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S.C.No.40/2016

IN THE COURT OF ASSISTANT SESSIONS JUDGE, SIVAGANGAI.

PRESENT: N.SENTHIL MURALI, B.Sc., M.L.,

Chief Judicial Magistrate, Sivagangai.

Tuesday, the 28th day of April, 2026**Sessions Case No. 40/2016**CNR No.TNSV02-000187-2016

(PRC.No.27/2015 on the file of Additional District Munsif cum Judicial Magistrate,
Manamadurai) (Palayanur Police Station in Crime No.11/2015)

Name of the Complainant	State of Tamil Nadu Represented by The Inspector of Police, Palayanur Police Station, (Cr.No.11/2015)
Name of the Accused	1. Krishnan, S/o.Narayanan. 2. Senthil Vel, S/o.Senkai. 3. Moolalingam @ Muthulingam, S/o.Thandithevar. 4. Dhanabalan, S/o.Senkai. 5. Sanmugam, S/o.Muthukaruppa Devar. 6. Ravikumar, S/o.Muthu.



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	<p>7. Senkaipillai, W/o. Thandithevar.</p> <p>8. Saantha, W/o.Muthu.</p> <p>9. Ramanathan, S/o. Thandithevar.</p> <p>10. Sakthivel, S/o. Thandithevar.</p> <p>11. Sivakumar, S/o.Pandi.</p> <p>12. Balamurugan, S/o.Pandi.</p> <p>13. Lingam, (Died on 13.06.2024) S/o.Senkai.</p> <p>14. Nagarajan, S/o.Mayandi.</p> <p>15. Eashwari, W/o.Moovalingam.</p> <p>16. Jeyamani, W/o.Sakthivel.</p>
Date of Occurrence	24.01.2015
Date of arrest	A1 to A16-Anticipatory Bail
Date of release on bail	A1 to A16 –Anticipatory Bail granted on 05.02.2015, released on 05.02.2015.



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Date of filing of final report	15.04.2015
Date of 1st appearance of the accused	26.11.2015
Date of furnishing of Copies u/s.207 Cr.P.C.	26.11.2015
Questioning of the accused and Charges Framed	29.03.2016
Date of Commencement of Trial	29.03.2016
Date of Questioning under Sec 313(1)(b) Cr.P.C	20.08.2025
Date of last hearing	21.04.2026
Date of Judgment	28.04.2026
Charges levelled against the accused by the Police	U/s.147, 148, 294(b), 323, 324, 336 and 307 of IPC and section 3 of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992, as amended by Act 46 of 1994 (TNPPDL Act)
Charges framed against accused	A1 – u/s.148. 294(b) and 307 of IPC and section 3 of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992, as amended by Act 46 of 1994 (TNPPDL Act), A2 to A8, A10 to A16 – u/s.148 of IPC and section 3 of the Tamil Nadu Property (Prevention of Damage



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	<p>and Loss) Act, 1992, as amended by Act 46 of 1994 (TNPPDL Act),</p> <p>A9- u/s.148 and 323 of IPC and section 3 of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992, as amended by Act 46 of 1994 (TNPPDL Act).</p>
Plea of the accused	Pleaded not guilty
Details of the abscondence of the Accused and his appearance and production as the case may be	NIL
Grant of Stay by the Superior Courts and the result there of	NIL

Findings of the Judge	<i>The accused persons are found not guilty.</i>
Details of Judgment	<p><i>In the result,</i></p> <p><i>i) The Accused No.1 is acquitted of all the charges framed against him under Sections u/s.148. 294(b) and 307 of IPC and section 3 of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992, as amended by Act 46 of 1994 (TNPPDL Act),</i></p>



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	<p><i>ii) The Accused No.A2 to A8, A10 to A16 are acquitted of all the charges framed against them under section 148 of IPC and section 3 of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992, as amended by Act 46 of 1994 (TNPPDL Act),</i></p> <p><i>iii) The Accused No.A9 is acquitted of all the charges framed against him under section 148 and 323 of IPC and section 3 of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992, as amended by Act 46 of 1994 (TNPPDL Act),</i></p> <p><i>iv)The order of acquittal is recorded u/s.235(1) of Code of Criminal Procedure, 1973.</i></p> <p><i>v)The bail bond executed by the accused persons shall stand terminated.</i></p>
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This case coming on **29.01.2026** for final disposal before me, in the presence of **Tr.N.Vivekanandan, Learned Additional Public Prosecutor for the State and Tr.RMK.Ramprabhakar, Learned counsel for the Accused** and heard both side arguments and upon perusing the records and having stood over for my consideration till this day, this court delivers the following:



