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S.C.No.65/2016

IN THE COURT OF ASSISTANT SESSIONS JUDGE, SIVAGANGAI.

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

Chief Judicial Magistrate, Sivagangai.

Tuesday, the 28<sup>th</sup> day of April, 2026

**Sessions Case No.65/2016**

CNR No.TNSV02-000187-2016

(PRC.No.26/2015 on the file of Additional District Munsif cum Judicial Magistrate,  
Manamadurai) (Palayanur Police Station in Crime No.10/2015)

|                                       |   |
|---------------------------------------|---|
| <p><b>Name of the Complainant</b></p> | <p><b>State of Tamil Nadu Represented by</b><br/>The Inspector of Police, Palayanur Police Station,<br/>(Cr.No.10/2015)</p>   |
| <p><b>Name of the Accused</b></p>     | <p>1. Muruganantham,<br/>S/o.Vellaiyathevar.</p> <p>2. Maari,<br/>S/o.Vellaiyathevar.</p> <p>3. Aathimoolam,<br/>S/o.Raman.</p> <p>4. Elangovan,<br/>S/o.Ayyamperumal.</p> <p>5. Bose,<br/>S/o.Muthukaruppathevar,</p> <p>6. Jeyakumar,<br/>S/o.Selvam.</p> |



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|   | <p>7. Raja,<br/>S/o. Vellaiyathevar.</p> <p>8. Rajendran,<br/>S/o.Muthukaruppadevar.</p> <p>9. Palani,<br/>S/o.Ramaiah.</p> <p>10. Latha,<br/>W/o.Sekar.</p> <p>11. Muthulakshmi,<br/>W/o.Jeyakumar.</p> <p>12. Moorthi,<br/>S/o.Chellam.</p> |
| <b>Date of Occurrence</b>                               | 24.01.2015  |
| <b>Date of arrest</b>                                   | A1 to A12-Anticipatory Bail petition filed on<br>28.01.2015   |
| <b>Date of release on bail</b>                          | A1 to A12 –Anticipatory Bail granted on 30.01.2015,<br>released on 04.02.2015.  |
| <b>Date of filing of final report</b>                   | 15.04.2015  |
| <b>Date of 1<sup>st</sup> appearance of the accused</b> | 31.12.2015  |
| <b>Date of furnishing of Copies u/s.207 Cr.P.C.</b>     | 31.12.2015  |



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|   |   |
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| <b>Questioning of the accused and Charges Framed</b>  | 04.10.2016  |
| <b>Date of Commencement of Trial</b>  | 04.10.2016  |
| <b>Date of Questioning under Sec 313(1)(b) Cr.P.C</b>   | 17.11.2025 and 23.03.2026   |
| <b>Date of last hearing</b>   | 21.04.2026  |
| <b>Date of Judgment</b>   | 28.04.2026  |
| <b>Charges levelled against the accused by the Police</b>   | U/s.147, 148, 294(b), 323, 336, 324 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)                          |
| <b>Charges framed against accused</b>   | A1 – u/s.148. 294(b) and 307 of IPC<br><br>A2 to A12 – u/s.148, 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), |
| <b>Plea of the accused</b>  | Pleaded not guilty  |
| <b>Details of the abscondence of the Accused and his appearance and production as the case may be</b> | NIL   |



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| <b>Grant of Stay by the Superior Courts and the result there of</b> | <p style="text-align: center;">NIL</p> |
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|                              |   |
|------------------------------|---|
| <b>Findings of the Judge</b> | <p><i>The accused persons are found not guilty.</i></p>   |
| <b>Details of Judgment</b>   | <p><b><i>In the result,</i></b></p> <p><b><i>i) The Accused No.1 is acquitted of all the charges framed against him under Sections 148, 294(b) and 307 of IPC,</i></b></p> <p><b><i>ii) The Accused No.2 to 12 are acquitted of all the charges framed against them under sections 148, 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></b></p> <p><b><i>iii) The order of acquittal is recorded u/s.235(1) of Code of Criminal Procedure, 1973.</i></b></p> <p><b><i>iv) The bail bond executed by the accused persons shall stand terminated.</i></b></p> |



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This case coming on **29.01.2026** for final disposal before me, in the presence of **Tr.P.M.Muniandi, Learned Special Public Prosecutor for the State and Tr.S.Navaneethan, 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:

