

<b>Date of filing</b>	:	<b>22.01.2025</b>	<b>Date of Judgment</b>	:	01.04.2026
<b>Date of Registration</b>	:	<b>22.01.2025</b>	<b>Trial Period</b>	:	1 Years, 2 Months, 10 Days

**IN THE COURT OF THE JUDICIAL MAGISTRATE No.1, METTUR.**

**PRESENT:** N. Gopalakrishnan B.Sc., B.L., Judicial Magistrate No.1, Mettur.

Wednesday, 1<sup>st</sup> day of April 2026

**C.C. No. 24 of 2025**

**CNR No. TNSA18000101-2025**

State represented by the Sub Inspector of Police, Mettur  
Police Station in **Cr. No. 203 of 2024 U/s. 296(b), 118(1),  
and 351(3) BNS, along with Section 4 of the TNPHW  
Act**

**...Complainant**

**-Vs-**

Karthikeyan (36) S/o Kunjannachettiyar, D.No.2/23  
Hospital Colony, Mettur Dam, Mettur Taluk, Salem  
District.

**...Accused**

**CASE SUMMARY**

1. The period of remand of the accused; : Initially, the accused was not remanded to custody as they had been released on anticipatory bail. Subsequently, the bail bond was forfeited under Section 346 of the Bharatiya Nagarik Suraksha Sanhita, 2023, resulting in the accused being remanded to judicial

- custody with effect from  
17.07.2025.
2. The date of filing of the complaint/final report in the Court; : 22.01.2025
  3. The date of committal of the case to the Court of Session : Not applicable
  4. The date of questioning of the accused under Sections 228, 240, 246 and 251 of the Code (or) Section 251,263,269 and 274 of B.N.S.S. as the case may be; : 17.03.2025
  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 / 355 of B.N.S.S, etc; : 1) CrI.M.P. 2987/2024 Date.14.11.2024 u/s.482 of BNSS - Allowed.  
2) CMP. 4887/2024 Date.25.11.2024 Surrender petition -Allowed.  
3 MP. 2/2026 Date.12.02.2026 u/s.311 of Cr.P.C -Allowed.
  6. Date of examination-in-chief and cross-examination of a witness; : Chief Examination Cross-Examination  
PW.1 26.08.2025 26.08.2025  
PW.2 07.10.2025 07.10.2025

PW.3	29.10.2025	29.10.2025
PW.4	29.10.2025	29.10.2025
PW.5	08.01.2026	24.02.2026
PW.6	27.01.2026	27.01.2026
PW.7	28.01.2026	28.01.2026

7. Date of examination of the accused under section 313 of the Code / section 351 of B.N.S.S. ; : 02.02.2026
8. Details of absconding of an accused and his appearance / production, as the case may be; : -
9. Grant of stay by superior Courts and the results thereof; and : Nil
10. Details of victim compensation ordered. : Nil

This calendar case came before this Court on **26.03.2026** for hearing the learned **Assistant Public Prosecutor Mr. V. Shanumughasundaram** for the prosecution and the learned advocate **Mrs. K. Kokilavani** for the accused, and on perusal of available materials, having stood to this day for consideration, this Court delivers the following:

## JUDGMENT

**The Sub Inspector of Police, Mettur Police Station, Mettur Taluk, Salem District,** filed a Final Report in **Crime No.203 of 2024**. The report accuses the accused of using obscene language, assault, wrongful restraint and women harassment on **July 13, 2024**. This case arises from the final report filed un **U/s. 296(b), 118(1), and 351(3) BNS, along with Section 4 of the TNPHW Act.**

### A. COGNIZANCE

1. On **22.01.2025**, the final report was filed, prompting the court to take cognizance of the offenses **U/s. 296(b), 118(1), and 351(2) BNS, along with Section 4 of the TNPHW Act**. The accused was subsequently summoned, and upon appearance, was provided with copies as per **Section 207 of the Cr. P.C.**

### B. FRAMING OF CHARGES:

2. On **March 17, 2025**, the accused appeared before this Court, and the charges framed against him **U/s. 296(b), 118(1), and 351(2) BNS, along with Section 4 of the TNPHW Act** were formally put to him. The contents of the charges were read over and explained to the accused in a language known and understood by him. Upon explanation, the accused pleaded not guilty to

the said charges and expressed his intention to contest the case. Accordingly, the matter was posted for trial.

