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S.C.No.192/2024

IN THE COURT OF ASSISTANT SESSIONS JUDGE, SIVAGANGAI.

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

Chief Judicial Magistrate, Sivagangai.

Monday, the 23rd day of March, 2026

Sessions Case No.192/2024

CNR No.TNSV02-006797-2024

(P.R.C. No. 18/2022 on the file of Judicial Magistrate, Devakottai)

(Thiuevampathur Police Station in Crime No.173/2021)

Name of the Complainant	State of Tamil Nadu Represented by The Inspector of Police, Thiruvegampathur Police Station, (Cr.No. 173/2021)
Name of the Accused	1. Arjunan, (A1) S/o. Duraisamy. 2. Ashwini, (A2) D/o.Arjunan. 3. Dharani, (A3) D/o.Arjunan.
Date of Occurrence	13.08.2021
Date of arrest	A1- 14.08.2021 A2 and A3 – Anticipatory bail on 16.09.2021
Date of release on bail	A1 – 20.09.2021
Date of filing of final report	01.07.2022



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Date of 1st appearance of the accused	22.08.2022
Date of furnishing of Copies u/s.207 Cr.P.C.	22.08.2022
Questioning of the accused and Charges Framed	25.11.2024
Date of Commencement of Trial	25.11.2024
Date of Questioning under Sec 313(1)(b) Cr.P.C	08.12.2025
Date of last hearing	10.03.2026
Date of Judgment	23.03.2026
Charges levelled against the accused by the Police	A1- u/s.294(b), 324, 326, 307, 506(2) of IPC & section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. A2 and A3- u/s.324 r/w 34 of IPC.
Charges framed against accused	A1- u/s.294(b), 307 r/w 34, 506(2) of IPC & section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. A2 and A3- u/s.307 r/w 34 of IPC
Plea of the accused	Pleaded not guilty
Details of the abscondence of the Accused and his appearance and production	NIL



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as the case may be	
Grant of Stay by the Superior Courts and the result there of	NIL

Findings of the Judge	<i>The accused are found not guilty.</i>
Details of Judgment	<p><i>In the result,</i></p> <p><i>i) The accused No.1 is acquitted from all the charges framed against him u/s.294(b), 307 r/w 34, 506(2) of Indian Penal Code, 1860 & section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.</i></p> <p><i>ii) The accused No.2 and 3 are acquitted from all the charges framed against them u/s. 307 r/w 34 of Indian Penal Code, 1860.</i></p> <p><i>iii) The order of acquittal is recorded u/s.235(1) of Code of Criminal Procedure, 1973.</i></p> <p><i>iv) The bail bond executed by the accused shall stand terminated.</i></p>



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This case coming on **10.03.2026** for final disposal before me, in the presence of ***Tr.N.Vivekanandan, Learned Additional Public Prosecutor for the State and Tr.N.Nageshwaran, Learned counsel for the Accused persons*** 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:

(i) On 13.08.2021 at about 8:45 p.m., the three accused namely Arjunan, Ashwini and Dharani who are the daughters of the 1st accused, went in front of the house of the de-facto complainant, Tr.Duraipandi. The 1st accused/Arjunan, holding an aruval (billhook), abused the complainant using filthy and obscene words. Hearing the noise, complainant's wife Tmt.Indhumathi, came out of the house and asked the 1st accused why he was shouting and speaking abusively. At that time, the 1st accused cut Tmt.Indhumathi, on her right hand with the aruval he was holding, causing a bleeding injury. When the complainant tried to prevent the incident, the 1st accused saying that he would do away the life of the complainant and attacked him with the aruval on his right shoulder and causing a bleeding injury. Meanwhile, the 2nd accused/Ashwini, who was standing nearby, also attacked the complainant with an aruval in the back side of the complainant's left hand, causing a bleeding injury. The 3rd accused/Dharani, beat the complainant on his hip with a wooden stick, causing a contusion injury on the complainant's hip. While leaving the place, the 1st accused threatened the complainant by showing the aruval with dire consequences and then left the scene. Hence, the charge sheet against, the 1st accused has been filed



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u/s.294(b), 324, 326, 307, 506(2) of IPC & section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and 2nd, and 3rd accused u/s.324 r/w 34 of IPC.

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

(i) Pursuant to the said occurrence Tr.Duraipandi/P.W.1 and his wife PW2/Tmt.Indhumathi, were taken to the Government Hospital, Sivagangai by 108 Ambulance, where they undergone treatment. That on 14.08.2021 at 7.00 A.M., Tr.Maharaja, Sub-Inspector of Police, Thiruvegampathur Police Station went to Government Hospital, Sivagangai and obtained Complaint Statement/Ex.P1 from PW1/Tr.Duraipandi. Based on which he registered the Ex.P6/FIR in Crime No.173/2021, u/s.294(b), 323, 324, 326, 307, 506(2) of IPC & section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 as against the Accused persons. Then, he sent the FIR and the complaint statement to the concerned Judicial Magistrate Court. Then, he placed the file for investigation before PW11/Tr.Subramanian, Inspector of Police, Devakottai Taluk Circle.