### **JUDGMENT**

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

The defacto complainant/Tr.Shanmugam, and the 1<sup>st</sup> accused/Muruganandam, had prior enmity due to local body election. Owing to a verbal dispute regarding irrigation of water, on 24.01.2015 at about 7.00 p.m., near Keelarangiyam Village Chavadi (a place where villagers gather), while the complainant and his associates were present, Accused Nos.1 to 12 unlawfully assembled and came there. The 1<sup>st</sup> accused/Muruganandam, abused the complainant and the witnesses in filthy language. Thereafter, the 1<sup>st</sup> accused, with the Aruval in his possession, hurled the same towards the head of the complainant, he bent down immediately, due to which the aruval fell on his legs thereby causing a simple injury. Further, all the other accused abused the complainant in filthy language and, with the intention to commit murder, pelted stones at him. When witnesses 2 to 5 attempted to prevent the occurrence, Accused Nos.2 to 12 attacked them using sticks and stones and also abused them in filthy language. Moreover, all the accused, by throwing stones, damaged the roof tiles of the houses of the witnesses, causing damage worth Rs.100/-. As a result of the attack, Witnesses 1 to 5 sustained simple injuries. All the injured took treatment at Government Rajaji Hospital, Madurai. The



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complainant/Tr.Shanmugam, gave the complaint on 25.01.2015 at 2.00 p.m., while he was under treatment in the said hospital, before the Sub-Inspector of Police, Palayanur Police Station, followed by the registration of an FIR in Crime No.10/2015 for offences 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), against accused Nos.1 to 12.

(i) 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 7.00 p.m., while PW1/Tr.Shanmugam, the defacto complainant, was sitting near Keelarangiyam Village Chavadi, the accused persons came there and began to quarrel with him. Upon hearing the commotion, the other witnesses, namely PW2/Tr.Selvaganapathy, PW3/Tmt.Jeyamani, PW4/Tmt.Rajeshwari, and PW8/Selvi.Sivaranjini, came to the spot. They were also assaulted by the accused using stones and sticks. In the said occurrence, the above witnesses sustained injuries and were taken to the Government Hospital, Thiruppuvanam, where they received first aid treatment. The Accident Register copies pertaining to PW2 and PW3 are marked as Ex.P2 and Ex.P3 respectively. They were treated by PW10/Dr.Sri Hari, who subsequently referred them to the Government Rajaji Hospital, Madurai. There, they were treated by PW9/Dr.Kalirathnam. PW1/Tr.Shanmugam underwent treatment from 24.01.2015 to



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26.01.2015. Similarly, PW2/Tr.Selvaganapathy, PW3/Tmt.Jeyamani, and PW8/Selvi.Sivaranjini also took treatment during the said period. The wound certificates issued by PW9 are marked as Ex.P12 (for PW1), Ex.P14 (for PW8), Ex.P15 (for PW2), and Ex.P16 (for PW3). PW9 opined that the injuries sustained by PW1, PW2, and PW8 were simple in nature. However, PW4/Tmt.Rajeshwari lost her teeth in the incident and was treated by PW12/Dr.Rajagopal at Government Rajaji Hospital, Madurai. The injury sustained by her was certified as grievous in nature, and the wound certificate issued by PW12 is marked as Ex.P17.

**2.1.** While PW1/Tr.Shanmugam, was undergoing treatment at Government Rajaji Hospital, Madurai, upon intimation received from the hospital, PW7/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 1.30 p.m., PW7 registered a First Information Report/Ex.P5 in Crime No.10/2015, u/s. 147, 148, 294(b), 323, 324, 336, and 307 of the IPC, 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 4.00 p.m. He proceeded to the scene of occurrence, conducted enquiry, and prepared the Observation Mahazar/Ex.P8 and Rough Sketch/Ex.P9 in the presence of PW6/Tr.Jeyakumar, and one Tr.Ganesan (LW9). At about 5.00 p.m., in the presence of the same witnesses, PW11 seized the broken tiles/P.M.O.1, under a Mahazar/Ex.P10. Thereafter, he examined PW1 to PW8 and recorded their



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statements. He also examined PW9/Dr.Kalirathinam, on 03.04.2015 and recorded his statement. Further, he examined PW10/Dr.Sri Hari, who provided first aid treatment to the injured at Government Hospital, Thiruppuvanam, and PW12/Dr.Rajagopal, Dentist, who treated PW4/Tmt.Rajeshwari, and issued the Wound Certificate/Ex.P17, opining that the injuries sustained by PW4 were grievous in nature. PW11 entered the properties in Form 91/Ex.P11 and forwarded the same to the Court. As all the accused had been enlarged on anticipatory bail, they were not arrested.

