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**S.C.No. 288/2023**

IN THE COURT OF ASSISTANT SESSIONS JUDGE, SIVAGANGAI.

PRESENT: **S. MOHANA RAMYA, B.A., B.L.,**

Chief Judicial Magistrate, Sivagangai.

Wednesday, the 19<sup>th</sup> day of August, 2026

**Sessions Case No. 288/2023**

**CNR No.TNSV02-000707-2024**

(Committed to the Court of Sessions by the Judicial Magistrate No.1, Sivagangai by Order dated:17.10.2023 passed in PR.C.No.106/2022 and taken on file by the Principal District Sessions Judge, Sivagangai District who made over the case to this Court by Order dated:18.11.2024)

(Cr.No.381/2022 on the file of Sivagangai Town Police Station, Sivagangai District)

|                                |                                                                                                                                                                                                                                        |
|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Name of the Complainant</b> | <b>State of Tamil Nadu represented by</b><br>The Inspector of Police, Sivagangai Town Police Station, (Cr.No.381/2022)                                                                                                                 |
| <b>Name of the Accused</b>     | <b>1. Sankarapandian @ Kuttaisankar, (Age 29/2022)</b><br>S/o.Sethupathi,<br>Pillaiyarkovil Opp,<br>Keelavaniyankudi,<br>Sivagangai.<br><br><b>2. Rakesh (Age 26/2022),</b><br>S/o.Rajapandi,<br>No.365, Keelavaniyankudi, Sivagangai. |
| <b>Date of Occurrence</b>      | 26.09.2022                                                                                                                                                                                                                             |
| <b>Date of arrest</b>          | A1 & A2 -26.09.2022                                                                                                                                                                                                                    |



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**S.C.No. 288/2023**

|                                                         |                                                                                                              |
|---------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <b>Date of release on bail</b>                          | A1-19.12.2022<br>A2- 03.10.2022                                                                              |
| <b>Date of filing of final report</b>                   | 02.12.2022                                                                                                   |
| <b>Date of 1<sup>st</sup> appearance of the accused</b> | 17.10.2023                                                                                                   |
| <b>Date of furnishing of Copies u/s.207 Cr.PC.</b>      | 17.10.2023                                                                                                   |
| <b>Questioning of the accused and Charges Framed</b>    | 26.03.2025                                                                                                   |
| <b>Date of Commencement of Trial</b>                    | 24.04.2025                                                                                                   |
| <b>Date of Questioning under Sec 313(1)(b) Cr.PC</b>    | 24.07.2026                                                                                                   |
| <b>Date of last hearing</b>                             | 10.08.2026                                                                                                   |
| <b>Date of Judgment</b>                                 | 19.08.2026                                                                                                   |
| <b>Charges alleged against the accused</b>              | A1- U/S.294(b), 353, 506(ii) and 307 of IPC and Section 27(1) Arms Act, 1959.<br>A2- U/S.353 and 307 of IPC. |
| <b>Charges framed against accused</b>                   | A1- U/S.294(b), 353, 506(ii) and 307 of IPC and Section 27(1) Arms Act, 1959.<br>A2- U/S.353 and 307 of IPC. |
| <b>Plea of the accused</b>                              | Pleaded not guilty                                                                                           |



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**S.C.No. 288/2023**

|                                                                                         |                                                                                                                                                                                                                                                                                                             |
|-----------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Details of the accused abscond and his/her 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                                                                   | The Accused 1 & 2 found not guilty.                                                                                                                                                                                                                                                                         |
| Details of Judgment                                                                     | <b>In the result</b> , the 1 <sup>st</sup> accused is found not guilty for offences U/S.294(b), 353, 506(ii) and 307 of IPC and Section 27(1) Arms Act, 1959 and the 2 <sup>nd</sup> accused is found not guilty for offences U/S.353 and 307 of IPC, accordingly stood acquitted as per Sec. 235(1) Cr.PC. |

This case came up for final hearing on 13.07.2026 before me in the presence of **Tmt.I.Jansi Rani**, Additional Public Prosecutor, for the Prosecution side and **Thiru.S.Valmekanathan**, Advocate for the 1<sup>st</sup> accused and **Thiru.RMK.Ramprabhakar**, Advocate for the 2<sup>nd</sup> accused and upon perusing the case records and upon hearing arguments of both sides and having been stood over for consideration till this day, this court delivered the following:-

### **JUDGMENT**

The Inspector of Police, Sivagangai Town Police Station, Sivagangai District has filed the final report as against the 1<sup>st</sup> accused for the offence U/S.294(b), 353, 506(ii) and 307 of IPC and Section 27(1) Arms Act, 1959 and 2<sup>nd</sup> accused for the offence U/S.353 and 307 of IPC.