(ii) Thereafter P.W.11/Tr.Subramanian, Inspector of Police, took up the investigation, went to the scene of occurrence at 8.30 A.M., on 14.08.2021 and prepared Ex.P.7/Observation Mahazar and Ex.P.8/Rough Sketch in the presence of P.W.7/Tr.Karuppaiah, and one deceased Panchavarnam(L.W.7). P.W.11/Investigating Officer examined them and recorded their statements. Then, on information PW11/I.O., at 10.00 A.M., on 14.08.2021 arrested the accused at Uruvatti Bus Stop, as the accused was reported to be sick he was taken to Government Hospital, Sivagangai. During then PW1/Tr.Duraipandi and PW2/Tmt.Indhumathi who were



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admitted as in-patient in the said Hospital were examined by PW11/I.O., and recorded their statements.

(iii) As the 1st accused/Arjunan, was found to be fit by the Doctors he was brought to Thiruvegampathur Police Station. He also gave voluntary confession statement at 2.30 P.M., on 14.08.2021 in the presence of PW8/Tr.Velu and PW9/Tr.Robert Kennedy, by which he disclosed the place where he had hidden the Aruval (P.M.O-1) which he used for assaulting P.W.1 and P.W.2, the admitted portion of such confession is Ex.P.9. In pursuance of such confession, the accused took the P.W.11/I.O., and the said witnesses to the place of hideout and produced the Aruval (P.M.O-1). The same was recovered by P.W.11/I.O., under Ex.P.10/Seizure Mahazer at 4.00 P.M., on 14.08.2021. PW11/I.O., also examined PW3/Tmt.Amutha, PW4/Tr.Krishnan, PW5/Tmt.Meenal, PW6/Tmt.Manimegalai, PW7/Tr.Karuppaiah, PW8/Tr.Velu and PW9/Tr.Roberty Kennedy and recorded their statements.

(iv) Then, the accused was brought to Police Station by P.W.11/I.O., forwarded the accused and the P.M.O-1/Aruval under Form 91/Ex.P.11 to the Court. The Accused No.2 and 3 were enlarged on Anticipatory Bail by the Hon'ble Principal Sessions Judge, Sivagangai. On 14.05.2022 PW11/I.O., examined PW10/Dr.Suriyanarayanan, who treated PW1/Tr.Duraipandi and PW2/Tmt.Indhumathi at Government Hospital, Sivagangai and obtained Accident Register Copies/Exs.P4 and P5 and recorded his statement. PW10/Doctor opined that the injuries sustained by PW1/Tr.Duraipandi, was simple in nature and the one sustained by PW2/Tmt.Indhumathi, was grievous in nature. In view of the said



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opinion PW11/I.O., has altered the section of law through an Alteration Report on 14.05.2022.

(v) After completion of investigation P.W.11/Tr.Subramanian/I.O., laid the final report before the Judicial Magistrate Court, Devakottai on 14.05.2022. The learned Judicial Magistrate took cognizance of the offences on 04.07.2022.

(vi) The copies of the final report were furnished to the accused at free of cost u/s.207 Cr.P.C. on 22.08.2022 before Judicial Magistrate, Devakottai. 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. Thereafter, the case was made over to this Court on 21.09.2024 by Hon'ble Principal District and Sessions Court, Sivagangai.

3. After hearing both sides and on consideration of the case records, the charges were framed by this court on 25.11.2024 against, the A1- u/s.294(b), 307 r/w 34, 506(2) of IPC & section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and, A2 and A3- u/s.307 r/w 34 of IPC. The accused were pleaded not guilty and claimed to be tried.

4. On the side of the prosecution **P.W.1** to **P.W.11** were examined and **Exs.P.1** to **P.10** and **P.M.O-I** were marked.

5. On completion of prosecution evidence the accused persons were questioned u/s.313(1)(b) of Cr.P.C. with regard to the incriminating circumstances in the evidence tendered by the prosecution, they denied the same as false and they have chosen to adduce neither oral nor documentary evidence.



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6. Point for consideration:-

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

Heard both sides at length. Records perused.

7. The submissions on the side of prosecution:-

The Learned Additional Public Prosecutor has contended that the charges against the accused were proved beyond reasonable doubt on the strength of the evidence. Though some discrepancies are there in the evidence of prosecution witnesses that by itself would not take away its credibility, what is to be seen is that whether such evidence goes to the root of the matter.

7.1. The injured witnesses gave consistent evidence regarding the overtacts of the accused. The Medical evidence such as the Accident Register Copies and the testimony of PW10/Doctor, would prove the fact that grievous injuries were inflicted upon the injured. The non-marking of X-ray is not fatal to the case of the prosecution.

7.2. The motive between the complainant and the accused has been clearly established by the evidence of PW11/I.O.,. Hence, he would pray for imposition of maximum punishment to the accused.