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JUDGMENT

1. The crux of the final report in this case:

The defacto complainant/Tr.Muruganantham, and the 1st accused/Krishnan (A1), are residents of Keelarangiyam Village. The first accused had illegally drawn water from the Rankiyam Village tank using a motor pump set without obtaining permission from the Government authorities. This was noticed by one Manickam, son of Vellakutty, an ayacutdar of the said tank, who lodged a complaint before the Tahsildar, Thiruppuvanam. Pursuant to the same, on 23.01.2015 at about 1.00 p.m., the Village Administrative Officer conducted an enquiry at the spot and found that the first accused and his son, Athiraju, were illegally drawing water from the tank. They were warned by the said officer to desist from such illegal activity. Aggrieved by this, the first accused developed enmity against the complainant, suspecting him to be the reason for the complaint.

1.1.On 24.01.2015, at about 8.00 p.m., when the complainant/Muruganantham, along with Bose and Maari, was standing near the Keelarangiyam Village Manthai, the accused persons, namely Accused Nos.1 to 16, formed themselves into an unlawful assembly, armed with deadly weapons, and came there. All the accused abused them in filthy language and, in prosecution of their common object, advanced towards them, threatening to kill them. At that time, when Ponnumuthu and Muniyammal intervened to prevent the occurrence, the accused persons attacked them with sticks and stones, causing bleeding injuries. During the course of the occurrence, the accused persons also pelted stones, resulting in damage to the roof tiles of the house belonging to one Sivasuriyan, causing a loss estimated at Rs.2,000/-. Due to the said occurrence, Witnesses 1 to 5 sustained simple injuries and



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were treated at Government Rajaji Hospital, Madurai. While undergoing treatment, the complainant lodged a complaint on 25.01.2015 at about 2.00 p.m. before the Sub-Inspector of Police, Palayanur Police Station. Based on the said complaint, a case in Crime No.11/2015 was registered against Accused Nos.1 to 16 for offences under Sections 147, 148, 294(b), 323, 324, 336, and 307 of the Indian Penal Code, and Section 3 of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992.

1.2. Then after due Investigation, the final report was laid against all the accused persons u/s.147, 148, 294(b), 323, 324, 336, and 307 of IPC, and Section 3 of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 (as amended by Act 46 of 1994).

2. The case of the prosecution unfurled from the records:-

On 24.01.2015, at about 8.00 p.m., while PW1/Tr.Muruganantham, the defacto complainant, along with PW2/Tr.Bose and PW3/Tr.Maari, were talking among themselves near Keelarangiyam Village Manthai, the accused persons came there and began to quarrel with them. Upon hearing the commotion, the other witnesses, namely PW4/Tmt.Ponnumuthu and PW5/Tmt.Muniyammal, came to the spot, and they were also assaulted by the accused using stones and sticks. PW1 was attacked by A1 with a knife-stick on the head; however, when he moved away, the blow fell on his left leg, and he sustained bleeding injuries. Due to the indiscriminate assault by the other accused persons, PW1 also sustained contusions all over his body. PW4 and PW5 were taken to a Private Hospital, Thiruppuvanam, while PW1 was admitted to Government Rajaji Hospital, Madurai. The Accident Register copy pertaining to PW1 is marked as Ex.P5. PW10/Dr.Kalirathnam, who treated PW1 stated that, as PW1



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absconded from the hospital against medical advice, no opinion could be given regarding the nature of the injuries sustained by him.

2.1. While PW1/Tr.Muruganatham was undergoing treatment at Government Rajaji Hospital, Madurai, upon intimation received from the hospital, PW9/Tr.Muthukrishnan, Sub-Inspector of Police, Palayanur Police Station, went to the hospital and obtained a written complaint/Ex.P1, from PW1 on 25.01.2015. Based on the said complaint, on the same day at about 2.00 p.m., PW9 registered a First Information Report/Ex.P4, in Crime No.11/2015 under sections 147, 148, 294(b), 323, 324, 336, and 307 of the Indian Penal Code, and Section 3 of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992, against the accused. Thereafter, he forwarded the case records to PW11/Tr.Selvaraj, Inspector of Police, for investigation.

