been proved beyond the reasonable doubt through PW.1 to PW.4 and prays for maximum sentence and the learned counsel for the accused argument is also heard.

8. **Point for consideration:**

Whether the prosecution has proved the guilty of the accused beyond reasonable doubts?

9. The complaint in this case is that there will be a pathway problem often happening between them. On 13.12.2022 at about 07.00a.m., when the de facto complainant was cleaning the waste in the public way surrounding at Vadakkuraja Street, Thoothukudi, the accused came there with deadly weapon and uttered filthy languages against her and to this the accused assaulted on her left hand wrist by using deadly iron weapon and pushed her and she fell down it and caused swelling injury on her. And to this the accused threatened her to death. Hence, this case is filed against him u/s 294(b),323,324,506(ii) IPC and 4 of TNPHW Act.

10. In order to prove the case of the prosecution, the prosecution has examined the de facto complainant as PW.1. He deposed that the accused person is her neighbour and deposed that she fell down, when there was commotion and when the argument was happening between them. Thus, when she went to the police station for above said matter, there police officials obtained her signature in the white blank paper which is marked as Ex.P.1. So she was treated as hostile and was cross examined by prosecution

side. But it ended up in vain. Further, the prosecution has examined the eye witness as P.W2. They deposed that the accused is his neighbour and also deposed in the same manner as that of P.W1. So, he was treated as hostile and was cross examined by prosecution. But they have not resort to any help to prove their case. And nextly, the prosecution has examined the hearsay witness as P.W3 who is the daughter of P.W1. She deposed that the accused is her neighbour and also deposed that she does not know about the content of this case. So she was treated as hostile and was cross examined by prosecution side. But it ended up in vain. Even though the prosecution has listed out 9 witnesses but they have examined only 4 witnesses. Since material witnesses have turned hostile.

11. And further prosecution side dispensed all other witnesses and examined SI of police who is now working in the station as PW.2. He deposed based on the records and charge-sheet submitted by then IO and marked the documents Ex.P3 to Ex.P6 and supported the case of the prosecution.

12. From the witnesses examined, it is found that the de facto complainant itself did not depose any fact as alleged by prosecution, so it forms fatal to the prosecution. Here the victim itself has not explained or deposed whether the accused person used abused languages against her and assaulted her with deadly weapon. So, there is doubt in the complaint given by the victim who is the de facto complainant. And the other witness did not support the prosecution version. So, this Court considers that through the testimony of PW.4 alone the case is not proved beyond reasonable doubt.

13. In the absence of their testimony, the ingredients of Sections 294(b),323,324,506(ii) IPC and 4 of TNPHW Act does not get attracted. In the absence of clear evidence this Court cannot convict the accused based on the presumption and also cannot rely solely on testimony of PW.4 to convict the accused and he is entitled to be given benefit of doubt and to be acquitted from the charges.

14. Hence, this Court considers that the prosecution has failed to prove the case beyond reasonable doubt. With testimony of PW.4 alone, the accused cannot be held liable for the charges framed against him. So, he deserve to be acquitted from the case.

So, the benefit of doubt is reckoned to the accused and the accused is acquitted from the charges under Sections 294(b), 323, 324, 506(ii) IPC and 4 of TNPHW Act, u/s 248(1), Cr.P.C and there is no order with regard to the property and the bail bond entered if any shall expire automatically after appeal time is over.

Dictated to the Typist and directly typed in the Computer by her corrected and pronounced by me in open Court, this the 08th day of July 2026

Judicial Magistrate No.III,
Thoothukudi

Prosecution side Witness		Examined On	
PW1	Thavana J Britto	Complainant	22.06.2026
P.W2	John Bosco	Eye witness	22.06.2026
P.W3	Amalora	Hearsay witness	22.06.2026
P.W4		Sub-Inspector	29.06.2026
Prosecution Exhibits		Marked through	Marked On
1.	Ex.P1 Signature in the complaint	P.W1	22.06.2026
2.	Ex.P2 Signature in the complaint	P.W2	22.06.2026
3.	Ex.P3 Complaint	P.W4	29.06.2026
4.	Ex.P4 FIR	P.W4	29.06.2026
5.	Ex.P5 Observation Mahazar	P.W4	29.06.2026
6.	Ex.P6 Rough Sketch	P.W4	29.06.2026
7.	Ex.P7 Wound Certificate	P.W4	29.06.2026

Prosecution side Material Objects : Nil

Defence side witness: Nil

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