

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

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

Wednesday, the 01st day of April – 2026

CC. No. 48/2024

CNR No : TNSA18-003468-2023

State of Tamil Nadu

Rep by the sub Inspector of police,
Jalakandapuram Police station,
Cr.No.16/2023

... Complainant

//vs//

A1.Vinoth, (aged about 35 years/2023)

S/o. Ananthan,

Residing at Kattinaickanpatty,
Sowriyur, Aavadathur Village,
Mettur Taluk, Salem District.

A2.Manokaran, (aged about 33 years/2023),

S/o.Duraisamy,

Residing at Kattinaickanpatty,
Sowriyur, Aavadathur Village,
Mettur Taluk, Salem District.

... Accused No.1 and 2

This case was taken on file on 19.01.2024 and came for final hearing before me on 26.03.2026 in the presence of Thiru.V.Shanmugasundaram, Assistant Public Prosecutor, the learned counsel for the complainant and Thiru.G.Ravigandhi, the learned counsel for the accused no.1 and 2 and upon hearing both side arguments and on perusing the entire records and having stood over for consideration of the said case till date, and peruse the written argument this court both the following:

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

1	Serial Number	CC No.48/2024
2	Name of Police Station & Crime Number	Jalakandapuram Police Station

		Cr.No.16 of 2023
3	Name of Accused	1. Vinoth, S/o.Ananthan, 2. Manokaran, S/o. Duraisamy,
4	Occupation	Coolie
5	Residence	Residing at Kattinaickanpatty, Sowriyur, Aavadathur Village, Mettur Taluk, Salem District.
6	Age	A1: 35 years/2023 A2: 33 years/2023
7	Occurrence (Date of offence)	13.01.2023
8	Complaint	14.01.2023
9	Apprehension (Date of Arrest)	28.01.2023
10	Release on Bail (Yes/No, Date)	28.01.2023
11	Commitment (to Court)	19.01.2024
12	Commencement of Trial	10.03.2026
13	Closure of Trial	10.03.2026
14	Sentence or Order (Verdict, Punishment)	01.04.2026
15	Service of Copy of Judgment to Accused	--
16	Explanation of Delay (if any)	--

JUDGMENT

1. The sub Inspector of Police of Jalakandapuram Police has laid final report stating that on 13.01.2023 around 4.45 P.m., at near to jalakandapuram santhaipettai, in front of karadiyan shop, one ayyanar was walking in road towards edappadi, at that time, one bolero pick up van bearing registration no. TN 93 E 9857 one vinoth driven by bolero pick up van and shouted against ayyanar, then vinoth along with manokaran, sivakumar step down from pick up van and scold filthily language, then vinoth punched ayyanar in his nose, then manokaran and sivakumar were pushed down ayyanar and kicked using leg, then ayyanar shouted and others were prevent

quarrel, then vinoth taken stone and attacked ayyaner in his leg, then ayyaner went to mettur goverment hospital and taken treatment, during hospitalisation the said ayyaner was enquired and recorded his statement, then registered the first information report in Cr.No.16/2023 for offence under section 294 (b), 323, 324 of IPC, after completion of investigation, the accused No.1 and 2 had committed an offence punishable under section 294 (b), 323, 324 of IPC.

2. This court on perusal of the material records had on satisfaction had taken cognizance of the offence under section 294 (b), 323, 324 of IPC. Upon appearance of the accused No.1 and 2, copies of documents relied on the side of the prosecution was furnished to them 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 No.1 and 2 and the charges explained against the accused No.1 and 2 and explained to the accused No. 1 and 2 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 No.1 and 2, the prosecution had examined four witnesses as PW1 to PW4 and marked documents as EX.P.1 to EX.P.11 and marked Ex Mo No.1.

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

PW1 Ayyaner is residing at Jalakandapuram and doing coolie works, in the year of 2023 around evening time, one identified person were caused problem and pushed down and caused injury, during hospitalisation the Pw1 was enquired and recorded his statement, he did not know complaint details, he identified the signature

in complaint, the signature in complaint marked as **ExP1**, he was enquired by police. The Pw2 Jeyavel is residing at Jalakandapuram, in the year of 2023 around evening time, the Pw1 was standing at near to santhaipettai and one unidentified person were pushed down and caused problem, he did not know further details, he was not enquired by police.

5. The Pw3 Raja is residing at Jalakandapuram and running hotel, in the year of 2023 around 4 P.M., the Pw1 was standing at near to santhaipettai, one unidentified person were pushed down and caused problem, he did not know further details, he identified the 2nd signature in observation mahazar, the 2nd signature marked as **EXP2**, he identified the 2nd signature in seizure mahazar, he did not know details in seizure mahazar, the 2nd signature marked as **ExP3**, he was enquired by police.