**2.3.** After completion of investigation P.W11/I.O laid the final report against the accused persons before the 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 15.04.2015.

**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 31.12.2015. 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 01.04.2016. Thereafter, the charges against A1 – u/s.148, 294(b) and 307 of IPC and against A2 to A12 – u/s.148, 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), were framed by this court, on 04.10.2016.

**3.** On the side of the prosecution **P.W.1** to **P.W.12** were examined and **Exs.P.1** to **P.17** and **P.M.O-1** series 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 17.11.2025 and 23.03.2026, 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 injury allegedly sustained by PW2/Tr.Selvaganapathy, has not been spoken to by him. The injuries said to have been sustained by PW1, PW3, PW4, and PW8 do not tally with the corresponding wound certificates. Further, the alleged eyewitness PW5/Tr.Nagarajan,



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and the Observation Mahazar witness PW6/Tr.Jeyakumar, have turned hostile. Hence, acquittal was sought.

## **8. Discussion:-**

The criminal law was set in motion by the de facto complainant/PW1/Tr.Shanmugam, by way of Ex.P1/Written Complaint, 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 7.00 p.m., when PW1 was sitting at the chavadi, all the accused, along with one Tr.Balamurugan, son of A5/Tr.Bose, and Tr.Sivaneshwaran, son of A7/Tr.Raja, came there in a mini auto bearing Registration No.TN-63-M-5330, picked up a quarrel with PW1, and one among them hurled an aruval towards his head. On seeing the same, PW1 immediately bent down, due to which the aruval fell on his leg, causing injury, and he thereafter ran away from the spot. It is further alleged that the accused abused him in filthy language while chasing him. When PW2, PW3, PW4, and PW8, who are relatives of PW1, attempted to intervene, they were also attacked by the accused with sticks and stones. During the said occurrence, the glass doors, worth about Rs.1,000/-, of the houses of Tr.Balusamy (since deceased, LW7) and PW5/Tr.Nagarajan, as well as the roofing tiles of the chavadi, were damaged.

**8.1.** Now, let us advert to Ex.P1/Written Complaint. PW1/Tr.Shanmugam, the defacto complainant, in his chief examination, stated that there had been a dispute between his group and the rival group for the past six years in connection with the Panchayat Board elections. He further stated that on 24.01.2015 at about 7.00 p.m., a



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wordy altercation took place between Tr.Krishnan and A5/Tr.Bose, who belong to their village. At that time, PW1 was sitting in the village chavadi, and upon hearing the commotion, villagers gathered there. He further deposed that A1/Muruganandam, and A2/Mari, came to the spot in a van carrying weapons such as aruval and sticks, and called out Krishnan and Moolalingam. While he was present there, A1 and A2 attacked PW1 with an aruval on his left leg above the foot, causing a bleeding injury. He also stated that A1 and the other accused pelted stones at PW2/Tr.Selvaganapathy, PW3/Tmt.Jayamani, PW4/Tmt.Rajeswari, and PW8/Selvi.Sivaranjani, thereby causing injuries. As a result, PW4 sustained a broken tooth and bleeding injury, PW2 sustained a bleeding head injury, PW8 sustained a contusion, and PW3 also sustained a contusion due to stone pelting. He further stated that the injured were taken by auto-rickshaw to Government Rajaji Hospital, Madurai, for treatment. He reiterated that there was prior enmity between the parties and that the accused had threatened them earlier. He further stated that, in connection with this occurrence, he lodged the complaint/Ex.P1, and that the police came to the Government Hospital, enquired with him, and recorded his statement, wherein he narrated the details of the incident. He also identified two broken roofing tiles (P.M.O.1 series) before the Court.

