

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

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

**Friday, the 06<sup>th</sup> day of March – 2026**

**CC.No. 680/2024**

**CNR No : TNSA18-004481-2024**

State of Tamil Nadu  
Rep by the sub Inspector of police,  
Jalakandapuram Police station,  
Cr.No.146/2024

... **Complainant**

//vs//

Sitthuraj (Chitra) (aged about 55 years/2024)  
S/o.Venkatachalam,  
Residing at Sithayee Kadu,  
Jalagandapuram,  
Mettur Taluk, Salem District.

... **Accused**

This case was taken on file on 03.12.2024 and came for final hearing before me on 03.03.2026 in the presence of **Thiru.T.Suresh, Assistant Public Prosecutor**, the learned counsel for the complainant and **Thiru.R.Boopathy**, 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.680/2024
2	Name of Police Station & Crime Number	Jalakandapuram Police Station Cr.No.146/2024
3	Name of Accused	Sitthuraj (Chitra)

		S/o.Venkatachalam
4	Occupation	Coolie
5	Residence	Residing at Sithayee Kadu, Jalagandapuram, Mettur Taluk, Salem District.
6	Age	55 years/2024
7	Occurrence (Date of offence)	25.08.2024
8	Complaint	27.08.2024
9	Apprehension (Date of Arrest)	29.08.2024
10	Release on Bail (Yes/No, Date)	04.09.2024
11	Commitment (to Court)	03.12.2024
12	Commencement of Trial	12.11.2025
13	Closure of Trial	11.02.2026
14	Sentence or Order (Verdict, Punishment)	06.03.2026
15	Service of Copy of Judgment to Accused	--
16	Explanation of Delay (if any)	--

### **JUDGMENT**

1. The sub Inspector of Police of Jalakandapuram Police Station has laid down the final report stating that one madthaiyan is running maligai stores in the name of MKM stores in jalakandapuram, the accused sithuraj often come to shop and purchase maligai and not given amount towards purchase, if asked amount the accused scold filthily language and caused problem. On 25.08.2024 around 9.30 P.M., the madthaiyan and his son were proceed to lock shop, at that time, the accused come and asked paste, his son nateshraja asked amont of Rs.30 for purchase paste, but accused scold filthily language and criminally threatned with dire consequences, then broken bottle and attempt to attack, it was resisted by madthaiyan, then accused broken bottle and other things and caused damages, then lodged complaint before police station, then registered the first information report in Cr.No.176/2023 for offence under section 296(b), 308 (4), 324 (2) of BNS. After completion of

investigation, the accused had committed the offence under section 296(b), 308 (4), 324 (2) of BNS.

2. This court on perusal of the material records had on satisfaction had taken cognizance of the offence under section 296(b), 308 (4), 324 (2) of BNS. Upon appearance of the accused, copies of documents relied on the side of the prosecution was furnished to him under sections 230 of BNS. 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 seven witnesses as PW1 to PW7 and marked documents as EX.P.1 to EX.P.5 marked.

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

The defacto complainant examined as PW1. PW1 is residing at jalakandapuram and running shop, one sithuraj come on 25.08.2024 around 9.15 P.m., purchase paste and refused given amount of Rs.30 /- then scold filthily language and broken bottle in shop, then attempt to attack using broken bottle which was resisted, then lodged complaint before police station due to fear caused to open shop, he identified complaint and accused in open court, the complaint marked as EXP1, he was enquired by police. The Pw2 Natesaraja is residing at Jalakandapuram and working in his father's shop, one sithuraj come to his shop and often purchase things and not provide money, on 25.08.2024 around 9.15 P.m., purchase paste and refused given amount of Rs.30 /- then scold filthily language and broken bottle in shop, then attempt to attack using broken bottle which was resisted by Pw1, then PW1 lodged

complaint before police station and identified the accused in open court, he was enquired by police.

5. The Pw3 Balaji is residing at jalakandapuram and working in electricity field, the Pw1 and Pw2 known persons, one sithuraj purchased things often and refused to provide money, on 25.08.2024 around 9.15 P.m., the accused purchase paste and refused to provide amount, then scold filthily language, then on 27.07.2024 around 12 P.M., the jalakandapuram police were drawn skethc in his presence, he identified the signature in mahazar, he know the contents in mahazar, the observation mahazar marked a EXP2, he was enquired by police.

6. The Pw4 Kannan is residing at jalakandapuram and Pw1 is his father, on 25.08.2024 around 9.30 P.m., he and his father, brother were present in shop, during closing time, one sithuraj come and purchase paste and refused given amount, then scold filthily language and broken bottle in shop, then lodged complaint before police station by Pw1and accused in open court, he was enquired. The Pw5 srinivasan is residing at jalakandapuram and doing coolie works, he know the accused, on 25.08.2024 around 9.00 P.m., purchase paste and refused given amount, then scold filthily language and broken bottle in shop, then after half an hour attempt to attack using broken botle which was resisted, he was enquired by police.