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**S.C.No. 288/2023**

**(2). The brief contents of the Final Report is as follows:-**

On 26.09.2022, at about 7.00 a.m., near Samiyarpatti Vilakku Road, PW-8/Thiru.Jayabalan, Sub-Inspector of Police, Sivagangai Town Police Station, along with the police party, was on patrol duty, at that time, he stopped a Swift Dzire Car bearing Regn.No.TN-11-W-3587 on being suspicious, that when the police officials attempted to check the vehicle, the 1<sup>st</sup> accused obstructed, abused with filthy words, and threatened them using a sword, and further, with an intention to cause death of PW-5/Sub-Inspector of Police, he suddenly attacked him with the sword, and PW-5 escaped from the attack, if the 1<sup>st</sup> accused would have succeeded, it caused the death of PW-5, the 1<sup>st</sup> accused further instigated the 2<sup>nd</sup> accused kill the police officials and PW-5 by using their Car, and the 2<sup>nd</sup> accused attempted to run the vehicle over the police party. Thus, the 1<sup>st</sup> accused committed the offence U/S.294(b), 353, 506(ii) and 307 of IPC and Section 27(1) Arms Act, 1959 and 2<sup>nd</sup> accused committed the offence U/S.353 and 307 of IPC.

**(3).** Upon considering the final report, the learned Judicial Magistrate No.1 Court, Sivagangai took cognizance of the offence and issued summon to the accused. On appearance, copies were furnished to the accused free of cost U/S.207 Cr.PC in PRC.No.106/2022. Since, the 1<sup>st</sup> accused committed the offence U/S.294(b), 353, 506(ii) and 307 of IPC and Section 27(1) Arms Act, 1959 and 2<sup>nd</sup> accused committed the offence U/S.353 and 307 of IPC, were exclusively triable by the Court of Session, the same was committed to the Hon'ble Principal Sessions Court U/S.209 Cr.PC. The Hon'ble Principal District Sessions Judge, Sivagangai was pleased to made over the case to this Court.



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**S.C.No. 288/2023**

(4). The accused appeared before this Court, that charges were framed against the 1<sup>st</sup> accused for the offence U/S.294(b), 353, 506(ii) and 307 of IPC and Section 27(1) Arms Act, 1959 and 2<sup>nd</sup> accused for the offence U/S.353 and 307 of IPC, that the substance of the charges were read over, explained and questioned, that the accused denied the charges and pleaded not guilty and claimed to be put on trial.

(5). On the side of the prosecution, **PW-1** to **PW-7** examined and **Ex-P1** to **Ex-P10** and **P.M.O-1** marked.

**(6). The gist of the prosecution case as per the evidence on record:-**

(i). LW-1-Thiru.Jegadeeshwaran, Grade-I Police Constable, examined as PW-1. PW-1 has deposed in his chief examination that, on 26.09.2022, at about 6.00 a.m., while PW-1, PW2, LW-3, PW-5 were on patrol duty, they noticed a suspicious Swift Dzire car bearing Regn.No.TN-11-W-3587 near Samiyarpatti Vilakku Road at about 7.00 a.m., and stopped and proceeded to check the vehicle, at that time, the accused 1 & 2 came out of the car, the 1<sup>st</sup> accused obstructed, abused with filthy words and attacked PW-5 with the sword, PW-5 escaped from the blow, thereafter on instigation of the 1<sup>st</sup> accused, the 2<sup>nd</sup> accused attempted to run the vehicle over PW-5, and thereafter the accused and sword, vehicle were brought to the police station, that PW5 registered the FIR in Cr.No.381/2022 as against the accused.