**8.1.1.** In his cross-examination, PW1 stated that his statements before the Court, the police, and in the complaint are all consistent. He admitted that there was prior enmity between both parties arising out of elections. He further stated that the occurrence took place at about 7.00 p.m., and that around 20 persons came together in a vehicle. Furthermore, he deposed that he sustained injuries and thereafter went to Government Rajaji Hospital, Madurai, at about 10.00 p.m., where he gave the complaint, which was signed only by him. He also stated that he was not aware



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whether the weapon was seized by the police. Further, he admitted that a counter-case in S.C. No. 40 of 2016 is pending against him. He denied the suggestions that no one attacked him, that the injury sustained by him was accidental, and that the case is false or has been foisted out of enmity.

**8.1.2.** In Ex.P1/Complaint, PW1 has stated that the accused came to the scene of occurrence in a mini auto and has even mentioned its registration number. However, in his chief examination, he stated that about 20 persons came to the spot and that A1 and A2 arrived in a van carrying aruval and sticks. In his cross-examination, he further stated that about 20 persons came in a TATA ACE van. Thus, though PW1 had specifically mentioned the mini auto along with its registration number in Ex.P1, he has not spoken about the same either in his chief or cross-examination. In this regard, PW11, the Investigating Officer, has also not offered any explanation. Further, in the complaint, PW1 stated that about 20 persons came to the scene on the date of occurrence; however, in his chief examination, he has spoken only about A1 and A2. In Ex.P1, it is alleged that the accused hurled an aruval towards his head and, when he bent down, it struck his leg, after which he ran away from the spot. However, in his chief examination, PW1 stated that A1 and A2 attacked him with an aruval on his left leg, causing a bleeding injury. PW1 further stated that A1 and others assaulted PW2, PW3, PW4, and PW8 by pelting stones and caused injuries. However, he has not attributed any specific overt act to each of the accused and has made only a general allegation against A1, A2, and others. In the complaint, PW1 stated that the injured were admitted to Government Rajaji Hospital, Madurai, and he reiterated the same in his chief examination. However, the evidence of PW10/Dr.Sri Hari, indicates that PW1, PW2, PW3, PW4, and PW8 were initially



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admitted to Government Hospital, Thiruppuvanam, on 24.01.2015 and were treated by him between 9.00 p.m. and 9.20 p.m., after which they were referred to Government Rajaji Hospital, Madurai. PW1 has not spoken about this aspect, namely, the treatment at Government Hospital, Thiruppuvanam. Therefore, the discrepancies between the evidence of PW1 and Ex.P1, as well as the omission regarding initial treatment, have not been explained by the prosecution.

**8.2.** PW2/Tr.Selva Ganapathi, in his chief examination, stated that he knew the accused. He further stated that on 24.01.2015 at about 8.00 p.m., he went to a shop to purchase sugar, and at that time, a fight was in progress. He stated that he did not know who threw the stones. Further, he stated that he sustained a head injury and was unaware of whether anyone else was injured. He deposed that he initially went to the Government Hospital, Thiruppuvanam, for first aid treatment, and the Accident Register prepared at the time of his admission there was marked as Ex.P2. He also stated that he received further treatment for his head injury at Government Rajaji Hospital, Madurai. He stated that the police examined him in connection with the case, but he did not remember whether anyone else was injured or the date on which the police examined him.

**8.2.1.** The essence of the above evidence is that the injured PW2 himself does not know who threw the stones at him, and therefore he does not attribute any overt acts to any of the accused.

**8.3.** PW3/Tmt.Jeyamani, in her chief examination, stated that she knows the accused persons. She deposed that in the year 2015, though she did not remember the exact date or month, at about 7.00 p.m., Muruganandam(A1), Maari(A2), Bose(A5),



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and Jayakumar(A6) called her out, used abusive language, and provoked her to quarrel. She further stated that they assaulted her by throwing stones, causing an injury on the back of her neck. Further, she also stated that they continued the attack by bringing more stones in a van, and that many persons were injured in the incident. She was admitted to the Government Hospital, Thiruppuvanam, where a Wound Certificate was issued and marked as Ex.P3. She further deposed that she was subsequently taken to Government Rajaji Hospital, Madurai, where she received treatment for three days. She stated that the investigating officer examined her in connection with the incident.