7. The Pw6 Arthanari stood as witness in mahazar, he identified the signature in mahazar, the 1<sup>st</sup> signature marked as **ExP3**, he know the case details, he was enquired. The PW7 Madhuraj is now retired from police service, on 27.08.2024, one krishnan appeared and lodged complaint, then registered as first information report in Cr.No.146/2024, for offences under section 296(b), 308 (4), 324 (2) of BNS, the first information report marked as **Ex.P4**. Then proceed to the place of occurrence on 27.08.2024 at around 12.00 A.M, and drawn sketch in the presence of witness, the

rough sketch marked as **Exp5**. Then enquired the witness and recorded their statement. On completion of the investigation, the investigation officer had laid down final report against the accused under section 296(b), 308 (4), 324 (2) of BNS .

8. 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 351(1) (b) of BNSS 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.

9. 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.

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

11. **THE POINT FOR CONSIDERATION:**

Whether the prosecution had proved the charges under section 296(b), 308 (4), 324 (2) of BNS as against the accused with relevant evidence and documents beyond all the reasonable doubt ?

12. **ANSWER TO THE POINT:**

The charges against the accused that one madthaiyan is running maligai stores in the name of MKM stores in jalakandapuram, the accused sithuraj often come to shop and purchase maligai and not given amount towards purchase, if asked amount the accused scold filthily language and caused problem. On 25.08.2024 around 9.30 P.M., the madthaiyan and his son were proceed to lock shop, at that time, the accused come and asked paste, his son nateshraj asked amount of Rs.30 for purchase paste,

but accused scold filthily language and criminally threatned with dire consequences, then broken bottle and attempt to attack, it was resisted by madthaiyan, then accused broken bottle and other things and caused damages, then lodged complaint before police station, then registered the first information report in Cr.No.176/2023 for offence under section 296(b), 308 (4), 324 (2) of BNS. After completion of investigation, the accused had committed the offence under section 296(b), 308 (4), 324 (2) of BNS.

**13.** To prove the charges against the accused, the prosecution had relied upon the oral evidence of PW1 to PW7 and EX.P.1 to EX.P5 marked. In this case, the accused sithuraj often come to shop and purchase maligai and not given amount towards purchase, if asked amount the accused scold filthily language and caused problem. On 25.08.2024 around 9.30 P.M., the madthaiyan and his son were proceed to lock shop, at that time, the accused come and asked paste, his son nateshraj asked amont of Rs.30 for purchase paste, but accused scold filthily language and criminally threatned with dire consequences, then broken bottle and attempt to attack, it was resisted by madthaiyan. The Pw1 testified that on 25.08.2024 around 9.15 P.m., purchase paste and refused given amount of Rs.30 /- then scold filthily language and broken bottle in shop, then attempt to attack using broken botle which was resisted, then lodged complaint before police station due to fear caused to open shop.

14. The Pw2 Natesaraja, Pw4 Kannan and Pw5 srinivasan were testified similarly and they on 25.08.2024 around 9.30 P.M., the madthaiyan and his son were proceed to lock shop, at that time, the accused come and asked paste, his son nateshraj asked amont of Rs.30 for purchase paste, but accused scold filthily language and criminally threatned with dire consequences, then broken bottle and attempt to attack, it was resisted by madthaiyan. There is no contra allegation elicited by defence side, the accused scold filthily words, that particular word used by accused stated by pw1,

whic caused annoyance in the mind of Pw1, **thus the offence under section 296 (b) of BNS is proved beyond reasonable doubt.** The Pw1 testify that accused attempt to attack, which was resisted, then broken the bottle in shop, thus **the offence 308 (4), 324 (2) of BNS is proved beyond reasonable doubt.**

15. In the result, this Court holds that the prosecution had proved the offence under section 296(b), 308 (4), 324 (2) of BNS as against the accused beyond reasonable doubt. The accused is hereby convicted for the offence under section 296(b), 308 (4), 324 (2) of BNS and the accused is convicted u/s 271(2) of BNSS. Before passing sentence, question asked about sentence, the accused prayed for lesser sentence, he represent that he is first offender, he is regular attendance and not indulged in criminal activities during pendency of this case, not indulged similar offence and the accused prayed to release under probation of offenders act.,

16. 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.817/2026, Dated: 06.03.2026, 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 03.03.2026 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.

17. 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 06<sup>th</sup> day of March 2026.

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

**Prosecution side witnesses:-**

PW1	Mathaiyan
PW2	Nadesaraja
PW3	Balaji
PW4	Kannan
PW5	Srinivasan
PW6	Arthanari
PW7	Madhuraj

**Prosecution side Exhibits:- Judicial Form No.68**

<b>S.No of the exhibit</b>	<b>Description of the exhibit and its date</b>	<b>Date, When the exhibit was filed in the case</b>	<b>How marked</b>	<b>By Whom filed</b>	<b>Remarks</b>
1.	Complaint statement	12.11.2025	Exhibit P1	Pw1	Original
2.	Observation mahazar	12.11.2025	Exhibit P2	Pw3	Original
3.	1 <sup>st</sup> signature in observation mahazar	22.01.2026	Exhibit P3	Pw6	Original
4.	First information report	11.02.2026	Exhibit P4	Pw7	Original
5.	Rough Sketch	11.02.2026	Exhibit P5	Pw7	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.

