



IN THE COURT OF THE JUDICIAL MAGISTRATE, KARAIKUDI

PRESENT: THIRU. J.KARMEGAKANNAN, B.A., B.L.,

JUDICIAL MAGISTRATE, KARAIKUDI

On Wednesday the 17th day of June 2026

Calendar Case No.500 of 2022

Old C.C.No.259 of 2016

Crime No.106 of 2016

(On the file of Karaikudi North Police station)

CNR No.TNSV19 – 001 – 773 - 2022

Statement as per Rule 106 of the Criminal Rules of Practice, 2019		
1.	Serial Number	Calendar Case (C.C). No.500 of 2022
2.	Name of the Police Station and Crime Number	State Reperesented through The Inspector of Police, Karaikudi North Police Station, Sivagangai District. Crime No. 106 of 2016. Complainant
3.	Name	Kannan,
	Father's name	S/o. Manickam,
	Occupation	No. 6/61, Kannadasan Street,
	Residence	Karaikudi,
	Age	Sivagangai District. Accused
4.	Date of Occurrence	01.03.2016
5.	Date of Final Report	11.03.2016
6.	Date of Apprehension	--



7.	Date of Release on bail	--		
8.	Date of examination of witnesses in chief, Cross	Witnesses	Chief Examination	Cross Examination
		PW-1	24.07.2025	24.07.2025
		PW-2	24.07.2025	24.07.2025
		PW-3	24.07.2025	24.07.2025
		PW-4	05.08.2025	05.08.2025
		PW-5	16.09.2025	16.09.2025
		PW-6	16.12.2025	16.12.2025
		PW-7	27.01.2026	27.01.2026
9.	Closure of Trial	27.01.2026		
10.	Accused is questioned u/s.313(1)(b) of Crpc date	05.06.2026		
11.	Sentence or Order.	In the result, the accused is found guilty and convicted for the offence punishable under Section 353 IPC under Section 248(2) Cr.P.C. and sentenced to undergo Simple Imprisonment for a period of one year and to pay a fine of Rs.5,000/-, in default to undergo Simple Imprisonment for a further period of two weeks. The accused is acquitted under section 248 (1) of Cr.P.C. from the charges under Section 294(b) IPC and Section 4(1)(j) of the Tamil Nadu		



		Prohibition Act. The period of detention already undergone by the accused during investigation and trial, if any, shall be given set off under Section 428 Cr.P.C.
12.	Service of copy of judgment or finding on accused	Yes. Free copy of the judgment was furnished to the accused as per section 404 of the Bharatiya Nagarik Suraksha Sanhita, 2023.
13.	Explanation of delay	The delay was occasioned due to the delay in serving of summons on the accused is and Covid - 19 pandemic situation.
14.	Date of Judgment Reserved	10.06.2026
15.	Date of Judgment Pronounce	17.06.2026

This case being taken on file in the year 2016 and previously numbered as CC.No. 259/2016 and this court converted on 2022 as Judicial Magistrate Court Karaikudi, new number has been assigned as CC.No. 500/2022 and the state being represented by Mr. Selvaraj, Assistant Public Prosecutor- Grade I and Mr.R.Abdul Sithikque, counsel for Accused person and after perusing the documents filed, evidence adduced and upon hearing submission of both sides, this court passes the following;



JUDGMENT

1. The present case has been charge sheeted by the Inspector of Police, Karaikudi North Police Station, in Crime No. 106 of 2016 against the above accused person under sections 294 (b), 353 of Indian Penal Code, 1860 and Section 4 (1) (j) of the Tamilnadu Prohibition Act, 1937.

2. The case of the prosecution, in brief, is as follows:-

On 01.03.2016, the defacto complainant, who was serving as a police official, took the accused on his motorcycle to the Government Hospital, Karaikudi, pursuant to Medical Memo No. 60/ML/K1PS/16, for the purpose of ascertaining whether the accused was under the influence of alcohol. After the medical examination, while returning to the police station, the defacto complainant was riding the motorcycle and the accused was travelling as a pillion rider. When they were nearing the Thevar Statue at Karaikudi, the accused, in a disrespectful manner, instructed the defacto complainant to stop the vehicle. Accordingly, the defacto complainant stopped the motorcycle. Thereupon, the accused became enraged, abused the defacto complainant in filthy language, and stated that he had signed using green ink and that the police were falsely attempting to implicate him in a drunken driving case. The accused then pulled down the defacto complainant from the motorcycle and assaulted him by kicking with his legs and obstructing the defacto complainant from discharging his official duties as a public servant



