

IN THE COURT OF THE JUDICIAL MAGISTRATE NO.II, METTUR

**Present : Thiru.D.Myilswamy, B.Com, B.L.,
Judicial Magistrate No.II,
Mettur.**

Thursday, the 05th day of March – 2026

CC.No. 434/2023

CNR No : TNSA18-002587-2023

State of Tamil Nadu
Rep by the sub Inspector of police,
Mecheri Police station,
Cr.No.318/2019

... **Complainant**

//vs//

Dharmaraj (aged about 34 years/2019)
S/o.Periyasamy,
Residing at Theppakula street, Mecheri,
Mettur Taluk, Salem District.

... **Accused**

This case was taken on file on 11.10.2023 and came for final hearing before me on 02.03.2026 in the presence of **Thiru.T.Suresh, Assistant Public Prosecutor**, the learned counsel for the complainant and **Thiru.K.P Swamynathan**, 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 both the following:

(Statement as per Rule 106 of the Criminal Rules of Practice, 2019)

1	Serial Number	CC No.434/2023
2	Name of Police Station & Crime Number	Mecheri Police Station Cr.No.318/2019
3	Name of Accused	Dharmaraj, S/o.

		Periyasamy
4	Occupation	Coolie
5	Residence	Residing at Theppakula street, Mecheri, Mettur Taluk, Salem District.
6	Age	34 years/2019
7	Occurrence (Date of offence)	02.08.2019
8	Complaint	02.08.2019
9	Apprehension (Date of Arrest)	03.08.2019
10	Release on Bail (Yes/No, Date)	
11	Commitment (to Court)	11.10.2023
12	Commencement of Trial	17.04.2025
13	Closure of Trial	23.02.2026
14	Sentence or Order (Verdict, Punishment)	05.03.2026
15	Service of Copy of Judgment to Accused	--
16	Explanation of Delay (if any)	--

JUDGMENT

1. The Sub Inspector of Police of Mecheri Police Station has laid down the final report stating that one constable named ravikumar informed to Palanisamy special sub inspector stating that on 02.03.2019 around 9.45 P.M., one military person was under influence of alcohol acting disturbance to public by placed two wheeler in front of vathiyar tea shop, mecheri bus stand, then around 10 P.m., the said sub inspector palanisamy went to spot and noted that one dharmaraj scold filthily language and stating that he is an military person in full drunken mood, the grade constable named babu cautioned and note to acting like wise in public and informed to go home with two wheeler, but accused scold filthily language and p unched babu in his nose and caused bleedy injury, then criminallly threatned with dire consequences, then accused has attacked special sub inspector gurusamy in his left hand finger and caused injury, then catched accused with help of public along with unregistered

yamaha two wheeler and produced before police station, then constable babu given special report before sub inspector prakash and registered the first information report in Cr.No.318/2019 for offence under sections 294(b), 332, 353, 506(2) of IPC. After completion of investigation, the accused had committed the offence under sections 294(b), 332, 353, 506(2) of IPC and section 4 (1) (j) of TNP act by alteration.

2. This court on perusal of the material records had on satisfaction had taken cognizance of the offence under sections 294(b), 332, 353, 506(2) of IPC and section 4 (1) (j) of TNP act. Upon appearance of the accused, copies of documents relied on the side of the prosecution was furnished to him under section 207 of Cr.P.C. 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 charges 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 eight witnesses as PW1 to PW14 and marked documents as EX.P.1 to EX.P.10.

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

The defacto complainant examined as PW1. Pw1 is now working as head constable in karumalaikodal police station, on 02.08.2019 the Pw1 was engaged in patrol duty and he and one palanivel went to pottaneri, then return to m.kaliyapatty, then head constable ravi kumar informed through phone one person was indulged atrocity with public at mecheri bus stand, the said person stated that he is a military person and placed Yamaha FZ two wheeler in public place and acting in full drunken mood. Then special sub inspector palanisamy came there, noted that such person

named as Dharmaraj and cautioned not to indulge in atrocity, but accused scolded with filthy language and punched in his nose and caused a bloody injury, then criminally threatened with dire consequences, then scolded with bad words against Palanisamy, then Special Sub Inspector Gurusamy came there, the accused scolded with bad words against Palanisamy, then caught the accused with help of the public and placed before the police station, then he gave a special report, which registered a first information report, he identified the signature in the special report, the special report marked as ExP1, he identified the accused in open court.