7.3. The learned Additional Public Prosecutor would rely upon the following authorities in support of his contentions;

1. The State Vs. A.Tamilarasan and Ors
(in CrI.A.No.230 of 2022, dated 04.10.2023)



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2. Veerasekaran Vs. State, Inspector of Police, Valivalam Police Station
(in CrI.R.C.No.1785 of 2011, dated 27.07.2018)
3. Sankarapandian Vs. State
(in CrI.A.(MD) No.434/2007 dated 13.01.2015).
4. State of Himachal Pradesh Vs. Shamsheer Singh (2025 INSC 503).
5. Appukutti @ Palanisamy Vs. Inspector of Police, Chennimalai Police Station
(in CrI.RC.No.1715/2022 dated 13.07.2018).
6. Gangadhar Behere Vs.State of Orissa [in 2003 (1) LW (CrI) SC I]

8. The submissions on the side of the accused:-

It is alleged by the prosecution that the occurrence happened on 13.08.2021 at about 8.45 p.m.. Due to the complaint given by PW1, a false case has been registered against the accused. On 14.08.2021 at about 7.00 p.m., the accused were wrongfully implicated in the case. The accused stated that the complaint is not true and was filed with an intention to harass them. There was no such incident as alleged by the complainant. The complainant has given a false and exaggerated version of the incident. The accused were not present at the scene at the time mentioned. There are contradictions in the statements of witnesses, making the case unreliable. To establish the charge u/s.326 of IPC the prosecution has not marked the X-ray with regard to the injuries sustained by PW1 and PW2.

8.1. There is no evidence for the alleged offence u/s.294(b), 324 and 506(ii) of IPC. With regard to the offences u/s.4 of TNPWH Act, 2002 the witnesses did not speak about anything to attract the said offence. The evidence of PW5/Tmt.Meenal, is in the character of interest witness. The medical and other records do not support



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the prosecution story. The prosecution failed to prove the case beyond reasonable doubt.

8.2. In fine, it is submitted that considering the self-contradictory evidence both oral and documentary, the benefit of doubt should be given to the accused persons, and they are sought to be acquitted from all the charges levelled against them.

9. Discussion:-

A glimpse of the evidence of P.W.1/Tr.Duraipandi and P.W.2/Tmt.Indhumathi, would evince the fact that the accused were well known to them. It is an admitted fact that there was a previous enmity between the complainant and the 1st accused. It is discernible from the records that the complainant was doing timber business and the 1st accused is a Government Servant, working as Village Assistant. It is alleged in the complaint that on 13.08.2021 at 8.00 P.M., when PW1/Tr.Duraipandi and his wife PW2/Tmt.Indhumathi, were at their house, the 1st accused/Arjunan, came with Aruval in front of their house, abused PW1 using filthy and obscene words. The complainant also shouted at him. During then, A1/Arjunan, attacked PW1 with aruval he was holding, on his right shoulder and causing a bleeding injury. Then, A1's last daughter cut him/PW1 with Aruval, in the back side of the complainant's left hand, causing a bleeding injury. Then A1's second daughter beat the complainant on his hip with a wooden stick, causing a contusion injury on the complainant's hip. When the complainant's wife PW2/Tmt.Indhumathi, tried to prevent the incident, the 1st accused/Arjunan, gave two cuts on her right hand with aruval he was holding, causing bleeding injury. The neighbours namely Pothum ponnu, Krishnnan/PW4, Meenal/PW5 who witnessed the said occurrence stopped the fight. While leaving the



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place, the 1st accused/Arjunan, threatened the complainant by showing the aruval with dire consequences. Then, PW1 and PW2 went to Government Medical College and Hospital, Sivagangai by 108 Ambulance. While they were under treatment, on 14.08.2021 at 7.00 A.M., the Sub-Inspector of Police, Thiruvegampathur Police Station came there and recorded the complaint statement/Ex.P1. On perusal of the said complaint, it is seen that one Pushpam, who is admittedly the mother of the 1st accused was stood as witness. But, she was not cited as witness by the Investigating Officer/PW11.

9.1. The PW1/Tr.Duraipandi, in his chief examination would state that on 13.08.2021 at 8.00 P.M., while he and his wife PW2/Tmt.Indhumathi, and their children were at their home, 1st accused/Arjunan, came their with aruval, used them verbally. PW1 also shouted at him. On hearing the noise PW2/Tmt.Indhumathi, came out of the house, told the 1st accused not to use filthy words. Suddenly 1st accused/Arjunan, cut PW2/Tmt.Indhumathi, with aruval he was holding on her right elbow. When it was prevented by PW1/Tr.Duraipandi, the 1st accused also cut him on his right shoulder. Then, 1st accused's daughter Ashwini(A2) cut PW1/Tr.Duraipandi, with the same aruval on the left shoulder. Then, the 3rd accused/Dharani, assaulted PW1/Tr.Duraipandi, with wooden log on his hip and caused contusion injury. The said quarrel was stopped by deceased Panchavarnam, PW3/Tmt.Amutha, PW4/Tr.Krishnan, PW5/Tmt.Meenal, and PW6/Tmt.Manimegalai. While leaving the place, the 1st accused/Arjunan, threatened the complainant by showing the aruval with dire consequences. Then, PW1 and PW2 went to Government Hospital, Sivagangai by 108 ambulance. Then, he deposed with regard to the obtainment of



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Ex.P1/Complaint Statement, he also identified the Aruval/P.M.O-1. He further, stated that he took treatment as in-patient for about one and half months at the Hospital.