3. Being aggrieved by the said occurrence, the defacto complainant lodged a complaint before the respondent police on 01.03.2016. Based on the said complaint, a First Information Report came to be registered on 01.03.2016. Upon completion of investigation, the Investigating Officer filed a final report against the accused person, and the case was taken on file. Thereafter, summons were issued to the accused person. On the appearance of the accused person, copies of the documents relied upon by the prosecution were furnished to him under Section 207 of the Code of Criminal Procedure. Thereafter, the particulars of the offences alleged against him were explained. Finding that a prima facie case was made out, this Court framed charges against the first accused person for the offence punishable under sections 294 (b), 353 of Indian Penal Code, 1860 and Section 4 (1) (j) of the Tamilnadu Prohibition Act, 1937, and questioned them as to whether he pleaded guilty or claimed to be tried. The accused had denied the charges and claimed to be tried.

4. The evidence adduced on the side of the prosecution consists of the oral testimonies of PW1 to PW7 and the documentary evidence marked as Exs.P1 to P6 also marked. After the closure of the prosecution side evidence, this court questioned the accused person under Section 313 (1) (b) of Cr.P.C, with regard to the incriminating circumstances available against him in the prosecution evidence. The accused had denied the same as false and denied his



complicity in the alleged offence. On the side of the defence, no witness was examined and no document was marked.

5. The learned Assistant Public Prosecutor for the State argued that the case of the Prosecution has been proved beyond all reasonable doubts on account of the consistent testimony of the witnesses regarding the offence against the accused persons under sections 294 (b), 353 of Indian Penal Code, 1860 and Section 4 (1) (j) of the Tamilnadu Prohibition Act, 1937. Thus, it was strongly pressed on behalf of State that the Accused be convicted and given maximum punishment.

6. Per contra, the learned counsel for the accused has Arguing that Prosecution has completely failed to discharge its burden of proving the case of the Accused beyond reasonable doubts. Learned Counsel for the Accused has also filed a detailed written Arguments and pressed upon their acquittal from the present case.

7. I have heard learned APP for the State and learned Counsel for the accused. I have gone through the oral and documentary evidence and written arguments of the defence for appreciating the rival contentions.



8. Points for Consideration:-

Whether the prosecution has proved its case beyond all reasonable doubt against the accused person for the offence under sections 294 (b), 353 of Indian Penal Code, 1860 and Section 4 (1) (j) of the Tamilnadu Prohibition Act, 1937?

The testimonies of the prosecution side Witnesses in brief is as follows;

9. The PW1-Shanmugasundaram- the defacto complainant, deposed that in the year 2016 he was serving as a Head Constable attached to Karaikudi North Police Station. On 01.03.2016 at about 7.00 p.m., as per the instructions of the then Sub-Inspector of Police, Karaikudi North Police Station, namely Aravind Rajan, he and one Special Sub-Inspector of Police, Ramamoorthy, took the accused to the Government Hospital, Karaikudi, for obtaining a medical certificate regarding the consumption of alcohol by the accused. According to PW1, while SSI Ramamoorthy travelled in a separate vehicle, PW1 and the accused travelled together on PW1's motorcycle. After obtaining the medical certificate, while they were returning to the police station at about 8.00 p.m. and were nearing the Thevar Statue, Karaikudi, the accused pressed PW1's shoulder and asked him to stop the motorcycle. When PW1 questioned the accused regarding the same, the accused abused him in filthy language and stated that he had signed using green ink and that the police were attempting to foist a drunken driving case against him. Thereafter, the accused pulled PW1



down from the motorcycle and kicked him on his leg. The accused then fled from the place of occurrence. The PW1 further deposed that he searched for the accused in the nearby area but could not trace him. Thereafter, at about 8.30 p.m., he went to the police station and lodged a complaint. The said complaint was marked as Ex.P1.