2.2. PW11/Tr.Selvaraj, Inspector of Police, took up the investigation on 25.01.2015 at about 5.00 p.m. He proceeded to the scene of occurrence, conducted an enquiry, and prepared the Observation Mahazar/Ex.P2 and Rough Sketch/Ex.P8 in the presence of PW7/Tr.Jeyakumar and PW8/Tr.Ganesan. On the same day, in the presence of the same witnesses, PW11 seized the broken tiles/P.M.O.1 under a Seizure Mahazar/Ex.P3. Thereafter, he examined PW1 to PW6 and recorded their statements. He also examined PW10/Dr.Kalirathinam on 03.04.2015 and recorded his statement. PW11 entered the properties in Form 91/Ex.P7 and forwarded the same to the Court. Upon investigation, PW11 found that Tr.Athilingam, Tr.Balaji, Tr.Pandi, and Tr.Selvamani were not involved in the occurrence and, therefore, deleted them



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from the case. In this regard, he filed a Special Report/Ex.P8 before the Court. As all the accused had been enlarged on anticipatory bail, they were not arrested.

2.3. After completion of the investigation, PW11/Investigating Officer laid the final report against the accused persons before the learned Additional District Munsif-cum-Judicial Magistrate, Manamadurai, on 15.04.2015. The learned Additional District Munsif-cum-Judicial Magistrate, Manamadurai, took cognizance of the offences on the same day.

2.4. The copies of the final report and documents were furnished to the accused persons at free of cost u/s.207 Cr.P.C on 26.11.2015. After that, the learned Judicial Magistrate, committed the case to Hon'ble Principal District and Sessions Court, Sivagangai, since the case is exclusively triable by Sessions Court. It was made over by Hon'ble Principal District and Sessions Court, Sivagangai to this court, the same was received on 22.02.2016. Thereafter, the charges framed against A1 – u/s.148. 294(b) and 307 of IPC and section 3 of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992, as amended by Act 46 of 1994 (TNPPDL Act), and against A2 to A8, A10 to A16 – u/s.148 of IPC and section 3 of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992, as amended by Act 46 of 1994 (TNPPDL Act), and against A9- u/s.148 and 323 of IPC and section 3 of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992, as amended by Act 46 of 1994 (TNPPDL Act). The accused persons were pleaded not guilty and claimed to be tried.

3. On the side of the prosecution **P.W.1** to **P.W.11** were examined and **Exs.P.1** to **P.8** and **P.M.O-1** were marked.



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4. On completion of prosecution evidence the accused persons were questioned u/s.313(1)(b) of Cr.P.C on 20.08.2025, with regard to the incriminating circumstances in the evidence tendered by the prosecution, and they denied the same as false and have not chosen to adduce any oral evidence.

5. Point for consideration:-

Whether the prosecution has proved the guilt of the accused persons beyond reasonable doubt?

Heard both sides at length. Records perused.

6. Submissions:-

Prosecution-

The Learned Additional Public Prosecutor contended that the charges against the accused have been proved beyond reasonable doubt on the strength of the prosecution evidence. Though there are some discrepancies in the evidence of the prosecution witnesses, the same would not, by itself, affect the credibility of the case. What is to be considered is whether such discrepancies go to the root of the matter. Hence, he prayed for the imposition of maximum punishment on the accused.

7. Defence

The learned defence counsel contended that the evidence on record does not establish the offence under the provisions of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992. It was further submitted that the injuries allegedly sustained by the injured have not been spoken to by them. Further, the alleged eyewitnesses PW5/Tmt.Muniyammal and PW6/Tr.Sivasuriyan and the Observation



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Mahazar witness PW7/Tr.Jeyakumar, have turned hostile. Hence, acquittal was sought.