5. The Pw2 Palanivel is now residing at Govindapadi and in the year of 2019 April month he was working as a friend of police in Mecheri police station, on 02.08.2019 he went to police station after two days return from his home town, then came to know one person was caused an atrocity with full drunken mood, he did not know case details, he was not enquired by police. The Pw3 Gurusamy is now retired from police service, on 02.08.2019 engaged in night para duty in Mecheri police station, he got information through phone call from Babu and rushed to Mecheri bus stand and noted that the accused were placed in two wheelers and caused a problem, then warned the accused to go home, but the accused did not hear and attacked using a lathi, then scolded with filthy language, then caught the accused and placed before the police station, he identified the accused in open court. The Pw4 Sekar is residing at Salem main road and running a petty shop, he did not know the accused and case details, he was not enquired by police. The Pw5 Senthil is residing at Kolkaranur and working as a tea master, he did not know the accused and case details, he was not enquired by police. The Pw6 Selvam is residing at Manathallur and he did not know the accused and case details, he was not enquired by police. The Pw7 Janakiraman is residing at Mettupatti and he identified the 2nd signature in the observation mahazar, the 2nd signature marked as EXP2, he did not know mahazar details, he was enquired by police.

6. The Pw8 palanisamy is now retired from police service, in the year of 2022 he was working in mecheri police station, on 02.08.2019 he was engaged in night duty, he received phone call from ravi kumar and known that one person indulged atrocity in full drunken mood, then warned such person, but accused punched babu in his nose, then scold filthily language, then handed over to police station, he was enquired.

7. The Pw9 siva is residing at sooragoundanur and working as driver, he did not know Pw1 and the accused, he was not enquired by police. The Pw10 natarajan is residing at kolkaranur and he identified the 1st signature in mahazar, the signature marked as ExP3, he was enquired by police. The Pw11 subash is residing at salem and running bakery he did not know accused and case details, he was not enquired by police. The Pw12 prakash is working as inspector in krishnagiri Pew and he was present in mecheri police station, received special report from Pw1, then registered first information report in Cr.No.318/2019, for offences under section U/s. 294(b), 353, 332, 506(ii) of IPC,

8. The Pw13 Balamurugan is now working as inspector in perundurai police station, on 02.08.2019, the Pw12 received special report and registered first information report and then proceed to the place of occurrence on 03.08.2019 at around 00.15 hrs, and drawn sketch in the presence of witness, the observation mahazar and rough sketch marked as **ExP4 and ExP5**. Then enquired the witness and recorded their statement, the doctor Perumal tested accused and gave report that accused was under influence of alcohol, the certificat, then the accused was arrested and sent to judicial custody. On completion of the investigation, the investigaton officer had laid down final report against the accused under section U/s. 294(b), 332, 353, 506(i) of IPC and section 4 (1)(j) of TNP act by alteration report, the report marked as **ExP6**. First information Report marked as **Ex.P7**.

9. The Pw14 perumal is now working as doctor in omalur goverment hospital, on 02.08.2019 around 11.35 P.M., one babu brought by sub inspector prakash, he noted the injuries in accident register, the accident register marked as **ExpP8**, then on 02.08.2019 around 11.30 P.M., one gurusamy brought before doctor and gave treatment, then registered the accident register marked as **ExpP9**, then accused dharmaraj brought before doctor and he tested that accused have under influence of alcohol and given report, the report marked as **ExpP10**. He was enquired.

10. 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 313(1) (b) of Cr.P.C 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.

11. The accused stated that he has defence witness and later stated that there is no defence witness and after recording the same, this court heard both sides.

12. Both sides heard. The evidence of witnesses and material records have been perused.

13. **THE POINT FOR CONSIDERATION:**

Whether the prosecution had proved the charges under sections 294(b), 332, 353, 506(2) of IPC and section 4 (1) (j) of TNP act as against the accused with relevant evidence and documents beyond all the reasonable doubt ?