9.2. PW1/Tr.Duraipandi, in his cross-examination deposed that the P.W.2 to P.W.8 are his close relatives, and the 1st accused is employed as a village assistant, while PW1 is engaged in timber business. There has been prior enmity between him and the 1st accused since 2009, including a previous case filed by the 1st accused in connection with his wife's death, which was later compromised. On 13.08.2021, Revenue Officials visited the PW1's residence regarding pending dues, during which the 1st accused also appeared without cause and refused to leave despite being asked. On the date of occurrence, PW1 did not lodge a complaint immediately but submitted it the following morning at the Government Hospital after sustaining injuries, along with his wife, who also suffered injuries and bleeding. PW1 stated that the police recorded only his statement, and he categorically denies all allegations that he initiated the quarrel, consumed alcohol and threatened the 1st accused, or attempted to attack him with a weapon. PW1 further denied that the weapon allegedly recovered belongs to him or that he has given any false complaint to counter any prior complaint by the 1st accused. PW1 asserted that due to existing enmity, the accused abused, assaulted, and threatened him and his wife.

9.3. On perusal of Ex.P1/Complaint and the evidence of PW1/Tr.Duraipandi, it is seen that in the complaint it is alleged that PW1 was first assaulted by A1/Arjunan, followed by a second assault on him by A2/Ashwini, while PW2/Tmt.Indhumathi, was assaulted by A1 separately on her left hand. However, PW1 in his testimony stated that A1/Arjunan, assaulted PW2 first on her right elbow. When PW1 attempted



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to intervene, he was also assaulted by A1/Arjunan, on his right shoulder, followed by assault on him by A2/Ashwini on his left shoulder, using the same Aruval/P.M.O.1. Both the complaint and PW1's testimony refer to a single aruval being used. PW1's version suggests that the same aruval was used sequentially by both A1 and A2 to assault PW1 and PW2. The prosecution has not clarified how one single aruval could first be used by A1 on both PW1 and PW2, and then handed to A2 to assault an already injured PW1, raising doubts about the feasibility of the scenario. Admittedly, PW1 is literate. He is allegedly being injured, and is therefore presumed capable of distinguishing the sequence of events and identifying the assailants accurately. The inconsistency between the complaint and his testimony regarding who was assaulted first and by whom creates a material discrepancy. The contradictions concerning the sequence of assaults and the use of a single weapon undermine the clarity of the prosecution's case regarding the role of each accused.

9.4. To resolve the above inconsistencies let us now look up to the evidence of P.W.2/Tmt.Indhumathi. In her chief examination she would depose that she's residing at Alambakottai and employed as an agricultural coolie. She acquainted with the accused persons, who reside behind her house. Her husband/PW1 was engaged in the timber business. In connection with the said business, the first accused/Arjunan, used to frequently lodge complaints against her husband before the village head, which resulted in frequent disputes between her husband and the first accused/Arjunan. On 13.08.2021, at about 8.00 P.M., while she was in her house along with her husband and children, the first accused/Arjunan, came in front of their house armed with a aruval and abused her husband in filthy language. When she questioned the first accused/Arjunan, and requested him not to use such abusive language and to leave



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the place, the accused/Arjunan, responded defiantly and attacked her with the said aruval, causing a cut injury on her right forearm, resulting in bleeding. PW2 showed the scar of the said injury before the Court, while she was in the witness box. Thereafter, the second accused/Ashwini, daughter of the first accused/Arjunan, attacked her husband/PW1 with a aruval on his left shoulder. The third accused/Dharani, assaulted her husband/PW1 on his hip with a stick. Her husband also sustained bleeding injuries in the said occurrence. On hearing the commotion, our neighbors, namely Tmt.Meenal/PW5, deceased Tr.Panchavarnam, Tr.Krishnan/PW4, Tr.Karuppaiah/PW7, Tmt.Amutha/PW3, and Tmt.Manimegalai/PW6, came to the spot and intervened, thereby separating us and the accused persons. Thereafter, the first accused/Arjunan, left the place after threatening that he would not spare us without attacking again, and he took away the aruval used in the commission of the offence. Subsequently, they were taken by 108 Ambulance to the Government Hospital, Sivagangai. Due to the injuries sustained by her, she suffered a fracture, and a metal plate was surgically fixed. She underwent treatment as an in-patient for about one and a half months. She also identified the weapon/P.M.O.1 used by the first accused/Arjunan, to attack she and her husband.

9.5. P.W.2/Tmt.Indhumathi, in her cross-examination would depose that her husband is engaged in the timber business. In connection with the allegation of cutting Manjanathi trees belonging to the Government, officials including the Tahsildar and Revenue Officer had been conducting an inquiry against her husband. The first accused/Archunan, is working as a Village Assistant. It is true that his superior officers are the Tahsildar, Village Administrative Officer, and Revenue Officer. On the date of occurrence, the officials had parked a jeep near the house of