3. Upon considering the materials placed before this Court, the charge against the accused was altered from **Section 351(2) to Section 351(3) of the Bharatiya Nyaya Sanhita, 2023 on 27.03.2026**, read over, explained and denied in the similar manner. Having perused the nature of the amendment, this Court is of the considered opinion that the alteration is trivial and technical in nature. Consequently, a de novo trial or the re-examination of witnesses is deemed unnecessary. The Court further observes that insisting upon such re-examination would cause undue prejudice to the parties and result in an avoidable delay of the proceedings. Notably, both side counsels has also declined the opportunity to re-examine any witnesses on this specific point.
4. A petition for forfeiture of bail bond filed by the prosecution in M.P. No. 1 of 2025 and was allowed and the accused remanded to judicial custody on 17.07.2025. The accused released subsequently as per bail order in Crl.M.P. 301 of 2026 on 31.03.2026.

### **C. WITNESSES AND DOCUMENTS**

5. To prove their case, the prosecution has examined **P.W. 1 to P.W. 7** as witnesses and marked **Ex.P.1 to Ex.P.11**. The Material Object was marked as

**M.O.1.** The defence opted not to call any witnesses or produce any documents.

**6. The facts of the case, as presented by the prosecution's evidence, are as follows:**

(a) The prosecution's case is that the victim, Maheswari, cited as PW-1, operates a confectionery stall near the Muniyappan Temple, Mettur Dam, within the jurisdiction of the Mettur Police Station. The accused, Karthikeyan, is the son-in-law of the victim, Maheswari, having married her daughter, Revathi. It is stated that due to matrimonial discord, the victim, Maheswari, had been providing sanctuary to her daughter and her children. The PW1 Maheswari highlights a grave background of animosity, alleging that after the present incident, the accused caused the death of the said Revathi.

(b) On July 13, 2024, at approximately 11:15 AM, the accused arrived at the place of occurrence, accompanied by a woman and directed provocative gestures toward the victim, Maheswari. When questioned by the victim, Maheswari, regarding the use of obscene language in a public place, the accused purportedly drove his motorcycle into the vending table, causing the victim, Maheswari, to be thrown against a wall.

- (c) The prosecution further records that the accused assaulted the victim, Maheswari, by pulling her saree and striking her on the face, head, and chest. In a further act of violence, the accused allegedly hurled candies and a half-kilogram iron weight at the victim, Maheswari, the latter striking her in the vital lower abdominal region. Before fleeing on his motorcycle, the accused issued death threats against the victim, Maheswari and her family. Following the incident, PW-2 Pandurangan, the husband of the victim Maheswari, arrived at the scene and shifted her to the Government Hospital, Mettur, for medical treatment.
- (d) The prosecution records further reveal that on July 14, 2024, while the victim, Maheswari, was undergoing medical treatment at the Government Hospital, Mettur, Special Sub-Inspector Madhesan (PW-5) visited the hospital upon receipt of information. He recorded the victim Maheswari's statement, which has been marked as Exhibit P. 1.
- (e) Subsequently, as the parties involved were related, a preliminary enquiry was initiated under C.S.R. No. 212/2024 at 9:00 AM the same day, following the consent of the victim, Maheswari. However, as no amicable settlement could be reached during the enquiry, the victim, Maheswari, insisted on formal legal action. Consequently, on October 18, 2024, a First Information Report was registered in Mettur Police Station, **Crime**

**No. 203/2024 under Sections 296(b), 118(1), and 351(2) of the Bharatiya Nyaya Sanhita and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act.** Following the registration of the FIR, the case file was handed over to Sub-Inspector Saradha (PW-7) for investigation.

(f) Upon taking up the case for investigation, the Sub-Inspector, PW7 Saradha, examined the victim, Maheswari (P.W. 1), who was present at the Police Station, and recorded her statement. Further, at 05:45 PM, the Sub-Inspector seized a half-kilogram iron weight—a material object in this case—produced at the Police Station under Form 91.

(g) Subsequently, the Investigating Officer visited the scene of the occurrence, inspected the premises, and prepared the Observation Mahazar (Exhibit P. 10) and the Rough Sketch (Exhibit P. 11). Following the inspection, the statements of the eyewitnesses at the scene were recorded. Although the investigation confirmed the commission of the offence, the accused, Karthikeyan, was not arrested as he had already obtained anticipatory bail.

(h) During the course of the investigation, the Sub-Inspector examined Dr. Gnanaprakasam, who treated the victim, Maheswari, at the Mettur Government Hospital, and obtained the relevant wound certificate.