(ii). LW-2-Thiru.Silambarasan, Grade-II Constable, examined as PW-2. PW-2 has deposed in his chief examination is that, on 26.09.2022, at about 6.00 a.m., while PW-1, PW2, LW-3, PW-5 were on patrol duty, they noticed a suspicious Swift Dzire car bearing Regn.No.TN-11-W-3587 near Samiyarpatti Vilakku Road at about 7.00



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**S.C.No. 288/2023**

a.m., and stopped and proceeded to check the vehicle, at that time, the accused 1 & 2 came out of the car, the 1<sup>st</sup> accused obstructed, abused with filthy words and attacked PW-5 with the sword, PW-5 escaped from the blow, thereafter on instigation of the 1<sup>st</sup> accused, the 2<sup>nd</sup> accused attempted to run the vehicle over PW-5, and thereafter the accused and sword, vehicle were brought to the police station, that PW5 registered the FIR in Cr.No.381/2022 as against the accused.

(iii). LW-3/Thiru.John Vedhamuthu, observation mahazar witness, examined as PW-3. PW-3 has deposed in his chief examination that he has no knowledge about the occurrence, and preparation of the Observation Mahazar. PW3 has only admitted his signature in the observation mahazar (Ex-P1).

(iv). LW-5-Thiru.Sathishpandi, seizure mahazar witness examined as PW-4. PW-4 has deposed in his chief examination that he has no knowledge about the occurrence, and preparation of the seizure mahazar. PW4 has only admitted his signature in the observation mahazar (Ex-P2).

(v). LW-8-Thiru.Jeyabalan, Inspector of Police, Sivagangai Town Police Station examined as PW-5. PW-5 has deposed in his chief examination is that, on 26.09.2022, at about 6.00 a.m., while PW-1, PW2, LW-3, PW-5 were on patrol duty, they noticed a suspicious Swift Dzire car bearing Regn.No.TN-11-W-3587 near Samiyarpatti Vilakku Road at about 7.00 a.m., and stopped and proceeded to check the vehicle, at that time, the accused 1 & 2 came out of the car, the 1<sup>st</sup> accused obstructed, abused with filthy words and attacked him with the sword, and he escaped from the blow, thereafter on instigation of the 1<sup>st</sup> accused, the 2<sup>nd</sup> accused



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**S.C.No. 288/2023**

attempted to run the vehicle over him, and thereafter the accused and sword, vehicle were brought to the police station, that PW5 registered the FIR (Ex-P3) in Cr.No.381/2022 as against the accused and the sword seized from the 1<sup>st</sup> accused marked as P.M.O-1, and the photograph of the Car used in the occurrence marked as Ex-P4, and placed the file before PW-7/Inspector of Police for investigation.

(vi). LW-7/Thiru.Muthupandi, observation mahazar witness, examined as PW-6. PW-6 has deposed in his chief examination that he has no knowledge about the occurrence, and preparation of the Observation Mahazar. PW-6 has only admitted his signature in the observation mahazar (Ex-P5).

(vii). LW-9-Thiru.Suresh Kumar, Inspector of Police, Sivagangai Town Police Station examined as PW-9. PW-9 had deposed in his chief examination, that while serving as Inspector of Police, Sivagangai Town Police Station, he took up the investigation in Crime No.381/2022 on 26.09.2022, that he visited the scene of occurrence and prepared the Observation Mahazar (Ex-P6) and Rough Sketch (Ex-P7) in the presence of witness PW-3 and PW-6, and seized the sword and Swift Car bearing Regn.No.TN-11-W-3587 and prepared the Seizure Mahazar (Ex-P8), in the presence of witnesses LW-4 and PW-4 and examined and recorded the statement of the witness PW-1, PW-2, LW-3, LW-4, PW-4 to PW-6, and that the seized properties were handed over to the Jurisdictional Magistrate Court, under Form 91 (Ex-P9), and after completion of investigation and alteration of charge (Ex-P10), the final report was filed into Court.



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**S.C.No. 288/2023**

(7). After closing of prosecution evidence, the accused was questioned regarding the incriminating portion of the evidence as per Section 313(1)(b) Cr.PC. The accused claimed the evidence as false. No defence witnesses examined.