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the accused and were conducting an inquiry. At that time, the first accused/Arjunan, came there. She does not know whether her husband drove him away saying that he should not come there. It is true that the first accused/Arjunan, used to inform higher authorities and create issues regarding the cutting of Karuvelam trees in Government poramboke lands. The police did not obtain her signature after questioning. At the time when blood was oozing from her hand, the Inspector of Police came to her house and saw her. Thereafter, she was taken to the Government Hospital. She does not know on whose information the Inspector came to her house. The Inspector saw bloodstains in her house. The nighty she was wearing at that time was fully stained with blood. However, the police did not seize her nighty. Her son and daughter were present in the house at the time of occurrence. Her son, who is about 6 years old, is aware of the incident, but the police did not examine him. It is not correct to state that P.M.O.1/Aruval, did not belong to the first accused/Arjunan, and that it belonged to us and was kept in our house. It is true that her husband has the habit of consuming alcohol, but he did not consume alcohol on the date of occurrence. It is not correct to state that on the evening of the occurrence, her husband consumed alcohol, quarrelled with the first accused/Arjunan, accusing him/PW1 of spoiling his business, and that the quarrel was later pacified. It is further not correct to state that thereafter her husband took an aruval from our house with an intention to attack the accused, and when she attempted to prevent him, she sustained injuries, and that she was now giving false evidence at the request of her husband with an intention to falsely implicate the accused and take revenge. It is not correct to state that neither she nor her husband sustained injuries due to the accused, or that the accused did not abuse or threaten us.



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9.6. It is portrayed in the chief examination of PW2/Tmt.Indhumathi, that she was assaulted at first by A1/Arjunan, with aruval he was holding on her right elbow. Then PW1/Duraipandi was assaulted by A2/Ashwini with an aruval on his left shoulder. Finally, A3/Dharani beat PW1 on his hip with a stick. PW2 did not clarify whether two separate aruvals were used by A1 and A2, or whether the same aruval was used sequentially. PW1, however, stated that a single aruval was used by both A1 and A2 to assault him and his wife. Admittedly, PW2 is literate, so she should theoretically know if there were one or two weapons. Her evidence does not resolve this point. When reading PW1's and PW2's evidence together, the sequence of assaults and the number of weapons used are unclear. This creates a material inconsistency that could affect the prosecution's case regarding the role of each accused and the plausibility of the assault scenario.

9.7. PW2/Tmt.Indhumathi, deposed that immediately after the assault while she was bleeding the Inspector of Police, visited the scene of occurrence, and he did not seize the blood stained dress of PW2, as admitted by her the same was blood stained. PW1/Tr.Duraipandi, did not speak about the presence of Inspector of Police, at the place of occurrence, immediately after the alleged occurrence on 13.08.2021. Both PW1 and PW2 would state that they went to Hospital by 108 ambulance on 13.08.2021 after they were allegedly assaulted by the accused. It is the case of the prosecution that Ex.P1/complaint statement was obtained by Tr.Maharaja, Sub-Inspector of Police, Thiruvegampathur Police Station (who is not examined) and registered FIR/Ex.P6 on 14.08.2021 at 7.00 A.M., and the same was sent to concerned court, on the same day at 9.15 P.M.,. It is the evidence of PW11/Tr.Subramanian, Investigating Officer that it is not mentioned in the FIR that at what time Tr.Maharaja,



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SI of Police, received intimation from Government Hospital, Sivagangai and by what time he went over there to record complaint statement from PW1 on 14.08.2021. PW11/I.O., would further state that at 3.00 A.M., on 14.08.2021 Tr.Maharaja, SI of Police, went to Government Hospital, Sivagangai and at 5.00 A.M., on the said date he received complaint statement from PW1. But, PW11 would admit the fact that such timing was not mentioned in the case diary file. So, the alleged time of receiving intimation and obtainment of complaint statement is not clearly brought on record by the prosecution.

9.8. PW11/I.O., in his cross-examination would state that he does not remember whether the incident occurred on the night of 13.08.2021. This creates uncertainty regarding the timeline of investigation. PW2/Tmt.Indhumathi, stated she bled during the assault, with blood splashed on the floor and her nightdress stained. She also stated that the Inspector of Police visited the scene on the night of 13.08.2021 and saw the blood-stained floor and dress but did not seize any evidence. It is mandatory for the police to receive a complaint from the victims at the earliest opportunity. There is no evidence before the court showing whether a complaint was lodged on 13.08.2021 or received by the Inspector at that time. The FIR/Ex.P6 was registered on 14.08.2021 at 7:00 AM by Tr.Maharaja, SI of Police. This delay is unusual, given the fact that the Inspector was allegedly present at the scene on the night of 13.08.2021. No plausible explanation has been provided for why the complaint was not recorded immediately, especially considering the grave nature of the assault. The delay in FIR registration and lack of seizure of blood-stained evidence is a material gap in the investigation. No satisfactory explanation, has been



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provided by the prosecution, which creates serious doubt in the investigation and the evidence collected.

9.9. It is the case of the prosecution that the alleged occurrence was witnessed by PW3/Tmt.Amutha, PW4/Tr.Krishnan and PW6/Tmt.Manimegalai, so their evidence is to be looked into. Even though the said ocular witnesses were treated as hostile to the prosecution case their testimonies shall be weighed. PW3/Tmt.Amutha, and PW4/Tr.Krishnan, in their chief examination, would depose that they are husband and wife and reside at Alambakottai. They know PW1/Tr.Duraipandi, PW2/Tmt.Indhumathi and all the accused persons who are their neighbors. On 13.08.2021, at about 08:00 PM, they were at their house when they heard loud voices outside. On stepping out, they saw PW1/Tr.Duraipandi, and the accused/Arjunan, engaged in a physical altercation. They, along with other persons present, intervened and separated them. They did not witness how PW1 and PW2 sustained their injuries. However, they noticed that PW2 had injuries on her hand and PW1 had injuries on his back. The next day, the police enquired them regarding the incident. They stated that they do not have any further knowledge about the occurrence. They also stated that they did not witness the cause of the injuries and have no knowledge regarding the details of the case. Similarly, PW6/Tmt.Manimegalai, would state that she did not witness the occurrence and that she did not know as to how both PW1 and PW2 were sustained injuries.