**8.3.1.** PW3, in her cross-examination, stated that she had stated the same facts to the police as deposed by her in her chief examination. She further stated that though it was suggested that 200 to 300 persons were present at the time of the incident, in fact only about 50 to 60 persons were present. She stated that at the time of the incident, she was standing near her mother-in-law's house, which is at a distance of about ten feet from the place of occurrence. Further, She admitted that there was no cordial relationship between Muruganandam(A1) and her family. She further stated that at the time of the incident, Selvaganapathy(PW2), Ranjani(PW8), and Rajeshwari(PW4) were also present with her, and they too sustained injuries. She denied the suggestion that the incident did not occur, and further denied the suggestion that due to prior election enmity between the accused and her family, she was giving false evidence.

**8.4.** PW4/Tmt.Rajeshwari, in her chief examination, stated that she knows the accused persons. She deposed that in her village, Keezharangiyam, about 7 to 8 years



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prior to her deposition (though she did not remember the exact date and month), in the evening hours, a clash occurred due to prior election enmity between the group of Krishnan and the opposing group led by Muruganandam(A1). She stated that stones were pelted, including at locked houses. Further, she stated that members of Muruganandam's group threw stones at her, causing bleeding from her mouth. She also stated that two of her teeth were broken and she felt dizzy. She deposed that persons present at the scene put her in a 108 ambulance and took her to the Government Hospital, Thiruppuvanam, where she was given first aid treatment. Thereafter, she was referred to Government Rajaji Hospital, Madurai, where she was admitted as an inpatient and received treatment for four days. She further stated that the police came to the said hospital and examined her.

**8.4.1.** PW4, in her cross-examination, stated that the distance between her house and the place of occurrence is approximately one kilometer. She further stated that she is the complainant's aunt's daughter. She stated that about 30 to 40 persons from both sides were present at the time of the incident. Further, she stated that as it was dusk and visibility was low, she was unable to say who attacked whom among the persons from both sides. She also stated that she is unable to identify, at present, the accused who attacked her with stones and caused bleeding from her mouth and broke her tooth.

**8.5.** PW8/Ms.Sivaranjini, in her chief examination, stated that the complainant in this case, Shanmugam, is her maternal uncle. She stated that she knows PW2/Selvaganapathy (also known as Selvamani), PW3/Jeyamani, and PW4/Rajeshwari, who are residents of Keezharangiyam. She further stated that she



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knows all the accused persons. Further, she deposed that on 24.01.2015 at about 7.00 p.m., she was at her house, and upon hearing a loud commotion at the village mandhai, she went there. She stated that the accused persons were present and were using abusive language, and that they started throwing stones. She further stated that due to the stone-throwing, she sustained an injury on her left leg. Furthermore, she specifically stated that Muruganandam (A1) and Maari (A2) threw stones causing the said injury. She also stated that the persons who were with her, namely Jeyamani, Selvaganapathy, her maternal uncle Shanmugam, and Rajeshwari, also sustained injuries in the incident. She further stated that due to prior election enmity, the accused attacked them. Furthermore, she deposed that she initially went to the Government Hospital, Thiruppuvanam, for treatment, and was thereafter referred to Government Rajaji Hospital, Madurai, for further treatment. She further stated that on the next day, while she was at the said hospital, the police examined her in connection with the case.

**8.5.1.** PW8, in her cross-examination, stated that it is correct that Shanmugam is her relative and that the accused persons are also her relatives, and that due to election-related enmity, the group of Muruganandam and the complainant's group are not on speaking terms. She further stated that she went to the mandhai after hearing noise. She stated that she does not know who attacked whom or with what weapons. Furthermore, she also stated that when she reached the mandhai, more than 50 persons had gathered there. She stated that she does not know the exact number of persons against whom Shanmugam gave the complaint, but that he might have given a complaint against about 10 to 12 persons. She further stated that she does not know whether Shanmugam had falsely implicated some persons and later had them



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removed from the case. She also stated that she does not know whether any case is pending against the complainant's side alleging that they attacked the accused side, and stated that such a case would be false. Furthermore, she denied the suggestion that she did not sustain any injury at the hands of the accused and that she is deposing falsely to take revenge by attributing injuries sustained in a crowd situation. She further denied the suggestion that if she had actually been present at the place of occurrence, she would have known the details of the incident. She also denied the suggestion that the case has no connection with the accused persons.