- (i) It is evidenced by the testimony of the medical witness, Dr. Gnanaprakasam (P.W. 6), that while he was on duty at the Government Hospital, Mettur, on July 13, 2024, at 11:00 AM, the victim, Maheswari (P.W. 1), was brought for treatment by her husband, Pandurangan. Upon examination by the doctor, the victim, Maheswari, stated that on the same day at approximately 10:00 AM, near the Mettur Muniappan Temple, she was assaulted by a known person using hands, a stone, and a weight.
- (j) The clinical examination revealed no external injuries. However, the victim, Maheswari, complained of pain in her right shoulder, right arm, right wrist, as well as her head, chest, and abdomen. She was noted to be conscious and oriented. She was admitted as an inpatient, and subsequent CT scans of the brain, face, chest, and abdomen showed normal results. Furthermore, X-rays taken of the right forearm and wrist were also found to be normal. Following the completion of her treatment, the victim, Maheswari, was discharged on July 17, 2024. The doctor has issued the Wound Certificate (Exhibit P. 8), certifying that the injuries sustained by the victim, Maheswari, are simple in nature.
- (k) The Special Sub-Inspector, Madhesan, who registered the First Information Report, was also examined and his statement recorded. Upon completion of the investigation, a final report was prepared against the

accused, Karthikeyan, under **Sections 296(b), 118(1), and 351(2) of the Bharatiya Nyaya Sanhita, 2023, and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act.** The final report, dated **November 18, 2024**, was subsequently filed before this Court on **January 22, 2025.**

#### **E. QUESTIONING U/S 351(1)(b) of B.N.S.S.**

7. Following the conclusion of the prosecution's evidence, on **2nd February 2026**, the incriminating circumstances appearing against the accused were explained to them, and they were questioned under section **351(1)(b) BNSS.** The accused denied complicity with the offence and claimed that he had been falsely implicated in this case.
8. Heard the elaborate arguments of the learned Assistant Public Prosecutor and the argument advanced by the defense counsel.
9. **The case as argued by the Prosecution:** The prosecution contends that a long-standing matrimonial dispute existed between the accused, Karthikeyan, and his wife, resulting in frequent altercations between the accused and his wife's family. Later on, Karthikeyan murdered his wife after this incident. On the day of the occurrence, the accused, Karthikeyan, allegedly abused his mother-in-law, the victim, Maheswari (P.W. 1), in filthy language and assaulted her using an iron weight, a bottle, and a stone,

thereby causing injuries and issuing a criminal intimidation to her life. The prosecution maintains that through cogent oral and documentary evidence, the guilt of the accused has been proved beyond a reasonable doubt. Therefore, the prosecution seeks the maximum punishment prescribed under the law for the accused.

**10. The case as argued by the Defence:** Per contra, the defence argued that the accused, Karthikeyan, and his wife had been living separately long before the alleged date of the incident. It is submitted that the parties had even executed an undertaking for divorce before a Notary Public. The defence further contended that, given their separate residence, the alleged incident could not have taken place as narrated by the prosecution. Furthermore, the accused raised the plea of alibi, asserting that he was not present in the town on the date of the occurrence. The defence vehemently denied that the accused, Karthikeyan, was involved in any criminal activity and prayed for his acquittal.

#### **F. POINT FOR DETERMINATION**

**11. The key question for determination here is, “Has the prosecution proven the accused's guilt beyond a reasonable doubt?”**

## G. DISCUSSION AND ANALYSIS

12. The following relevant facts and circumstances are germane to the just and proper decision in this case:

(a) **Motive and Background of the dispute:** It is an admitted fact by both the prosecution and the defence that the accused, Karthikeyan, and the deceased, Revathi—who is the daughter of the victim, Maheswari (P.W. 1)—were husband and wife. It is further undisputed that due to matrimonial discord, they were living separately at the time of the alleged occurrence. The defence has not refuted the fact that following these disputes, the late Revathi had left the accused, Karthikeyan, and was residing with her mother, where she assisted in running a confectionery stall to support her two children.

(b) According to the prosecution's case, on the date of the incident, as business was slow, the victim, Maheswari, had sent her daughter home to tend to the children and was managing the stall alone. It is alleged that the accused, Karthikeyan, arrived at the spot accompanied by another woman and began making suggestive gestures and passing lewd comments toward the victim, Maheswari. He further hurled filthy abuses in a public place, specifically using the terms "Devidiya" and "Kandaraoli." When questioned, the accused allegedly drove his two-wheeler into the table of

the stall and proceeded to physically assault the victim, Maheswari, while continuing the verbal abuse.

(c) It is the case of the prosecution that the motive for the offence is rooted in the bitter matrimonial discord between the accused and his wife, Revathi. A crucial aspect brought to the attention of this Court is the pendency of a subsequent criminal case against the accused, Karthikeyan, for the alleged homicidal killing of the victim, Revathi. In light of these gravity-inducing submissions, this Court must now determine, by weighing the ocular and documentary evidence on record, whether the prosecution has established the occurrence as alleged, particularly when considered alongside the purported motive and the subsequent conduct of the accused.