8. Discussion:-

The criminal law was set in motion by the defacto complainant, PW1/Tr.Muruganantham, by way of Ex.P1/complaint, which was given to PW7/Tr.Muthukrishnan, Sub-Inspector of Police, on 25.01.2015 at Government Rajaji Hospital, Madurai, where he was undergoing treatment. It is alleged in the complaint that on 24.01.2015 at about 8.00 p.m., while PW1 along with his relative PW2/Tr.Bose, and his brother PW3/Tr.Maari, were conversing at Manthai, all the named accused, along with one Tr.Balaji. S/o.Thandithevar, Tr.Pandi S/o.Athimoolam, Tr.Chandrasekar, S/o.Athilingam, and Tr.Selvamani, S/o.Moorthy, unlawfully assembled with deadly weapons. They rushed towards them shouting, and abused them in filthy language. A1, along with the other accused, attacked PW1 using a knife-stick, stones, and sticks. When PW4/Tmt.Ponnumuthu and PW5/Tmt.Muniyammal intervened, Tr.Balaji assaulted PW4 with a stick, and A9 assaulted PW5 with a wooden log. A1/Krishnan attempted to attack PW1 with a knife-stick, stating that he would do away with his life. However, PW1 moved aside, and the blow fell on his left leg, causing grievous injury, due to which he fell down. PW2 and PW3 were also indiscriminately assaulted by the accused, resulting in multiple contusions over their bodies. Further, the accused damaged the roofing tiles of PW6's house, causing a loss estimated at Rs.2,000/-. Thereafter, PW1 was admitted as an inpatient at Government Rajaji Hospital, Madurai. On perusal of Ex.P1/complaint, it is seen that on 25.01.2015, PW9, the Sub-Inspector of Police, received the same from PW1 at the Government Hospital, Madurai.



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8.1. PW1/Tr.Muruganantham, in his chief examination, stated that he knew the accused persons. On 23.01.2015, at about 1.00 p.m., Krishnan/A1, and his son Athiraju illegally drew water from the Rangiyam irrigation tank using a motor pump and diverted it to their field. In this regard, one Manickam, a resident of the village belonging to the Adi Dravidar community, had already lodged a complaint before the Tahsildar against Krishnan and his son. Pursuant to the same, the Village Administrative Officer, along with the Village Assistant, came to the spot, conducted an enquiry, and warned Krishnan and his son not to draw water illegally in future, and thereafter left. PW1 further stated that, suspecting him to be the person who had lodged the complaint, Krishnan and his son abused him in filthy language; however, he remained calm and returned home. On the next day, i.e., 24.01.2015, at about 8.00 p.m., while PW1 was standing at the village Manthai and talking with his younger brother and relatives, Krishnan/A1, came there, abused him in filthy language, and approached him in a threatening manner. At that time, his sister Ponnumuthu/PW4, and others intervened and attempted to pacify him. Subsequently, the other accused persons also came, armed with weapons such as sticks, sickles, and stones, and attacked them. One Balaji assaulted PW4 with a stick, causing injuries, and A9/Ramanathan, assaulted PW1 with a stick, causing injury to his right hand. When A1/Krishnan, attempted to attack PW1 with a knife, PW1 sustained an injury on his left leg. The other accused also attacked PW1 with stones and sticks, causing injuries to his head and body. The roofing tiles of the house belonging to PW6/Sivasuriyan, were also damaged, with the loss estimated at about Rs.3,000/-. PW1 further stated that he received treatment at Government Rajaji Hospital, Madurai, for his injuries, while his sisters, PW4 and PW5, received treatment at a private hospital at



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Thiruppuvanam. He also stated that the police came to the hospital, enquired with him, and he gave a written complaint detailing the occurrence. He identified his signature in the said complaint.

8.1.1. PW1, in his cross-examination, stated that PW2/Tr.Bose, is his relative, PW3/Tr.Maari is his younger brother, PW4/Tmt.Ponnumuthu is his sister, PW5/Tmt.Muniyammal is his wife's relative (aunt's daughter), PW6/Tr.Sivasuriyan is his relative, and PW7/Tr.Jeyakumar is his elder brother's son, while PW8/Tr.Ganesan is not related to him and is not known to him. He further admitted that his wife, Tmt.Muthulakshmi, contested in the Panchayat election and lost to the wife of A2/Senthilvel, namely Tmt.Kowsalya. He also admitted that, in connection with the stone inscription issue in Thandeswarar Temple, a case had earlier been registered against him, and that peace talks were conducted under the leadership of the Thiruppuvanam Tahsildar. He stated that there was opposition from the villagers, including himself, to the erection of the said structure, and that during the peace meeting they refused to sign and walked out. PW1 denied the suggestion that there was no water in the Rangiyam tank at the time of the occurrence and stated that the presence of water was confirmed by the Village Administrative Officer and the Village Assistant. He admitted that Tr.Natarajan was the President of the Water Users' Association and that Tr.Manickam is known to him. He denied the suggestion that Manickam and Natarajan were drawing water using a motor at the relevant time. Furthermore, he stated that though it is known that water from Viradhanur tank is sometimes purchased when there is no water in Rangiyam tank, he denied that they had purchased water from there. PW1 denied the suggestion that the accused sustained injuries or that he and others attempted to murder them. He also denied the