**8.5.2.** In the Complaint/Ex.P1, PW1 has alleged that the accused, along with two others, came to the chavadi on the date of occurrence and picked a quarrel with him. However, in his chief examination, he stated that only A1 and A2 were involved in the occurrence. PW2, in his chief examination, stated that he does not know who threw stones at him. PW3, in her chief examination, stated that A1, A2, A5, and A6 were involved in the occurrence, whereas in her cross-examination, she stated that about 50 to 60 persons were involved. PW4 did not specifically speak about who assaulted her and stated that there were about 30 to 40 persons present on both sides. She further stated that she does not know who assaulted her and caused injury to her tooth. PW8, in her evidence, stated that she does not know who attacked whom or with what weapons. From the collective evidence of PW1, PW2, PW3, PW4, and PW8, it is discernible that the prosecution has failed to attribute any specific overt act to each of the accused. Consequently, the manner in which the injuries were allegedly caused to the injured witnesses has not been clearly established by the prosecution.



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**8.6.** It is the case of the prosecution that, in the alleged occurrence, the roofing tiles of the house of PW5/Tr.Nagarajan, worth about Rs.1,000/-, were damaged. In his evidence, PW5 stated that he was not present at the time of the occurrence and that he does not know how PW1/Tr.Shanmugam sustained injuries or anything about the occurrence. Though he was treated as hostile by the prosecution, nothing was elicited in his cross-examination in favour of the prosecution.

**8.7.** It is the case of the prosecution that PW11/Investigating Officer visited the scene of occurrence on 25.01.2015 at about 4.00 p.m., prepared the Observation Mahazar/Ex.P8 and the Rough Sketch/Ex.P9 in the presence of PW6/Tr.Jeyakumar and another witness. PW6, in his evidence, stated that about one month after the occurrence, the police obtained his signature on Ex.P8 at the police station, and that he had affixed his signature in a blank paper without knowing its contents. Though he was treated as hostile by the prosecution, nothing was elicited in his cross-examination in favour of the prosecution.

**8.8.** PW7/Tr.Muthukrishnan, Sub-Inspector of Police, who registered the FIR/Ex.P5, in his chief examination stated that on 25.01.2015 at about 9.00 a.m., while he was in charge of Palaiyanur Police Station, he received information from Government Rajaji Hospital, Madurai. Based on the said information, he proceeded to the hospital and, in Ward No.99, he enquired with an injured person by name Shanmugam, S/o.Muthukarupathevar, a resident of Keezharangiyam, who was admitted as an inpatient. He stated that the said injured person gave a written complaint petition to him. After receiving the complaint, he returned to Palaiyanur Police Station at about 1.30 p.m. on the same day, and based on the contents of the



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complaint, he registered a First Information Report/Ex.P5, against the accused. Thereafter, he forwarded the complaint and FIR to the jurisdictional court and handed over copies in person to the Inspector of Poovanthi Police Station, Tr.Selvaraj, for investigation. He further stated that he assisted the Inspector during the course of investigation, and that he was examined by the Investigating Officer in connection with this case.

**8.8.1.** PW7, in his cross-examination, stated that the complaint given by Shanmugam was already in written form and was handed over only after he went to the hospital for investigation. He further stated that he does not know who wrote the complaint. He stated that on that date, he examined only PW1/Shanmugam and no one else. He further stated that on the same day, at the same hospital, he also enquired with Muruganandam(A1), who was an injured person in the counter case, and received a complaint from him as well. He stated that he does not presently remember how many persons connected with this case and the counter case were under treatment in the hospital at that time. He denied the suggestion that PW1/Shanmugam did not give the complaint himself and that a false case was registered against the accused based on a complaint given by someone else. He further denied the suggestion that this case has no connection with the accused persons.

**8.8.2.** PW7, in his chief examination, stated that he received Ex.P1/Complaint from PW1/Tr.Shanmugam. However, in his cross-examination, he stated that he does not know who wrote the complaint. He further stated that when he went to the hospital to enquire PW1, the complaint was already in written form and was given by PW1 himself. In view of the above inconsistencies, the evidence of PW7/Sub-



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Inspector of Police is not fully corroborated with the evidence of PW1/Tr.Shanmugam. Further, from the evidence of PW6/Tr. Jeyakumar, the prosecution version that PW11/Investigating Officer visited the scene of occurrence on 25.01.2015 at about 4.00 p.m., prepared the Observation Mahazar and Rough Sketch, and examined the witnesses, appears to be doubtful. Insofar as the alleged occurrence to attract the offence under Section 3 of the TNPPDL Act is concerned, no specific evidence has been adduced by the prosecution. Though the evidence of PW9/Dr. Kalirathinam, PW10/Dr. Siri Hari, and PW12/Dr. Rajagopal establishes the factum of injuries sustained by PW1, PW2, PW3, PW4, and PW8, 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.