(d) **Attendees at the Crime Scene, with the Accused:** It is the case of the prosecution that the alleged incident occurred on 13.07.2024 in a public area near a temple where people congregate. According to the initial statement providing first information to the police (Exhibit P-1) recorded on 14.07.2024 at 09:00 hours from the first informant, Maheswari (PW-1), the accused intentionally rammed his two-wheeler into the shop table maintained by the victim, Maheswari. The impact caused the table to

shift, following which the accused crushed the victim, Maheswari, who was seated in a chair, with the vehicle.

(e) The first informant, Maheswari (PW-1), further states in her initial statement providing first information to the police that the accused used obscene language, pulled her saree, and assaulted her on the face, head, and chest. It is further alleged that the accused threw coconut candies at her and hurled a half-kilogram iron weight, which struck the victim, Maheswari, in her pubic area, causing excruciating pain and resulting in her collapse. Upon the arrival of the public, the accused reportedly issued a death threat against her and her family before fleeing the scene.

(f) **Non-Compliance with Mandatory Legal Duties:** This Court observes that while the contents of the initial statement providing first information to the police disclosed the commission of several cognizable offences, the Special Sub-Inspector, Madesan (PW-5), failed to register a First Information Report. Instead, he treated the matter as a "family dispute" and merely issued a Community Service Register (CSR) receipt. Although PW-5 claims to have conducted an inquiry, no documents about such an inquiry have been filed before this Court. When questioned, PW-5 stated that both parties appeared through counsel and refused to provide written statements.

(g) **Delay in Registration of FIR:** Furthermore, the First Information Report in this case was registered on 18.10.2024, approximately four months after the incident. Subsequently, Sub-Inspector Saradha (PW 7) took up the investigation and visited the scene of the crime. This Court is of the firm view that when a scene of occurrence is visited after a lapse of four months, especially in a public area, the probability of obtaining direct ocular evidence or reliable witness statements is significantly diminished. The failure to register the first information report immediately upon receipt of the initial statement providing first information to the police regarding a cognizable offence constitutes a gross investigative lapse and demonstrates a dereliction of duty by the police personnel involved.

(h) **Evaluation of Ocular Evidence and the Testimony of the Victim:** In the present circumstances, no person has been examined as an eyewitness to the occurrence other than PW-4, Sengodan. However, the said PW-4, Sengodan, has deposed in his evidence that at the time of the incident, he was with PW-3, Suresh (the son of the victim, Maheswari). He further testified that upon receiving information regarding the incident from PW-2, Pandurangan (the father of PW-3), he proceeded to the hospital to see the victim, Maheswari, while she was undergoing treatment. Thus, he has

categorically stated before this Court that he did not personally witness the occurrence.

(i) This Court is of the view that in an incident alleged to have occurred during the daytime in a public place where people congregate, the fact that not even a single eye-witness was examined is a direct consequence of the aforementioned illegal delay in the investigation. This Court considers this a grave investigative lapse.

(j) **Strength Of The Testimony Of The Victim:** It is a well-settled legal principle, as evolved by the Honourable Supreme Court and the Honourable High Court, that the prosecution's case in a criminal trial can succeed primarily on the strength of the testimony of the victim, Maheswari. Provided that her testimony is found to be entirely reliable and inspires the confidence of the Court beyond any reasonable doubt, such evidence, when corroborated by supporting medical evidence, is sufficient for a conviction. This holds even in the absence of other ocular witnesses or notwithstanding any lapses in the investigation. Adhering to this legal position, this Court shall now proceed to evaluate the oral evidence of the witnesses and the documentary evidence, including Exhibit P.1, to determine whether the prosecution's evidence warrants such inspired confidence, by holding that the aforesaid delay in

registration of first information doesn't affect the prosecution case, as such a lapse not on part of the victim, and supported by other materials.

13. **Plea of Alibi and its Sustainability:** The primary defence of the accused, as articulated during his examination under **Section 351(1)(b) of the Bharatiya Nagarik Suraksha Sanhita, 2023**, is a total denial of the prosecution's case. In response to the incriminating witnesses and documents produced against him, the accused asserted a plea of alibi, contending that he was present in Yercaud on the date of the occurrence and was not at the scene of the crime. However, the accused has failed to produce any witnesses or documentary evidence to substantiate the said plea. Furthermore, no contradictions or relevant facts were elicited during the cross-examination of the prosecution witnesses or from the documents, relied on by the prosecution, to suggest that the accused was indeed in Yercaud and not at the place of the incident. Consequently, this Court is of the view that the aforementioned plea of alibi does not enure to the benefit of the accused in any manner.