10. The PW2- Ramamoorthy- who was examined as an eyewitness to the occurrence, deposed that in the year 2016 he was serving as a Special Sub-Inspector of Police at Karaikudi North Police Station. According to him, on 01.03.2016 at about 7.00 p.m., as per the instructions of the then Sub-Inspector of Police, Aravind Rajan, he and PW1 took the accused to the Government Hospital, Karaikudi, for obtaining a medical certificate regarding the consumption of alcohol by the accused. PW2 stated that he travelled in a separate vehicle, while PW1 and the accused travelled together on PW1's motorcycle. The PW2 further deposed that after obtaining the medical certificate, while they were returning to the police station at about 8.00 p.m. and were nearing the Thevar Statue, Karaikudi, the accused pressed PW1's shoulder and asked him to stop the motorcycle. When PW1 questioned the accused, the accused abused him in filthy language and stated that he had signed using green ink and that the police were attempting to foist a drunken driving case against him. Thereafter, the accused pulled PW1 down from the motorcycle and kicked him on his leg. The accused then fled from the place of



occurrence. The PW2 further stated that he, along with PW1, searched for the accused in the nearby area but could not trace him. Thereafter, at about 8.30 p.m., they returned to the police station, where PW1 lodged a complaint. The PW2 also deposed that, owing to the long lapse of time since the occurrence.

11. The PW3- Selvam - who was examined as hearsay witness had turned hostile and did not supported the case of the Prosecution.

12. The PW4- Jagadeesh- who was examined as mahazar witness had also turned hostile and didn't supported the case and denied his signature found in the mahazar.

13. The PW5- Dr. Vijayakumar- the doctor who examined the accused, deposed that on 01.03.2016, while he was serving as an Assistant Surgeon at the Government Hospital, Karaikudi, the accused was brought to the hospital by PW2 along with a requisition from the police for conducting an alcohol examination. Upon receipt of the medical memo, he examined the accused at about 7.30 p.m. the PW3 further deposed that at the time of examination, he noticed smell of alcohol in the breath of the accused, redness of the eyes, and dilated pupils. Based on his clinical findings, he opined that the accused had consumed alcohol, but was not under its influence. Accordingly, he issued the medical certificate, which was marked as Ex.P2. He further stated that, in



connection with the said examination, he was subsequently examined by the police during the course of investigation.

14. The PW6- Aravindh Rajan- the police officer who registered the case, deposed that on 01.03.2016 at about 8.30 p.m, PW1 appeared before him and lodged a written complaint regarding the occurrence. Based on the said complaint, he registered a case in Crime No.106 of 2016 for the alleged offences under Sections 294(b) and 353 IPC and Section 4(1)(j) of the Tamil Nadu Prohibition Act. The First Information Report was marked as Ex.P3. The PW4 further deposed that the police notice dated 01.03.2016 was marked as Ex.P4. After registering the case and completing the necessary formalities, he forwarded the FIR to the jurisdictional Court and handed over the case records to the Inspector of Police for the purpose of further investigation.

15. The PW7- Pitchaipandian- The Investigation Officer deposed that, after registration of the FIR, he took up the case for investigation on 02.03.2016. On the same day at about 08.00 p.m., he visited the place of occurrence, inspected the scene, examined the witnesses present there, and prepared the Observation Mahazar and Rough Sketch, which were marked as Ex.P5 and Ex.P6 respectively. Thereafter, he examined witnesses 1 to 7 and recorded their statements. During the course of investigation, the accused obtained anticipatory bail from the Hon'ble Sessions Court, Sivagangai. After



completing the investigation and collecting the relevant materials, he filed the final report before the Court on 11.03.2016.

The point for consideration is answered as follows;-

16. The prosecution case is that on 01.03.2016, the accused was taken by PW1, a Head Constable attached to Karaikudi North Police Station, to the Government Hospital, Karaikudi, for medical examination regarding consumption of alcohol. After the examination, while PW1 was returning to the police station on his motorcycle with the accused travelling as a pillion rider, the accused asked PW1 to stop the vehicle near Thevar Statue, Karaikudi. It is the further case of the prosecution that the accused abused PW1 in filthy language, pulled him down from the motorcycle, kicked him and thereby obstructed him from discharging his official duty as a public servant.

17. In order to prove the said allegations, the prosecution has examined PW1 to PW7 and marked Ex.P1 to Ex.P6. PW1, being the defacto complainant and the victim of the occurrence, has clearly deposed about the manner in which the accused abused him, pulled him down from the motorcycle and kicked him. PW1 has further stated that the accused questioned the action of the police in taking him for alcohol examination and thereafter escaped from the place of occurrence. The evidence of PW1 remains consistent and natural throughout.



18. The evidence of PW1 finds substantial corroboration from the testimony of PW2, who was accompanying PW1 at the relevant point of time. The PW2 has also spoken about taking the accused to the Government Hospital for medical examination and has corroborated the version of PW1 regarding the accused stopping the vehicle, abusing PW1 and attacking him before fleeing from the place. Though PW2 admitted that considerable time had elapsed from the date of occurrence, nothing material has been elicited in his cross-examination to discredit his testimony.