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suggestion that he had given any complaint to the VAO or Tahsildar regarding illegal drawing of water. He stated that the complaint in this case was given on 25.01.2015 at about 2.00 p.m., and that it was written by one of his relatives as he was undergoing treatment at Government Rajaji Hospital, Madurai. Furthermore, he stated that he was unconscious for three days following the occurrence. PW1 maintained that from the beginning, A1/Krishnan and his son abused him in filthy language, and that he had stated the same in his complaint as well as before the police. He stated that he sustained injuries on both legs and that A1 attacked him. He also stated that if A1 had struck his head with the knife, it could have been fatal. Furthermore, he stated that A9/Tr.Ramanathan assaulted PW5/Tmt.Muniyammal with a stick, causing injury to her right hand, and that Balaji assaulted PW4/Tmt.Ponnumuthu with a stick. He reiterated that the damage to the roof tiles was about Rs.3,000/-. He stated that he does not know whether Rajeshwari, Shanmugam, Jeyamani, Selvakumar, and Sivaraj sustained injuries. He denied the suggestion that, due to election enmity, he and others attacked the accused and falsely implicated them in this case. Furthermore, he admitted that PW4 and PW5 took treatment at the Government Hospital, Thiruppuvanam, and thereafter returned home, but stated that he does not know who assaulted them, with what weapon, or the exact place of injury. He further stated that the police examined him in the hospital and recorded his statement, but did not conduct any further enquiry thereafter.

8.1.2. Now, let us advert to the complaint/Ex.P1 and the evidence of PW1. It is alleged in the complaint that the animosity between the complainant and the accused persons arose on account of the illegal drawing of water from the Rangiyam Village irrigation tank. It is seen from the records that A1 and his son Athiraju had allegedly



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drawn water from the said tank using a motor pump set without obtaining permission from the competent authorities. This was noticed by one Manickam, son of Vellakutty, an ayacutdar of the said tank, who is stated to have lodged a complaint before the Tahsildar, Thiruppuvanam. Pursuant thereto, on 23.01.2015 at about 1.00 p.m., the Village Administrative Officer conducted an enquiry at the spot and found that A1 and his son were drawing water from the tank, and they were warned to desist from such activity. However, in order to prove the alleged motive, the said Manickam, being the person who lodged the complaint, ought to have been examined by the prosecution, as he is a material witness to speak about the same. Further, the Village Administrative Officer, who conducted the enquiry regarding the alleged illegal drawing of water, could also have been examined to substantiate the prosecution case. The prosecution has not offered any explanation for the non-examination of the said witnesses by the Investigating Officer/PW11.

8.1.3. It is stated by PW1 in the complaint that he was assaulted by A1 and sustained an injury on his left leg; due to excruciating pain, he fell down and was lifted by PW2 and PW3. Thereafter, he was admitted as an inpatient in Government Rajaji Hospital, Madurai on the same day. In his chief examination also, he has spoken in the same line. However, in the cross-examination, he stated that he was unconscious for three days after the incident, that the complaint was written by one of his relatives, though he did not know who that person was, and that he had lodged the complaint with the police at about 2.00 p.m. on 25.01.2015 at the hospital. It is evident from Ex.P1/complaint as well as the chief examination of PW1 that the complaint was lodged on 25.01.2015 at Madurai. However, in view of his categorical admission in cross-examination that he was unconscious for three days after the



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occurrence and regained consciousness only thereafter, the prosecution version that Ex.P1 was lodged by PW1 on 25.01.2015 at Government Rajaji Hospital, Madurai, appears doubtful and requires careful scrutiny. This aspect was put to PW9/Tr.Muthukrishnan, Sub-Inspector of Police, who registered the FIR/Ex.P4, during cross-examination. He stated that he did not know whether PW1 was conscious or unconscious, but that Ex.P1 was given by PW1 to him. PW9, being a police officer, is expected to speak clearly about the circumstances under which the complaint was received on 25.01.2015. If Ex.P1 had indeed been received by him at the relevant time from PW1, he ought to have deposed about the condition of PW1 at that time. The absence of such clarification creates doubt regarding the prosecution version relating to the receipt of the complaint. The discrepancies in the above evidence, therefore, cast a serious doubt on this aspect of the prosecution case.