9.10. P.W.5/Tmt.Meenal, one of the ocular witnesses, in her chief-examination would depose that she is currently working in Alambakottai as a cook. She know PW1/Tr.Duraipandi and PW2/Tmt.Indhumathi. On 13.08.2021, she was at her house.



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At that time, PW2/Indumathi saw the accused/Arjunan, coming along the path leading to her house and asked him why he was coming that way. As soon as PW2 questioned him, the accused/Arjunan, attacked her with aruval on her right hand. PW5 immediately ran there, held Indumathi, and tied her wound with a cloth. After that, PW1/Tr.Duraipandi, got into a fight with accused/Arjunan. During the altercation, another accused/Aswini, took the aruval from Arjunan and cut PW1 on his shoulder. Another accused/Dharani, hit PW1 on his back with a stick. Tr.Krishnan/PW4 and Tmt.Amutha/PW3, intervened and stopped the fight. The Thiruvegampathur police called the 108 ambulance service. PW5 took both PW1 and PW2 to the Sivagangai Government Hospital. The police questioned her on that day and again the next day.

9.11. P.W.5/Tmt.Meenal, in her cross-examination, would depose that the father of PW1 and her late husband/Tr.Panchavarnam, were born together. PW5 resides in Alambakottai, where the accused's house is separate, while the houses of their joint family are together. It is further submitted that the first accused/Arjunan, along with his daughter/Eswari, and certain others, filed a civil suit in the Devakottai, District Munsif Court. She is not aware whether that case is still pending. Neither the accused nor she maintains any communication with each other. She states that on the day of the incident, the officials visited their village and enquired from PW1. She was aware that at that time, the first accused/Arjunan, greeted the officials. PW1 asked the first accused why he had come to their place concerning his matter and sent him away. She has no knowledge regarding any altercation that may have occurred in the evening, including any statement allegedly made by PW1 to the officials while under the influence of alcohol. She further denied the suggestion that no act as stated by her



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was committed by the accused, that the accused did not cause any injury to PW1 or PW2, and that they did not insult or threaten them in any manner. Since the complainant in this case is her late husband's nephew, any information he provided to the authorities was merely in response to their enquiry. She affirms that she is not giving false testimony to take revenge against the accused, nor is she concealing the truth, despite the fact that a civil case is ongoing between the accused and her.

9.12. The evidence of PW5/Meenal, is to the effect that it was PW2/Tmt.Indhumathi, asked A1/Arjunan, as to why he was coming along the path leading to her house and suddenly Arjunan, attacked her with aruval on her right hand. Whereas, as already discussed, it is the evidence of PW1/Tr.Duraipandi, that when A1/Arjunan, came in front of his(PW1) house, abused him with filthy language, PW1 inturn scolded him and that was questioned by PW2/Tmt.Indhumathi, at that time A1/Arjunan, assaulted PW2 with aruval on her right elbow. In the complaint/Ex.P1 it is alleged that PW1/Tr.Duraipandi, was assaulted by A1/Arunjunan, with aruval and PW2 was subsequently assaulted by the 1st accused. On the collective reading of the above evidence there are contradictions with respect to the fact that who was allegedly assaulted by the 1st accused. In other words whether PW1 was assaulted at first as stated in the complaint or PW2 was assaulted at first as per the evidence of PW2 herself and PW5/Tmt.Meenal. This contradiction is not seem to be a minor one since it creates serious doubt on the sequential events of the alleged assault as focused by the prosecution. More over the evidence of PW5/Tmt.Meenal, is not supported by the testimonies of other ocular witnesses namely PW3, PW4 and PW6. Hence, the credibility of PW5 is proved to be doubtful.



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9.13. Now, let us move on to the Arrest, Confession and Seizure allegedly made by PW11/Tr.Subramanian/I.O.,. It is the evidence of PW11 that he went to the scene of occurrence on 14.08.2021 at 8.30 A.M., prepared Ex.P7/Observation Mahazar and Ex.P8/Rough Sketch in the presence of PW7/Tr.Karuppaiah and another witness. The evidence of PW7/Tr.Karuppaiah, would be to the effect that he knew both PW1, PW2 and the accused persons. He denied the signature found in Ex.P7/Observation Mahazar when it was shown to him during examination, hence he was treated as hostile. But, in the cross-examination by the prosecution nothing was elicited from him in its favour.