14. **Appreciation of Corroborative Materials:** Upon careful consideration of the entire oral and documentary evidence placed on record, this Court finds that the core issue for determination is whether the testimony of P.W.1 Maheswari in respect of the occurrence dated 13.07.2024 is supported by reliable and legally admissible materials.

- (a) At the outset, this Court takes note of Ex.P.7 – Accident Register and Ex.P.8 – Wound Certificate, which are contemporaneous medical records prepared at the time of admission of P.W.1 at the Government Hospital, Mettur. A perusal of Ex.P.7 discloses that the victim was brought to the hospital on 13.07.2024 at about 11:15 A.M., shortly after the alleged occurrence at about 10:00 A.M., and it records a history of assault by a known person by throwing objects, including stones and sweets. These documents, having been prepared in the ordinary course of professional duty, lend substantial assurance to the version of P.W.1 regarding the time, place, and nature of the occurrence.
- (b) Though P.W.6 Dr Gnanaprakasam has deposed that no external injuries, fractures, abrasions, or swelling were noticed and that radiological examinations were normal, he has consistently stated that P.W.1 complained of pain in the shoulder, arm, wrist, head, chest, and abdomen. It is well settled that bodily pain itself constitutes “hurt”, and the absence of visible external injury does not, by itself, discredit the prosecution's case, particularly when the complaint is made immediately and is supported by medical records.
- (c) The contention of the defence that such pain could arise due to trivial causes such as a fall or physical labour has been duly considered.

However, the said possibility, in the absence of any supporting defence evidence, remains merely speculative and does not outweigh the direct testimony of the victim coupled with contemporaneous records.

(d) P.W.1 has indeed stated that no visible injury was caused to her. This Court is of the considered view that such admission does not negate the occurrence of the assault, as the evidence on record clearly establishes that she experienced bodily pain immediately thereafter and sought medical treatment. The distinction between absence of visible injury and absence of hurt must be maintained.

(e) Further, the testimony of P.W.3 Suresh, who reached the hospital soon after the occurrence, assumes significance. His evidence that P.W.1 was in distress, with dishevelled hair and broken sweets on her head, and was crying in pain, forms part of the same transaction and is therefore a relevant fact under **Section 4 of the Bharatiya Sakshya Adhiniyam** (facts forming part of the same transaction). His presence at the hospital has not been effectively challenged, and the minor discrepancies elicited in his cross-examination, particularly regarding the existence of abrasions or swelling, do not go to the root of the prosecution's case.

(f) Considering that he was examined after a considerable lapse of time and in the backdrop of subsequent events involving the accused, a degree of

exaggeration cannot be ruled out; however, such embellishment does not render his testimony wholly unreliable.

(g) Similarly, the evidence of P.W.4 Sengodan corroborates the fact that P.W.1 attributed the assault to the accused immediately upon being seen at the hospital, though he did not notice visible injuries. This aspect further strengthens the prosecution's version regarding the occurrence.

(h) This Court also attaches due weight to Ex.P.6 (CSR receipt) and Ex.C.1 (original CSR Receipt), which disclose that the complaint was lodged on 14.07.2024 at about 9:00 A.M. through the CCTNS system, wherein the accused has been specifically named and the manner of assault has been consistently narrated. The said document has not been effectively impeached in cross-examination and thus provides additional corroboration. *(During the course of the trial, the photocopy of the CSR receipt, which was registered based on the complaint statement given on the day following the occurrence, was marked as Ex.P.6 on the side of the prosecution. Subsequently, upon verification of the case records, it was found that the original document formed part of the case file itself. The same was compared with the photocopy and, upon such verification, this Court itself marked the original document as Ex.C.1.)*

15. On the aforesaid cumulative appreciation of the evidence, this Court finds that the following circumstances stand established:

- (a) P.W.1 was taken to the hospital immediately after the occurrence.
- (b) She complained of bodily pain attributable to an assault.
- (c) Contemporaneous medical records support her version;
- (d) P.W.3 and P.W.4 witnessed her condition immediately thereafter; and
- (e) The first information was recorded without undue delay, naming the accused. (Recording of Initial Statement of the victim in the Hospital)

16. Therefore, this Court holds that, notwithstanding the absence of visible external injuries and minor inconsistencies in witness testimony, the prosecution has succeeded in establishing that an incident, as spoken to by P.W.1 Maheswari, did occur, and that her evidence is sufficiently corroborated by independent and contemporaneous materials to inspire confidence.

17. The point that arises for consideration before this Court at this stage is whether the prosecution has established a prima facie case in respect of the charges framed against the accused.