***In the result,***

***i) The Accused No.1 is acquitted of all the charges framed against him under Sections 148, 294(b) and 307 of IPC,***

***ii) The Accused No.2 to 12 are acquitted of all the charges framed against them under sections 148, 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),***

***iii) The order of acquittal is recorded u/s.235(1) of Code of Criminal Procedure, 1973.***

***iv) The bail bond executed by the accused persons shall stand terminated.***



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**PROPERTY ORDER: (PR No.24/2016)**

***P.M.O.1/Broken tiles – 2 Numbers shall be ordered to be destroyed, after the appeal time is over as per Rule 262 of Criminal Rules of Practice, 2019.***

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 28<sup>th</sup> 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/<br>Tr.Shanmugam                        | Complainant/ Injured witness | 24.06.2022   | 24.11.2022   |
| 2      | P.W2/<br>Tr.Selvaganapathy                   | Eye witness/ Injured witness | 16.12.2022   | 06.02.2023   |
| 3      | P.W3/<br>Tmt.Jeyamani                        | Eye witness/ Injured witness | 19.06.2023   | 19.06.2023   |
| 4      | P.W4/<br>Tmt.Rajeshwari                      | Eye witness/ Injured witness | 07.08.2023   | 07.08.2023   |



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| 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 |
|--------|--|---|--|--|
| 5      | P.W5/<br>Tr.Nagarajan                        | Eye witness                                       | 23.01.2025   | 23.01.2025   |
| 6      | P.W6/<br>Tr.Jeyakumar                        | Attested the Observation Mahazar and Rough Sketch | 23.01.2025   | 23.01.2025   |
| 7      | P.W7/<br>Tr.Muthukrishnan                    | Sub-Inspector of Police/ Registered FIR           | 23.09.2025   | 23.09.2025   |
| 8      | PW8/<br>Ms.Sivaranjini                       | Eye witness/<br>Injured witness                   | 06.10.2025   | 06.10.2025   |
| 9      | PW9/<br>Tr.Kalirathinam                      | Doctor  | 03.11.2025<br>&<br>12.03.2026                                | 03.11.2025<br>&<br>12.03.2026                                |
| 10     | PW10/<br>Dr.Sri Hari                         | Doctor  | 03.11.2025   | 03.11.2025   |
| 11     | PW11/<br>Tr.Selvaraj                         | Inspector of Police/<br>Investigating Officer     | 10.11.2025   | 10.11.2025   |
| 12     | PW12/<br>Dr.Rajagopal                        | Doctor  | 12.03.2026   | 12.03.2026   |



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**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  | Accident Register Copy                      | PW2                   |
| 3      | Ex.P.3  | Wound Certificate                           | PW3                   |
| 4      | Ex.P.4  | Signature of PW6 in the Observation mahazar | PW6                   |
| 5      | Ex.P.5  | First Information Report                    | PW7                   |
| 6      | Ex.P.6  | Wound Certificate                           | PW10                  |
| 7      | Ex.P.7  | Wound Certificate                           | PW10                  |
| 8      | Ex.P.8  | Observation Mahazar                         | PW11                  |
| 9      | Ex.P.9  | Rough Sketch                                | PW11                  |
| 10     | Ex.P.10 | Seizure Mahazar                             | PW11                  |
| 11     | Ex.P.11 | Form 91                                     | PW11                  |
| 12     | Ex.P.12 | Wound Certificate                           | PW9                   |
| 13     | Ex.P.13 | Government Order                            | PW9                   |
| 14     | Ex.P.14 | Wound Certificate                           | PW9                   |
| 15     | Ex.P.15 | Wound Certificate                           | PW9                   |
| 16     | Ex.P.16 | Wound Certificate                           | PW9                   |
| 17     | Ex.P.17 | Wound Certificate                           | PW12                  |



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**Prosecution Side Material Objects:-**

| <b>Sl. No</b> | <b>Doc.No.</b> | <b>Description of the Document</b> | <b>Proved by/Attested by</b> |
|---------------|----------------|------------------------------------|------------------------------|
| 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.**