14. **ANSWER TO THE POINT:**

The charges against the accused stating that one constable named ravikumar informed to Palanisamy special sub inspector stating that on 02.03.2019 around 9.45

P.M., one military person was under influence of alcohol acting disturbance to public by placed two wheeler in front of vathiyar tea shop, mecheri bus stand, then around 10 P.m., the said sub inspector palanisamy went to spot and noted that one dharmaraj scold filthily language and stating that he is an military person in full drunken mood, the grade constable named babu cautioned and note to acting like wise in public and informed to go home with two wheeler, but accused scold filthily language and punched babu in his nose and caused bloody injury, then criminally threatned with dire consequences, then accused has attacked special sub inspector gurusamy in his left hand finger and caused injury, then caught accused with help of public along with unregistered yamaha two wheeler and produced before police station, then constable babu given special report before sub inspector prakash and registered the first information report in Cr.No.318/2019 for offence under sections 294(b), 332, 353, 506(2) of IPC. After completion of investigation, the accused had committed the offence under sections 294(b), 332, 353, 506(2) of IPC and section 4 (1) (j) of TNP act by alteration.

15. To prove the charges against the accused, the prosecution had relied upon the oral evidence of PW1 to PW14 and EX.P.1 to EX.P10 marked. In this case, the accused was under influence of alcohol acting disturbance to public by placed two wheeler in front of vathiyar tea shop, mecheri bus stand, then around 10 P.m., the said sub inspector palanisamy went to spot and noted that one dharmaraj scold filthily language and stating that he is an military person in full drunken mood, the grade constable named babu cautioned and note to acting like wise in public and informed to go home with two wheeler, but accused scold filthily language and punched babu in his nose and caused bloody injury, then criminally threatned with dire consequences, then accused has attacked special sub inspector gurusamy in his left hand finger and caused injury, then caught accused with help of public along with unregistered yamaha two wheeler and produced before police station, then registered

the case. The Pw1 babu and Pw3 Gurusamy were sustained injury and taken treatment before doctor, both deposed similarly that accused were attacked and caused injury after warned to go home, then handed over to police station, the said accused was tested before doctor who examined as Pw14, the doctor testified that accused was under influence of alcohol during occurrence and it was confirmed during medical test.

16. The Pw8 palanisamy deposed similarly and corroborate the Pw1 and Pw3 's evidence, all were deposed that on 02.03.2019 around 9.45 P.M., the accused was under influence of alcohol acting disturbance to public by placed two wheeler in front of vathiyar tea shop, mecheri bus stand, then around 10 P.m., the said sub inspector palanisamy went to spot and noted that one dharmaraj scold filthily language and stating that he is an military person in full drunken mood, the grade constable named babu cautioned and note to acting like wise in public and informed to go home with two wheeler, but accused scold filthily langauge and punched babu in his nose and caused bloody injury, by go through cross examination of Pw1, Pw3, Pw8 there is no contra elicited to disprove the case.

17. The defence side argued that official witness alone speak about overtact of the accused, the Pw2 palanivel was working as friend of police, he did not know accused and case details, he turned hostile and nothing elicited during cross examination. The Pw4 sekar, Pw5 senthil, Pw6 selvam, Pw9 siva, Pw11 subash all were deposed simarily and testified that they did not know case details and did not know the accused, they all were turned hostile, nothing elicited during cross examination. The defence side pointed except official witness, the other witness all were turned hostile. The official witness are interested witness in this case, they deposed similarly is not to be considered.

18. The Pw10 Natarajan and Pw7 Janakiraman stood as witness in observation mahazar, they does not know mahazar details, they identified their signature, hence place of occurrence isn ot proved beyond reasonable doubt. Even though official witness alone speak about overtact of the accused, the Pw1 and Pw3 are injured person and they got treatment immediate after occurence, which corroborate by Pw14 thus the offence **under section 332 of IPC (2 counts) against accused to cause injury to Pw1 and Pw3.**

19. The Pw1 and Pw3 are engaged in patrol duty, they noted the accused indulged in atrocity during influence of alcoho, the Pw1 and Pw3 warned the accused to go home, but accused scold filthily langauge in public place while cause distrubance to public. The Pw1 and Pw3, Pw8 testified about usage of filthily words in public, which cause annoyance to the accused, there is no contra elicited by defence side. Thus the offence **under section 294 (b) of IPC against accused.**

20. After immediate of occurrence, the accused brought to hospital, the doctor perumal tested accused and confirmed that accused was under influence of alcohol, the medical test is enough to prove the offence under section 4 (1) (j) of TNP, there is no contra elicited by defence side, the accused caused distrubance to public after warned, **thus the offence under section 4 (1) (j) of TNP act is proved beyond reasonable doubt.**