8.1.4. It is clearly stated by PW1 in the complaint that, apart from the accused persons facing trial, the other persons, namely Tr.Balaji, S/o.Thandithevar, Tr.Pandi, S/o.Athimoolam, Tr.Chandrasekar, S/o.Athilingam, and Tr.Selvamani, S/o.Moorthy, were also involved in the occurrence and assaulted the injured. In particular, it is alleged that Balaji assaulted PW4 with a stick. In this regard, the evidence of PW11/Investigating Officer assumes significance. He has stated in his chief examination that, on investigation, it was revealed that the said four persons were not involved in the occurrence and, therefore, they were deleted from the case, as reflected in the deletion report/Ex.P8. In view of the above, the prosecution has failed to establish the involvement of the said four persons in the occurrence as alleged by PW1. Consequently, the specific allegation that Balaji assaulted PW4/Tmt.Ponnumuthu with a stick also remains unsubstantiated.



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8.2. PW2/Tr.Bose, in his chief examination, has deposed substantially in line with the evidence of PW1. He also spoke about the motive between PW1 and A1/Krishnan. According to him, on 24.01.2015 at about 7.00 p.m., near Keelarangiyam Chavadi, he, along with PW3/Tr.Maari, PW4/Tmt.Ponnumuthu, PW5/Tmt.Muniyammal, and PW1/Tr.Muruganantham, was standing and conversing. At that time, all the accused persons came there armed with deadly weapons such as knives, aruval, and sticks. A1/Krishnan, holding a knife, attacked PW1/Muruganantham, shouting that he would do away with his life. When PW1 attempted to escape, he sustained an injury on his right leg. A9/Ramanathan assaulted PW5/Tmt.Muniyammal on her waist with a stick. PW4/Tmt.Ponnumuthu was also attacked with a stick. The other accused persons also attacked PW1. During the course of the attack, they abused them in filthy language. Further, the accused also attacked the house of PW6/Tr.Sivasuriyan and caused damage to the extent of about Rs.30,000/-. The injured PW1 was admitted to Government Rajaji Hospital, Madurai, for treatment. On the next day, the police came and conducted an enquiry. PW2 was also examined by the police, to whom he narrated the above facts.

8.2.1. PW2, in his cross-examination, stated, inter alia, that it is false to suggest that the accused persons sustained injuries during the occurrence. He admitted that a case has been registered against him and his side alleging that they had attacked the accused persons. He further stated that the police conducted an enquiry with him on 24.01.2015 while he was in the hospital, and thereafter no further enquiry was conducted. Furthermore, he denied the suggestion that the damage caused to the roof tiles of PW6/Tr.Sivasuriyan's house was to the tune of Rs.30,000/-. He stated that he



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does not know whether Selvakannapathi, Rajeswari, Jeyamani, Shanmugam, and Sivarani received any medical treatment. He stated that the accused persons were armed with weapons such as sticks, sickles, and iron rods, and that Balaji, Ramanathan, Krishnan, and others were present. Furthermore, he also stated that Senthilvel, Shanmugam, and Sakthivel were present at the scene. He further stated that the police enquiry was conducted with him at about 8.00 p.m. on the same day of the incident and that his statement was recorded on that day. He stated that the incident occurred on 24.01.2015 and that the police came on the next day. He denied the suggestion that he had left the village. Furthermore, he denied the suggestion that no incident as alleged had taken place. He also denied the suggestion that the accused did not abuse or attack them or that they had attacked the accused. He stated that the complaint given by PW1 is true, and denied the suggestion that he had given a false supporting statement in favour of PW1.