6. The Pw4 Mohankumar is working as head constable in Jalakandapuram police station, on 14.01.2023, the sub inspector Rajan was present in station, received intimation from mettur government hospital and enquired Pw1 by police sub inspector sellappan, then handed over to sub inspector rajan, then registered the first information report in crime no.16/2023 for the offence under section 294 (b), 323, 324 of IPC, the complaint marked as **Ex.P4**, the first information report marked as **Ex.P5**. then proceed to the place of occurrence on 04.08.2023 around 9.00 A.M., and drawn sketch in the presence of witness, the observation mahazar and rough sketch marked as **ExP6 and ExP7**. The injured person Ayyaner taken to Mettur government Hospital and the doctor Vinoth kumar gave treatment, the accident register of ayyaner marked as **ExP8**. The accused Sivakumar not indulged in criminal activities hence removed from this case, the removal report marked as **ExP9**. Then on 14.01.2023 around 6.50 P.M., the investigation officer has recovered stone in the presence of witness, then sent the case property to the court by preparing form 95, the seizure mahazar marked as **ExP10**, form 95 marked as **ExP11**, the stone marked as **Ex Mo**

No.1. Then accused Vinoth and Manoharan were arrested and released on station bail. On completion of the investigation, the investigation officer had laid down final report against the accused under section 294 (b), 323, 324 of IPC.

7. On completion of prosecution evidence, the incriminating materials available on records, as deposed by the prosecution witnesses, have been explained and questioned the accused No. 1 and 2 u/s 351(1) (b) of BNSS for their answers. The accused No.1 and 2 denied their complicity of incriminating circumstances appeared against them and they have stated that it is false case foisted against them.

8. The accused 1 and 2 stated that they had defence witness and later stated that there is no defence witness and after recording the same, this court heard both sides.

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

10. THE POINT FOR CONSIDERATION:

Whether the prosecution had proved the charges under section 294 (b), 323, 324 of IPC as against the accused No.1 and 2 with relevant evidence and documents beyond all the reasonable doubt ?

11. ANSWER TO THE POINT:

The charges against the accused stating that on 13.01.2023 around 4.45 P.m., at near to jalakandapuram santhaipettai, in front of karadiyan shop, one ayyanar was walking in road towards edappadi, at that time, one bolero pick up van bearing registration no. TN 93 E 9857 one vinoth driven by bolero pick up van and shouted against ayyanar, then vinoth along with manokaran, sivakumar step down from pick up van and scold filthily language, then vinoth punched ayyanar in his nose, then manokaran and sivakumar were pushed down ayyanar and kicked using leg, then

ayyaner shouted and others were prevent quarrel, then vinoth taken stone and attacked ayyaner in his leg, then ayyaner went to mettur goverment hospital and taken treatment, during hospitalisation the said ayyaner was enquired and recorded his statement, then registered the first information report in Cr.No.16/2023 for offence under section 294 (b), 323, 324 of IPC, after completion of investigation, the accused No.1 and 2 had committed an offence punishable under section 294 (b), 323, 324 of IPC.

12. To prove the charges against the accused No.1 and 2, the prosecution had relied upon the oral evidence of PW1 to PW4 and EX.P.1 to EX.P11 and marked Ex Mo No.1. In this case, that on 13.01.2023 around 4.45 P.m., at near to jalakandapuram santhaipettai, in front of karadiyan shop, one ayyanar was walking in road towards edappadi, at that time, one bolero pick up van bearing registration no. TN 93 E 9857 one vinoth driven b y bolero pick up van and shouted against ayyaner, then vinoth along with manokaran, sivakumar step down from pick up van and scold filthily langauge, then vinoth punched ayyaner in his nose, then manokaran and sivakumar were pushed down ayyaner and kicked using leg, then ayyaner shouted and others were prevent quarrel, then vinoth taken stone and attacked ayyaner in his leg. The Pw1 in his evidence that in the year of 2023 around evening time, one identified person were caused problem and pushed down and caused injury, during hospitalisation the Pw1 was enquired and recorded his statement, he did not know complaint details, the extract portion of Pw1 herewith “கடந்த 2023 ம் வருடம் மாலை நேரத்தில் சந்தைப்பேட்டை அருகே நின்றிருந்த போது அடையாளம் தெரியாத வாகனத்தில் வந்த நபர்கள் என்னை தள்ளிவிட்டதில் நான் கீழே விழுந்ததால் எனக்கு காயம் ஏற்பட்டது. பிறகு நான் மருத்துவமனைக்கு சென்றேன். காவலர்கள் நடந்த விவரத்தை என்னிடம் வாக்குமூலமாக கேட்டார்கள். நான் நடந்த விவரத்தை எதிரிகளின் மீது இருந்த சந்தேகத்தின் பேரில் சொன்னேன். அவர்கள் புகார் வாக்குமூலமாக பதிவு செய்தார்கள். புகார் வாக்குமூலத்தில் உள்ள கையெழுத்து

என்னுடையது தான் அதில் உள்ள சங்கதிகள் எனக்கு தெரியாது“ which means that Pw1 does not supported the prosecution.