(8). Based on the above facts and evidence, the Point for Consideration is whether the prosecution proved the case beyond reasonable doubt?

(9). **On the Point:-**

**Based on the evidence, the case of prosecution is as follows:-**

The prosecution case is that on 26.09.2022, at about 6.00 a.m., while PW-1, PW2, LW-3, PW-5 were on patrol duty, they noticed a suspicious Swift Dzire car bearing Regn.No.TN-11-W-3587 near Samiyarpatti Vilakku Road at about 7.00 a.m., and stopped and proceeded to check the vehicle, at that time, the accused 1 & 2 came out of the car, the 1<sup>st</sup> accused obstructed, abused with filthy words and attacked him with the sword, and he escaped from the blow, thereafter on instigation of the 1<sup>st</sup> accused, the 2<sup>nd</sup> accused attempted to run the vehicle over him, and thereafter the accused and sword, vehicle were brought to the police station, that PW5 registered the FIR (Ex-P3) in Cr.No.381/2022 as against the accused and the sword seized from the 1<sup>st</sup> accused marked as P.M.O-1, and the photograph of the Car used in the occurrence marked as Ex-P4, and placed the file before PW-7/Inspector of Police for investigation, that PW-7 visited the scene of occurrence and prepared the Observation Mahazar (Ex-P6) and Rough Sketch (Ex-P7) in the presence of witness PW-3 and PW-6, and seized the sword and Swift Car bearing Regn.No.TN-11-W-3587 and prepared the Seizure Mahazar (Ex-P8), in the presence of witnesses LW-4 and PW-4 and examined and recorded the statement of the





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**S.C.No. 288/2023**

witness PW-1, PW-2, LW-3, LW-4, PW-4 to PW-6, and that the seized properties were handed over to the Jurisdictional Magistrate Court, under Form 91 (Ex-P9), and after completion of investigation and alteration of charge (Ex-P10), the final report was filed into Court.

**(10).** PW-1, PW-2 and PW-5 are police officials. On perusal of the available records, not even a single witness from the public has been examined by the investigating officer. The two witnesses by name John Vedhamuthu (PW3) and Sathishpandi (PW-4) and Muthupandi (PW-6) are the independent mahazar witnesses. PW-3, PW-4 and PW-6 deposed that they do not know about the occurrence and have not spoken about the seizure of the weapon and vehicle. The prosecution has examined three police officials. However, the witnesses cited for the observation and seizure mahazar have turned hostile and have not supported the prosecution case. Though the evidence of police officials cannot be discarded merely on account of their official status, their testimony requires careful scrutiny, particularly when the independent witnesses have not supported the prosecution. The alleged occurrence took place at about 7.00 a.m. on a main road, where the presence of public could be reasonably expected. However, no independent eyewitness has been examined on the side of the prosecution. The prosecution side has contended that no public were available at the time of the occurrence. This statement made by the police officials is not believable. This assumes importance when the mahazar witnesses failed to support the prosecution. The alleged seizure of the sword is the material base for the charge U/S.27(1) of the Arms Act. In the absence of convincing evidence, the prosecution has failed to establish beyond reasonable doubt that the sword seized was used by the accused to attack PW-5. Mere production or marking of the sword



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**S.C.No. 288/2023**

does not amount to proof that the same was used by the 1<sup>st</sup> accused. The necessary requirements of Section 27(1) of the Arms Act has not been proved.

**(11).** As far as, Section 307 IPC, the prosecution must establish the overt act of the accused and the requisite intention or knowledge. In the present case, the prosecution side evidence, does not establish the participation of the accused and the alleged use of the sword. The absence of independent corroboration witnesses, and the mahazar witnesses turning hostile, creates a reasonable doubt regarding the prosecution version.

**(12).** The evidence of PW-7 is regarding to the manner of investigation. PW-1, PW-2 and PW-5 are official witnesses. The evidence of PW-1, PW-2 and PW-5 cannot be relied for the proof of prosecution since it is not advisable to rely on the said evidence because of lack of prudence. The prosecution case must be established by independent witnesses. If the occurrence took place within a place where public has no reach, the prosecution case based on the evidence of PW-1, PW-2 and PW-5 could be relied upon. But, even as per the prosecution witnesses, the public presence was there, at the time of occurrence. Even the independent witnesses examined as PW-3, PW-4 and PW-6 have not supported the prosecution case. The prosecution fails to prove the case beyond all reasonable doubt.