19. It is true that PW3 and PW4 have not supported the case of the prosecution and were treated as hostile witnesses. However, a careful reading of their evidence shows that they were not eyewitnesses to the occurrence. PW3 was only a hearsay witness and PW4 was examined as a mahazar witness. Therefore, their failure to support the prosecution does not affect the core of the prosecution case, which rests mainly upon the direct evidence of PW1 and PW2.

20. The evidence of PW5, the doctor who examined the accused, also lends assurance to the prosecution case. PW5 has categorically deposed that on 01.03.2016, the accused was brought to the Government Hospital by police officials for alcohol examination. Upon examination, PW5 noticed smell of alcohol, redness of eyes and dilated pupils in the accused and accordingly



issued Ex.P2 Medical Certificate. Thus, the evidence of PW5 clearly establishes that the accused was taken by PW1 and PW2 to the hospital immediately prior to the occurrence and supports the prosecution version regarding the circumstances leading to the incident. Moreover, the ExP4 further supporting the case, that on the day of occurrence, the accused was secured by the police, in respect of the motor petty case at about 19.00 hours and there after only the accused was sent to medical examination.

21. Further, Ex.P4, the Police Notice issued by Karaikudi North Police Station, reveals that on the date of occurrence at about 7.00 p.m., the accused was intercepted during a motor vehicle check and thereafter sent for medical examination through PW1 and PW2. Significantly, the said notice bears the signature of the accused, and the defence has not disputed either the signature or the contents of Ex.P4 during the course of trial. The recitals in Ex.P4 are in consonance with the oral evidence of PW1, PW2 and PW5 and, therefore, provide strong corroboration to the prosecution case.

22. The learned counsel for the accused relied upon Ex.D1, namely the Accident Register issued by the Government Hospital, Karaikudi, which was obtained through Right to information Act, vide proceedings in Na.Ka.No. RTI/ 1011/2024 Dated 18.09.2025, to contend that the accused had sustained injuries and therefore the prosecution case is false. On perusal of Ex.D1, it is



seen that the accused was admitted in the hospital on the same day at about 09.15 p.m. alleging assault. However, the occurrence in the present case had taken place at about 08.00 p.m. Merely because the accused was treated in the hospital subsequently, it cannot be inferred that the prosecution case is false. Further, Ex.D1 reveals that the accused informed the doctor that he had been assaulted by a person at about 03.30 p.m. Significantly, he had not stated before the doctor that he was assaulted by any police official. If really the accused had been attacked by the police as now suggested by the defence, such an important fact would have found place in the earliest medical record. Moreover, no contemporaneous complaint has been produced to show that the accused had lodged any complaint against the police officials. Therefore, Ex.D1 does not probabilise the defence version nor does it create any reasonable doubt in the prosecution case.

23. The contention of the defence that the evidence of PW1 should not be accepted because he is a police official also cannot be accepted. There is no rule of law that the evidence of a police officer should be discarded merely because he belongs to the police department. The testimony of a police officer is entitled to the same weight as that of any other witness. In the present case, the evidence of PW1 is cogent, natural and stands corroborated by PW2 and the surrounding circumstances.



24. The learned counsel for the accused contended that PW1 and PW2 had failed to identify the accused during their deposition before the court. However, this contention does not carry much weight in the facts and circumstances of the case. The defence itself relies upon Ex.D1, which shows that the accused was admitted in the Government Hospital on the very same day in connection with the dispute involving PW1. Further, throughout the cross examination of PW1 and PW2, not even a single suggestion was put disputing the identity of the accused or his involvement in the occurrence. In such circumstances, the failure of PW1 and PW2 to identify the accused in Court after a long lapse of time cannot be treated as a material infirmity so as to discredit the otherwise reliable prosecution case.

25. Coming to the offence under Section 353 IPC, the prosecution must establish that the accused assaulted or used criminal force against a public servant while he was acting in the discharge of his official duties or with intent to deter him from discharging such duties. In the present case, the evidence of PW1 and PW2 clearly shows that PW1 was performing his official duty of escorting the accused for medical examination pursuant to police instructions. While returning from the hospital, the accused attacked PW1, pulled him down from the motorcycle and kicked him. Such acts undoubtedly amount to use of criminal force against a public servant while discharging his official duties.