**Judicial Form No.61**  
**(See Rule 106)**  
**IN THE COURT OF THE JUDICIAL MAGISTRATE COURT NO-II. METTUR.**  
**JUDGMENT IN CC.No.680/2024**  
**ON THE FILE OF THE JUDICIAL MAGISTRATE COURT NO-II. METTUR.**

<b>Complainant :</b>	The sub Inspector of police, Jalakandapuram police station, Cr.No.146/2024
<b>Accused :</b>	Sitthuraj (Chitra), S/o.Venkatachalam
<b>Offence :</b>	U/s. 296(b), 308(4), 324(2) BNS
<b>Charges :</b>	U/s. 296(b), 308(4), 324(2) BNS
<b>Finding :</b>	This Court holds that the prosecution had proved the offence under section 296(b), 308 (4), 324 (2) of BNS as against the accused beyond reasonable doubt. The accused is hereby convicted for the offence under section 296(b), 308 (4), 324 (2) of BNS
<b>Sentence/ order :</b>	In the result, this Court holds that the prosecution had proved the offence under section 296(b), 308 (4), 324 (2) of BNS as against the accused beyond reasonable doubt. The accused is hereby convicted for the offence under section 296(b), 308 (4), 324 (2) of BNS and the accused is convicted u/s 271(2) of BNSS. Before passing sentence, question asked about sentence, the accused prayed for lesser sentence, he represent that he is first offender, he is regular attendance and not indulged in criminal activities during pendency of this case, not indulged similar offence and the accused prayed to release under probation of offenders act., 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.817/2026, Dated: 06.03.2026, 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

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**Description of the Accused**

Sl. No	Name	Father's Name	Religion	Occupation	Residence Address	Age
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	Sitthuraj (Chitra)	Venkatachalam	Hindu	Cooli	Residing at Sithayee Kadu, Jalagandapuram,	55 years/2024

					Mettur Taluk, Salem District.		
<b>DATE OF</b>							<b>EXPLANATION OF DELAY</b>
<b>Offence</b>	<b>Report of complaint</b>	<b>Apprehensi on of accused</b>	<b>Release on bail</b>	<b>Commence ment of trial</b>	<b>Close of trial</b>	<b>Sentence or order</b>	<b>Date of FIR 27.08.2024 Charge Sheet : 30.08.2024 T.O.F. : 03.12.2024</b>
<b>(8)</b>	<b>(9)</b>	<b>(10)</b>	<b>(11)</b>	<b>(12)</b>	<b>(13)</b>	<b>(14)</b>	
25.08.2024	27.08.2024	29.08.2024	04.09.2024	12.11.2025	11.02.2026	06.03.2026	

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

<b>CASE SUMMARY</b>																											
<b>Sl. No</b>	<b>Description</b>	<b>Remarks</b>																									
1.	Period of Remand of the Accused	From 29.08.2024 to 04.09.2024																									
2.	The date of filing of the Complainant/final report of the Court	03.12.2024																									
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	18.07.2025																									
5.	Filing of miscellaneous petitions an their results incuding the results on challenge before superior Courts. Except routine petitions like petitions under Section 317 of the code	CMP No.817/2026, Dated: 06.03.2026 probation of offender act petition filed and allowed.																									
6.	Date of examination in-chief and cross-examination of a witness	<table border="1"> <thead> <tr> <th><b>Witness</b></th> <th><b>Chief</b></th> <th><b>Cross</b></th> </tr> </thead> <tbody> <tr> <td><b>PW1</b></td> <td>12.11.25</td> <td>12.11.25</td> </tr> <tr> <td><b>PW2</b></td> <td>12.11.25</td> <td>12.11.25</td> </tr> <tr> <td><b>PW3</b></td> <td>12.11.25</td> <td>12.11.25</td> </tr> <tr> <td><b>PW4</b></td> <td>21.01.26</td> <td>21.01.26</td> </tr> <tr> <td><b>PW5</b></td> <td>22.01.26</td> <td>22.01.26</td> </tr> <tr> <td><b>PW6</b></td> <td>22.01.26</td> <td>22.01.26</td> </tr> <tr> <td><b>PW7</b></td> <td>11.02.26</td> <td>11.02.26</td> </tr> </tbody> </table>	<b>Witness</b>	<b>Chief</b>	<b>Cross</b>	<b>PW1</b>	12.11.25	12.11.25	<b>PW2</b>	12.11.25	12.11.25	<b>PW3</b>	12.11.25	12.11.25	<b>PW4</b>	21.01.26	21.01.26	<b>PW5</b>	22.01.26	22.01.26	<b>PW6</b>	22.01.26	22.01.26	<b>PW7</b>	11.02.26	11.02.26	
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<b>PW5</b>	22.01.26	22.01.26																									
<b>PW6</b>	22.01.26	22.01.26																									
<b>PW7</b>	11.02.26	11.02.26																									
7.	Date of examination of the accused Under Section 313 of the code	13.02.2026																									
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.