**18. Charge under Section 296(b) of the Bharatiya Nyaya Sanhita:**

- (a) Upon consideration of the evidence on record, this Court finds that the place of occurrence is undoubtedly a public place. However, except for the testimony of P.W.1 Maheswari, no independent eyewitness has been examined by the prosecution to speak about the alleged use of obscene words by the accused in the said public place.
- (b) Further, P.W.1 Maheswari has not deposed before this Court that the alleged utterances of the accused caused annoyance or disgust to her, which is an essential ingredient of the offence under Section 296(b) of the Bharatiya Nyaya Sanhita.
- (c) To attract the said provision, it must be established that the accused, by using obscene words or engaging in obscene acts in a public place, caused annoyance to others. In the absence of evidence to show that such annoyance was caused, and in the absence of corroborative testimony from any other witness present at the scene, this Court is of the considered view that the essential ingredients of the offence under **Section 296(b) of the Bharatiya Nyaya Sanhita** have not been proved.
- (d) Accordingly, the accused is entitled to the benefit of doubt in respect of this charge.

**19.Charge under Section 118(1) of the Bharatiya Nyaya Sanhita:**

- (a) Upon consideration of the entire materials on record, this Court finds that the prosecution has successfully established that the victim, Maheswari, was assaulted by the accused, Karthikeyan, resulting in bodily pain. Exhibit P.6, being the CSR, clearly sets out the occurrence, and the same stands corroborated by Ex.C1. The seizure of the weight-stone by the Sub-Inspector at the time of registration of the First Information Report and its subsequent production before this Court as P.M.O.1 lends material corroboration to the prosecution version.
- (b) The medical evidence further discloses that the victim complained of pain in her abdominal region at the time of admission. This Court finds such a statement to be natural and probable, as the court takes note that, as a matter of common experience, a woman might hesitate to disclose pain that is relatively bearable when such pain relates to sensitive or private areas., particularly in the absence of visible external injuries and when examined by a male doctor; hence, the statement of the victim inspires confidence.
- (c) In the absence of any material contradictions or infirmities in the prosecution evidence, this Court holds that the accused voluntarily

assaulted the victim and caused bodily pain to her, thereby establishing the offence of hurt.

- (d) The next question that arises is whether the act would attract Section 118(2) or fall within the ambit of Section 115(2) of the Bharatiya Nyaya Sanhita, 2023. It is well settled that even an ordinary object such as a stone may assume the character of a dangerous weapon depending upon the manner of its use, the force employed, and the part of the body targeted; however, in the present case, the weapon used is a ½ kg weight-stone, which is not inherently lethal, and there is no evidence to show that it was used with such force or in such a manner as would make it likely to cause death.
- (e) Though the abdomen is a vital part of the body, the prosecution has not established that the blow was inflicted with such intensity as to attract the ingredients of Section 118(2), nor is there any medical opinion indicating that the injury was life-threatening in nature.
- (f) On the contrary, the evidence only establishes the cause of bodily pain without any grievous or dangerous consequences. Therefore, this Court is unable to bring the act of the accused within the scope of Section 118(1) of the Bharatiya Nyaya Sanhita, 2023.

(g) However, the act of the accused in voluntarily causing bodily pain to the victim by means of the said stone clearly satisfies the ingredients of **Section 115(2) of the Bharatiya Nyaya Sanhita, 2023**, which stands proved beyond a reasonable doubt. Accordingly, this Court holds the accused, Karthikeyan, guilty of the offence punishable under **Section 115(2) of the Bharatiya Nyaya Sanhita, 2023**.

#### **20.Charge under Section 351(3) of the Bharatiya Nyaya Sanhita:**

(a) Upon consideration of the evidence on record, this Court finds that the framed charge under Section 351(3) of the Bharatiya Nyaya Sanhita, 2023, on the allegation that, at the time of occurrence, the accused, Karthikeyan, criminally intimidated the victim, Maheswari, by issuing a threat to her life and that of her family.

(b) In this regard, P.W.1, Maheswari, has categorically deposed that at the time of the incident, the accused threatened her by stating that though she had escaped on that day, he would not spare her or her family and would kill them. This version finds substantial corroboration in Exhibit P4, the First Information Report, wherein it is recorded that upon the arrival of nearby persons, the accused, after issuing such a threat, left the place. Though there are minor variations in the exact wording of the threat, the

core allegation that the accused issued a death threat to the victim has consistently been proved.