9.14. It is evidence of PW11/I.O., that the accused was Arrested on 14.08.2021 at 10.00 A.M., whose confession was recorded in the presence of PW8/Tr.Velu, and PW9/Tr.Robert Kennedy, which led to the discovery of P.M.O.1/Aruval, under the cover of mahazar/Ex.P10 which was witnessed by PW8 and PW9. In the chief examination of PW8, he stated that he knew P.W.1 and P.W.2 and also aware of the accused in this case, who are his neighbors. He did not know PW9/Tr.Robert Kennedy. He admitted his signatures/Exs.P2 and P3 found in confession statement and seizure mahazar. He also deposed that the police came to his house two days after the incident and asked him for the signatures, he did not know why he put the signatures, and put the same as requested by the police and the police did not question him about the case. In his cross-examination by the prosecution there was no positive answer elicited in its favour. But, in the cross-examination of PW8 on the side of the defence he deposed that he did not know what was written in the papers on which he put his signatures the Exs.P2 and P3. He also did not know who prepared the said papers and where it was prepared. He put his signatures on those papers



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when he was at his house and with him no one has signed in it and he did not know anything about this case.

9.15. The evidence of PW9/Robert Kennadi, would be to the effect that he did not know PW1, PW2 and PW8. He denied the fact that he put signatures in confession statement and seizure mahazar. Further, he stated that he did not know anything about this case. From the obtaining evidence of PW8 and PW9 it is candidly clear that the alleged arrest of the 1st accused/Arjunan, on the given date and time followed by obtainment of confession from him and seizure of P.M.O.1/Aruval, under Ex.P3/seizure mahazar, at 4.00 P.M., on 14.08.2021 in the presence of PW8 and PW9 by PW11/I.O., are all shrouded with suspicion. In order to dispel the same the prosecution has failed to offer any plausible explanation through material particulars.

9.16. Then, comes to the evidence of PW10/Dr.Suriyanarayanan. In his chief examination he would depose that on 13.08.2021 at 10:55 PM, PW1/Tr.Duraipandi, along with his wife/Tmt.Indhumathi, were brought to Sivagangai, Government Medical College Hospital by ambulance for treatment. He admitted them as in-patients and provided medical care. According to their statement, on 13.08.2021 at about 8:45 PM, a known individual residing near their house attacked them with Aruval. On examination of PW1/Tr.Duraipandi, PW10/Doctor noted, a cut wound on the right hand measuring 6 x 1 x 1 cm, a cut wound on the posterior aspect of the right shoulder blade measuring 10 x 1 x 1 cm and he was provided initial treatment and admitted as an in-patient for further management. He opined that the Nature of injury sustained by PW1 is Simple. He also depose that on examination of PW2/Tmt.Indhumathi, he noted, a deep cut wound near the knuckle of the right hand



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measuring 5 x 1 x 1 cm and fracture of the underlying humerus bone was observed. He opined that the Nature of injury sustained by PW2 is Grievous. Based on his examination, the injuries described above are consistent with wounds caused by a aruval, the Accident Register copies are marked Exs.P4 and P5.

9.17. PW10/Dr.Suriyanarayanan, in his cross-examination would depose that both PW1/Tr.Duraipandi and PW2/Tmt.Indhumathi, stated that the injuries occurred around 8.45 P.M., either half an hour before or after that time. Both of them have only stated that they were attacked by a person known to them. As to whether the injuries said to have been sustained by PW1/Tr.Duraipandi could have been caused when he himself held a aruval and removed it from his back- such a possibility does not exist and only the first injury might be possible in that manner. Regarding the second injury, it may be possible if he fell on the aruval while pulling it out, but a wound of such length is unlikely to occur in that manner. It is correct that the curved portion of the aruval, particularly its tip, can cause a stab injury while cutting. The investigating officer showed me the weapon directly and asked whether such injuries could occur as described. He did not currently remember the date and time when this was asked. He also did not remember when he was examined by the investigating officer. It is not correct to say that the investigating officer did not show him the weapon, he was falsely deposing that he did so for the purpose of this case. It is correct that he stated to the investigating officer that he showed him the aruval and sought his opinion. It is not correct to say that even if he did not state so, he was falsely saying it for the case. If injuries were caused by a curved aruval, it is not necessary that the wound must appear curved. The injuries described by him could also have been caused by other sharp weapons. The injuries sustained by PW2/Tmt.Indhumathi could have been



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caused by any thick, sharp-edged weapon. An X-ray was taken to confirm the bone fracture. He did not submit documentary proof of the X-ray to the investigating officer, but he showed it to him. Since he was giving evidence through video conference facility, he was unable to submit the X-ray in court. It is not correct to say that if an X-ray had not been taken, he would have still given it to the investigating officer. It is also not correct to say that no bone fracture occurred to PW2/Tmt.Indhumathi. From the time mentioned to me, it is possible that the injuries could have occurred one hour earlier or later.

9.17.1. PW10/Doctor, in his Re-examination by the prosecution would depose that the X-ray document referred to is available in the Medical Records Department (MRD) of the Government Medical College Hospital, Sivagangai. PW10/Doctor, in his further cross-examination by the defense would depose that he informed the investigating officer that the said X-ray is available in the MRD of the Government Medical College Hospital, Sivagangai. It is correct that he did not mention in the wound certificate issued to PW2/Tmt.Indhumathi, that the X-ray is available in the MRD.