13. The Pw2 Jeyavel is direct witness and he deposed in the year of 2023 around evening time, the Pw1 was standing, one unidentified person were attacked, he did not know case details, he was enquired by police. The Pw3 Raja deposed similarly as like of Pw2, he testified that Pw1 was standing, one unidentified person were attacked, he did not know case details, he was enquired by police. The Pw3 identified the 2nd signature in observation mahazar and seizure mahazar, the 2nd signature in observation mahazar and seizure mahazar marked as **ExP2 and EXP3**, they were enquired by police. By means the ocular witness does not supported the prosecution case. Though the present officer stated about the fact of the case, but the Pw1, Pw2, Pw3 does not supported the prosecution. Thus, the prosecution has not proved the case beyond reasonable doubt. Thus the offence under section 294 (b), 323, 324 of IPC is **not proved beyond reasonable doubt against the accused No.1 and 2.**

14. In the result, this Court holds that the prosecution had not proved the offence under section 294 (b), 323, 324 of IPC as against the accused No. 1 and 2 beyond reasonable doubt and the accused no. 1 and 2 is acquitted u/s 248(1) of Cr.p.c.

15. The case property in C.P.No.30/2024, Dated:01.03.2024 (கைக்கு அடக்கமான ஒழுங்கற்ற நிலையில் உள்ள கருங்கல் ஒன்று) is to be destroyed after expiry of appeal period.

Directly typed by me in the Computer and corrected by me and the Judgment pronounced in the open court on the 01st day of April 2026.

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

Prosecution side witnesses:-

PW1	Ayyanar
PW2	Jayavel
PW3	Raja
PW4	Mohan kumar

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 in complaint statement	10.03.2026	Exhibit P1	Pw1	Original
2.	2 nd signature in observation mahazar	10.03.2026	Exhibit P2	Pw3	Original
3.	2 nd signature in seizure mahazar	10.03.2026	Exhibit P3	Pw3	Original
4.	Complaint statement	10.03.2026	Exhibit P4	Pw4	Original
5.	First information report	10.03.2026	Exhibit P5	Pw4	Original
6.	Observation mahazar	10.03.2026	Exhibit P6	Pw4	Original
7.	Rough Sketch	10.03.2026	Exhibit P7	Pw4	Original
8.	Accident Register	10.03.2026	Exhibit P8	Pw4	Original
9.	Accused name removal report	10.03.2026	Exhibit P9	Pw4	Original
10.	Seizure mahazar	10.03.2026	Exhibit P10	Pw4	Original
11.	Form 95	10.03.2026	Exhibit P11	Pw4	Original

Material Objects:-**Ex.Mo.1** – கைக்கு அடக்கமான கருங்கல்**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.

Judicial Form No.61
(See Rule 106)
IN THE COURT OF THE JUDICIAL MAGISTRATE COURT NO-II. METTUR.
JUDGMENT IN CC.No.48/2024
ON THE FILE OF THE JUDICIAL MAGISTRATE COURT NO-II. METTUR.

Complainant :	The sub Inspector of police, Jalakandapuram police station, Cr.No.16 of 2023					
Accused :	1.Vinoth,S/o.Ananthan 2.Manokaran,S/o.Duraisamy					
Offence :	U/s. 294 (b), 323, 324 of IPC					
Charges :	U/s. 294 (b), 323, 324 of IPC					
Finding :	This Court holds that the prosecution had not proved the offence under section 294 (b), 323, 324 of IPC as against the accused No. 1 and 2 beyond reasonable doubt.					
Sentence/ order :	In the result, this Court holds that the prosecution had not proved the offence under section 294 (b), 323, 324 of IPC as against the accused No. 1 and 2 beyond reasonable doubt and the accused no. 1 and 2 is acquitted u/s 248(1) of Cr.p.c.					
<u>Description of the Accused</u>						
Sl. No	Name	Father's Name	Religion	Occupation	Residence Address	Age
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	Vinoth	Ananthan	Hindu	Coolie	Residing at Kattinaickanpatty, Sowriyur, Aavadathur Village, Mettur Taluk, Salem District.	35 years/2023
2.	Manokaran	Duraisamy	Hindu	Coolie	Residing at Kattinaickanpatty, Sowriyur, Aavadathur Village, Mettur Taluk, Salem District.	33 years/2023
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 14.01.2023 Charge Sheet: 25.04.2023 T.O.F. : 19.01.2024
(8)	(9)	(10)	(11)	(12)	(13)	(14)	
13.01.2023	14.01.2023	28.01.2023	28.01.2023	10.03.2026	10.03.2026	01.04.2026	

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

CASE SUMMARY				
Sl.No	Description	Remarks		
1.	Period of Remand of the Accused	Nil		
2.	The date of filing of the Complaint/final report of the Court	19.01.2024		
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	10.03.2026		
5.	Filing of 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.836/2026, Dated:10.03.2026 311 Cr.P.C petition filed and allowed.		
6.	Date of examination in-chief and cross-examination of a witness	Witness	Chief	Cross
		PW1	10.03.26	--
		PW2	10.03.26	--
		PW3	10.03.26	--
		PW4	10.03.26	10.03.26
7.	Date of examination of the accused Under Section 313 of the code	11.03.2026		
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 No.II,
Mettur.**