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**S.C.No. 288/2023**

**(i). In the result,** the 1<sup>st</sup> accused is found not guilty for offences U/S.294(b), 353, 506(ii) and 307 of IPC and Section 27(1) Arms Act, 1959 and the 2<sup>nd</sup> accused is found not guilty for offences U/S.353 and 307 of IPC, accordingly stood acquitted as per Sec. 235(1) Cr.PC.

**(ii). PROPERTY ORDER: (PR No.39/2026)**

PM.O-1 is the Sword, is order to be destroyed and after the appeal time is over as per Rules.

The Item No.2 is the Swift Dezire car bearing Regn.No.TN-11-W-3587 was handed over to the owner Karuppanan, as per order of the concerned JM No.1 Court in CrI.M.P No.7210/2022, dated 12.10.2022 as interim custody, the same shall be ordered to be retained by him, after the appeal time is over as per Rules.

Dictated to the Steno-typist, typed by her directly in the Chamber Computer, corrected and pronounced by me in open Court, this the 19<sup>th</sup> day of August, 2026.

**Chief Judicial Magistrate  
Sivagangai.**



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**S.C.No. 288/2023**

**Prosecution Side Witnesses :-**

| Sl. No | Rank of the witnesses/<br>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.W-1/<br>Jegadheeshwaran                       | Eye witness                                 | 19.06.2025                                                   | 13.11.2025                                                   |
| 2      | P.W-2/<br>Silambarasan                          | Eye witness                                 | 15.09.2025                                                   | 24.03.2026                                                   |
| 3      | P.W-3/ John Vedhamuthu                          | Observation Mahazar witness                 | 29.06.2026                                                   | 29.06.2026                                                   |
| 4      | P.W-4/<br>Sathishpandi                          | Seizure Mahazar witness                     | 02.07.2026                                                   | 02.07.2026                                                   |
| 5      | P.W-5/<br>Jeyabalan                             | Defacto complainant/<br>Inspector of Police | 13.07.2026                                                   | 13.07.2026                                                   |
| 6      | P.W-6/<br>Muthupandi                            | Observation Mahazar witness                 | 21.07.2026                                                   | 21.07.2026                                                   |
| 7      | P.W-7/<br>Sureshkumar                           | Investigating Officer                       | 21.07.2026                                                   | 21.07.2026                                                   |



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**S.C.No. 288/2023**

**Prosecution Side Exhibits:-**

| Sl. No | Doc.No. | Description of the Document                                  | Proved by/Attested by |
|--------|---------|--------------------------------------------------------------|-----------------------|
| 1      | Ex-P1   | Signature of PW3, 1 <sup>st</sup> in the Observation Mahazar | PW-3                  |
| 2      | Ex-P2   | Signature of PW4, 2 <sup>nd</sup> in the Seizure Mahazar     | PW-4                  |
| 3      | Ex-P3   | First Information Report                                     | PW-5                  |
| 4      | Ex-P4   | Photograph of Car                                            | PW-5                  |
| 5      | Ex-P5   | Signature of PW6, 2 <sup>nd</sup> in the Observation Mahazar | PW-6                  |
| 6      | Ex-P6   | Observation Mahazar                                          | PW-7                  |
| 7      | Ex-P7   | Rough Sketch                                                 | PW-7                  |
| 8      | Ex-P8   | Seizure Mahazar                                              | PW-7                  |
| 9      | Ex-P9   | Form 91                                                      | PW-7                  |
| 10     | Ex-P10  | Section Alteration Report                                    | PW-7                  |

**Prosecution Side Material Objects:-**

| Sl. No | Doc.No. | Description of the P.M.O | Proved by/Attested by |
|--------|---------|--------------------------|-----------------------|
| 1      | P.M.O-1 | Sword                    | PW-5                  |

**Defence Side witnesses:-**

NIL

**Defence Side Exhibits:-**

NIL

**Defence Side Material Objects:-**

NIL

**Chief Judicial Magistrate  
Sivagangai.**