- (c) Indeed, the victim has not expressly stated in her evidence that she was put in fear or that she was compelled to do or omit any particular act as a consequence of such threat. However, the surrounding circumstances assume significance. The evidence shows that the threat was issued immediately after the accused had physically assaulted the victim, thereby lending seriousness and immediacy to the words spoken.
- (d) Further, the conduct of the victim in raising an alarm, which resulted in the arrival of nearby persons, indicates that the situation was perceived as threatening and not merely a casual utterance.
- (e) In such circumstances, this Court is of the considered view that the threat was real, imminent, and intended to cause alarm, and that the existence of alarm can reasonably be inferred from the conduct of the victim and the surrounding facts.
- (f) Therefore, this Court holds that the essential ingredients of criminal intimidation are satisfied, and that the accused, Karthikeyan, has committed an offence punishable under **Section 351(3) of the Bharatiya Nyaya Sanhita, 2023.**

**21.Charge under Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act:**

- (a) The core issue that arises for consideration is whether the acts attributed to the accused, as spoken to by P.W.1 Maheswari and supported by the surrounding circumstances and documentary evidence, constitute “harassment” within the meaning of **Section 2(a) of the Tamil Nadu Prohibition of Harassment of Women Act, 1998**, to attract penal liability under Section 4 of the said Act.
- (b) At the outset, it is necessary to advert to the statutory definition. Section 2(a) of the Act defines “harassment” in expansive terms to include any indecent conduct or act by a man which causes or is likely to cause intimidation, fear, shame or embarrassment, and specifically includes acts such as abuse, assault, use of force, or causing hurt or nuisance.
- (c) The object underlying the provision in the view of this Court is clearly to afford a wide protective umbrella to women against acts that impair their dignity, bodily integrity, or sense of personal security, whether in public and other similar spaces.
- (d) In the present case, the evidence of P.W.1 Maheswari, which this Court has already found to be cogent and reliable, discloses that the accused abused her in filthy language, physically assaulted her, pushed her to the

ground, and, most significantly, pulled her saree in a public place. The said acts are not isolated or trivial in nature but constitute a continuous course of conduct involving the use of criminal force against a woman.

- (e) The act of pulling the saree of a woman, in particular, assumes grave significance. In the social context in which this Court operates, such an act is inherently indecent and is an affront to the dignity and modesty of a woman. It is an act which, by its very nature, is capable of causing shame, humiliation, and emotional distress. When such conduct is coupled with verbal abuse and physical assault, the cumulative effect is one of clear harassment as contemplated under the statute.
- (f) It is pertinent to note that the statutory definition employs the expression “causes or is likely to cause” intimidation, fear, shame or embarrassment. Therefore, it is not a sine qua non that the victim must expressly depose in specific terms that she experienced shame or embarrassment. The Court is entitled to assess the nature of the act itself and draw a reasonable inference as to its likely impact on a woman of ordinary sensibilities. In this context, the conduct attributed to the accused is of such a nature that it would, in the ordinary course, result in humiliation and fear in the mind of the victim.

- (g) The contention that P.W.1 has not explicitly stated that she felt ashamed or embarrassed does not, therefore, advance the case of the defence.
- (h) Further, the occurrence in the present case has taken place near a temple in a public area. While Section 4 of the Act applies to harassment of women in “any place”, the fact that the incident occurred in a public place adds to the gravity of the offence, as the indignity is aggravated by its public character.
- (i) This Court also finds that the acts spoken to by P.W.1 are duly corroborated by the contemporaneous medical records, which indicate that she complained of bodily pain immediately after the occurrence. The evidence of P.W.3 and P.W.4 regarding her condition soon after the incident further strengthens the prosecution's case. Thus, the version of P.W.1 is not a solitary and uncorroborated piece of evidence, but is supported by surrounding circumstances and independent materials.
- (j) Upon a cumulative appreciation of the entire materials, this Court is satisfied that the prosecution has established that the accused intentionally used criminal force, abused, and subjected P.W.1 to indecent conduct, which was not only capable of but indeed likely to cause intimidation, fear, and humiliation.

(k) Accordingly, this Court holds that the acts of the accused squarely fall within the definition of “harassment” under Section 2(a) of the Tamil Nadu Prohibition of Harassment of Women Act, 1998, and are punishable under Section 4 of the said Act.

### CONCLUSION

Upon an overall consideration of the evidence, this Court finds that the prosecution has not established the **offence under Section 296(b) of the Bharatiya Nyaya Sanhita, 2023**, as there is no evidence to show the alleged words caused annoyance to anyone. The testimony of the victim, Maheswari, does not disclose such annoyance, and in the absence of independent witnesses, the accused, Karthikeyan, is entitled to the benefit of doubt and is acquitted of this charge.

Regarding the physical assault, the evidence of the victim, Maheswari, supported by medical records, proves the accused caused bodily pain, but the lack of serious injury or a dangerous weapon limits the offence to voluntarily causing hurt. Consequently, the accused is found guilty under **Section 115(2) of the Bharatiya Nyaya Sanhita, 2023**.