8.2.2. The motive as projected through PW2 has not been established by the prosecution, as already discussed. PW2 has specifically deposed that Balaji assaulted PW4/Tmt.Ponnumuthu and caused injuries. However, as per the evidence of PW11/Investigating Officer, the names of Balaji and three other persons were deleted from the case, as they were found not to be involved in the occurrence. PW2 has stated in his evidence that he was examined by the police on 24.01.2015 in the hospital and that thereafter he was not further examined. However, on perusal of the records, it is seen that his statement under Section 161(3) Cr.P.C. was recorded by PW11/Investigating Officer on 25.01.2015. There is no explanation offered by PW11/Investigating Officer as to how PW2 could have been examined on 25.01.2015



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when, according to PW2, he was examined only on 24.01.2015 and thereafter no further examination took place.

8.3. PW3/Tr.Maari also deposed in line with PW1 and PW2. Though in his chief examination he spoke about the motive relating to the alleged illegal drawing of water from the Rangiyam irrigation tank by A1 and his son, in his cross-examination he stated that he did not have direct knowledge of those facts and that he had not witnessed any enquiry conducted by the Village Administrative Officer on 23.01.2015 at about 1.00 p.m. He further admitted that he did not state anything in his chief examination regarding the alleged damage to the roofing tiles of PW6's house valued at about Rs.10,000/-.

8.4. PW4/Tmt.Ponnumuthu, one of the injured witnesses, in her chief examination stated that she ran to the place of occurrence on hearing the commotion and intervened when PW3/Tr.Maari was about to assault Balaji. She further stated that she sustained an injury on her hip and fell unconscious thereafter, and that she did not know about the other facts of the occurrence. From the evidence of PW1, PW2, and PW3, it is seen that PW3/Tr.Maari, was assaulted by the accused persons. However, the evidence of PW4 is to the effect that PW3 was attempting to assault Balaji. This version of PW4 is inconsistent with the evidence of the other witnesses.

8.5. PW5/Tmt.Muniyammal, another injured witness, turned hostile. She stated that she was assaulted on her hand by someone and that she was not able to identify the assailant as the lights were switched off. In the cross-examination by the prosecution, nothing was elicited in support of its case. In the cross-examination by



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the defence, she stated that she did not know the manner in which the accused persons were present at the time of occurrence. She further stated that she went to the place of occurrence on hearing the commotion, and that PW3/Tr.Maari, assaulted her, as a result of which she fell unconscious and regained consciousness only on the next day at the hospital. She also stated that the police recorded her statement at the hospital and that she did not know the weapons used by the accused. The evidence of PW5 does not support the prosecution case, as she is unable to state clearly as to how the occurrence took place or how she sustained injuries.

8.6. PW6/Tr.Sivasuriyan, one of the witnesses, in his chief examination stated that he knew about the occurrence that took place on 24.01.2015 and 25.01.2015. However, he did not speak about the overt acts of the accused persons. He further stated that his house was also damaged and that the roofing tiles were damaged during the occurrence, to the extent of about Rs.10,000/-. In the cross-examination, PW6 stated that he did not know anything about the occurrence and that he was not present in the village on the date of occurrence. He further stated that the roofing tiles of his house were not damaged. Thus, the testimony of PW6 does not support the case of the prosecution.

8.7. It is the case of the prosecution that on 25.01.2015 at about 5.00 p.m., PW11/Investigating Officer visited the place of occurrence, conducted an enquiry, and in the presence of PW7/Tr.Jeyakumar and PW8/Tr.Ganesan, prepared the Observation Mahazar/Ex.P2 and Rough Sketch/Ex.P6. PW7, in his chief examination, stated that he affixed his signature in the Seizure Mahazar/Ex.P3 and Observation Mahazar/Ex.P2. However, in his cross-examination, he stated that he did



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not know anything about the occurrence, that he was not aware whether the police had come to his village, and that his signature was obtained on a blank paper. He further stated that nothing was recovered in his presence. PW8/Tr.Ganesan, in his chief examination, stated that the police prepared the Observation Mahazar and Seizure Mahazar. However, he did not state anything regarding the date, time, or place of preparation of the said documents. Thus, the testimony of PW7 and PW8 does not fully support the case of the prosecution.