21 The Pw1, Pw2, Pw8 deposed that accused threatned to kill and deter to discharge official duty at that time of occurrence, by perue the evidence of aforesaid witness it reveals that accused acting atrocity but not cause distrubance to discharge the official duty, the accused was under influence of alcohol and he could not understand the police direction. This court is of view, without any specific act done by public servant which cause distrubance by accused is fullfilled the offence,

herewith there is no deter caused by accused against public servant, further mere usage of words about threatned to kill is not sufficient to fulfill the offence under section 506 (ii) of IPC, the accused has acting atrocity and he was warned by police to go home, but accused attacked Pw1 and Pw3, thus the offence **under section 353, 506 (ii) of IPC is not proved beyond reasonable doubt against accused.**

22. In the result, this Court holds that the charges under section 294 (b), 353, 506 (ii) of IPC is not proved against accused beyond reasonable doubt. The charges under sections 294 (b), 332 (2 counts) of IPC and section 4(1)(j) of TNP Act is proved against accused beyond reasonable doubt. The accused is hereby convicted for the offences under section 294 (b), 332 of IPC (2 counts) u/s 248 (2) of Cr.P.C. Before passing sentence, question asked about sentence, the accused prayed for lesser sentence, he represent that he is first offender and he is retired from military service, he is regular attendance and not indulged in criminal activities during pendency of this case, by such consideration the accused is first offence and not indulged similar offence and the accused prayed to release under probation of offenders act.,

23. On considering the plea of accused and considering the probation report received from Probation officer which recommend. Hence, the accused entitled mitigating circumstances in this case. The accused side have filed application to release the accused on probation of offenders act and the said application is taken on file in CMP No.816/2026, Dated:05.03.2026, the prosecution side has not made serious objection, but opposed to allow this petition. On considering the plea of accused and mitigating circumstances, this court deem fit the accused by invoking section 4 (2) of Probation of offenders act., and hereby suspend the sentence against the accused and released on accused on probation on following conditions. The probation officer of Salem district submitted report on 02.03.2026 regarding the nature, previous records of the accused and recommend to release on probation.

a) The accused is hereby released on probation for the period of one year with condition to appear whenever given direction by accepted the sentence in this case. During probation period, the accused is hereby directed not to indulge unlawful activities and living peacefully, further directed to execute a bond of Rs.10,000/- with two sureties for like sum each. The sureties are to be local residence and produce the proof of residence.

b) The probation officer of omalur sub division is hereby directed to supervise the accused continually for the period of 1 year and the order passed under section 4(3) of probation of offenders act is in force for 1 year. If the accused breach the condition, the accused is obliged to accept the sentence and acting accordance of law and the bond executed by the accused and their sureties will be forfeited. The accused is directed to appear before probation officer of Omalur division on first day of every month around 10.00 A.M., The probation period of 1 year is inforce as per section 4(4) of Probation of offenders act.

24. There is no property hence no need to separate order.

Directly typed by me in the Computer and corrected by me and the Judgment pronounced in the open court on the 05th day of March 2026.

Judicial Magistrate No.II,

Mettur.

Prosecution side witnesses:-

PW1	Babu
PW2	Palanivel
PW3	Gurusamy
PW4	Sekar
PW5	Senthil
PW6	Selvam

PW7	Janakiraman
PW8	Palanisamy
PW9	Siva
PW10	Natarajan
PW11	Subash
PW12	Prakash
PW13	Balamurugan
PW14	Dr.Perumal

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.	Special report	17.04.2025	Exhibit P1	Pw1	Original
2.	2 nd signature in observation mahazar	28.04.2025	Exhibit P2	Pw7	Original
3.	1 st signature in observation mahazar	17.07.2025	Exhibit P3	Pw10	Original
4.	Observation mahazar	28.10.2025	Exhibit P4	Pw13	Original
5.	Rough Sketch	28.10.2025	Exhibit P5	Pw13	Original
6.	First information Report	28.10.2025	Exhibit P6	Pw13	Original
7.	Alteration report	28.10.2025	Exhibit P7	Pw13	Original
8.	Accident Register with wound certificate of Babu	23.02.2026	Exhibit P8	Pw14	Original
9.	Accident Register with wound certificate of Gurusamy	23.02.2026	Exhibit P9	Pw14	Original
10.	Drunk Certificate	23.02.2026	Exhibit P10	Pw14	Original

Material Objects:- -Nil-

Defence side Witness:- -Nil-

Defence side Exhibits:- -Nil-

**Judicial Magistrate No.II,
Mettur.**

Note:

- 1) During the trial of the case, the accused is 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.