In respect of criminal intimidation, the evidence shows the accused threatened the victim, Maheswari, with death, and her act of raising an alarm

confirms the threat caused real alarm. Therefore, the offence under **Section 351(3) of the Bharatiya Nyaya Sanhita, 2023, is proved.**

As regards the offence under the **Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998**, the actions of the accused in public—including pushing the victim, Maheswari, and pulling her saree—constitute inherently humiliating conduct. The reliable testimony of the victim, Maheswari, proves this offence.

In conclusion, while the accused is acquitted under **Section 296(b)**, at the same time he is found guilty under **Sections 115(2) and 351(2) of the Bharatiya Nyaya Sanhita, 2023, and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998.**

In compliance with the mandate of **Section 271(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023**, the accused was questioned regarding the quantum of sentence to be imposed. The accused made the following submissions in response:

"குறைந்த பட்ச தண்டனை வழங்குமாறு கேட்டுக்கொள்கிறேன்"

In light of the submissions made by the accused regarding the quantum of sentence, and upon considering the relevant factors—including the age of the accused, the nature of the assault, the simple nature of the injuries caused

(which lack external manifestations), the degree of intimidation and its subsequent effects, and the overall circumstances of the case—this Court proceeds to sentence the accused as follows:

### **SENTENCING ORDER**

**I. For the offence under Section 115(2) of the Bharatiya Nyaya Sanhita, 2023:**

The accused is sentenced to undergo **three months of simple imprisonment** and shall pay a fine of **Rs. 500/-**. In default of payment of the fine, the accused shall undergo a further period of **15 days** of Simple Imprisonment.

**II. For the offence under Section 351(3) of the Bharatiya Nyaya Sanhita, 2023:**

The accused is sentenced to undergo **six months of rigorous imprisonment** and shall pay a fine of **Rs. 1000/-**. In default of payment of the fine, the accused shall undergo a further period of **one month** of Simple Imprisonment.

**III. For the offence under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998:**

The accused is sentenced to undergo **one year of simple imprisonment** and shall pay a fine of **Rs. 10,000/-**. In default of payment of the fine, the accused shall undergo a further period of 3 months of Simple Imprisonment.

**IV.Direction on Concurrency and Set-Off:**

It is directed that the substantive sentences of imprisonment imposed above shall run concurrently. The default sentences are in addition to the substantive sentences and shall run in a similar manner.

V. **Set-Off:** Under **Section 468 of the Bharatiya Nagarik Suraksha Sanhita, 2023**, the period of detention, if any, already undergone by the accused during the trial of this case, **from 17.07.2025 to 31.03.2026** shall be set off against the substantive term of imprisonment imposed.

VI. The case property in **C.P. 229/2024 (M.O.1)** is ordered to be handed over to the victim PW1 Maheshwari, after lapse of appeal time.

This judgment was directly dictated to steno typist and typed by him on computer and delivered by me in open Court on **1<sup>st</sup> day of April 2026**.

**Judicial Magistrate No.1, Mettur.**

**LIST OF WITNESSES BY THE PROSECUTION**

1. PW1 Tmt. Maheswari
2. PW2 Thiru. Pandurangan
3. PW3 Thiru. Suresh
4. PW4 Thiru. Sengodan
5. PW5 Thiru. Mathesan SI
6. PW6 Thiru. Gnanaprakasam Doctor
7. PW7 Tmt. Saradha SI

**LIST OF PROSECUTION SIDE EXHIBITS**

1. **Ex. P. 1** Complaint Statement
2. **Ex. P. 2** Impress in Form 95 of PW1 Maheswari
3. **Ex. P. 3** 2<sup>nd</sup> Signature in Observation Mahazar of PW4 Sengodan
4. **Ex. P. 4** FIR
5. **Ex. P. 5** Intimation
6. **Ex. P. 6** CSR certified copy
7. **Ex. P. 7** Accident Register
8. **Ex. P. 8** Wound Certificate
9. **Ex. P. 9** Form 91
10. **Ex. P. 10** Observation Mahazar

11. **Ex. P. 11** Rough Sketch

**LIST OF MATERIAL OBJECTS BY THE PROSECUTION**

P.M.O.1 Iron Weight stone ½ KG

**LIST OF WITNESSES BY THE DEFENCE**

NIL

**LIST OF DEFENCE SIDE EXHIBITS**

NIL

**Judicial Magistrate No.1, Mettur.**

**Note:-**

1. The parties were informed of the outcome of the case.
2. No witnesses called not more than three times.