8.8. From the evidence of PW7/Tr.Jeyakumar and PW8/Tr.Ganesan, the prosecution version that PW11/Investigating Officer visited the scene of occurrence on 25.01.2015 at about 5.00 p.m., prepared the Observation Mahazar and Rough Sketch, and examined the witnesses, appears to be doubtful. Insofar as the alleged occurrence attracting the offence under Section 3 of the Tamil Nadu Property (Prevention of Damage and Loss) Act is concerned, no specific evidence has been adduced by the prosecution. Though the evidence of PW10/Dr. Kalirathinam, establishes the factum of injuries sustained by PW1, such injuries have not been attributed to any specific accused, as already discussed.

9. On a conjoint analysis of the evidence adduced by the prosecution, this Court finds that the prosecution has failed to prove the case beyond reasonable doubt. Accordingly, the accused persons are entitled to acquittal.



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In the result,

- i) The Accused No.1 is acquitted of all the charges framed against him under Sections u/s.148. 294(b) and 307 of IPC and section 3 of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992, as amended by Act 46 of 1994 (TNPPDL Act),***
- ii) The Accused No.A2 to A8, A10 to A16 are acquitted of all the charges framed against them under section 148 of IPC and section 3 of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992, as amended by Act 46 of 1994 (TNPPDL Act),***
- iii) The Accused No.A9 is acquitted of all the charges framed against him under section 148 and 323 of IPC and section 3 of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992, as amended by Act 46 of 1994 (TNPPDL Act),***
- iv)The order of acquittal is recorded u/s.235(1) of Code of Criminal Procedure, 1973.***
- v)The bail bond executed by the accused persons shall stand terminated.***

PROPERTY ORDER: (PR No.12/2016)

P.M.O.1/Broken tiles – 4 Numbers shall be ordered to be destroyed, after the appeal time is over as per Rule 262 of Criminal Rules of Practice, 2019.



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Dictated to the Steno - Typist and typed by her in computer and after correction taken printout and pronounced by me in Open Court on this 28th day of April, 2026.

**Chief Judicial Magistrate
Sivagangai.**

Prosecution Side Witnesses :-

Sl. No	Rank of the witnesses/ Name of the Witnesses	Description	Date on Which Chief examination and Continuation taken place	Date on Which Cross examination and Continuation taken place
1	P.W1/ Tr.Muruganantham	Complainant/ Injured witness	22.06.2016	16.05.2022
2	P.W2/ Tr.Bose	Eye witness	22.06.2016	24.06.2022
3	P.W3/ Tr.Maari	Eye witness/ Injured witness	22.06.2016	24.06.2022
4	P.W4/ Tmt.Ponnumuthu	Eye witness/ Injured witness	01.07.2016	01.07.2016
5	P.W5/ Tmt.Muniammal	Eye witness/ Injured witness	01.07.2016	29.04.2025
6	P.W6/ Tr.Sivasuriyan	Eye witness	01.07.2016	13.05.2025



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7	P.W7/ Tr.Jeyakumar	Attested the Observation Mahazar and Rough Sketch	01.07.2016	29.04.2025
8	PW8/ Tr.Ganesan	Attested the Observation Mahazar and Rough Sketch	01.07.2016	01.07.2016
9	PW9/ Tr.Muthukrishnan	Sub-Inspector of Police/ Registered FIR	01.08.2016	26.06.2025
10	PW10/ Dr.Kalirathinam	Doctor	17.08.2016	17.08.2016
11	PW11/ Tr.Selvaraj	Inspector of Police/ Investigating Officer	12.08.2025	12.08.2025

Prosecution Side Exhibits:-

Sl. No	Doc.No.	Description of the Document	Proved by/Attested by
1	Ex.P.1	Complaint	PW1
2	Ex.P.2	Observation Mahazar	PW7
3	Ex.P.3	Seizure Mahazar	PW7
4	Ex.P.4	First Information Report	PW9
5	Ex.P.5	Accident Register Copy	PW10



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Sl. No	Doc.No.	Description of the Document	Proved by/Attested by
6	Ex.P.6	Rough Sketch	PW11
7	Ex.P.7	Form 91	PW11
8	Ex.P.8	Deletion Report	PW11

Prosecution Side Material Objects:-

Sl. No	Doc.No.	Description of the Document	Proved by/Attested by
1	P.M.O-1	Broken tiles	PW1

Defence Side witnesses: Nil.

Defence Side Exhibits :- Nil.

Defence Side Material Objects:- Nil

**Chief Judicial Magistrate,
Sivagangai.**