9.18. As already adverted to, no complaint was given by PW1 or PW2 immediately after the occurrence at about 8.00 P.M. on 13.08.2021, despite the fact that the Inspector of Police was present at the scene at the relevant point of time. This was the earliest opportunity available for the complainant to disclose the names of the accused to the police, however, according to the prosecution, the said opportunity was not availed. The next opportunity to name the assailants would have arisen during their admission to the Government Hospital, Sivagangai, on 13.08.2021. In



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this regard, Exs.P4 and P5, the Accident Register copies pertaining to PW1/Tr.Duraipandi and PW2/Tmt.Indhumathi, assume significance. A perusal of these documents reveals that the doctor has recorded that both individuals were assaulted by their neighbour at their residence around 8.45 P.M. on the same day. However, the prosecution has failed to explain the non-mentioning of the names of the accused in these records. It is well settled that mere non-mentioning of the names of the assailants in the Accident Register would not, by itself, be fatal to the prosecution case. Nevertheless, in the facts and circumstances of the present case, where the accused and the injured were known to each other for a considerable period and were neighbours, it would be expected, in the normal course of human conduct, that the names of the accused would be disclosed at least at the time of admission in the Government Hospital, Sivagangai. The omission, therefore, constitutes a circumstance militating against the prosecution case. Further, as already discussed, when the very seizure of the aruval/M.O.1 is held to be doubtful, the injuries noted by PW10/Doctor, on the persons of PW1 and PW2 do not correlate with the alleged weapon. Consequently, the opinion of PW10 is not corroborated by the other prosecution witnesses and, therefore, cannot be given much evidentiary weight in deciding the case. In this aspect the contention of the learned defence counsel deserves merit. On the contrary the decisions relied upon by the prosecution do not render any support to its case.

9.19. In so far as the allegations that A1/Arjunan, has uttered filthy words against PW1 and PW2 while standing in front of their house. With regard to the same no witness has spoken to it. Hence, the said charge u/s.294(b) as against A1/Arjunan, is held not proved by the prosecution.



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10. On a conjoint analysis of the evidence adduced by the prosecution, this Court has no hesitation in holding that the prosecution has miserably failed to prove the case beyond reasonable doubt. Hence, the accused persons are entitled to acquittal.

In the result,

i) The accused No.1 is acquitted from all the charges framed against him u/s.294(b), 307 r/w 34, 506(2) of Indian Penal Code, 1860 & section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

ii) The accused No.2 and 3 are acquitted from all the charges framed against them u/s. 307 r/w 34 of Indian Penal Code, 1860.

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 shall stand terminated.

PROPERTY ORDER: (PR No.3/2025)

P.M.O-I/Aruval is 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 23rd day of March, 2026.

**Chief Judicial Magistrate
Sivagangai.**



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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.Duraipandi	Complainant/Injured witness	05.03.2025	09.06.2025
2	P.W2/ Tmt.Indhumathi	Injured witness	05.03.2025	09.06.2025
3	P.W3/ Tmt.Amutha	Ocular Witness	26.03.2025	26.03.2025
4	P.W4/ Tr.Krishnan	Ocular Witness	26.03.2025	26.03.2025
5	P.W5/ Tmt.Meenal	Ocular Witness	26.03.2025	09.06.2025
6	P.W6/ Tr.Manimegalai	Ocular Witness	17.04.2025	17.04.2025
7	P.W7/ Tr.Karuppaiah	Observation Mahazar witness	17.04.2025	17.04.2025
8	P.W.8/ Tr.Velu	Confession and Seizure Mahazar witness	17.04.2025	17.04.2025



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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
9	P.W.9/ Tr.Robert Kennedi	Confession and Seizure Mahazar witness	17.04.2025	17.04.2025
10	P.W10/Dr.Suriya narayanan	Doctor	04.11.2025	04.11.2025
11	P.W.11/ Tr.Subramanian	Inspector of Police/Investigating Officer	11.11.2025	11.11.2025



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Prosecution Side Exhibits:-

Sl. No	Doc.No.	Description of the Document	Proved by/Attested by
1	Ex.P.1	Complaint Statement	PW1
2	Ex.P.2	1 st Signature of PW8 in Confession Statement	PW8
3	Ex.P.3	1 st Signature of PW8 in Seizure Mahazar	PW8
4	Ex.P.4	Accident Register copy /Wound Certificate	PW10
5	Ex.P.5	Accident Register copy /Wound Certificate	PW10
6	Ex.P.6	First Information Report	PW11
7	Ex.P.7	Observation Mahazar	PW11
8	Ex.P.8	Rough Sketch	PW11
9	Ex.P.9	Admissible portion of the confession statement	PW11
10	Ex.P.10	Seizure Mahazar	PW11
11	Ex.P.11	Form 91	PW11

Prosecution Side Material Objects:-

Sl. No	Doc.No	Description of the Material Objects	Proved by/Attested by
1	P.M.O.1	Aruval	PW1

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*Arjunan and Two Others Vs. State of
Tamil Nadu represented by Inspector of Police,
Thiruvegampathur P.S.*

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Defence Side witnesses: Nil.

Defence Side Exhibits :- Nil.

Defence Side Material Objects:- Nil.

**Chief Judicial Magistrate,
Sivagangai.**