Therefore, this Court is satisfied that the ingredients of Section 353 IPC have been established beyond reasonable doubt.

26. As regards the offence under Section 294(b) IPC, the prosecution has alleged that the accused uttered obscene and abusive words at the place of occurrence. Though PW1 and PW2 have spoken about the specific words allegedly used by the accused, the prosecution has failed to establish one of the essential ingredients of the offence, namely that such utterances caused annoyance to any person present at the spot. Except the testimony of PW1 and PW2, there is no evidence to show that any member of the public who was present at the place of occurrence was annoyed by the alleged utterances. In the absence of proof regarding this essential ingredient, this court is of the considered view that the prosecution has failed to prove the offence under Section 294(b) IPC beyond reasonable doubt.

27. Similarly, for attracting Section 4(1)(j) of the Tamil Nadu Prohibition Act, the prosecution must establish the ingredients contemplated under the said provision. Though Ex.P2 and the evidence of PW5 show that the accused had consumed alcohol, the doctor has specifically opined that the accused was not under the influence of alcohol. In such circumstances, this Court is of the view that the prosecution has not satisfactorily established the



offence under Section 4(1)(j) of the Tamil Nadu Prohibition Act beyond reasonable doubt.

28. Accordingly, this court holds that the prosecution has successfully proved the charge under Section 353 IPC against the accused beyond all reasonable doubt. However, the prosecution has failed to establish the offences under Section 294(b) IPC and Section 4(1)(j) of the Tamil Nadu Prohibition Act. Therefore, the accused is liable to be acquitted of the said offences and convicted only for the offence under Section 353 IPC.

29. After pronouncement of the finding of guilt, the accused was questioned on the question of sentence. The accused submitted that he is innocent and has not committed any offence and prayed for leniency. This court has carefully considered the submission made by the accused. However, the offence proved against the accused involves the use of criminal force against a public servant while discharging his official duty, and such acts cannot be viewed lightly as they interfere with the lawful discharge of public functions. Hence, considering the nature of the offence, the manner in which it was committed, and the overall facts and circumstances of the case, this court is not inclined to extend the benefit of the Probation of Offenders Act to the accused. The accused was also informed of his statutory right to prefer an appeal before the Hon'ble Session Court against this judgment and sentence.



30. In the result, the accused is found guilty and convicted for the offence punishable under Section 353 IPC under Section 248(2) Cr.P.C. and sentenced to undergo Simple Imprisonment for a period of Six months and to pay a fine of Rs.5,000/-, in default to undergo Simple Imprisonment for a further period of two weeks. The accused is acquitted under section 248 (1) of Cr.P.C. from the charges under Section 294(b) IPC and Section 4(1)(j) of the Tamil Nadu Prohibition Act. The period of detention already undergone by the accused during investigation and trial, if any, shall be given set off under Section 428 Cr.P.C.

31. In this case, no property has been marked on either side and thus, no property order is passed.

Typed by me in my computer, verified by me to be correct and pronounced in open court on 17th day of June, 2026.

Judicial Magistrate,
Karaikudi.

Chart for Prosecution side witnesses:		
PW.No	Name of Witness	Description
1	Mr.Shanmugasundaram	Defacto Complainant
2	Mr.Ramamoorthy	Eye witness
3	Mr.Selvam	Hearsay witness



4	Mr.Jegadeesh	Mahazar witness
5	Dr.Vijayakumar	Doctor witness
6	Mr.Aravindha Rajan	FIR Registration officer
7	Mr.Pitchaipandiyan	Investigation Officer
Defence Side Witness – NIL		
Chart for Exhibited Documents		
Exhibit No.	Description of the Exhibit	Proved by/Attested by
1	Complaint	PW1
2	Certificate of Drunkeness	PW5
3	First Information Report	PW6
4	Police Notice	PW6
5	Rough Sketch	PW7
6	Observation Mahazar	PW7
Exhibits of the Defence		
1	Accident Register obtained through RTI vide proceedings in Na.Ka.No.RTI/1011/2024 dated 18.09.2025	PW6
Material Objects Submitted by Prosecution – NIL		
Material Objects Submitted by Defence - NIL		

Judicial Magistrate,
Karaikudi.



Note:

1. During the period of trial the accused were enlarged on bail.
2. No witnesses were held more than three days without examination.
3. Judgment Date : 17.06.2026.
4. Copy to Hon'ble Chief Judicial Magistrate, Sivagangai.